

# **EXHIBIT 1**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT E. JONES, an individual,  
Plaintiff,

vs.

Case No. 24-CV-11965  
Hon. Nancy G. Edmunds

ST. CLAIR COUNTY, a municipal  
corporation of the state of Michigan,  
and ST. CLAIR COUNTY SHERIFF MAT  
KING, in his individual capacity,  
jointly and severally,  
Defendants.

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The Deposition of MAT KING,  
Taken at 33 Bloomfield Hills Parkway, Suite 220,  
Bloomfield Hills, Michigan,  
Commencing at 10:08 a.m.,  
Tuesday, April 1, 2025,  
Before Lisa A. Grambo, CSR-3748, RPR.

1 APPEARANCES:

2

3 DEBORAH L. GORDON

4 Deborah L. Gordon, PLC

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6 Suite 220

7 Bloomfield Hills, Michigan 48304

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11 Appearing on behalf of the Plaintiff.

12

13 TODD J. SHOUDY

14 Fletcher, Fealko, Shoudy & Francis, PC

15 1411 3rd Street

16 Suite F

17 Port Huron, Michigan 48060

18 (810) 987-8444

19 tshoudy@fletcherfealko.com

20 Appearing on behalf of the Defendants.

21

22 ALSO PRESENT:

23 Scott E. Jones

24

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1 Bloomfield Hills, Michigan

2 Tuesday, April 1, 2025

3 10:08 a.m.

4

5 MAT KING,

6 was thereupon called as a witness herein, and after  
7 having first been duly sworn to testify to the truth,  
8 the whole truth and nothing but the truth, was  
9 examined and testified as follows:

10 EXAMINATION

11 BY MS. GORDON:

12 Q. Good morning, Sheriff. I'm Deborah Gordon. We just  
13 met.

14 If you don't understand my questions, if  
15 you'd like me to repeat or rephrase anything, just let  
16 me know. Okay?

17 A. Okay.

18 Q. Have you sat for a deposition before?

19 A. Yes.

20 Q. Okay. Was it in your role -- personal capacity role  
21 or in your professional capacity?

22 A. In my professional capacity.

23 Q. And when is the last time that would have occurred?

24 A. I think it was last year.

25 Q. Was that a lawsuit that was brought?

1 A. Yes.

2 Q. And what was the nature of the case?

3 A. It was to do with the communication accessibility in  
4 the jail, meaning people using our tablets to  
5 communicate instead of being able to get regular mail  
6 through the mail service.

7 Q. Okay. Have you been deposed in other civil cases?

8 A. Yes.

9 Q. Roughly, how many?

10 A. I believe there's just one other one that I can  
11 remember.

12 Q. What was that about?

13 A. I was a lieutenant in charge of the drug task force.  
14 Actually -- I'm sorry. I was a lieutenant in charge  
15 of the specialty response team, and we had executed a  
16 search warrant for the drug task force. And there was  
17 accusations of some improper actions by members of the  
18 drug task force.

19 Q. Okay. Was that filed in federal court?

20 A. I don't know.

21 Q. You don't remember?

22 A. I don't remember.

23 Q. Okay. What documents have you reviewed to get ready  
24 for this dep, to refresh your recollection, or for any  
25 other purpose?

1 A. I reviewed the police report of the arrest of my  
2 brother Marc King, the internal investigation  
3 involving Marc King, Scott Jones, and Chad Cronkright,  
4 and the deposition transcripts of Captain Matt Pohl.

5 Q. Okay. When did you read the Pohl dep?

6 A. Last week.

7 Q. Okay. Were you asked to produce documents in this  
8 case such as emails, text messages, communications you  
9 would have had with anybody, or anything else?

10 A. Yes.

11 Q. Okay. What were you asked to -- what did you produce?

12 A. I don't remember explicitly because there was  
13 different things that applied to myself or the captain  
14 or the undersheriff. I think we had reports sent  
15 over. I know we answered the interrogatories. And I  
16 consulted with my counsel, and he advised we had  
17 answered everything that we could.

18 Q. Yeah. I didn't ask you about the interrogatories. I  
19 wanted to know what documents you produced, if any.

20 A. The same answer.

21 Q. What's the answer?

22 A. I don't remember exactly what I produced.

23 Q. Okay. Well, did you produce something?

24 A. I believe so, yes.

25 Q. Okay. What was the nature of what you produced?

1 A. I don't exactly remember. I believe the police report  
2 and the internal investigation.

3 Q. You wouldn't have had to produce the police report,  
4 would you? Anybody in the department could have  
5 produced that, or a FOIA request could get that,  
6 right?

7 A. Could get that, yes.

8 Q. Did you produce that yourself?

9 A. I don't think so, no.

10 Q. Okay. Well, I want to know what you produced. For  
11 example, since you've told me you can't exactly  
12 remember, I assume you must have had communications  
13 with your brother, Marcus King, around the time of the  
14 events at issue, correct?

15 A. Correct.

16 Q. You text with him, correct?

17 A. No.

18 Q. You don't text with your brother?

19 A. Not at the time. I --

20 Q. Sir, have you ever texted with your brother --

21 A. Yes.

22 Q. -- since he's worked at the county sheriff's  
23 department?

24 A. Yes.

25 Q. And you have his cell phone number in your phone,

1 correct?

2 A. Yes.

3 Q. Okay. And you guys text with one another, just like  
4 you do with other people, correct?

5 A. Correct.

6 Q. All right. And you would have texted with him -- you  
7 always text with him, don't you, just like we all do  
8 with colleagues and family members, correct?

9 A. I text with him, correct.

10 Q. Yeah. So you would have texted with him in 2024,  
11 correct?

12 A. Correct.

13 Q. Okay. Were you asked to produce any of those texts?

14 A. I don't recall being asked to produce any of those  
15 texts, no.

16 Q. Okay. What kind of carrier is on your phone?

17 A. My work phone is a Verizon work phone.

18 Q. Okay. And does Marcus King have a Verizon work phone?

19 A. Not that I know of.

20 Q. Okay. Who at the department would have assigned work  
21 phones other than yourself?

22 A. Detectives, people at the drug task force,  
23 lieutenants. There's probably a handful of other ones  
24 like secondary roads, special assignment-type things.

25 Q. Okay. So have you texted with your brother, Marcus,

1 on your county-owned phone? Has that ever happened?

2 A. I'm sure it's happened.

3 Q. Okay. And what would be the context? Would it just  
4 be ordinary text or for a special purpose if you're  
5 using your county phone?

6 A. Work purposes.

7 Q. Can you give me an example of what a work purpose is  
8 where you would contact him?

9 A. At one time, I was out at the drug task force at the  
10 same time he was at the drug task force, and there  
11 would have been texting back and forth about start  
12 times, about other work business, such as meeting  
13 places for buys -- being a drug buy -- because we're  
14 at the drug task force.

15 I was also in charge of the special  
16 response team. There would be texting about training  
17 dates and locations, plans for operations.

18 Q. Okay. And then you use your personal phone for other  
19 communications with your brother, I assume?

20 A. Yes.

21 Q. Okay. And do you carry your personal phone with you?

22 A. Yes.

23 Q. Okay. And he does the same, I assume?

24 A. Yes.

25 Q. Okay. So you would have texted with him on or around

1 November 6, 2024, correct?

2 A. No.

3 Q. Why not?

4 A. I made a phone call.

5 Q. To your brother?

6 A. Yes.

7 Q. And what time --

8 MR. SHOUDY: Can I just step in? You said  
9 '24. Do you mean '22?

10 MS. GORDON: Yes. Sorry.

11 MR. SHOUDY: I think you're a couple years  
12 off.

13 MS. GORDON: Yeah. I got that. I  
14 misspoke.

15 MR. SHOUDY: Maybe we could rephrase our  
16 question.

17 MS. GORDON: No. It's just I meant 2022.

18 MS. GORDON:

19 Q. So you called your brother?

20 A. Yes.

21 Q. And when did you call him?

22 A. Evening hours of that date.

23 Q. So the date would have been November 6th?

24 A. Yes.

25 Q. Okay. So he -- it was after he was arrested; is that

1 correct?

2 A. And released, yes.

3 Q. Ok. So it would have been next -- he was released  
4 in -- it was after he was released by your department?

5 A. Correct.

6 Q. You did not talk to him prior to that?

7 A. Prior to him being released, no, I did not.

8 Q. Why not?

9 A. Because he was in custody.

10 Q. And he had his phone for part of that time, correct?

11 A. I have no idea.

12 Q. So if you had no idea, you didn't try to get hold of  
13 your brother and say, "Are you okay? What's going on?  
14 What can I tell our parents? Tell me how you are"?  
15 You didn't call him about any of that?

16 A. Absolutely not.

17 Q. Okay. So do you still -- so your personal phone is  
18 what carrier?

19 A. Verizon.

20 Q. And what's that number?

21 A. (810) 363-8642.

22 Q. Did you text with him anytime between 11-6-22 and the  
23 next 30 days?

24 A. I'm sure I probably did.

25 Q. Have you deleted those texts?

1 A. No, not that I know of.

2 Q. Those would be on your phone?

3 A. I don't know how long back they go, but if -- I didn't  
4 get rid of them.

5 Q. All right. So we're going to ask for those, if we  
6 haven't already. Perhaps we already have. I don't  
7 know. But we're going to seek all of your texts. So  
8 if you could just be sure to hang onto those.

9 A. Okay.

10 Q. Have you disposed of any information that could be  
11 potential evidence in this case --

12 A. I don't -- no, not that I can think of.

13 Q. Did you text with Pohl the day or night of November 6,  
14 2022?

15 A. No.

16 Q. You talked to him on the phone?

17 A. Yes.

18 Q. How many times?

19 A. I think just once.

20 Q. Okay. And what time was that, roughly?

21 A. Probably mid-morning -- 10:00, 11:00, 12:00, sometime  
22 like that.

23 Q. You hadn't talked to him previously?

24 A. No.

25 Q. And what did you talk to him about at that time?

1 A. Marc's arrest.

2 Q. What did you say?

3 A. That Marc got arrested. We talked about the fact he  
4 was taken to Lapeer County Jail and that there'd be an  
5 internal investigation started, that he'd be doing the  
6 internal investigation on Marc's drunk driving.

7 Q. You already knew about it at that time, though?

8 A. Who did?

9 Q. You did.

10 MR. SHOUDY: Knew about what?

11 MS. GORDON:

12 Q. You already knew about the information you just told  
13 me you discussed with Pohl?

14 A. Yes. Pohl hadn't -- Pohl hadn't been privy to it,  
15 that I know of.

16 Q. So you were advising him. Is that what you're telling  
17 me?

18 A. Correct.

19 Q. Okay. And what did he say?

20 A. I don't recall.

21 Q. What was your purpose in calling him?

22 A. He's the road patrol captain. I'm not sure if he  
23 called me or I called him. I just know we talked.

24 Q. What was the point in calling him?

25 A. Informing him that somebody from our department got

1           arrested for drunk driving.

2       Q.    He didn't know that already?

3       A.    Not that I know of.

4       Q.    Did he say to you, "Yeah, I already knew that"?

5       A.    I don't recall.

6       Q.    This was after Marcus got released?

7       A.    I don't recall if it was after Marc got released or  
8           not.

9       Q.    You were upset?

10      A.    Yeah, I was.

11      Q.    Okay. Who else did you talk with about the arrest on  
12           or around 11-6-2022.

13      A.    The undersheriff, Jim Spadafore.

14      Q.    When did you talk to him?

15      A.    Sometime around the same -- mid-morning hours of that  
16           same morning.

17      Q.    Okay. And why did you talk to him?

18      A.    Same reasons.

19      Q.    What were they? What were they with Spadafore?

20      A.    Discuss the point that we had a deputy that got  
21           arrested and he was taken to Lapeer County Jail  
22           instead of our facility.

23      Q.    What was the point of that conversation? What were  
24           you trying to impress upon him or communicate about?

25           That you were upset that he was taken to the Lapeer

1 County Jail, was that kind of the point here?

2 A. I was upset that my brother made a stupid decision and  
3 got drunk and drove a vehicle.

4 Q. But I was wondering about the conversation with  
5 Spadafore. Did you tell him that?

6 A. Right. You asked me what the purpose of the  
7 conversation was, what I was upset for. I was  
8 explaining --

9 Q. No, I really didn't ask it exactly that way, but the  
10 record will reflect what it says.

11 You contacted Spadafore, and the first  
12 thing you said is you talked to him about going to the  
13 Lapeer County Jail?

14 MR. SHOUDY: One second, please. You're  
15 not letting him finish his answer.

16 MS. GORDON: Yes, I am.

17 MR. SHOUDY: No. You actually cut him off  
18 twice in a row.

19 MS. GORDON: Okay. Thank you, Todd.

20 MR. SHOUDY: Okay. Well, you can't ask him  
21 a question and not let him answer.

22 MS. GORDON: You made your point.

23 MR. SHOUDY: No, I haven't made my point,  
24 because I'm not going to let you do that this whole  
25 deposition. If you ask him a question --

1 MS. GORDON: You can leave anytime if you  
2 don't like it.

3 MR. SHOUDY: Either withdraw your question,  
4 or you take the answer. You've got to let him answer  
5 the full question, and you know it. So do you want to  
6 withdraw the last question, or do you want to let him  
7 finish his answer?

8 MS. GORDON: I want -- I'm going to do what  
9 I want to do, so don't be --

10 MR. SHOUDY: No, you're not going to do  
11 what you want to do, because you want to cut him off.  
12 So you can read back the question, and I'd ask that  
13 you let the witness answer the question or withdraw  
14 your question. That's your two choices. If not,  
15 let's get the judge on the line and see if she'll  
16 sanction you.

17 MS. GORDON: You go right ahead, my friend.  
18 Have at it. Get out your cell.

19 BY MS. GORDON:

20 Q. Sheriff, you're going --

21 MR. SHOUDY: Wait a second. We're not  
22 going to answer questions unless you let him answer  
23 questions.

24 MS. GORDON: Okay. I'm not going to listen  
25 to you repeat stuff over and over again. If you're

1 going to keep talking, I'll go get a coffee, and you  
2 can let me know when you're done.

3 MR. SHOUDY: What I would like to know  
4 is --

5 MS. GORDON: I'm not --

6 MR. SHOUDY: I would like you to give him a  
7 chance to answer questions. You're cutting him off,  
8 and you're not letting him answer. And if that's the  
9 way it's going to be, we are going to leave.

10 MS. GORDON: Okay. You go ahead.

11 Lisa, would you please read back my last --  
12 the last answer of the witness or my last question.

13 MR. SHOUDY: Thank you.

14 (The following requested portion of the  
15 record was read by the reporter at  
16 10:20 a.m.):

17 Q. What was the point of that  
18 conversation? What were you trying to  
19 impress upon him or communicate about?  
20 That you were upset that he was taken to  
21 the Lapeer County Jail, was that kind of  
22 the point here?)

23 BY MS. GORDON:

24 Q. Is that what you were trying to impress upon him?

25 A. I was trying to let him know what happened, that we

1 had a deputy arrested. And when you asked about me  
2 being upset, I was upset about two different things --  
3 that he was taken to the Lapeer County Jail and that  
4 Marc made a stupid mistake and was drunk and driving.

5 Q. Well, Spadafore must have known that, that you would  
6 already be upset about -- anybody would be upset about  
7 somebody getting really, really -- let's call it super  
8 drunk -- and driving. So Spadafore must have known  
9 that, correct, already?

10 A. I don't know what Spadafore knew.

11 Q. How would you explain it to him, then? What did you  
12 say to him?

13 A. I don't --

14 Q. "I'm really, really upset that my brother got overly  
15 drunk"?

16 A. Probably something like that.

17 Q. Okay. Then you said, "And I'm upset that he went to  
18 Lapeer County," something like that?

19 A. Correct.

20 Q. Did you tell him why you were upset?

21 A. I don't recall. It was two years ago.

22 Q. What else did you tell Spadafore?

23 A. I was upset that I wasn't notified of the fact that we  
24 had an employee get arrested.

25 Q. Okay. Anything else that you told him?

1 A. Not that I can recall.

2 Q. Do you automatically get contacted if an employee is  
3 arrested?

4 A. I should, yes.

5 Q. Is that in writing somewhere?

6 A. There was a memo sent out by myself when I was road  
7 patrol captain -- a list of times where people were  
8 supposed to be notified, administration, different  
9 parts, and different policies. It's advised that you  
10 advise administration when certain things happen  
11 within the department.

12 Q. Was this included in that list or not?

13 A. Yes, major --

14 Q. Are you sure?

15 A. -- major situations. Major incidents going on, you're  
16 supposed to notify the supervisors.

17 Q. Okay. But it doesn't say that when deputies are  
18 arrested, the elected sheriff has to be notified,  
19 correct? It doesn't say that, does it?

20 A. I don't know the exact wording.

21 Q. Okay. All right. So who else did you talk to on the  
22 6th about your brother getting arrested?

23 A. I believe the only other person would have been  
24 Deputy Duva.

25 Q. Okay.

1 A. And, actually, Lieutenant Braun as well. I'm sorry.  
2 I just remembered that.

3 Q. Did you text with any of these individuals?

4 A. No.

5 Q. Okay. So I was asking you about documents that you  
6 produced. Did you produce any documents in this case  
7 that weren't already public record documents?

8 A. I don't recall.

9 Q. Well, how could you refresh your recollection? Would  
10 you have sent them with an email to somebody if you  
11 did produce anything? Would you have had somebody  
12 copy them for you?

13 A. They would have been sent to corporate counsel so we  
14 would have record of it.

15 Q. I didn't ask you who they would have been sent to. I  
16 knew they would have been sent to corporate counsel.  
17 I'm just trying to find out whether you produced a  
18 single document in this case on your own.

19 A. You asked how we could refresh my recollection, and my  
20 answer is we could refresh my recollection with --  
21 checking with corporate counsel's documents and what  
22 he compiled to send over to you.

23 Q. No, I can't get his documents, but I could get any  
24 emails where you may have sent documents or directed  
25 somebody to.

1 A. We could do an email search if I asked IT.

2 Q. You didn't do that already? You haven't --

3 A. You hadn't asked me a question already.

4 Q. Do you know what documents we requested in this case?

5 A. Not off the top of my head.

6 Q. Have you seen the request to produce documents?

7 A. At some point I did, yes.

8 Q. Okay. Do you remember what we asked for?

9 A. Not off the top of my head, no.

10 Q. What is your date of birth?

11 A. 1-6-75.

12 Q. What's your brother Marcus's date of birth?

13 A. I know he was born in '74. I don't know the date.

14 Q. He was born in 1974?

15 A. Yes.

16 Q. You guys are one year apart?

17 A. A year and nine months.

18 Q. Do you have any other siblings?

19 A. Yes.

20 Q. How many?

21 A. Three other siblings.

22 Q. Do they live in the area?

23 A. Yes.

24 Q. Are any of them employed by the county, or have they  
25 been employed by the county?

1 A. At one point, yes.

2 Q. Who was employed by the county?

3 A. My youngest sister, probably 24 years ago, was a  
4 dispatcher.

5 Q. For the county sheriff's department?

6 A. Yes.

7 Q. Who else in your family has been employed by the  
8 county?

9 A. My nephew was a sheriff's deputy.

10 Q. And what's his name?

11 A. Zane King.

12 Q. How long was he a deputy?

13 A. I think maybe a year.

14 Q. And when was that, roughly -- or exactly, if you know?

15 A. I think it was about three years ago.

16 Q. What happened to him? Why did he leave?

17 A. He decided police work wasn't for him, and now he  
18 works for the County Road. Just didn't like dealing  
19 with people and their problems.

20 Q. And you were -- when did you first get elected  
21 sheriff?

22 A. In 2020.

23 Q. Okay. So he would have been working at the sheriff's  
24 department while you were the elected sheriff; is that  
25 correct?

1 A. Yes.

2 Q. Okay. Were you involved in hiring him on?

3 A. Yes.

4 Q. Okay. And how did he perform, as far as you know?

5 A. He performed well until the last few months. He  
6 seemed to be disconnected from police work. The  
7 lieutenant talked to him, and he basically said he  
8 didn't think he wanted to be the police. He didn't --  
9 it just wasn't for him.

10 Q. Who talked to him? Which lieutenant?

11 A. Lieutenant Maxey.

12 Q. Okay. And he's now working for the County Road  
13 Commission?

14 A. Correct.

15 Q. And whose son is that?

16 A. That is my oldest brother, Michael John King's son.

17 Q. Does -- has Michael worked for the county?

18 A. No.

19 Q. All right. Anybody else that's worked for the county?

20 A. My niece, Chase King, worked for the county as a  
21 sheriff's -- corrections deputy for, I think, two or  
22 three years.

23 Q. When was that, roughly?

24 A. She left about a year ago maybe.

25 Q. Okay. And how old was Chase roughly at the time?

1 A. I think she got hired -- she was 24.

2 Q. I'm sorry. What was she hired as?

3 A. Corrections deputy.

4 Q. That was part of your department?

5 A. Yes. Part of the sheriff's office, yes.

6 Q. Okay. And how long was she with the county?

7 A. Three or four years. I can't exactly -- it might have  
8 been -- don't think it was five.

9 Q. And was she an hourly or salaried employee?

10 A. Hourly.

11 Q. Was she a union employee?

12 A. Yes.

13 Q. And why did she leave?

14 A. She has a child with her significant other who lives  
15 in Lansing, has a business. And she got a job there  
16 and moved with the child over to the Lansing area.

17 Q. Anybody else in your family that has worked for the  
18 county?

19 A. No, not -- no.

20 Q. Did either of your parents work for the county in any  
21 capacity?

22 A. No.

23 Q. Okay. When did you first become a county employee?

24 A. 1998.

25 Q. And what was your first job?

1 A. Road patrol deputy.

2 Q. What's your educational background?

3 A. I have an associate's degree.

4 Q. From where?

5 A. St. Clair County Community College.

6 Q. And when did you get that?

7 A. I think in '90 -- I think it was '99.

8 Q. Okay. What was your next promotion after your first  
9 promotion after road patrol?

10 A. Road patrol sergeant.

11 Q. Okay. And roughly when was that?

12 A. I think about 2012. I'd have to work it backwards.

13 Q. Okay. That's fair enough. I understand it's an  
14 estimate.

15 Then, did you become a lieutenant after  
16 that?

17 A. Yes.

18 Q. When was that, roughly?

19 A. 2014. It was about two years.

20 Q. And what was your next move in the department?

21 A. Road patrol captain.

22 Q. Were you appointed to that position?

23 A. No. That was a union job. Same process as to become  
24 a sergeant or lieutenant.

25 Q. Okay. Then, what was your next position?

1 A. Sheriff.

2 Q. When did you first run for sheriff?

3 A. 2020. I guess 2020. So I guess I started -- my first  
4 term was 2021.

5 Q. And how long is your term?

6 A. Four years.

7 Q. When was the last election?

8 A. In last year, 2024.

9 Q. Did you run a campaign?

10 A. Yes.

11 Q. Did you have a primary opponent?

12 A. Yes.

13 Q. Who was that?

14 A. Warren Head.

15 Q. How much money did you raise?

16 A. I think about \$80,000.

17 Q. Who were your main contributors? Who were some of  
18 your larger contributors?

19 A. Let's see. I'm trying to think of some larger ones.  
20 There was a couple of PACs. I forget what the name --  
21 Citizens for Honest Government.

22 Q. Who was behind that one?

23 A. I don't even know that one. They dropped off a check,  
24 and my daughter was working the front desk. I know  
25 that they've contributed before.

1 Q. What front desk was she working?

2 A. For a fundraiser at Alexander's.

3 Q. Which daughter was that?

4 A. Well, all three of my daughters. I forget -- Madison,  
5 Caitlyn, and Aly were all there. I forget which one  
6 got that specific check.

7 Q. You must know who your larger donors were, obviously?

8 A. Yeah. So them, I believe Joe Morisette, Ron Eckovetti  
9 (phonetic). Yeah, those are the ones that I can  
10 remember giving -- giving more than a few hundred  
11 bucks, off the top of my head.

12 Q. Did you get contributions from employees of the  
13 county?

14 A. Yes.

15 Q. Who contributed from the sheriff's department?

16 A. I think Tim O'Donnell (phonetic) did.

17 Q. What's his title?

18 A. Detective.

19 Jim Spadafore is my undersheriff. Matt  
20 Pohl is my captain. I believe my brother Marc did. I  
21 can think of people who were at the fundraisers. They  
22 didn't all give. I mean, there's obviously a full  
23 record of all these donations.

24 Q. Sure. Did you file all the documents timely?

25 A. Yes.

1 Q. What was the -- was it a close election or not a close  
2 election?

3 A. The primary -- to me, it was close. The people who  
4 are in politics said it wasn't close. I won by  
5 12 percent.

6 Q. That's not close.

7 A. That's what people say, but to me it felt close.

8 Q. All right. So that was that. The primary was  
9 essentially the big thing?

10 A. There was a general write-in by the person who lost in  
11 the primary, but that was not close.

12 Q. Okay. When did your brother become employed by the  
13 sheriff's department?

14 A. I believe it would have been 20 -- no, 2005.

15 Q. Okay. And he was hired in as what?

16 A. Corrections deputy.

17 Q. What is a corrections deputy?

18 A. So that's a deputy who works within the jail and  
19 handles jail operations. They're not  
20 MCOLES-certified, so they don't make arrests. They  
21 wear the same uniform, but they control the operations  
22 of the jail, movement of the jail, things like  
23 programming, safety, security, transport, distribution  
24 of meds or medical attention, food, things like that.

25 Q. And they're assigned specifically to the jail?

1 A. Yes.

2 Q. They're not out on the road?

3 A. Correct.

4 Q. Do they get a similar pay rate to the deputies?

5 A. It's significant -- well, I only hesitate because they  
6 just got a decent contract, but it's less than the  
7 deputies, yes.

8 Q. Roughly, or if you know specifically, how many  
9 corrections deputies do you have at any given time?

10 A. Any given time?

11 Q. Yeah. What do you try to have as your level of  
12 corrections deputies?

13 A. Probably about 25, I think.

14 Q. Okay. How many different shifts are those 25?

15 A. Four.

16 Q. So at any given time, you have in the jail how many  
17 deputies? About six working a shift, or is it---

18 A. Oh, no. I'm sorry. It would be about 20, 25 per  
19 shift.

20 Q. Oh, thank you.

21 A. It is probably closer to 20, now that I think about  
22 it.

23 Q. Okay. And where is the jail located?

24 A. It's connected. It's one large building at  
25 1170 Michigan Road. There's the jail, and then

1           there's the road patrol side, and then connected over  
2           to the south is the juvenile center.

3       Q.   How many prisoners could you house in that jail?

4       A.   About 491.

5       Q.   How many do you typically have?

6       A.   Regularly, about 380.

7       Q.   Okay. And when was this jail built?

8       A.   I believe 2014. Wait. No.

9       Q.   So since you've been sheriff --

10      A.   I'm sorry. I think it was -- I think it's older than  
11      that. I think it was about 2010 or something like  
12      that.

13      Q.   And there are cells in the jail, obviously?

14      A.   Yes.

15      Q.   What else is in the jail? What other offices or --

16      A.   Yeah. So there's an intake area as you walk in  
17      through a sally port where there's a large room where  
18      people are processed, and there's kind of like a  
19      waiting room until they're classified to go back to  
20      whatever cell or room they should go to, assuming that  
21      they're cooperating individuals.

22                    There's several cells off of that that are  
23      single-person cells with -- you know, the lights are  
24      on all the time. Near that is the booking station,  
25      and then the whole like area of offices for different

1 workers -- that may be classifications -- the  
2 sergeant's office and lieutenant's office. So that's  
3 kind of how -- when you come in through the sally  
4 port.

5 Then, you go back through some  
6 classification area, and then there's different wings  
7 where there's pods, where you have a pod with  
8 different cells and day areas for the inmates or  
9 detainees to walk around or have dinner, depending on  
10 what their classification is.

11 Within the jail, there's also a medical  
12 area, different offices for psychiatric help and  
13 things like that. There's a holding area for  
14 property.

15 That's pretty much the gist of the makeup.

16 Q. Okay. And you've had sheriff's deputies held in that  
17 building, correct?

18 A. In the -- yes. In the building, yes.

19 Q. In the jail building?

20 A. So the jail is part of a bigger building. So the  
21 sheriff's office itself includes everything from  
22 administration to the detective bureau to a big  
23 hallway where the employees come in, and then the  
24 briefing room, then the lobby, records, and then the  
25 jail in the back. To my recollection, we've never had

1 an employee put in the actual jail-jail.

2 Q. Okay. Captain Pohl testified he was held there. Do  
3 you recall that?

4 A. Different jail. That's the old jail. It's a whole  
5 different building. It doesn't exist anymore.

6 Q. Well, he was held in a jail, correct?

7 A. Yeah. We were talking about the jail at 1170 Michigan  
8 Road.

9 Q. Okay. That's been there for how long, the one you've  
10 got there now?

11 A. I think about since 2010.

12 Q. What was the difference in the old building?

13 A. It was about 5 miles away. It was constructed totally  
14 different. It was a different design.

15 Q. So what's the distinction as to why he could be held  
16 in the old building? Do you know?

17 A. I wasn't the sheriff then. It was two sheriffs ago.  
18 I don't know what the decision-making there was.

19 Q. Since you've been with the department in any capacity,  
20 have you become aware that a lot of deputies or  
21 command officers are arrested for driving while  
22 intoxicated?

23 A. I wouldn't say a lot, no, but I'm aware of instances  
24 where they have been arrested, yes.

25 Q. Does your brother have a drinking problem?

1 A. I don't think that's for me to say. Obviously, at the  
2 time, he was making poor decisions with drinking.

3 Q. Well, you're his boss in addition to being his  
4 brother, and I presume you -- it's important to you to  
5 know whether any sheriff's deputies have drinking  
6 problems. That would be important for you to know,  
7 wouldn't it?

8 A. Yes.

9 Q. Okay. So, in that capacity, did your brother have a  
10 drinking problem?

11 A. Did he, or does he?

12 Q. Did he.

13 A. At that time, yes, I would say he did.

14 Q. And had you been aware that he had been having a  
15 drinking problem?

16 A. No, I was not aware of that.

17 Q. How did you become aware of it?

18 A. That night in subsequent conversation with him.

19 Q. Has he received any treatment?

20 A. I know he finished -- yeah, I guess it would be  
21 treatment.

22 Q. Other than what the court ordered?

23 A. I don't know.

24 Q. Nothing that you're aware of?

25 A. Not that I'm aware of.

1 Q. Does the police department have an HR/personnel  
2 office? I shouldn't say police department. Sheriff's  
3 office.

4 A. No.

5 Q. So tell me how HR is managed on your end for your  
6 department. As I understand it, you have a county HR  
7 department?

8 A. Correct. So the sheriff is a co-employer of his  
9 employees with the county, and they have an HR  
10 department. They handle wages, benefits, negotiation  
11 for wages and benefits and such. Then, our office  
12 handles the employment day to day.

13 Now, obviously, those two blend from time  
14 to time. My secretary, Andrea, handles things like  
15 FMLA, extended time off, things like that as far as HR  
16 goes. We do all of our own internal investigations  
17 for violations of policies and such as far as HR. I  
18 don't know if that answers your question.

19 Q. Have your officers had any training with regard to  
20 laws involving, let's say, sexual harassment?

21 A. Yes.

22 Q. Who provides that training?

23 A. There's internal training through our February  
24 training every year. That would be included from time  
25 to time and then --

1 Q. Excuse me. When you say "our training," I don't know  
2 who you're talking about.

3 A. The sheriff's office has a two-day training every year  
4 to meet -- well, we did it before, but we do it now to  
5 meet mandated continued education through MCOLES.

6 Q. Who sets up that training?

7 A. I have a training lieutenant who is assisted with  
8 other supervisors.

9 Q. Okay. Is there any other kind of training that your  
10 employees get with regard to county rules, procedures,  
11 regulations, and the like?

12 A. So as far as policies and procedures, they are  
13 presented with that when they go through field  
14 training. And then, obviously, when there's any -- I  
15 shouldn't say obviously. When there's any update,  
16 those policies and procedures are pushed down through  
17 the command staff, and they are to make sure that the  
18 deputies are informed and sign a form to say they have  
19 been -- they have reviewed the new policy or policy  
20 changes.

21 Q. Are those county policies?

22 A. They're sheriff's department policies.

23 Q. Okay. Do you -- are there county policies that apply  
24 to the sheriff's department?

25 A. There would be county policies as far as certain

1 purchasing that supervisors make. Like they --  
2 because we get credit cards through -- we call them  
3 P-cards -- through the county so that they can run  
4 their shift. If they run a special division, they  
5 could use these P-cards to buy equipment or  
6 electronics or whatever it may be.

7 So there's certain policies that are  
8 county-wide that may bleed over, but there's not a lot  
9 of policies that the county has that directs the  
10 employees of the sheriff's office.

11 Q. Where does an employee go to file an EEO -- Equal  
12 Employment Opportunity -- complaint in your  
13 department?

14 A. I don't know. I've never heard of anybody doing that.

15 Q. Okay. So do you have any sheriffs there that are not  
16 white, any deputies?

17 A. Road patrol, we have Wally. I don't know what you --  
18 what do you mean by white?

19 Q. Somebody that's Hispanic or black.

20 A. Yeah. Road patrol we have, I think, one Hispanic. On  
21 the jail side, we have several Hispanics and a black  
22 individual.

23 Q. You have one black employee for the sheriff's  
24 department?

25 A. Correct.

1 Q. Out of how many altogether?

2 A. I have 250 employees.

3 Q. 2-5-0?

4 A. Yes.

5 Q. Okay. And you have one black employee?

6 A. Yes.

7 Q. How about women? Do you have any women that are  
8 deputies of any kind --

9 A. Yes.

10 Q. -- or working at the jail?

11 A. Yes.

12 Q. How many women do you have?

13 A. The jail, I think we have probably at least 20.  
14 That's not -- well, that's not correct. That would be  
15 uniformed. Probably more like 30 or 40 when you count  
16 the support staff back there.

17 Q. I'm talking about deputies, not support staff.

18 A. Okay. Because when I said 250, I meant all employees,  
19 including support staff and --

20 Q. Okay. I'm talking about sworn officers.

21 A. Sworn officers, I think there's 87 from myself on  
22 down.

23 Q. Okay. And how many of those are female?

24 A. I'd guess at least 10. I'm not positive.

25 Q. Are they assigned to the jail, or are they road

1 patrol?

2 A. So when you say sworn officers, I mean just road  
3 patrol.

4 Q. Okay. Fair enough. Got it.

5 A. Yes. On the jail side, there's probably another 90.

6 Q. But you don't know of any place where somebody would  
7 go to file a complaint with regard to some kind of an  
8 EEO violation that they believe has occurred, somebody  
9 thinks they've been passed over based on gender? Do  
10 you know what they do?

11 A. Yes. They --

12 Q. Do they go to HR?

13 A. No. They'd file a grievance, because they're in a  
14 union.

15 Q. Okay. But your union contract likely does not include  
16 sex discrimination. I think you're making an  
17 assumption here.

18 A. No, I'm not making an assumption. If they thought  
19 they were passed over unfairly for a promotion, they  
20 would file a grievance through their union.

21 Q. I get that, sir, but I'm talking now about gender  
22 discrimination. Not just passed over because it's  
23 unfair and they're more qualified but passed over  
24 because of their gender.

25 A. Any promotion --

1 Q. Hang on. There's a distinction here. I get that  
2 you're wedded to the union contract for obvious  
3 reasons and that you're used to people filing  
4 grievances for unfair treatment that they perceive,  
5 but I'm talking about a legal violation, not a  
6 violation of the contract. A violation of state or  
7 federal law, not the contract. Is there a place  
8 somebody can go and make a complaint, that you are  
9 aware of, about a legal violation, not a contract  
10 violation?

11 A. I believe they'd get a lawyer and sue the county.

12 Q. So you don't have any internal area, any department  
13 that would look into that and investigate it?

14 A. Anything outside of a legal violation would be filed  
15 through a grievance.

16 Q. Okay. I already heard you on that, and I realize  
17 you're -- you live in a particular world, but I think  
18 you've answered my question.

19 What about somebody that has a disability  
20 and needs an accommodation under the Americans with  
21 Disabilities Act that works for the county? What is  
22 your understanding of where that individual would go?

23 A. They would advise administration --

24 Q. Hang on. Are you guessing, or do you have some --

25 A. No. We've had people with disabilities. We had a

1 corrections deputy that only had one leg, and he  
2 parked in the handicapped parking spot. And he  
3 advised of his disability, and accommodations were  
4 made.

5 Q. Who handled that?

6 A. I wasn't the sheriff, but I would presume the sheriff.  
7 I was maybe a sergeant or deputy.

8 Q. Do you have any training yourself on disability  
9 discrimination and accommodations? I assume you  
10 don't, but --

11 A. Not off the top of my head.

12 Q. Does anybody in your department that you know of?

13 A. I don't know.

14 Q. I assume the county HR person would be knowledgeable  
15 about that, given the number of people that are being  
16 overseen.

17 A. Okay.

18 Q. Is that correct? Would you assume the same thing,  
19 that the county --

20 A. I don't assume anything.

21 Q. You just don't know?

22 A. I don't know.

23 Q. Okay. Who was the HR county individual at the time,  
24 let's say, in 2022? Who was the HR individual for the  
25 county?

1 A. They have a whole department.

2 Q. Okay. Well, who was the head of the department?

3 A. Diane Barber.

4 Q. Do you know Diane Barber?

5 A. Yes.

6 Q. And how did you know her?

7 A. She is the HR director.

8 Q. So in what regards did you periodically interact with  
9 her or have to talk to her?

10 A. Contract negotiations. We have department head  
11 meetings, and she would give updates on different  
12 benefits and things going on in the county, as well as  
13 other people in the meeting.

14 Q. Okay. So you knew Diane?

15 A. Yeah.

16 Q. When is the last time you would have interacted with  
17 her?

18 A. It would have been maybe fall of '24 or winter of '24  
19 at the last meeting that she was at.

20 Q. Okay. Other than attending meetings with her, what  
21 other interactions did you have with her?

22 A. Just when we do contract negotiations.

23 Q. You learned that my client filed a complaint with her,  
24 correct?

25 A. Yes.

1 Q. Okay. And did you discuss that with her?

2 A. I did not, no.

3 Q. Somebody else from your department, I assume, did?

4 A. I think the undersheriff did. I'm not positive.

5 Q. You would -- somebody would have had to talk to her  
6 about that, correct?

7 A. We don't have to, but I think somebody did.

8 Q. Okay. You don't think you have to under the law?

9 A. No.

10 Q. So somebody can file a complaint about a violation,  
11 and what? Somebody just decides it'll be thrown in  
12 the wastebasket, or is that an overstatement?

13 A. So if somebody files a complaint with an individual,  
14 that individual has a responsibility to talk to  
15 whoever they think they need to talk to. So we're  
16 talking about a complaint that was filed with Diane  
17 Barber. She would be obligated to talk to other  
18 people.

19 Q. Okay.

20 A. So I can't say we're obligated to go to her,  
21 because --

22 Q. I didn't say you were. I just said were you --

23 A. It seems like you did.

24 Q. Well, you would -- she would contact you is what I  
25 would presume.

1 A. Right. And I --

2 Q. That would be her job.

3 A. I didn't have any direct contact with her.

4 Q. Okay. And you don't know who did from your  
5 department?

6 A. Not off the top of my head, no.

7 Q. Okay. But somebody would have been contacted --

8 MR. SHOUDY: Objection, calls for  
9 speculation.

10 BY MS. GORDON:

11 Q. Somebody would have been contacted, as you understand  
12 it, correct?

13 A. I don't know what she did.

14 Q. I know. But somebody would have been contacted. I  
15 understand you don't know the details. That's  
16 somebody below you, correct?

17 MR. SHOUDY: Same objection.

18 A. I don't know how to answer the question. I don't know  
19 what she did.

20 BY MS. GORDON:

21 Q. Well, did you look into it when you found out about  
22 the complaint?

23 A. I don't remember looking into it. We had  
24 conversations internally about how it was something we  
25 hadn't seen done before, but I don't remember looking

1           into it.

2           Q.    Okay.  Who had those conversations?

3           A.    Myself, the undersheriff, and Captain Pohl.

4           Q.    And what was just the nature of the conversations?

5           A.    Well, the conversation took place after the interview  
6           of Scott Jones at HR.  And I remember talking about  
7           the fact that Scott was supposed to come in for an  
8           interview at the sheriff's office, refused to, and  
9           demanded to have it at HR.  We found that bizarre.  
10          It's never happened before.

11                        So after the meeting, when they came  
12          back -- because we were informed at that meeting that  
13          Scott had previously given or filed a complaint -- I  
14          remember us thinking -- the light bulb went off like,  
15          "Oh, that's why he wouldn't come here for the  
16          interview, because he's doing something with HR on a  
17          complaint with us."  And we were unsure as to why,  
18          because he's got a union, and he could have filed a  
19          grievance if he thought he was being treated in the  
20          wrong way.

21                        I'm an elected official, so his -- us being  
22          co-employers doesn't bleed over to them having some  
23          type of ability to discipline me.  So it was more of a  
24          wondering what he was even doing.  It was a very --

25          Q.    You and who else were wondering what he was doing?

1 A. Captain Pohl and Undersheriff Spadafore.

2 Q. Did anybody find out the nature of what he was doing  
3 was, or did you guess about it?

4 A. I don't remember. I remember us -- I don't remember  
5 guessing about it. We weren't sure what his angle  
6 was.

7 Q. Wasn't it important to find out? I mean, this is a  
8 longtime highly regarded officer, and you've now found  
9 out for the first time he's made this complaint. Did  
10 you -- were you -- did anybody decide to look into it?

11 A. I don't recall us looking into it, no.

12 Q. Apparently not, right? Or you did? Or you -- what  
13 happened?

14 A. I don't understand "What happened?" -- that question.

15 Q. Well, you guys sat around and chatted about it.  
16 You're like, "What the -- what's he doing? Why is he  
17 doing it?" Yes?

18 A. Yes.

19 Q. "This seems weird to us. We've never heard of this  
20 before." Right?

21 A. Yes.

22 Q. So what did you then do -- strike that.

23 So did you discuss -- did you discuss it  
24 with Scott Jones?

25 A. I did not, no.

1 Q. Did anybody?

2 A. I don't know. I think Undersheriff Spadafore talked  
3 to him about it, but I wasn't there when that  
4 conversation was taking place.

5 Q. Okay. In what manner do you keep department orders  
6 and rules and regulations, policies?

7 A. They're kept on the Y drive of the computer system at  
8 the sheriff's office.

9 Q. Have there been any orders issued, new orders, policy  
10 orders, since you've been sheriff?

11 A. Yeah. We're currently reviewing, redoing all the  
12 policies, and we're using Lexipol, which is a highly  
13 regarded policy maker.

14 Q. Okay. Well, have any new policies been issued since  
15 you have been the elected sheriff? I know you said  
16 you're working on them. I want to know if there's any  
17 new policies.

18 A. Yes. There's been some new policies, yes.

19 Q. Okay. And when -- what's the date of these new  
20 policies?

21 A. I don't know off the top of my head. I just know that  
22 we enacted the body-worn camera program under my first  
23 term, and we had to write a policy for that.

24 Q. Okay. Anything else you can recall that's new?

25 A. I know that we changed the policy for the jail.

1 Again, it's a jail-side reference. "Good time" not  
2 being administered because of certain crimes -- that  
3 was an old jail rule and an old agreement that came  
4 with sheriffs years ago and the judges back then.

5 I'm trying to think. I mean, I know we've  
6 probably gone over some the last five years, but those  
7 are the ones that stick out off the top of my head.

8 Q. You have a department policy on documenting in case  
9 management; is that correct?

10 A. Yes.

11 Q. And the purpose of the policy is to provide department  
12 members with consistent guidelines to document police  
13 investigations; is that correct?

14 A. Well, there'd be a lot of purposes for the policy, but  
15 it would be to make sure that there's some consistency  
16 and stuff.

17 Q. Okay. And part of the policy is that original  
18 complaints, accident reports, traffic citations, are  
19 to be completed and submitted to the service bureau  
20 prior to the completion of the officer's shift,  
21 correct?

22 A. Are you reading from a document?

23 Q. I'm paraphrasing from a document.

24 A. Okay. I don't have that document, but it's to guide  
25 the people at the sheriff's department on how to and

1 when to supply reports on their actions.

2 Q. Right. And they're supposed to do it by the  
3 completion of their shift; is that correct?

4 A. Not always, no.

5 Q. Under what circumstances would they not? They have to  
6 have a deputy supervisor excuse them for that, don't  
7 they, under the policy?

8 A. Excuse -- what do you mean by "excuse them"?

9 Q. If you're not going to get your report in by the close  
10 of the shift, you have to get excused by the duty  
11 supervisor, correct?

12 A. No.

13 Q. That's what the policy says.

14 A. I don't know that. I don't have the policy in front  
15 of me.

16 Q. Okay. Well, sir, you're in charge of the policies,  
17 aren't you?

18 A. I by no way will state that I know all the words of  
19 all the policies off the top of my head.

20 Q. Okay. But this is not all the policies. This is a  
21 very specific thing. Is it correct that, generally  
22 speaking, deputies are to -- any deputy is to submit  
23 their written reports by the completion of their  
24 shift? Is that correct?

25 A. No.

1 Q. Okay. Why not? Why is that not the policy?

2 A. Deputies --

3 Q. I've sued a lot of police departments, and I've  
4 learned that this is how people do things.

5 A. Yeah. I don't believe that for a second, that every  
6 police department hands in every report before they  
7 leave the shift.

8 Q. I didn't say that. I said their policy is that you're  
9 supposed to complete your report by the end of your  
10 shift. Do you agree that that's the general rule?

11 A. Okay. You've asked two different questions.

12 Q. Is that the general rule, that you're supposed to  
13 complete your report by the end of your shift?

14 A. So I feel like there's been six or seven questions  
15 asked --

16 Q. I just asked one.

17 A. -- and they're all getting lumped into one.

18 General rule, you should complete your  
19 reports, yes.

20 Q. By the end of your shift, correct?

21 A. Yes.

22 Q. Okay. And your policy says unless excused by the duty  
23 supervisor. Are you aware of that?

24 A. I don't -- I don't have the policy in front of me,  
25 and --

1 Q. You don't remember that that's in the policy?

2 A. No, I don't.

3 Q. I'll hand you policy 15.2.

4 A. What part?

5 Q. Go to number 4 -- 3. I'm sorry. B-3.

6 A. Okay.

7 Q. You can read that.

8 A. "Original complaints" --

9 Q. You don't have to read it out loud.

10 A. Okay. I'm sorry.

11 Q. Do you see where it says "unless excused by the duty  
12 supervisor"?

13 MR. SHOUDY: Do you have a copy of that for  
14 me?

15 MS. GORDON: No, I don't.

16 MR. SHOUDY: Okay. Let me look here with  
17 you here, then.

18 BY MS. GORDON:

19 Q. Do you see number 3?

20 MR. SHOUDY: B-3.

21 A. Yeah.

22 BY MS. GORDON:

23 Q. Okay. And do you see the words "unless excused by the  
24 duty supervisor"?

25 A. I do, yes.

1 Q. So the way it reads is, "Original complaints, accident  
2 reports, and traffic citations shall be completed and  
3 submitted to the service bureau prior to the  
4 completion of their shift unless excused by the duty  
5 supervisor." Have I read that correctly?

6 A. Yeah.

7 Q. That's the county policy, correct?

8 A. Yes.

9 Q. With regard to your policy on release of intoxicated  
10 inmates, detainees, you have something in writing,  
11 don't you?

12 A. Yes.

13 Q. Okay. And what's the purpose of that policy?

14 A. It's to guide the actions of people on the corrections  
15 side of the sheriff's office when to release an  
16 in-custody person from the jail.

17 Q. What's the big picture purpose of the policy? To  
18 ensure what?

19 A. To ensure safety of that person, the public, and to  
20 mitigate liability, basically.

21 Q. You don't want to release somebody that may still be  
22 intoxicated, correct?

23 A. Correct.

24 Q. So the policy says that -- are you familiar with the  
25 policy, in general?

1 A. I know there's a policy, yes.

2 Q. Okay. "No inmate will be released from the St. Clair  
3 County Intervention Center without clear  
4 authorization." What does that mean, "without clear  
5 authorization"?

6 A. So the policies are written in a chronological way.  
7 So to pick out one part of it and then ask me to make  
8 sense of it, I don't think I can do that.

9 Q. Okay. Well, this isn't a difficult one. It's that --

10 A. It is a difficult one.

11 Q. I wasn't done talking. Okay?

12 A. Okay.

13 Q. It's talking about inmates can't be released without  
14 authorization. What does the word "authorization"  
15 mean here, as you understand it?

16 A. Somebody allowing it.

17 Q. Okay. And who has to authorize somebody to be  
18 released?

19 A. I'd have to read the context of where that is in the  
20 policy.

21 Q. What would you need for context?

22 A. I explained before, policies are written in a  
23 chronological way. So perhaps a sentence or a  
24 paragraph above would tell me exactly who they're  
25 talking about.

1 Q. Okay. So we'll come back to that.

2 "New arrest" -- the policy also says, "New  
3 arrestees who have been drinking alcoholic beverages  
4 or under the influence of illegal drugs prior to being  
5 arrested will not be released until considered sober."  
6 Is that --

7 MR. SHOUDY: So is your -- go ahead.

8 MS. GORDON: I'm in the middle of reading  
9 something.

10 MR. SHOUDY: When you're done, I want to  
11 place an objection on the record. Go ahead.

12 BY MS. GORDON:

13 Q. "And no longer under the influence of alcohol or free  
14 from the influence of illegal drugs." Does that sound  
15 familiar?

16 MR. SHOUDY: I'm going to object to the  
17 extent you're reading from a document and you're not  
18 showing it to the witness --

19 BY MS. GORDON:

20 Q. Does that sound familiar?

21 MR. SHOUDY: -- which you're required to do  
22 under 612.

23 A. I, again, will say it sounds like part of a policy,  
24 and the policies are built in a chronological order.

25 BY MS. GORDON:

1 Q. Okay. But does that -- does the concept -- is it  
2 correct that your department's policy is not to  
3 release people who may still be intoxicated? Do I  
4 have that right?

5 A. Correct.

6 Q. Okay. And what is considered to not be intoxicated in  
7 your office?

8 A. So that policy is explained in different ways --

9 Q. What do you understand the requirement to be before  
10 you can release somebody?

11 A. That -- if we're talking about alcohol, and the  
12 subject agrees to and does successfully take a PBT,  
13 anybody 21 and over must be at a .03 or below.  
14 Anybody at below 21 years old must be at triple zero.

15 Q. Okay. And how is it determined after the person is  
16 arrested and brought in that they are -- can be  
17 released because they're at .03?

18 A. If they agree to give a -- well, they're administered  
19 a PBT.

20 Q. Okay. And where is that typically administered, in  
21 your world?

22 A. Wherever that individual is at.

23 Q. Is that the jail if they've been brought in?

24 A. If that's where they're at, yes.

25 Q. Well, where else would they be if they were arrested?

1 Or else -- what are the possibilities?

2 A. Yeah. There's -- interesting. We just had a murder  
3 case. The individual was arrested and held in the  
4 interview room for hours and hours. They were in  
5 custody. So anywhere in the building that they are  
6 not allowed to leave and are in custody could be a  
7 place they could be administered a PBT or be held in  
8 custody at the sheriff's office.

9 Q. Okay. And how would you -- as I understood it, you  
10 have some equipment at the jail that you use typically  
11 to do a PBT?

12 A. It's a PBT.

13 Q. Thank you.

14 A. That's the equipment.

15 Q. It's at the jail?

16 A. It's a handheld -- it's in patrol cars. It's at the  
17 jail. It's in the briefing room. There's dozens of  
18 them throughout the building, yeah.

19 Q. And does the jail have a camera that you take video of  
20 the person taking the test --

21 A. No.

22 Q. -- or a picture?

23 A. No.

24 Q. Are you sure?

25 A. Yes.

1 Q. Okay. So what is the equipment that you use for these  
2 blood alcohol levels that you just described that can  
3 be anywhere? Is it a portable --

4 MS. GORDON: Are you okay, Todd?

5 MR. SHOUDY: Yeah. I'm fine. Sorry.

6 MS. GORDON: Just want to be sure. I've  
7 got masks in the kitchen. But it's nothing?

8 MR. SHOUDY: Go ahead.

9 BY MS. GORDON:

10 Q. Go ahead.

11 A. It's a preliminary breath test. It's a handheld  
12 device about this big that -- that's what it is.

13 Q. So you could take that anywhere in the building --

14 A. Yes.

15 Q. -- before somebody is released?

16 A. Yes.

17 Q. And that happens? That's been done. You just  
18 described somebody --

19 A. Yes.

20 Q. -- was being held in a room?

21 A. Yes, yes, yes.

22 Q. And somebody was able to -- if they wanted to, they  
23 would go in there and administer the test, correct?

24 A. Correct.

25 Q. Okay. You have a truthfulness policy at the

1 department; is that correct?

2 A. Yes.

3 Q. And the truthfulness policy has to do with ensuring  
4 that when any employee is questioned by a supervisor  
5 or other members within the department, they answer in  
6 a truthful manner; is that correct?

7 A. Again, if you're reading off a document -- I know that  
8 it's meant to make sure that people are honest when  
9 asked about information.

10 Q. That's by anybody that's their superior --

11 A. Correct.

12 Q. -- is that correct?

13 That's whether you're in an official  
14 meeting or whether you're out on the road or wherever,  
15 correct?

16 A. Anywhere, correct, yes.

17 Q. And you have something called a loyalty policy; is  
18 that correct?

19 A. Correct.

20 Q. Are you familiar with it?

21 A. I'm not -- I'm not intimately familiar with the  
22 phrases and words in it. I know the roundabout idea  
23 behind it.

24 Q. Since you've been sheriff, has anybody been  
25 disciplined for violating the loyalty policy?

1 A. I don't think so.

2 Q. Since you've been sheriff, has anybody been  
3 disciplined for violating the truthfulness policy?

4 A. There was an instance where an individual retired  
5 instead of facing continued investigation.

6 You referenced the honesty -- I'm sorry.  
7 Was that the loyalty or honesty?

8 Q. We were talking about the honesty.

9 A. Yeah, that's what I thought. I'm sorry. Yes.

10 Q. Who was that?

11 A. [REDACTED] He wasn't disciplined, though. He  
12 retired. But he was looking at discipline.

13 Q. Was there an open investigation?

14 A. Yes.

15 Q. What was the nature of his dishonesty?

16 A. He was asked questions during an internal  
17 investigation, and it was found later that it looked  
18 like he was not honest with his responses to those  
19 questions.

20 Q. Is that a terminable offense?

21 A. Yes.

22 Q. Is any dishonesty -- can it be a terminable offense?

23 A. "Any" is a word I don't like to use, but, in general,  
24 dishonesty in an internal investigation is a  
25 terminable offense, yes.

1 Q. Okay. So instead, it was worked out that he would  
2 retire instead of going forward with the  
3 investigation?

4 A. He showed up, and -- as a matter of fact, he thought  
5 he was going to get fired, and he wasn't. And he  
6 resigned on the spot, and it was his decision. It was  
7 nothing we had brought up before.

8 Q. Did he have a union representative?

9 A. Yes.

10 Q. Who was that, if you remember?

11 A. Man, I --

12 Q. Can't remember?

13 A. I can't, no. Sorry.

14 Q. Okay. Anybody other than this individual --

15 A. For honesty?

16 Q. Yes.

17 -- who has left the department?

18 A. There was another individual who resigned totally out  
19 of the blue during an internal investigation. And,  
20 again, he stated he just didn't want to work there  
21 anymore because he knew nobody respected him.

22 Q. What was he being investigated for?

23 A. Failure to, basically, perform his -- failure for  
24 performance. And then in the internal, he wasn't  
25 completely honest with his questions either.

1 Q. Okay. That must have been brought to his attention, I  
2 assume?

3 A. No. It never even got to that point. It was bizarre.  
4 I was in my office. He came in with a Carhartt and an  
5 old t-shirt on and handed me a letter resignation.

6 Q. So he must have seen the handwriting on the wall  
7 possibly.

8 A. That's not what he said. He left because he knew  
9 nobody respected him. He didn't want to work  
10 somewhere where it was stressful.

11 Q. Who was this?

12 A. That was [REDACTED]

13 Q. Okay. How did you get along with [REDACTED]

14 A. I got along with him well. I tried to coach him up  
15 out of the drug task force. I knew he had talent, but  
16 his consistency was off. But when I became road  
17 patrol captain, I was charged with some internals he  
18 did not like.

19 Q. What does that mean?

20 A. There was an internal investigation that was reopened  
21 up, and he didn't like the fact that it was reopened  
22 up and that I found discipline on him for those  
23 actions.

24 Q. Okay. So he left voluntarily?

25 A. Yeah. And that internal that I'm speaking of, that

1 was years prior. So that's where he got frustrated  
2 with me. But, yeah, he left voluntarily.

3 Q. And you have a discipline policy; is that correct?

4 A. Yes.

5 Q. And you have the exclusive right to mete out  
6 disciplinary action, correct, you, as the elected  
7 sheriff?

8 A. Correct.

9 Q. And you used progressive discipline; is that correct?

10 A. Yes.

11 Q. The sole purpose of discipline is to be corrective in  
12 nature; is that correct?

13 A. Yes.

14 Q. What do you take into account when you're deciding  
15 discipline? What are the factors that you're going to  
16 look at for any given employee -- well, strike that.  
17 Let me ask a prefatory question.

18 Since you've been the elected sheriff, how  
19 many people have been disciplined on your watch?

20 A. I mean, I'd have to guess three or four a year. It's  
21 been four and a half years. So probably about 15 to  
22 20.

23 Q. Okay. And you've decided those disciplines?

24 A. And I should say, those are ones that rose up to me.  
25 Because on a shift level, there's certain things that

1 the shift supervisor can handle that would be  
2 considered discipline.

3 Q. Things that are more minor?

4 A. Correct, yes.

5 Q. Okay. And they handle it at the time of or in their  
6 own manner?

7 A. Sure. Yes.

8 Q. Give me just an example of that what that would be.

9 A. The first time somebody came into work late, they're  
10 given a verbal warning.

11 Q. What rises up to you?

12 A. If there's continual problems with the same employee  
13 doing the same thing, continual problems with an  
14 employee doing different things, or major incidents.

15 Q. What do you --

16 A. I shouldn't say "major," but more moderate-to-above  
17 incidents.

18 Q. Give me a couple of examples of what you've  
19 experienced in that regard that's come up to you.

20 A. Well, somebody abusing sick time.

21 Q. Would it have to be more than once?

22 A. Yeah, yes.

23 Q. Okay.

24 A. Again, probably like continued -- I'm trying to --  
25 everything is flooding together. Continued actions

1 that's not acceptable. Let's say a chase that they  
2 were called off -- that they didn't come off of a  
3 chase. A drunk driving, not -- a lieutenant  
4 continuously not answering their phone when being --  
5 or sergeant, you know, because they're provided those  
6 phones. Things like that. I mean, a lot of things.

7 Q. Okay. So let's go through the disciplines you can  
8 remember being involved in.

9 A. Okay.

10 Q. Because from what you're telling me, not everything  
11 rises up to you. How many disciplines have you  
12 personally been involved in in the last couple of  
13 years?

14 A. The last couple of years?

15 Q. Well, remind me when you were elected.

16 A. 2020 I started.

17 Q. When did you take office?

18 A. 2021. I'm sorry.

19 Q. You took office in 2021?

20 A. Yes, yes.

21 Q. So that's about four years?

22 A. Yes.

23 Q. So how many people have you actually disciplined, you  
24 know, because you have the authority to do so and  
25 you've done it in the last four years, as compared to

1 letting some lower-level commanders do it?

2 A. I think probably around 15 or 20.

3 Q. Okay. And have you used verbal counseling for any of  
4 those people?

5 A. Yes.

6 Q. Roughly, how many?

7 A. Probably five or six.

8 Q. And then you have a written reprimand; is that  
9 correct?

10 A. Correct.

11 Q. And roughly how often have you used that for this  
12 group of people you're talking about?

13 A. I would probably say the majority. Probably about 12.

14 Q. Okay. Anybody that you've given a suspension to?

15 A. Yes, yes.

16 Q. How many times has that happened?

17 A. Probably five or six, I think.

18 Q. What would that be for?

19 A. Again, the same problem over and over or something  
20 really egregious. There was a deputy who took his gun  
21 out and basically was playing with his gun on duty,  
22 joking around with it. He got suspended.

23 Abuse of sick time, there was a deputy that  
24 got suspended for it. Use of force. There was a  
25 deputy that had improper use of force.

1 Q. As to a citizen?

2 A. Yes, and he was suspended. Those are the ones that  
3 come to mind.

4 Q. Okay. And then the next level is dismissal. Who's  
5 been dismissed?

6 A. I haven't fired anybody. I shouldn't say that. For  
7 investigation, there was one or two that didn't make  
8 it through the field training program. That was a  
9 probationary release.

10 Q. Okay. So other than probationary releases, you have  
11 not actually terminated anybody?

12 A. Correct.

13 Q. But you've had people resign during investigation; is  
14 that accurate?

15 A. Yes.

16 Q. Okay. And how many times has that happened?

17 A. Three.

18 Q. Okay. So let's go through those.

19 A. Okay.

20 Q. You can pick any order. Give me the three.

21 A. Okay. I'll start -- I'll start with, I think, the  
22 furthest back. I think I've got them in chronological  
23 order. [REDACTED].

24 Q. Remind me what he did.

25 A. [REDACTED] was involved in -- he was a sergeant. And

1 something to do with another department,  
2 inappropriate. And when we did an internal, he was  
3 not truthful. He thought he was going to get fired,  
4 but we didn't think we had enough to prove if there  
5 was any type of -- if he grieved any punishment. So  
6 we didn't feel that we had enough to actually  
7 terminate him. But when he came in, he said that he  
8 had already talked to HR, and he was ready to be done  
9 with police work. And he resigned on the spot.

10 Q. And what was he not truthful about?

11 A. It was something to do with the investigation, during  
12 the internal investigation, being questioned by the  
13 person doing the internal. I don't remember what the  
14 exact --

15 Q. Was the investigation over at the time he resigned?

16 A. Yes.

17 Q. Had findings been made?

18 A. Yes. He was going to be disciplined that day. He  
19 thought he was going to get fired, but he wasn't.

20 Q. So findings had been made, and -- as I understand it,  
21 your findings are put into a written --

22 A. Yes.

23 Q. -- document; is that correct?

24 A. Uh-huh.

25 Q. That's a yes for the record?

1 A. Yes. I'm sorry. Yes.

2 Q. Okay. So he had -- findings had been made against him  
3 of whatever the policy violations were on  
4 truthfulness, and then he decided to resign?

5 A. I don't believe that, had we got to the point of  
6 reading the findings, untruthfulness would have been  
7 part of it, because we couldn't -- we couldn't be sure  
8 that it would have been a winnable case if it went to  
9 arbitration.

10 Q. Okay. So what were the findings, then?

11 A. It would have been a statement of charges, and that's  
12 something that is put together to state what we think  
13 happened during the -- was found during the  
14 investigations. And, again, I don't remember off the  
15 top of my head.

16 Q. Okay. Were there findings made after he left?

17 A. I don't remember.

18 Q. Nothing you can think of?

19 A. I can't remember.

20 Q. Okay. Who else do you remember?

21 A. [REDACTED]

22 Q. Were findings made against [REDACTED]?

23 A. I don't remember. Again, he came in out of the blue.  
24 We weren't even in a meeting that was scheduled. He  
25 just -- I was at my desk, and he just walked in.

1 Q. Was there an investigation ongoing?

2 A. There was an ongoing investigation.

3 Q. No findings had been made?

4 A. I don't know whether or not findings were made or not.

5 Q. Okay. What role does the union have in these  
6 disciplinary proceedings you've been describing where  
7 there is an investigation?

8 A. So the union would be present, if the individual who  
9 was being interviewed wants, during the interview.  
10 They would act as, I guess, counsel for the people  
11 that are being interviewed and/or accused of any  
12 policy violation to make sure that their employee  
13 rights are followed and to give them advice on what  
14 they do and do not have to answer, things like that.

15 Q. Okay. What else do they do?

16 A. They would file a grievance if they felt like the --  
17 if any rules were broken or if the punishment didn't  
18 fit the accusations, protect the union member's rights  
19 during these internal investigations.

20 Q. And you sometimes talk to the union representative  
21 during -- you and/or the captain or the undersheriff  
22 sometimes talk to the union rep during the  
23 proceedings. Is that accurate or not?

24 A. Yes.

25 Q. And what's the purpose of that?

1 A. To be transparent. Our goal for those investigations,  
2 again, is to find corrective actions. And we want to  
3 be very clear that everybody knows exactly where we're  
4 going and what's going on so there's no questions  
5 later.

6 Q. You sometimes talk to the union rep without the deputy  
7 or the officer being present; is that correct?

8 A. Yes.

9 Q. What's the concept there? What's the goal?

10 A. Most of the time, it's just to set up meetings.

11 Q. How about --

12 A. Sometimes the union rep may ask, "Hey, you know, where  
13 is this investigation going?" And we keep it very  
14 vague, but --

15 Q. As you understand it, what's the point of the union  
16 rep asking that? He's trying to advise, I assume, his  
17 union member as to what might be the best course of  
18 action. So he wants to know from you all, "Where are  
19 we headed here?"

20 A. If a union rep asks somebody doing an investigation  
21 questions, what his intentions are to do with that  
22 information, I'm not going to guess or presume.

23 Q. Well, you used to be a union member, weren't you?

24 A. Yes, I was.

25 Q. I mean, you've been -- you're familiar with this

1 concept?

2 A. Sure. Yeah. So we answer the questions to be  
3 transparent and honest with the party during the  
4 investigation.

5 Q. Okay. So you might offer your thoughts on a  
6 disciplinary action so that -- because you would like  
7 to work it out with the officer, I assume, if  
8 possible, correct, and reach some mutual conclusion?

9 A. We would not offer any thoughts on disciplinary action  
10 as per the rules. There's no disciplinary [sic]  
11 totally completely in concrete until the investigation  
12 has come to fruition and we sit down with an  
13 individual and go through the statement of charges and  
14 they have an ability to respond.

15 Q. Right. Sure. That's a formal decision. But you  
16 might talk to the union. You could easily have your  
17 own ideas about discipline before you get to the end.  
18 Maybe not a final decision, but you'd have some  
19 thoughts. You've been around a long time.

20 A. Yeah. I would not discuss that with the union rep,  
21 though.

22 Q. Okay. Who is Deputy Spears?

23 THE WITNESS: Is she saying that right,  
24 Deputy Spears?

25 BY MS. GORDON:

1 Q. I'm sorry. Sellers.

2 A. Okay. He's not a deputy. He's the business agent  
3 from POAM, and he is a union rep. He is not employed  
4 by the sheriff's office.

5 Q. Was he ever employed by the sheriff's office?

6 MR. SHOUDY: Are we -- I didn't hear what  
7 name you said.

8 MS. GORDON: Sellers.

9 MR. SHOUDY: Sellers. Gotcha.

10 MS. GORDON: Yeah. That was my mistake.

11 A. No.

12 BY MS. GORDON:

13 Q. And he's a business agent for POAM?

14 A. I think that's his title.

15 Q. And you work with him, correct?

16 A. No. What do you mean, "work with him"?

17 Q. You interact with him from time to time, if necessary?

18 A. I think the only time I interacted with him was at a  
19 conference and at contract negotiations. I know  
20 Captain Pohl talked to him during this investigation.

21 Q. Okay. So does Pohl interact with him from time to  
22 time?

23 A. I know he interacted with him during this  
24 investigation.

25 Q. And how do you know that?

1 A. I asked Pohl to reach out to Sellers and confirm the  
2 rumor that Scott Jones had made his decision as to  
3 when he was going to retire in the middle of the  
4 investigation.

5 Q. Why did you do that?

6 A. So Scott had long rumored been ready to retire all the  
7 way back before his heart surgery. And when he came  
8 back, he wanted to work for a certain period of time  
9 so he didn't go out as the guy that was off sick  
10 because of his heart, which I understood.

11 So there was another rumor that he was --  
12 had picked his date. And at that point, I said,  
13 "Well, if Scott's already picked his date for  
14 retirement, we don't need to proceed with this  
15 internal investigation." So I wanted to confirm that  
16 Scott had already picked his date for retirement from  
17 the sheriff's office.

18 Q. And, therefore, what? If he picked his date,  
19 therefore what?

20 A. Therefore, we wouldn't have to continue with the  
21 investigation. I'd offer him to be on administrative  
22 leave until that retirement date, and we'd all move  
23 on.

24 Q. So did you think he'd done something wrong at that  
25 time, the time he moved on?

1 A. Yes.

2 Q. What did you think he'd done wrong?

3 A. He deliberately withheld information from myself and  
4 admitted so. He acted out of the privy of his  
5 responsibilities and decision-making ability to house  
6 a deputy in another county. I feel like he eluded us  
7 after the arrest, as he mysteriously took the next  
8 four shifts off that I don't believe was in the books  
9 until after the arrest. And then, subsequently, the  
10 investigation was still open as to whether or not he  
11 had leaked information to a social media  
12 sensationalist.

13 Q. What was the lack of honesty, the first thing you gave  
14 me?

15 A. The first thing I said, he deliberately refused to  
16 tell me information of something that was going on in  
17 our department.

18 Q. What do you mean?

19 A. Notify me.

20 Q. What are you referring to?

21 A. My brother's arrest. When asked why he didn't call me  
22 to tell me that one of our deputies got arrested, he  
23 told me it was a conflict of interest.

24 Q. Was he wrong?

25 A. Yes.

1 Q. Why?

2 A. Well, first of all, it's not his decision to make.

3 Second of all --

4 Q. Excuse me. He was the guy on the scene, correct?

5 A. I'm the sheriff. He doesn't get to decide --

6 Q. Excuse me.

7 A. -- not to tell me information.

8 Q. He was on the scene as the lieutenant in charge of the  
9 scene, correct?

10 A. Uh-huh.

11 Q. Okay. Is there something in writing -- we've already  
12 covered this. You have nothing in writing that says  
13 you have to get a call, correct, you yourself  
14 personally? We've already covered this.

15 A. There is something in writing that either the captain,  
16 undersheriff, or sheriff will be notified of major  
17 things going on in the department.

18 Q. Well, they were, weren't they?

19 A. No, no, they weren't. It doesn't say "attempt." It  
20 says "notified." We have police cars. We can go to  
21 people's doors and knock on them. Notification could  
22 be made -- if an individual dies in our county,  
23 sometimes we have to go wake up a family member and  
24 tell them, "Your son died because he was in a car  
25 crash."

1                   Notifications are made all the time. He  
2                   knew how to make it. He made failed attempts and  
3                   purposely did not call me.

4           Q.     So what did you expect -- wow. You're really upset  
5                   that nobody got notified. What was the -- so let's  
6                   just run that one down for a second.

7           A.     Sure.

8                   MR. SHOUDY: Move to strike her comments.  
9                   Go ahead with your question.

10          BY MS. GORDON:

11          Q.     How do -- is there -- let's start with this. Is there  
12                   a written rule that if -- I assume this just applies  
13                   to arrested officers that somebody has to be notified,  
14                   or is it any arrest?

15          A.     The arrest of people from the sheriff's office and  
16                   other major things going on.

17          Q.     Okay. Is this in writing anywhere? We're going to go  
18                   back over this.

19          A.     There was an email sent out by myself when I was road  
20                   patrol captain, and there were --

21          Q.     What year are we in? What year are we in?

22          A.     I don't know.

23          Q.     Road patrol captain. Give us a rough idea.

24          A.     Somewhere between 2017 and 2019.

25          Q.     And you vaguely remember some email?

1 A. I specifically remember sending an email.

2 Q. Did you write the email?

3 A. Yes.

4 Q. And you were a road patrol captain?

5 A. Captain, yes.

6 Q. Okay. Who did you sends the email to?

7 A. All the command staff.

8 Q. Did you have the authority to tell the command staff  
9 what to do as road patrol captain?

10 A. I did, but it was also under the direction of the  
11 previous sheriff.

12 Q. Okay. So do you have your emails still?

13 A. I don't know if that could be retrieved or not.

14 Q. It's not in one of your orders that we've received.  
15 Are you aware of that?

16 A. Correct.

17 Q. Okay. There's no order that says anything about what  
18 you're stating here today, which is that you, the  
19 undersheriff, or captain must be notified. That does  
20 not exist in writing; is that correct?

21 A. I think I've answered the question. I know it was  
22 sent out by email. Other than specifically any  
23 policy, there are some specific policies that state  
24 it, yes.

25 Q. Okay. But they've not been produced to us in this

1 case. We've asked for all relevant policies. So if  
2 you know of a policy, please let me know right now  
3 what it is.

4 A. Well, if there was a -- I believe an officer-involved  
5 shooting would be one that says you will contact the  
6 captain, undersheriff, or sheriff. That would be a  
7 specific policy.

8 Q. Okay. But there's nothing that says, "If an officer  
9 is dressed" -- by the way, there's been several  
10 officers that have been arrested since you've been  
11 with the department for driving while drunk, correct?

12 A. Correct.

13 Q. It seems to be a bit of a problem in the department;  
14 is that accurate?

15 A. I don't think that's accurate.

16 Q. I mean, Pohl was arrested.

17 A. 24 years ago.

18 Q. Whatever. I mean, people have a uniform on, I guess,  
19 and they're driving around --

20 A. I'll agree with you it's a problem --

21 Q. Yeah.

22 A. -- if it ever happens. But the way you stated it was  
23 it's this mass problem throughout the department.

24 Q. I was just surprised to see how many officers were  
25 actually -- just in the short number of years I was --

1 the group I was looking at was a small group. I was  
2 really surprised how many people that are law  
3 enforcement officers are literally driving around  
4 drunk, and they don't get fired. But that was just  
5 me. I was just surprised about that.

6 Is that a terminable offense?

7 A. You just rattled off two sentences, and I think there  
8 might have been -- what's the question?

9 Q. Is it a terminable offense to drive around drunk?

10 A. First offense, no.

11 Q. Why not?

12 A. Because we would lose that in arbitration.

13 Q. Okay. What about a second offense?

14 A. Yes.

15 Q. Back to your policy, or lack thereof, what I  
16 understand you're saying is you sent an email out at  
17 some unknown -- in some unknown year when you were  
18 captain about notifying command staff if certain  
19 things happen. You don't know if you have the email.  
20 It has not been produced to me.

21 Leaving aside the email, there's nothing in  
22 writing that says that you, the undersheriff, or the  
23 captain have to be contacted, physically located, if  
24 an officer is arrested for driving drunk; is that  
25 correct?

1 A. In writing, I think that's correct.

2 Q. All right.

3 MR. SHOUDY: Is this a good time to take a  
4 short bathroom break?

5 MS. GORDON: Sure.

6 (Recess taken at 11:29 a.m.)

7 (Back on the record at 11:41 a.m.)

8 BY MS. GORDON:

9 Q. Sheriff, what were the rumors you heard? You  
10 mentioned rumors about my client and retirement. Who  
11 did you hear those from?

12 A. I think in talking with Captain Pohl, I think it was  
13 just around the department, that he was thinking about  
14 retiring.

15 Q. When did you first hear that?

16 A. Before he had his heart surgery.

17 Q. When was that?

18 A. So a couple years -- or a year, year and a half prior.

19 Q. Did you ever discuss it with him?

20 A. No. There's rumors about -- so in the police world,  
21 it's 25 and out. Anytime somebody gets close to  
22 25 years, somebody starts a rumor that somebody is  
23 going to retire. So it wasn't uncommon.

24 Q. Okay. But it doesn't necessarily mean the person is  
25 going to retire?

1 A. Correct.

2 Q. So the rumors you heard about my client fall into that  
3 category of people just talking?

4 A. The original rumors, yes, because -- again, that was  
5 before his heart surgery. But they got more credence  
6 when the rumor was that he wanted to come back from  
7 his heart surgery and work, it was like six months to  
8 a year, because he didn't want to go out as the guy  
9 that went out on a medical, which I'm like, "I get  
10 that."

11 Q. Who told you that? Did he tell you that directly?

12 A. No.

13 Q. Who told you that?

14 A. Just conversations with people.

15 Q. With who?

16 A. I don't remember. The captain and other people. I  
17 don't remember exactly who.

18 Q. So then he did come back?

19 A. Correct.

20 Q. Scott Jones did come back, and he did work --

21 A. Uh-huh.

22 Q. -- when he was a lieutenant. He was out on the road,  
23 correct?

24 A. Correct.

25 Q. And he was doing his job well, correct?

1 A. Yeah.

2 Q. Okay. And you had no problems with him, correct?

3 A. Correct.

4 Q. And he was a good officer, correct, good lieutenant?

5 A. Seemed to be, yeah.

6 Q. So have we now covered the rumors you heard that you  
7 referenced in connection with your talking to Sellers?

8 A. No, because later during the investigation, there was  
9 rumors that part of the reason he went to HR was to  
10 file for retirement.

11 Q. Who said that?

12 A. I think it was either Pohl or the undersheriff,  
13 because they had some communication with maybe HR.  
14 But I remember -- I don't remember exactly how it came  
15 out, but there was information that he had seriously  
16 this time been looking at a retirement date. I  
17 remember it was specific enough that January was the  
18 month. So it made sense when we checked with Sellers  
19 that "Hey, did he pick a retirement date?"

20 Q. So you guys were just busy kind of keeping track of  
21 what everybody is doing with HR? How did this even  
22 come out?

23 A. I think I just explained that.

24 Q. Well, no. You said people heard stuff. How does this  
25 even happen?

1 A. So people heard stuff before, but I believe Spadafore  
2 during conversations -- something to do with HR, that  
3 he had gotten some paperwork to file for retirement,  
4 or he was thinking about retiring.

5 Q. He'd gotten some paperwork? Did he say that?

6 A. I didn't talk to Scott Jones.

7 Q. Did Spadafore say somebody had gotten -- Scott Jones  
8 had given him paperwork, or somebody had given him  
9 paperwork?

10 A. Yeah. Like I said in my original statement, I don't  
11 remember exactly how it all came out, but that's why  
12 we confirmed with Sellers that he was looking to  
13 retire on a specific date.

14 Q. You think he was looking to retire on a specific date?

15 A. I gave direction to Captain Pohl to check with Sellers  
16 to see if Jones had picked a retirement date.

17 Q. When did you do that?

18 A. During the internal investigation.

19 Q. You told him to go to Sellers to ask if my client was  
20 what, going to retire?

21 A. Yes.

22 Q. Okay. And why did you do that?

23 A. Because if he was, then there was no reason to drag  
24 out this internal investigation, cause more problems  
25 and stress on people in the department or more

1 problems or stress on Scott Jones. If he was leaving  
2 already, there was no real reason to continue on with  
3 the internal investigation.

4 Q. And if he wasn't leaving already, then what?

5 A. Then we would have continued on with the internal  
6 investigation.

7 Q. Okay. And was he in danger of being terminated at  
8 that point?

9 A. At that point, I don't think we had enough to  
10 terminate him, no.

11 Q. So did anybody tell Sellers, "Hey, we're not going to  
12 terminate this guy, so he doesn't need to retire"?  
13 Did anybody tell Sellers that?

14 A. I don't know.

15 Q. No. You don't know.

16 Did Sellers tell you he -- what he said?

17 A. I didn't talk to Sellers.

18 Q. I'm sorry. Did Pohl tell you what Sellers said to  
19 him?

20 A. He confirmed that the rumor we heard about him wanting  
21 to retire in January was true.

22 Q. Who confirmed that?

23 A. Sellers.

24 Q. Tell me exactly what Sellers told you.

25 A. I didn't talk to Sellers.

1 Q. Okay. What did you hear Sellers said? He  
2 confirmed --

3 A. I didn't talk to Sellers.

4 Q. Pohl talked to Sellers, who told you. You were the  
5 recipient of information, correct?

6 A. Correct.

7 Q. I'm trying to find out what you received as  
8 information from -- it's from Captain Pohl?

9 A. Yes.

10 Q. So tell us what he told you. That he talked to  
11 Sellers and what?

12 A. The information was conveyed. I don't have it word  
13 for word.

14 Q. That's fine.

15 A. I don't even have it word for word for what Pohl told  
16 me.

17 Q. Give me the gist of it, what you understood.

18 A. Sellers confirmed that Jones was looking at retiring  
19 in January.

20 Q. In your world, what did it mean, that he was looking  
21 at retiring in January mean?

22 A. He had planned on retiring in January.

23 Q. Did you ask Jones, "Are you planning to retire in  
24 January"?

25 A. I did not.

1 Q. Did anybody?

2 A. I don't know.

3 Q. Nobody that you know of in the command?

4 A. As I understand it, Sellers got that information from  
5 Jones and confirmed it with Captain Pohl.

6 Q. What do you mean, confirmed it? You mean he just --  
7 did Pohl go to Sellers?

8 A. As I stated earlier, Sellers -- or Pohl reached out to  
9 Sellers and asked, "The rumors" -- "Are the rumors  
10 true that Jones is going to retire in January?"

11 In that conversation, it was confirmed that  
12 he was planning on retiring in January. And that's  
13 when we had brought up the idea of putting him on  
14 admin leave and -- closing out the investigation and  
15 just putting him on admin leave since he was retiring.

16 Q. Close out the investigation with no findings?

17 A. I didn't say that.

18 Q. Well, what does it mean to close out the  
19 investigation? You just got done telling me, "We  
20 wouldn't have to go through all this," and it was a  
21 big thing, and it involved a lot of people's time and  
22 emotions. "We wouldn't have to go through all that."

23 A. Yeah.

24 Q. So does that mean the investigation would end, and  
25 there would be no findings?

1 A. You're adding the "no findings." I don't know where  
2 that's coming from.

3 Q. I'm asking you. You're the boss.

4 A. Yeah. I'm telling you that would have -- there  
5 wouldn't need to be any more interviews. There  
6 wouldn't need to be -- of Scott Jones or anybody else  
7 in the department. We wouldn't have to gather any  
8 more information. Scott Jones wouldn't have to wonder  
9 what we're doing as administration. We wouldn't have  
10 to worry or wonder about what Scott Jones is doing.  
11 The investigation would be closed, and we wouldn't do  
12 a final discipline of Scott Jones because --

13 Q. Would you make findings?

14 A. -- he's retiring.

15 Possibly, yes.

16 Q. Why? If he was leaving and you're not done with the  
17 investigation, why would findings be made?

18 A. It's just the finalization of the report and also for  
19 MCOLES reporting.

20 Q. Okay. So then he wasn't really, according to you --  
21 if it's for MCOLES reporting, he wasn't really -- he  
22 was not really leaving as a potential retiree. He was  
23 leaving, according to you, because he was under  
24 investigation, according to your paperwork?

25 A. No, that's not true. Our paperwork says --

1 Q. So you --

2 A. Our paperwork says, "Retired while under  
3 investigation."

4 Q. Oh, I saw your paperwork, and I know exactly what you  
5 were doing. So let's be very clear about what you  
6 were doing.

7 A. I'm looking for a question.

8 Q. Yeah. You're about to get one.

9 So you've just sat here and told me, "Well,  
10 he was just going to retire, so what's the big deal?  
11 He was going to retire. So this is so much easier.  
12 You go ahead and retire, Scott. Good luck to you, my  
13 friend."

14 It wasn't that. He was going to retire,  
15 and he was going to be screwed over by you because you  
16 were going to report him to MCOLES as leaving under  
17 investigation. That was what you worked out, correct?

18 A. I didn't work anything out. I mandated --

19 Q. Oh, sure you did. You were the decision-maker.

20 A. Can I answer the question?

21 Q. Yes.

22 A. I didn't work anything out. I thought, "He's  
23 retiring. Why are we going to continue with this  
24 investigation?"

25 I'm mandated by MCOLES, as an employee of

1 an MCOLES-certified individual, to report to them what  
2 happened.

3 Q. Okay. But if you'd closed the investigation, sir,  
4 with no findings, the investigation would have been  
5 closed, and there would be no findings, and there  
6 would be no ongoing investigation, correct?

7 A. I don't understand your question. No.

8 Q. If you'd closed your investigation because Scott Jones  
9 was retiring, there would be no need to report to  
10 MCOLES?

11 A. That's not true. We --

12 Q. I didn't finish my question. I didn't finish my  
13 question.

14 A. Go ahead.

15 MR. SHOUDY: It's hard to tell when you  
16 have and you haven't.

17 MS. GORDON: Well, good luck to you.  
18 That's all I can tell you. Then sit and wait.

19 MR. SHOUDY: Well, you paused, so he  
20 answered your question.

21 MS. GORDON: Yeah. I'm sorry that I  
22 paused.

23 BY MS. GORDON:

24 Q. You had the ability to close out the investigation  
25 whenever you wanted to, correct? That's on you.

1 That's up to you. You're the sheriff.

2 A. Correct.

3 Q. You can close an investigation anytime you want. And  
4 if somebody comes in to you and says, "Hey, you know  
5 what, Sheriff? I'm going to retire," you could have  
6 said, "I wish you the best. We haven't made any  
7 findings against you. I'm going to close out this  
8 investigation." You had the ability to do that,  
9 correct?

10 A. I don't understand your question.

11 Q. You had the ability to close out the investigation  
12 because the employee was leaving. You had the ability  
13 to close it out --

14 A. We did that.

15 Q. -- without findings?

16 A. We had the ability to do that, yes.

17 Q. Yes, yes. You could have told Scott, "Well, don't  
18 retire until after we close out this investigation  
19 with no findings." You didn't work that out with  
20 Scott, did you?

21 A. I don't really understand where you're going with the  
22 question.

23 Q. Well, you know where I'm going with this, because you  
24 came up with a little scheme so that you could report  
25 my client to MCOLES as being under investigation,

1 where you had the ability, yourself, to ensure that  
2 didn't happen by simply closing out the investigation  
3 and then allowing Scott Jones to retire, but you chose  
4 not to do that. You left the investigation open so  
5 you could tell MCOLES he's retired while under  
6 investigation. You had the ability to create a  
7 different outcome, correct?

8 A. I'm mandated by MCOLES to report what happened. He  
9 retired while he was under investigation. Whether  
10 there is a culmination of the investigation or not --

11 Q. I didn't ask you that. I didn't ask any of that.

12 A. -- is --

13 MR. SHOUDY: You asked like three  
14 questions.

15 A. You did ask that.

16 MS. GORDON: No, I didn't.

17 A. That's the question that I heard.

18 BY MS. GORDON:

19 Q. Okay. The question is, you could have closed out the  
20 investigation, correct?

21 A. We did close out the investigation.

22 Q. You could have closed it out earlier, correct?

23 A. Of course we could have.

24 Q. You could close the investigation whenever you deemed  
25 it to be appropriate, correct?

1 A. Correct.

2 Q. Thank you. Did you tell Sellers, or did you have  
3 Pohl -- strike that.

4 By the way, why did you never just come to  
5 Scott Jones, in that you got these backchannels about  
6 trying to find out what he's going to do -- why did  
7 you not or Pohl not or Spadafore not just go directly  
8 to Scott Jones and say, "Are you going to retire?"

9 A. Scott Jones made it very clear that he was not going  
10 to communicate with us by not answering texts or phone  
11 calls for, I think, two weeks after the arrest when we  
12 tried to get ahold of him. And then when we did try  
13 to talk to him, he demanded that that interview take  
14 place in HR, which has never been done.

15 Q. Okay. Well, that's --

16 A. So it was clear he was not communicating with us, and  
17 he wanted us to communicate through his union  
18 representation.

19 Q. Is that in writing somewhere, that he wanted you to --  
20 he had to communicate with you? He was on --

21 A. He did not communicate with us.

22 Q. Excuse me, sir. He was under your command, correct?

23 A. Correct.

24 Q. And as being under your command and being under  
25 Spadafore's command and being under Pohl's command, he

1 is absolutely required to communicate with you,  
2 correct?

3 A. Correct.

4 Q. Okay. And if you were trying to do him a positive and  
5 you'd said to him, "Scott, I'd like to talk to you,  
6 because if you're retiring, let's just work that  
7 out" -- you never sent him that, did you? You  
8 never -- let me retract my question.

9 You never, on your own, tried to get ahold  
10 of him to actually find out whether he was going to  
11 retire, correct?

12 A. I did not, no.

13 Q. Nor did Pohl, correct?

14 A. I don't believe so.

15 Q. Nor did Spadafore?

16 A. I don't know.

17 Q. And you didn't direct any of them to just try to cut  
18 to the chase. "Hey, guys. Let's find out what Scott  
19 Jones is going to do here. Why are we like  
20 backchanneling and rumoring? Why don't we just ask  
21 him." Nobody said that, did they?

22 A. We went through the union representation.

23 Q. I didn't ask you that. I said nobody -- could you  
24 read back my question?

25 MR. SHOUDY: He just answered your

1 question. It's directly answer -- responsive to your  
2 question. I don't get what you're doing. He's  
3 already told you that like three times now.

4 MS. GORDON: Go ahead. Just read back the  
5 question.

6 (The following requested portion of the  
7 record was read by the reporter at  
8 11:55 a.m.):

9 Q. And you didn't direct any of them to  
10 just try to cut to the chase. "Hey, guys.  
11 Let's find out what Scott Jones is going to  
12 do here. Why are we like backchanneling  
13 and rumoring? Why don't we just ask him.  
14 Nobody said that, did they?"

15 BY MS. GORDON:

16 Q. Correct? None of you three decided, "Well, let's just  
17 ask him directly," correct?

18 A. No. We went through the union representation.

19 Q. Do you have any documentation of your conversations  
20 with the union representative?

21 A. I didn't talk to him. Captain Pohl did.

22 Q. Does anybody have documentation of any conversation --

23 A. I believe the internal --

24 Q. You've got to let me get my question out. Okay?

25 Does anybody have any documentation of

1 communication with the union representative that  
2 you're aware of?

3 A. I believe it's documented in the internal  
4 investigation.

5 Q. Well, that's not Sellers' words. That's your --  
6 somebody else's words. That's your command staff's  
7 words and investigation, correct?

8 A. You asked about documentation.

9 Q. Do you have an audio recording --

10 A. No.

11 Q. -- of any conversation with Sellers?

12 Okay. So anything that's in the  
13 investigative report is written by one of your  
14 commanders, correct?

15 A. Correct.

16 Q. They're allegedly saying what they say Sellers said,  
17 correct?

18 A. I don't understand that question.

19 Q. You have no communication directly with Sellers that  
20 you have a record of; is that correct? And by "you,"  
21 I mean your department.

22 A. The record is the internal investigation.

23 Q. Okay. But that's not direct information. That's your  
24 people writing down what they say or think Sellers  
25 said. That's not like an email or a text -- "Just to

1 confirm, Sellers, this is what we discussed today."

2 That doesn't exist, correct?

3 A. I don't believe there's any email or text, correct.

4 Q. There's no record of any kind, contemporaneous record  
5 of any conversation with Sellers or anybody from the  
6 department, correct, that you're aware of?

7 A. Other than the internal investigation.

8 Q. The internal investigation, we've covered this.  
9 That's your words. That's the department's words.  
10 I'm looking to see if Sellers' words exist, like he  
11 confirmed something with you, but I guess you're  
12 saying no, it does not.

13 Have you talked to Sellers in the last six  
14 months?

15 A. Yeah, I think the last time I talked to him was  
16 probably within the last six months.

17 Q. What was that about?

18 A. He approached me at the union rep -- or the union  
19 contract negotiations, shook my hand, and thanked me  
20 for treating Scott Jones with such respect during this  
21 investigation.

22 Q. When was that?

23 A. During the union contract negotiations for road  
24 patrol, I think.

25 Q. Tell me exactly what he said.

1 A. He said, "I want to thank you for treating Scott with  
2 so much respect during that process." I mean, I don't  
3 know if that's the exact words, but --

4 Q. What does he -- what did he -- what did you understand  
5 he meant by that? That you treated Scott with respect  
6 as compared to what?

7 A. You'd have to ask him.

8 Q. I'm asking you. You were the recipient of the  
9 information. I wasn't. Had you been talking about  
10 Scott to Sellers?

11 A. No, no.

12 Q. He just came up to you out of the blue and said this  
13 to you?

14 A. Yes.

15 Q. What did you think he meant by it?

16 A. That I treated Scott with respect.

17 Q. Did you think you treated Scott with respect?

18 A. Yes, I do.

19 Q. By doing what?

20 A. By handling it professionally.

21 Q. Like what was that? What did you do that was  
22 respectful of Scott?

23 A. Well, I respected the fact that Scott clearly did not  
24 want to communicate with us. So I went through union  
25 representation, as he had indicated he wanted

1 communication done, when we talked about different  
2 parts of the case such as whether or not he wanted to  
3 retire.

4 Q. So that's what you're referring to there?

5 A. The whole thing.

6 Q. I'm asking you. What --

7 A. The day that he left, we allowed him to retire.

8 Q. Hang on. Hang on.

9 A. We shook his hand.

10 Q. What do you mean, you allowed him to retire?

11 A. We allowed --

12 Q. Instead of what?

13 A. -- him to be on administrative leave and paid him even  
14 holidays that he was supposed to be paid. So he was  
15 able to be whole.

16 Q. Well, you guys offered that to him. He didn't suggest  
17 it, correct? You offered him, "We'll put you on  
18 administrative leave"?

19 A. Correct.

20 Q. He didn't ask for that.

21 You allowed him to retire. How do you  
22 allow him to retire if he's retirement-eligible?

23 A. We did it in a respectful way. I shook his hand on  
24 the way out the door.

25 Q. I don't understand what you mean by "a respectful

1 way." I've already said that. You allowed him to  
2 retire. So that means to me that --

3 A. The problem is, when I made that statement --

4 Q. No. I'm still talking.

5 A. So was I.

6 Q. I'm still talking.

7 A. So was I when I was making that statement, and you  
8 interrupted me. And now you're picking it apart.

9 Q. Well, go ahead, sir. You go ahead.

10 A. We allowed him to retire in a respectful way. I shook  
11 his hand on the way out the door. We realized that  
12 everybody was in a bad position, where it was clear he  
13 didn't trust us. If he had a retirement date, instead  
14 of continuing on with the investigation, putting him  
15 through that stress and the department through the  
16 stress, we said, "Hey, why don't you take  
17 administrative leave so you're made whole financially  
18 and all this can end." That's what I mean.

19 Q. Or what? If you don't, what?

20 A. Or the internal investigation will continue.

21 Q. And then what?

22 A. I don't know. It depends on what was found in the  
23 internal investigation.

24 Q. So you would obviously -- well, I think the record  
25 speaks for itself.

1                   You talked to Sellers six months ago, and  
2                   this was at what?

3           A.    I don't know if it was exactly six months.  It was  
4                   sometime around that time.  It was during the union  
5                   contract negotiations for road patrol.

6           Q.    I don't know when that is.  I'm sorry.  I don't know.

7           A.    I'm sorry.  Did you say when or what?

8           Q.    I said when did you -- when was this?

9           A.    Like I said in the beginning of my statement, sometime  
10                   around -- I don't know if it was six months ago or a  
11                   year ago.  Sometime in that time frame.

12          Q.    I don't know when the negotiations were.  I have no  
13                   way of knowing.

14          A.    Neither do I.  That's why I put it in that realm.  You  
15                   asked have I talked to him within the last six months.  
16                   I said, I don't know if it was exactly six months, but  
17                   I know we talked sometime in that the time frame.  And  
18                   then I explained the continued questions that we --

19          Q.    Have you had any other matters, discipline or --

20          A.    Oh, I'm sorry.

21          Q.    Hang on a second.  Have you had any disciplinary  
22                   matters where he was involved?

23          A.    I don't think so.  Not that I can recall.

24          Q.    So was it unique that he was involved in my client's  
25                   disciplinary proceeding?

1 A. Yes.

2 Q. Okay. When did you first meet Sellers?

3 A. I think I met him at the POAM conference several years  
4 ago.

5 Q. Was he a POAM agent during the time prior to you being  
6 elected sheriff?

7 A. Yes.

8 Q. Okay. And were you in a union while he was employed  
9 with POAM?

10 A. Are you specifically talking about when I met him the  
11 other time I'm talking about or just --

12 Q. No. I'm talking about ever.

13 A. I'm not -- I don't know. I never had any interactions  
14 with him union-wise before that, that I can recall at  
15 all.

16 Q. Okay. And who does he report to?

17 A. I believe he reports to the POAM director. Jim  
18 Tignanelli I believe is the name.

19 Q. Do you know Jim Tignanelli?

20 A. Yes.

21 Q. How do you know him?

22 A. From previous dealings in the union, when I was in the  
23 union.

24 Q. And as sheriff -- elected sheriff of the county, do  
25 you have a reason to interact with the union?

1 A. Yeah. So from time to time, if we want to make a rule  
2 change or a policy, we'll talk to the union to make  
3 sure that we're not missing something, that the rule  
4 might overstep like employee rights to contract and to  
5 make sure that we're kind of on the same page where  
6 it's agreeable to the union members that this rule  
7 that we're trying to enact might not -- is not  
8 interfering with what they believe the contract says.

9 Contract negotiations -- there's a policy  
10 for awards in the department. The award board is to  
11 be made up of somebody from the union body. So  
12 there's different levels of interactions.

13 Q. Do you sit in on collective bargaining sessions?

14 A. Sometimes, yes.

15 Q. You were involved with the discipline of Deputy

16 [REDACTED] is that correct, [REDACTED]

17 A. [REDACTED]

18 Q. Right.

19 A. I don't remember that one. I remember having a  
20 conversation with him, but I don't remember any formal  
21 discipline.

22 Q. He was suspended for two weeks -- do you recall  
23 that? -- in 2022 for time card theft?

24 A. No.

25 Q. You're not denying it?

1 A. I don't remember that at all.

2 Q. Do you remember in 2024 him being investigated for  
3 making sexual comments?

4 A. Yes.

5 Q. Okay. And you were -- were you involved in that  
6 discipline?

7 A. Yes.

8 Q. And what was his discipline?

9 A. It was a verbal counseling.

10 Q. Okay. What had he been accused of doing? Making  
11 sexual comments about another deputy's spouse?

12 A. Yes.

13 Q. And did you decide on that punishment or discipline?

14 A. Yes.

15 Q. Have you ever received counseling, discipline of any  
16 kind, during the time with the department --

17 A. Yes.

18 Q. -- or county?

19 What have you received vis-a-vis discipline  
20 or counseling or the like?

21 A. I was responding to a shots-fired call that turned out  
22 to be somebody with a paintball gun. And it was a  
23 snowy condition. I was driving too fast for  
24 conditions, put the car in a ditch.

25 Q. What was the discipline?

1 A. Verbal counseling, I think. It was 20-some years ago.

2 Q. What else?

3 A. I don't recall anything else.

4 Q. I want to go back to Sellers for a second. Are you  
5 aware he's being deposed this week?

6 A. Yes.

7 Q. Are you aware your counsel has talked to him?

8 A. Yes.

9 Q. And have you been advised of what the discussion was  
10 about?

11 A. We discussed --

12 MR. SHOUDY: Wait. If you're -- I direct  
13 you not to answer any questions about what your  
14 attorney has advised you.

15 BY MS. GORDON:

16 Q. I wanted to know whether your attorney -- without  
17 getting into what was said, whether your attorney has  
18 advised you as to what Sellers told him.

19 A. Not that I can recall.

20 Q. He did tell you he spoke to him, though?

21 A. Yes.

22 Q. Okay. Have you provided questions for deposition or  
23 any information to ask Sellers about at his upcoming  
24 deposition?

25 A. Some information.

1 Q. What did you provide?

2 A. The fact that Jones left because he wanted -- he was  
3 retiring, and that the meeting that day was not going  
4 to be anything other than either accepting his  
5 resignation or deciding if there's going to be a  
6 continuation of the investigation.

7 Q. Is there anything in writing that would confirm what  
8 you just said?

9 A. No.

10 Q. Does the -- does your department have any policies on  
11 conflicts of interest?

12 A. I don't know if it's labeled "Conflict of Interest,"  
13 but I can think of a part of a policy that would  
14 direct people away from conflict of interest.

15 Q. What was your role in your brother's disciplinary  
16 process?

17 A. I gave direction to the captain and undersheriff to  
18 handle the discipline. I directed them to look at  
19 discipline in law enforcement agencies in the  
20 surrounding area for the same actions, and I gave them  
21 direction to not come with some kind of soft  
22 discipline because of who he is.

23 Q. Did you decide not to be involved in his discipline?

24 A. I -- up to at least being able to okay what they  
25 decided, yes.

1 Q. Okay. I don't understand what you said. Did you  
2 remove yourself from the disciplinary process, or did  
3 you play a role?

4 A. I guess I played a role.

5 Q. You didn't see that as a conflict of interest?

6 A. No, I don't. I believe I was able to separate the  
7 small part of the role I had in his discipline from my  
8 personal relationship with him.

9 Q. What was the small part?

10 A. All I did was make sure that it wasn't -- they were to  
11 tell me what they had planned on doing, and I had  
12 already established that I was either going to tell  
13 them that wasn't enough or that was okay.

14 Q. Okay. Your fiancée threw a bachelorette party -- is  
15 that correct? -- or somebody threw it for her?

16 A. Somebody threw it for her, yes.

17 Q. What's her name?

18 A. Brooke.

19 Q. And are you married now?

20 A. Yes.

21 Q. When did you get married?

22 A. February, '22.

23 Q. February 22 of what year?

24 A. '22? I'm going to get in trouble. '23, 2023, I  
25 believe. No.

1 Q. 2022? I'll let you decide.

2 A. Yeah.

3 Q. Her bachelorette party we know was in November of  
4 2022, so --

5 A. So it was February of 2023.

6 Q. -- take it from there.

7 A. February, 2023.

8 Q. And you knew about the bachelorette party, obviously,  
9 in advance, correct?

10 A. Yes.

11 Q. Is your brother married?

12 A. Yes.

13 Q. And what's his wife's name?

14 A. Elizabeth.

15 Q. Was she at the bachelorette party?

16 A. Yes.

17 Q. Were the spouses of other officers at the bachelorette  
18 party, other members of the department?

19 A. Yes.

20 Q. Roughly how many would you say?

21 A. I think there was two.

22 Q. Two others? Whose spouses would those have been?

23 A. No, they were actually members, members of the  
24 department.

25 Q. Okay. So who was --

1 A. Detective Kelsey Wade, Deputy Duva.

2 Q. I'm sorry. Deputy Luva?

3 A. Duva, D-U-V-A.

4 Q. Is that Duva's wife?

5 A. Yes. She's also a deputy.

6 Q. Okay. And Duva is good friends with your brother,  
7 correct?

8 A. Yes.

9 Q. And they go way back, as I understand. Is that  
10 correct?

11 A. I think they've been friends -- it seems like they've  
12 been friends for about the last five or six years.

13 Q. Okay. So his spouse's name is what?

14 A. Carrie.

15 Q. Carrie?

16 A. Yes.

17 Q. So she was there?

18 A. Yes.

19 Q. And who else was there?

20 A. I think Detective Bonner was there, but I can't --

21 Q. Would you spell that last name?

22 A. B-O-N-N-E-R. But I can't remember if she made it or  
23 not.

24 Q. Okay. So we've got Duva and Bonner. Anybody else  
25 from the department?

1 A. Bonner, Wade, Detective Wade, Kelsey.

2 Q. Then we had -- Marc's spouse was there?

3 A. Correct.

4 Q. Anybody else from the department you can think of was  
5 there, their spouses or anything like that?

6 A. No, not that I --

7 Q. Okay. Where was the event held?

8 A. So they met at -- it's in St. Clair. The Bistro  
9 restaurant. I might be missing a word, something  
10 Bistro. Then they got on a party bus and went out of  
11 town.

12 Q. Where did they go out of town?

13 A. I don't know. Macomb County somewhere.

14 Q. What time did the party wrap up?

15 A. I don't know. There were sober drivers, and I was  
16 home sleeping when Brooke got home.

17 Q. What time did you go to sleep?

18 A. I don't even know if Brooke got home or she stayed at  
19 a friend's house.

20 I went to sleep at about 10:30, I think.

21 Q. So you don't know what time she got home?

22 A. No.

23 Q. You must have talked to her about it the next day.  
24 How did she say it went?

25 A. It was -- she was excited. It was a surprise party.

1 So it went well, and she was very grateful.

2 Q. This was the next day; is that correct?

3 A. Correct.

4 Q. Was she upset about Marc getting arrested?

5 A. Yes.

6 Q. What did she say about that?

7 A. It was really stupid of him to drink and drive.

8 Q. Have you read -- I assume you've read the report about  
9 the arrest. Is that correct?

10 A. Yes.

11 Q. And the stop was made about 1:30 a.m.; is that  
12 correct?

13 A. Correct.

14 Q. It was made by the City of Port Huron PD; is that  
15 correct?

16 A. Yes.

17 Q. Then, they contacted St. Clair County; is that  
18 correct?

19 A. I think they got permission to pull it over because he  
20 was out of his jurisdiction before the stop, and  
21 then -- yes.

22 Q. They got permission from their superiors to pull him  
23 over?

24 A. They would get, probably, their superiors and the  
25 sheriff's office, since it was out of their

1 jurisdiction.

2 Q. So who did they talk to from the sheriff's office, as  
3 you understand it?

4 A. I think Scott Jones was the only supervisor on that  
5 night, so I'm sure he's the one that gave it. But I  
6 don't know 100 percent.

7 Q. So being the only supervisor on that night meant he  
8 had to handle whatever other calls came in, in  
9 addition to this one; is that correct?

10 A. Correct.

11 Q. And the Port Huron department waited for St. Clair  
12 County deputies; is that correct?

13 A. Correct.

14 Q. And Schoof, Clark, and Jones arrived; is that correct?

15 A. And April Seavolt. Correct.

16 Q. And Jones did not conduct the arrest himself, correct?

17 A. Correct.

18 Q. Was this appropriate?

19 A. No.

20 Q. Well, he was the only supervisor on duty for the  
21 entire night; is that correct?

22 A. Correct.

23 Q. Are you aware that's why he didn't effectuate the  
24 arrest himself?

25 A. I'm not aware of that.

1 Q. Well, if he effectuated -- whoever effectuates the  
2 arrest has to fill out the paperwork and so on,  
3 correct?

4 A. Correct.

5 Q. And, normally, there are two to three supervisors on  
6 midnight shift, correct?

7 A. There's two assigned. There's two on about 50 percent  
8 of the time.

9 Q. Okay. There's not two or three?

10 A. No.

11 Q. It was not against the rule for him to not effectuate  
12 the arrest himself, correct?

13 A. It was against the direction he had been given.

14 Q. By who?

15 A. The captain.

16 Q. Captain Pohl?

17 A. Yes.

18 Q. When was that direction given?

19 A. As I understand it, when he became captain, he had a  
20 conversation with all the supervisors and had given  
21 direction to take control of any arrests that would  
22 need to take place of a county employee.

23 Q. This is like something you heard verbally from  
24 somebody?

25 A. Captain Pohl.

1 Q. Well, there's no -- you have no order or directive in  
2 writing on this, do you?

3 A. No.

4 Q. And a lieutenant is supposed to use his own judgment  
5 on the scene, correct?

6 A. Correct.

7 Q. Jones remained on-site and supervised the entire stop;  
8 is that correct?

9 A. I believe so, yes.

10 Q. And you're aware that your brother failed the field  
11 sobriety test and was observed to have bloodshot eyes  
12 and smelled of intoxicants, correct?

13 A. Correct.

14 Q. And a preliminary breath test was administered; is  
15 that correct?

16 A. Yes.

17 Q. And he was at the super drunk level, is that correct,  
18 what you all refer to as "super drunk"?

19 A. Correct.

20 Q. That would be 0.183?

21 A. That's what he blew, correct.

22 Q. That's a very high score, isn't it?

23 A. Yes.

24 Q. And according to the Michigan State Police, it would  
25 take someone of your brother's approximate weight

1           between eight to nine drinks to blow a 0.183. Does  
2           that sound right to you?

3           A.    I don't -- no. I don't know what that's from. I  
4           don't know.

5           Q.    Well, do you have any idea how many drinks -- given  
6           all your years of police experience, how many drinks  
7           it would take for an individual that weighed about  
8           175 pounds to blow a 1.83?

9           A.    It would vary on time frame in which the drinks were  
10          ingested, what they had had to eat. It could vary on  
11          many other things as well.

12          Q.    So how many drinks do you think in general -- strike  
13          that.

14                    Do you know what time your brother started  
15          drinking that night?

16          A.    I don't know for sure, no.

17          Q.    Well, what's your guesstimate?

18          A.    I think he worked until 10:00, so it would obviously  
19          be after that.

20          Q.    10:00 p.m.?

21          A.    Yes. I'm not positive on that. I just know that's  
22          his normal shift.

23          Q.    Okay. So assuming that's the case, after his normal  
24          shift, he would have -- presumably, he went out; is  
25          that correct?

1 A. Correct.

2 Q. And do you understand where he went?

3 A. Tailgators.

4 Q. Okay. And is that a place you're familiar with?

5 A. It's a bar I know of, yes.

6 Q. Okay. So assuming he got there at 10:00, and he was  
7 arrested at 1:30, he would have had eight to nine  
8 drinks between 10:00 and roughly 1:30 in the morning?

9 A. I don't know that.

10 Q. Well, I'm telling you what the times in the report  
11 say. So the arrest was roughly 1:30 -- or stop was  
12 roughly 1:30, okay, and you said he got off work at  
13 10:00. So using that time frame, we've got  
14 approximately three and a half hours.

15 A. Right. But in your statement before, you said he had  
16 eight to nine drinks, and that's what I was saying I  
17 don't know -- I don't know that that's true.

18 Q. I know. I heard you say that. So I then asked you,  
19 if he left -- if he got off his shift at 10:00, he  
20 then went to -- was he in his uniform when he was  
21 arrested?

22 A. No.

23 Q. So he changed in the locker room, or what happened?

24 A. Presumably, yes.

25 Q. Okay. So you don't know what time he got to

1 Tailgators?

2 A. No.

3 Q. It would have been after 10:00 p.m.?

4 A. Like I said, I know that's his normal shift. I don't  
5 know if he got out early that day --

6 Q. I understand.

7 A. -- but I presume that would be after 10:00.

8 Q. Okay. So if he got off at 10:00, what time, roughly,  
9 would he be at Tailgators if he went directly there?

10 A. 10:20.

11 Q. Okay. And if at 1:30 he blew a 0.183, in your  
12 experience, how many drinks would a person have to  
13 have to in roughly two and a half hours blow that  
14 level, just based on your own experience?

15 A. I don't know.

16 Q. You can't give me any idea?

17 A. No. I've never done a test where I've tested  
18 somebody, watched them drink so many drinks in a  
19 certain period of time, and the PBT --

20 Q. I didn't ask you if you'd ever watched anybody drink a  
21 bunch of drinks. I just assumed you'd had some  
22 training and knowledge and that you guys were  
23 continually running these blood alcohol tests on  
24 people. And I know you also ask them, "How much have  
25 you been drinking?" That's part of your protocol,

1           isn't it?

2       A.     That I ask them how much they've been drinking?

3       Q.     That's the protocol of the department, to ask drivers  
4           you've stopped, "How much have you had to drink?"

5       A.     I wouldn't say it's a protocol, but it's something  
6           that's commonly done, yes.

7       Q.     Okay. So you must have asked that question many  
8           times?

9       A.     Sure.

10      Q.     Okay. So do you have any idea of how many drinks it  
11           would take in a two-and-a-half-hour period for  
12           somebody to blow a .183, or do you have no knowledge  
13           of that?

14      A.     I don't. There's too many variables. I don't know.

15      Q.     Okay. So then you wouldn't have any reason to  
16           disagree with the State of Michigan charts on that.  
17           You don't have enough knowledge to disagree with the  
18           charts, correct?

19      A.     I do. My knowledge and training is that you can't  
20           guess how much somebody has had to drink because  
21           there's too many variables.

22      Q.     Okay. What are the variables, sir?

23      A.     Weight; how fast they drank the drinks; medications;  
24           what, if anything, they've eaten; if they're  
25           dehydrated; if they're sick. All those things make

1 your body do different things when your metabolism --

2 Q. Well, you know all these things about your brother.

3 You would know if he was sick. You would know if he  
4 was on medications.

5 A. No, I wouldn't. I have no idea.

6 Q. So let me understand this. He works for you?

7 A. Yes.

8 Q. He's super drunk. He's your brother.

9 A. Uh-huh.

10 Q. And you don't find out from him, "Why did you blow  
11 .183?" You didn't find that out?

12 A. I know why he blew a .183.

13 Q. Well, did you say, "How much did you have to drink?"

14 A. No, I didn't.

15 Q. Wow. Okay. Why not?

16 A. It served zero purpose.

17 Q. Really? Wouldn't you want to know if your brother --  
18 what your brother's state is that he's throwing down  
19 potentially eight or nine drinks or less? Maybe it's  
20 less. Wouldn't it be important to you, as a family  
21 member and as a boss, to know how many drinks you're  
22 imbibing?

23 A. I know that .183 is a lot of alcohol. So the math  
24 doesn't matter to me.

25 Q. Okay. So I'm to understand --

1 A. He drank way too much to be able to drive and way too  
2 much, period. So I didn't feel like getting into the  
3 weeds with asking numbers of drinks.

4 Q. Okay. And you didn't ask, "Hey, were you on  
5 medication? Had you been eating?" You didn't ask  
6 anything like that?

7 A. No, because none of it matters.

8 Q. Well, it matters in the field, because your officers  
9 ask these questions.

10 A. It doesn't matter, because he was way too drunk to  
11 drive. That's all that really matters.

12 Q. Sure. Did you talk to your parents about this?

13 MR. SHOUDY: Sorry. Can I take a short  
14 break here? I want to get some more water.

15 MS. GORDON: Yeah. No problem.

16 (Recess taken at 12:24 p.m.)

17 (Back on the record at 12:25 p.m.)

18 BY MS. GORDON:

19 Q. Are you aware your brother was asked at the scene by  
20 Clark how much he'd had to drink?

21 A. Yes.

22 Q. How did you become aware of that?

23 A. Reading the report.

24 Q. Okay. And what did your brother say?

25 A. I think he said he had two Mich Ultras and a shot.

1 Q. Two what?

2 A. Mich Ultras and a shot.

3 Q. For the record, tell us what that is.

4 A. Michelob Ultra is a beer.

5 Q. Okay. So you knew that he had had more to drink than  
6 that just from his blood alcohol, correct?

7 A. I don't know what he had to drink that night.

8 Q. Okay. But you knew he had to have had more than two  
9 beers and a shot to have that blood alcohol, correct?

10 A. I don't know how big the beers were. I know  
11 Tailgators serves 32-ounce -- or 36-ounce beers.

12 Q. So you --

13 A. He clearly had enough to be intoxicated -- very  
14 intoxicated, and that's all that mattered to me.

15 Q. Okay. Well, he has to be honest at the scene, doesn't  
16 he?

17 A. Yes.

18 Q. He has to answer any questions asked of him at the  
19 scene truthfully, correct?

20 A. Correct.

21 Q. Because you have that policy, don't you?

22 A. Yes.

23 Q. And we talked about it earlier?

24 A. Yes.

25 Q. So if your brother lied at the scene, that's a

1 disciplinary event, isn't it?

2 A. Could be, yes.

3 Q. And you never looked into whether he lied at the  
4 scene, apparently, about the amount he had to drink,  
5 correct?

6 A. We did not look into how many drinks he had at  
7 Tailgators, no.

8 Q. No. And you didn't look into whether he was lying at  
9 the scene to fellow officers. You don't know that  
10 sitting here today, correct?

11 A. No, I do not know that.

12 Q. Again, that would be a violation of the rules if he  
13 did lie at the scene --

14 A. Correct.

15 Q. -- just to clarify?

16 And on its face, it seems like he -- on its  
17 face, it would have seemed like he had more than two  
18 Michelob Ultras and one shot, correct?

19 A. On its face, it does appear he probably had more than  
20 that to drink, yes.

21 Q. So it probably appears that he was lying at the scene,  
22 correct?

23 MR. SHOUDY: I'm going to object to form  
24 and foundation.

25 BY MS. GORDON:

1 Q. Correct?

2 A. I can't say what he had to drink.

3 Q. I know it's difficult. This is your brother.

4 A. It's not difficult. My brother --

5 Q. But you're here as a sheriff to tell me whether or not  
6 it appears that -- I think you were about -- you were  
7 in the process of answering when your attorney  
8 objected. It's highly unlikely that your brother had  
9 had only two Michelob Ultras and one shot. You've  
10 already agreed to that, I believe, correct?

11 MR. SHOUDY: I'm going to object to the  
12 form and foundation because you're misreading the  
13 question that was asked of him at the -- in the  
14 report, and then you're taking a logical leap and  
15 trying to mislead the witness.

16 MS. GORDON: And you're coaching.

17 BY MS. GORDON:

18 Q. Go ahead. It's unlikely that that's what -- that he  
19 was being honest, correct?

20 A. As I stated earlier, he clearly had enough alcohol to  
21 drink to be at a .18. And I don't know how large  
22 those Mich Ultras he claims to have --

23 Q. I realize your party line here today is, "Well, I knew  
24 he was drunk, so nothing else mattered." But I'm on a  
25 different topic, which is whether your brother lied at

1 the scene and whether you were interested in whether  
2 he lied at the scene. Sounds like you're not  
3 interested, correct?

4 A. That's not correct.

5 Q. Are you interested?

6 A. Of course I would be.

7 Q. Okay. But you didn't ask him --

8 A. No, I didn't.

9 Q. -- and didn't have anybody else ask him, correct?

10 A. I did not give direction for anybody to ask him.

11 Q. And did anybody ask him during the investigation?

12 A. Not that I know of.

13 Q. Okay. So my client was on the scene at 2:00 a.m., and  
14 he called Captain Pohl. Is that correct?

15 A. I don't recall exactly what time he was on the scene.  
16 When asked, he advised that he called Captain Pohl.

17 Q. Well, didn't Pohl tell you that he received a call  
18 that he hadn't picked up?

19 A. I think he did say his phone was downstairs, yes, and  
20 he missed the call, yes.

21 Q. Is there a rule that the captain and assistant  
22 chief -- or the assistant sheriff have to be available  
23 at all times?

24 A. Yes.

25 Q. What does that mean with regard to how they're

1           supposed to make themselves available?

2       A.    Be alert.  And if one of them can't be available, to  
3           let the other one know so the other one can pick up  
4           the slack on it.

5       Q.    Should they have --

6       A.    Have your phone by you when you're sleeping.

7       Q.    That was a mistake on the part of Pohl not to have his  
8           phone nearby?

9       A.    Correct.

10      Q.    Did he get any correction on that, any write-up, any  
11           counseling, warning in writing?

12      A.    Nothing in writing.  I told him that it was  
13           inappropriate that he was not available by phone.

14      Q.    Okay.  So my client did the right thing to call Pohl;  
15           is that correct?

16      A.    Yes.

17      Q.    And are you aware that my client left a voicemail for  
18           Pohl?

19      A.    I don't -- I don't have a recollection of that.

20      Q.    Okay.  You don't deny it, correct?

21      A.    I don't deny it, no.

22      Q.    Then, after he called Pohl and he didn't pick up, my  
23           client called Undersheriff Spadafore, correct?

24      A.    Yes.

25      Q.    And he wanted to get his input.  He wanted to get --

1 he didn't think it would be correct to contact you  
2 because it's your brother. So he contacted the two  
3 people under you to get direction, and neither of them  
4 answered, correct? Is that your understanding?

5 A. Well, my understanding is he called after he had  
6 already shipped Marc off to Lapeer County Jail. So I  
7 don't know what direction he'd be getting at that  
8 point.

9 Q. Where did you get that information from?

10 A. From the timeline from the phone calls and --

11 Q. What do you mean, the timeline?

12 A. -- the report.

13 Q. What's the timeline of the phone calls? Do you have a  
14 timeline?

15 A. I was told that he made those phone calls after Marc  
16 was already shipped to Lapeer County.

17 Q. Okay. Who told you that?

18 A. Undersheriff Spadafore.

19 Q. Is that in the investigation report?

20 A. I don't know.

21 Q. Let's find out. I mean, it's kind of an important --  
22 you're here criticizing my client about this, correct?

23 A. I'm here answering questions from you, and you're --

24 Q. Aren't you critical of my client? That's one of my  
25 questions.

1 A. Am I critical of --

2 Q. Yes, for -- you've already complained about him not  
3 getting in his car and driving somewhere that night to  
4 wake somebody up, I guess, correct?

5 A. Okay. I --

6 Q. Do you remember saying that earlier?

7 A. I don't know what the question is.

8 Q. Okay. Well, you can just wait and listen for the  
9 question. Okay?

10 You've now told me that you apparently got  
11 some sidebar information, side information from Pohl  
12 and/or Spadafore as to what time my client contacted  
13 them. Is that correct?

14 A. Correct.

15 Q. Okay. When did that come up?

16 A. I don't remember. It was two years ago.

17 Q. Okay. Well, you're sitting here today, sir, to try to  
18 make a point. I said to you my client did the right  
19 thing by calling Pohl and Spadafore. Instead of  
20 saying yes or no, you decided to say to me --

21 A. That's not true.

22 Q. Hang on.

23 A. I did say yes, that it was right for him to call them.  
24 Then you asked if he was looking for direction. And  
25 then I said, "I don't know what direction he was

1 looking for. He had already shipped Marc off to  
2 Lapeer County Jail."

3 Q. And how do you know that?

4 A. Through conversations with Pohl -- I'm sorry -- with  
5 Spadafore.

6 Q. Did you get their phones and look at them? Do you  
7 know what time your brother was shipped off? Do you  
8 have any other information on that?

9 A. It's just through conversation with Spadafore.

10 Q. And when was that conversation?

11 A. Two years ago, sometime around the incident.

12 Q. And Jones also informed the deputies on the midnight  
13 shift that Marcus King had been arrested, correct?

14 A. Yes.

15 Q. That's not a violation of policy, is it?

16 A. No.

17 Q. And how was it that Deputy Duva called you?

18 A. Somebody contacted Pokriefka, who is --  
19 Deputy Pokriefka, who is the vice president of the  
20 union. Deputy Pokriefka called Duva and told him  
21 about the arrest and that Marc was taken to the Lapeer  
22 County Jail, and Deputy Duva called me.

23 Q. How well do you know Duva? Is he a friend?

24 A. Yes.

25 Q. How long has he been a friend?

1 A. 20 years.

2 Q. Grow up with him?

3 A. No.

4 Q. Okay. Where did you first come into contact with him?

5 A. The sheriff's office.

6 Q. So you've both been there together for roughly 20  
7 years?

8 A. Oh, we've probably been there -- well, Duva's coming  
9 up on 25 years, and I've got almost 27. So almost  
10 25 -- 25 years.

11 Q. And he helped you with your campaign, correct?

12 A. Yes.

13 Q. So he never -- did he try to get into the command  
14 ranks?

15 A. He tested for sergeant, yes.

16 Q. But he never made the cut somehow?

17 A. Correct.

18 Q. And you stay in touch with him; is that correct?

19 A. Yes.

20 Q. Would you say he's your brother's best friend?

21 A. I don't know. They're friends. Best friend is like  
22 high school.

23 Q. And their wives are friends too, it sounds like?

24 A. Yes.

25 Q. So what time did Duva call you? Do you recall?

1 A. It was about 3:00 in the morning.

2 Q. And you picked up your phone?

3 A. Yes.

4 Q. What's the next thing you did?

5 A. After talking to Duva, I called Scott Jones.

6 Q. How did Duva find out about this?

7 A. Pokriefka called him.

8 Q. Why did he call him, as you understand it?

9 A. We had a deputy who was housed outside the county.

10 Q. Why was he calling Duva, though?

11 A. Well, it seemed to be an odd thing that -- well, first  
12 of all, we have a deputy in trouble. So the union  
13 gets involved because there's probably going to be  
14 trouble for that deputy later in the department.

15 Second of all, the fact that he was housed  
16 out of county is -- has never been done in my 27  
17 years. So it was --

18 Q. What does that have to do with the union, though?

19 A. Well, it seemed like he was being treated unfairly  
20 because of who he was and what his -- and that he's an  
21 employee of the sheriff's office.

22 Q. Why does it seem like he was being treated unfairly?

23 A. Because he was shipped to another county.

24 Q. Why is that unfair or not -- why is that fair or  
25 unfair?

1 A. Well, I know through conversation with corporate  
2 counsel with a problem inmate that we've had at the  
3 jail that people who are arrested have a right to be  
4 incarcerated in the jail -- or in the jail in which  
5 the county that they're arrested in.

6 Q. What do you mean, they have a right?

7 A. That's how it was explained to me. I don't know.

8 Q. Are you talking about some law here?

9 A. Some case law, I believe.

10 Q. You don't know what it is?

11 A. I don't know.

12 Q. Okay. Did you think that my client had something  
13 against your brother?

14 A. No.

15 Q. Okay. And do you know why Scott Jones thought Lapeer  
16 would be the best place to take Marcus King?

17 A. I do not know.

18 Q. You don't know sitting here today? You never asked  
19 him that?

20 A. I didn't talk to him about --

21 Q. Did anybody ask him, "Hey, what was your thinking?  
22 You've been a good lieutenant here, Scott. Why would  
23 you do this?" Was he asked that?

24 A. I don't -- I don't recall if he was asked that or not.

25 Q. But sitting here today, you don't know why he made the

1 decision to go to Lapeer. Is that your testimony?

2 A. Correct.

3 Q. But yet you make allegations that he was being unfair  
4 intentionally, yet you don't know what his answer is?

5 A. I don't know that I said "intentionally."

6 Q. Okay. Well, your record is what it is. Okay.

7 When did you first contact the Lapeer PD?

8 A. I didn't.

9 Q. Who did?

10 A. Well, I gave --

11 Q. Who did you have contact them?

12 A. Scott Jones.

13 Q. Okay. And what did you tell Scott Jones?

14 A. To advise the Lapeer County Sheriff's Office that  
15 Deputy Duva was going to pick up Marc King from their  
16 custody.

17 Q. And you told him to unfuck this up, correct?

18 A. I don't --

19 Q. That's what you told my client?

20 A. I think it was just "unfuck this." I don't think it  
21 was "unfuck this up."

22 Q. You said "unfuck this"?

23 A. Yes.

24 Q. What was the unfucking with regard to?

25 A. Treating Marc differently than any other citizen in

1 St. Clair County or any other employee of the  
2 St. Clair County Sheriff's Department in taking him to  
3 the Lapeer County Jail.

4 Q. Well, did your brother need to be treated specially  
5 because your brother and, hence, my client should not  
6 have exercised his normal judgment? He should have  
7 given him some special treatment? Is that what you're  
8 saying?

9 A. The total opposite. He shouldn't have been treated  
10 any differently than anybody else would have been  
11 treated.

12 Q. Okay. And you don't know, sitting here today, whether  
13 anybody's been taken to another department and housed  
14 in another department, correct?

15 A. The only time I've ever heard of it was before I  
16 worked there, and it was not for a drunk driving.

17 Q. I didn't ask whether you'd ever heard of it. I'm just  
18 saying, you don't know one way or the other?

19 A. How would I grow to know something if I don't hear  
20 about it?

21 Q. You don't know what you don't know, I guess, right?

22 A. I don't know what your question is.

23 Q. You've never investigated this. You're just offering  
24 up your opinion that this has never happened before.  
25 You don't know one way or the other, correct?

1 A. I do know.

2 Q. Okay. You just don't have any memory of it happening?

3 A. I absolutely -- of somebody being transported out of  
4 our county that -- an employee of our --

5 Q. Out of your county?

6 A. I'm so confused. You'd have to re-ask your question.  
7 I'm sorry.

8 Q. Okay. There's nothing wrong that you know -- innately  
9 wrong with your brother, or anybody else, being housed  
10 out of county. There's nothing innately wrong with  
11 it, correct?

12 A. Yes, there is.

13 Q. Well, if your brother was picked up in Wayne County,  
14 he'd be in the Wayne County Jail, correct, if he  
15 happened to drive into Wayne County that night?

16 A. Yes, but that's not what happened here.

17 Q. Well, I know. But he could be held in another  
18 facility, correct?

19 A. If the crime was committed in that county.

20 Q. Right. So any police officer can be housed in any  
21 other county's jail if they're stopped in that county,  
22 correct?

23 A. If they're arrested in that county, correct.

24 Q. Have you ever had a union rep -- have you ever called  
25 a union rep for an officer who's been in trouble off

1 duty at the time of -- like you did here? You called  
2 Duva, and you wanted him to immediately get involved.

3 A. No. He called me.

4 Q. Fair enough. He called you, and then you directed him  
5 to get involved. I asked you why were you calling the  
6 union, and you said because it might result in  
7 criminal penalties. So have you ever done that  
8 before?

9 A. I don't think I said any of that. I didn't call him.  
10 He called me.

11 Q. Right. But then you directed him to get involved.

12 A. Okay.

13 Q. Right?

14 A. Correct.

15 Q. And to take action. And I asked you about that, and  
16 you said -- I'm asking you why you would -- you would  
17 call the union.

18 A. He called me. I didn't call him.

19 Q. I get that. I'm sorry. I'll restate it.

20 He called you to let you know, and then you  
21 asked him to get involved, correct?

22 A. He called me to advise me, asked me as a union rep,  
23 "Why is Marc in Lapeer County Jail and not in our  
24 place?" He said, "I'm starting my shift in about an  
25 hour. I'll start early and go pick him up."

1 Q. Okay. And you approved that on your own?

2 A. I first talked to Scott Jones to get the information  
3 from him that he was actually in Lapeer County Jail.  
4 And at that point, my decision was to bring Marc back  
5 to our facility. And we had somebody offering to  
6 start a shift early, so at that point, I told him,  
7 Scott Jones, what the plan was and told Duva to go get  
8 him.

9 Q. Okay. And did he -- he was on work time at this time?

10 A. Yes. I believe so anyway, yes.

11 Q. Were you the person that decided he would be taken  
12 back and placed in the detective bureau?

13 A. I don't remember giving any direction as to what part  
14 of the sheriff's office he would be held in.

15 Q. But you knew he was not going to go into the jail,  
16 correct?

17 A. Correct.

18 Q. Why wasn't he going to go into the jail, into a  
19 separate location where he could be separated from the  
20 rest of the community there?

21 A. It was the best option available. It would be safer  
22 for Marc, for the inmates, and it's something we had  
23 always done with somebody who -- law enforcement, if  
24 any department, who'd been arrested for drunk driving.

25 Q. Who else have you done that for?

1 A. Tuzinowski.

2 Q. Hang on a second. When was that?

3 A. That was -- let me get my math right here. I think  
4 about 2014-ish, '15 maybe, somewhere in there.

5 Q. Okay. Where was he housed? Was that when the new  
6 jail --

7 A. Yes.

8 Q. -- was there?

9 A. Yes.

10 Q. So by 2014?

11 A. Yes.

12 Q. Where was he housed?

13 A. In the detective bureau.

14 Q. Where in the detective bureau? Is there a location?

15 A. Yes. I was -- as I recall it, I was a detective  
16 lieutenant. He was actually housed -- left in my  
17 office. I wasn't there. I was told about it  
18 afterwards.

19 Q. How long was he in there?

20 A. I don't...

21 Q. Was he given a -- was it for drunk driving?

22 A. Yes.

23 Q. Was he given a Breathalyzer before he left?

24 A. I would guess, but I wasn't --

25 Q. He's supposed to be, right?

1 A. Yes.

2 Q. Who else?

3 A. Lieutenant Dedenbach.

4 Q. What was he arrested for?

5 A. Drunk driving.

6 Q. Where was he housed?

7 A. I believe it was the detective bureau, but, again,  
8 this was a long time ago and at the old jail. So I'm  
9 not positive where he was held.

10 Q. Anybody else?

11 A. Captain Pohl. He was at the old jail, and it was for  
12 drunk driving.

13 Q. Well, he wasn't captain of the detective bureau. He  
14 was in the jail in a cell?

15 A. He was in the jail in a cell away from all the other  
16 cells.

17 Q. Right, right. And your current jail has cells that  
18 are away from everybody else, correct?

19 A. No.

20 Q. It has offices. That's what Pohl told us.

21 A. It has offices, yeah. The cells are either in with  
22 all the other inmates or in the booking area where  
23 it's clear glass and lights are on. I guess  
24 physically but not visually.

25 Q. Anyway, it was your decision to have your brother

1 brought to the detective bureau, correct?

2 A. As I stated, I did not -- I don't remember giving any  
3 direction where he was to be held, but I was fine with  
4 him being held at the detective bureau.

5 Q. So who -- so did Duva just take him up to the  
6 detective bureau?

7 A. I don't remember who made that decision.

8 Q. So my client was not charged with any wrongdoing or  
9 investigated for any wrongdoing with regard to taking  
10 your brother to Lapeer County Jail, correct?

11 A. The investigation was not complete, and part of the  
12 further investigation, if it had continued, would have  
13 been into him taking a prisoner outside the county  
14 without the permission of the sheriff or undersheriff  
15 or captain and failed to notify me of an employee  
16 being arrested.

17 Q. So you were going to do a second investigation?

18 A. It's closed. He retired.

19 Q. Excuse me. You were going to do a second  
20 investigation. Is that what you're telling us here  
21 today?

22 A. No. It would have been all put into one. I would  
23 have given direction to Captain Pohl to ask questions  
24 on those two matters.

25 Q. Okay. So why wasn't -- why didn't that come up to

1 begin with? Why wasn't that in the original  
2 investigation, sir?

3 A. You'd have to ask Captain Pohl.

4 Q. I'm asking you.

5 A. I don't know why he went the direction he did with the  
6 investigation as far as start and end. But it's not  
7 uncommon that while internal investigations are going  
8 on that I give direction to look at other violations.

9 Q. Okay. So as to your discipline policy, people are to  
10 be advised in advance or at the time of they are to be  
11 given written information about the charges against  
12 them; is that correct?

13 A. I don't think it's written, but they're to be advised  
14 that there's an internal investigation. That's how I  
15 remember it.

16 Q. Okay. And what notice are they given as to what  
17 they're being investigated for?

18 A. Usually it's through the union, from my experience,  
19 that we notify the union rep, sometimes with the  
20 individual present, sometimes not, that there is an  
21 open -- an investigation is being opened into and then  
22 a general -- into a general -- in this instance, like  
23 the handling of the arrest of Marc King and then  
24 leaking of -- possible leaking of information,  
25 something like that.

1 Q. Okay. But you're -- it's the county, sir, as a  
2 governmental entity, that has the obligation to inform  
3 your employees of what they're being investigated for,  
4 correct?

5 A. Yes, at some point during --

6 Q. Was my client -- I'm sorry. Go ahead.

7 A. At some point during the investigation, yes.

8 Q. At some point? At the onset of the investigation,  
9 they're supposed to be told.

10 A. We're --

11 Q. Hang on. At the onset of the investigation, they're  
12 supposed to be told what they're being charged with;  
13 is that correct?

14 A. Not what they're being charged with. We don't know  
15 what they're being charged with because we haven't  
16 conducted the investigation.

17 Q. But you have things you're investigating?

18 A. Right.

19 Q. You know about alleged wrongdoing, and you're  
20 investigating alleged wrongdoing, correct?

21 A. Yes.

22 Q. Okay. And the person has to be told what the alleged  
23 wrongdoing is about, correct?

24 A. Like I said, we advise that the investigation is open  
25 and a roundabout area --

1 Q. Can you just answer my question?

2 A. I did.

3 Q. No, you didn't. You are supposed to tell the  
4 individual employee what the wrongdoing is; is that  
5 correct?

6 A. As I stated a minute ago, I don't know all the  
7 wrongdoings at the beginning of the investigations.  
8 If I did, why would we do an investigation?

9 Q. Well, sir, you're supposed to tell them what you know  
10 about.

11 A. Correct.

12 Q. And you knew about the Lapeer Jail that you were upset  
13 about. You knew about that, correct?

14 A. I knew that the situation wasn't handled the way it  
15 should have been handled.

16 Q. Okay. You knew about the -- just -- my question is  
17 simple. You knew about the Lapeer Jail situation,  
18 didn't you?

19 A. Correct.

20 Q. So when my client was interviewed, that did not come  
21 up, did it?

22 A. I don't remember it coming up, no.

23 MR. SHOUDY: Are we at a good place to take  
24 a short break?

25 MS. GORDON: Sure.

1 (Recess taken at 12:50 p.m.)

2 (Back on the record at 1:05 p.m.)

3 BY MS. GORDON:

4 Q. I just want to ask some follow-up questions on who  
5 else you talked to the morning after the arrest. We  
6 know Duva called you. We've already covered that.  
7 Did you also talk to Captain Pohl?

8 A. Yes.

9 Q. How did that come up?

10 A. I forget if he called me or I called him.

11 Q. What was said on the call?

12 A. We talked about the fact that Marc made a dumb  
13 decision getting a drunk driving, my frustration with  
14 Marc being brought to the Lapeer County Jail, and me  
15 not being notified about one of our employees being  
16 arrested.

17 Q. Pohl testified that no harm came to your brother from  
18 being housed at the Lapeer County Jail. I know you  
19 said you were at his deposition. Do you agree or  
20 disagree with that?

21 A. I'm not sure that's exactly what Pohl's statement said  
22 in the deposition, but I agree ultimately he was not  
23 physically harmed by going to the Lapeer County Jail.

24 Q. I think he complained that he didn't have a blanket or  
25 something.

1 A. He laid on an ice-cold floor with no blanket,  
2 concrete.

3 Q. Okay. That's what happens to people, right, that are  
4 arrested for drunk driving?

5 A. No.

6 Q. No?

7 A. No.

8 Q. People can't lay on a cold floor?

9 A. They get a mat and a blanket.

10 Q. So have you looked into why he didn't get a mat and a  
11 blanket?

12 A. No.

13 Q. I'm kind of surprise you haven't -- you never called  
14 out there to find out or had somebody else call?

15 A. No.

16 Q. All right. Was your brother upset about being on the  
17 floor?

18 A. He was cold. I don't know if he was upset.

19 Q. Do you know any of the officers in Lapeer?

20 A. I know the sheriff.

21 Q. Did you discuss this with him?

22 A. I did not.

23 Q. What's his name?

24 A. It is McKenna, Sheriff McKenna. I just know him  
25 through conferences and conversations. I don't know

1 him really well.

2 Q. What time was Mat returned to the St. Clair County  
3 Detective Bureau, as you understand it?

4 A. Marc?

5 Q. Marc. Sorry.

6 A. I think he got back about 5:00, I think, a.m., from my  
7 recollection.

8 Q. Were you aware that Lapeer County had a hold on him at  
9 that time because he had a high blood alcohol content?

10 A. I was not aware of that.

11 Q. He was to be released at 1300 to 1400 hours. Were you  
12 aware of that?

13 A. No.

14 Q. Have you looked at the Lapeer County Jail records?

15 A. No.

16 Q. That's where they would write that there was a hold --  
17 is that correct? -- as you understand it?

18 A. I don't know how they operate their jail.

19 Q. Under what legal authority did you or Duva release  
20 your brother from the Lapeer County Jail?

21 A. He was originally our prisoner. He was taken to  
22 another county. We took him back into custody.

23 Q. Under what rule or law did you take him into custody,  
24 into your authority, prior to him being released from  
25 Lapeer County?

1 A. I don't know the specific law off the top of my head.

2 Q. So if you had not come to get him, sent Duva to get  
3 him, what would have occurred, as you understand it?  
4 He would have remained at Lapeer County until his  
5 blood alcohol level was .03, and then he would have  
6 been released to do what he liked?

7 A. Correct.

8 Q. And, presumably, a family member would have picked him  
9 up or something?

10 A. Presumably, yeah.

11 Q. Okay. So there wouldn't have been any harm that would  
12 have come to him if that had just happened, correct?  
13 I mean, it would have been ordinary. He was already  
14 there. He would have stayed, and then he would have  
15 been released. No harm that you can think of that  
16 would have come to him had that just occurred?

17 A. No physical harm, no.

18 Q. Okay. Would there have been mental harm?

19 A. Well, the fact that somebody has the right to be  
20 housed in the facility of the county that they're  
21 arrested in also has to do with geographical area and  
22 not overburdening that person or a family member,  
23 essentially giving a sentence to the crime before he's  
24 tried by adding on an extra burden for somebody to  
25 have to go drive an hour to go pick him up.

1 Q. Is that in writing somewhere that that's a factor?

2 A. Is that in writing? No.

3 Q. Yeah. Your concern about how far a family member has  
4 to drive to pick somebody up, is that somewhere  
5 written down as a criteria for what you do?

6 A. Not that I know of.

7 Q. Is that just your personal opinion?

8 A. That's my take on the whole idea that somebody is  
9 supposed to be housed in the county that they are  
10 arrested in.

11 Q. Okay. But you could be housed in the county you're  
12 arrested in, but your wife could be in another county,  
13 and she would still have to drive over. So that  
14 happens if somebody is arrested. A family member  
15 might actually have to actually drive to another  
16 county, correct?

17 A. I don't understand your question.

18 Q. You don't understand my question?

19 A. You said a lot there about somebody being arrested.

20 Q. I'll repeat it for you. Okay? You're concerned about  
21 a family member having to drive to pick up, in this  
22 case, Marc King. The reality is, if you're driving  
23 drunk, you could get arrested in any county, and it  
24 could be far away from your spouse or whoever is going  
25 to pick you up, and you'd have to get in the car and

1 drive an hour, two hours, three hours. That could  
2 happen easily, correct? And probably does happen  
3 every day, right?

4 A. But that's not what happened here.

5 Q. I didn't ask you that. I just said that happens.

6 A. Oh, that could -- anything could happen.

7 Q. Sure. Not only could, it does. People in your  
8 county, from St. Clair County, get arrested in other  
9 counties, don't they?

10 A. Uh-huh. Sorry. Yes.

11 Q. What's your protocol if somebody from St. Clair  
12 County -- do you have a protocol? -- gets arrested in  
13 Wayne County? Is the person just prosecuted in Wayne  
14 County and jailed in Wayne County?

15 A. If they're arrested in Wayne County, yes.

16 Q. Okay. So once he was at the jail, obviously, somebody  
17 was going to -- he was going to have to be released  
18 from there at some point. Somebody was going to have  
19 to drive over. So by -- it was either going to be  
20 Duva or his wife. So you made a decision not to just  
21 wait until Lapeer released him. Why? Why did you  
22 bring him back for a few hours to sit in the detective  
23 bureau? What was it about it that was so important?

24 A. Individuals who are arrested in our county have the  
25 right to be housed in our county.

1 Q. Where is that written down? You keep saying that.  
2 There's nothing that says that, sir, in law, correct?

3 A. Okay. I am the sheriff of St. Clair County. And how  
4 I operate the sheriff's office is that individuals  
5 arrested by the sheriff's office have the right or  
6 should be housed at the St. Clair County Sheriff's  
7 Office until they're to be released.

8 Q. When you use the word "right," that's a very specific  
9 thing, at least in my world. It means you have some  
10 kind of legal obligation to provide the service to  
11 people. That's not what you mean, correct? You just  
12 think it's best?

13 A. I think it's best, but I also had the conversation  
14 with -- corporate counsel referenced another inmate  
15 who we wanted to house outside the county and was  
16 advised that they're to be housed in the county  
17 they're arrested in.

18 Q. What were the circumstances there?

19 A. This person causes problems while in the jail, is  
20 assaultive and things like that. And it's specific  
21 because he knows people in the jail. So I thought it  
22 would be better for the jail employees to house him at  
23 another county.

24 Q. This is somebody that had already been sentenced?

25 A. Whether they've been sentenced or not, in the future,

1 because he comes and goes from jail all the time.

2 That was the --

3 Q. This guy that you're talking about, that you wanted to  
4 house elsewhere, he'd already been sentenced and was  
5 serving his term in your jail?

6 A. Yes, but that's not in the total context of which I  
7 asked [sic] the question.

8 Q. I didn't ask you that. I'm just trying to figure out  
9 what was the guy that you were trying to get moved to  
10 a different location, and you said that corporate  
11 counsel told you he had a right to be housed there. I  
12 just wanted to be sure that was after he was  
13 sentenced. This wasn't like an "in the middle of the  
14 night" arrest. It was an overnight thing. But I  
15 heard what you said.

16 When was that conversation you had with  
17 corporate counsel?

18 A. Probably -- I don't know if it was '21 or the spring  
19 of '22.

20 Q. Okay. And you understand, I suppose, that people --  
21 once they're sentenced and they're being assigned by a  
22 court to a specific location to be housed, they  
23 probably do have a right to be housed there, once a  
24 judge so orders, correct?

25 A. I believe so, yes.

1 Q. But here there was not a judge that so ordered that  
2 your brother would be anywhere, correct?

3 A. That's correct.

4 Q. And you assigned Duva to sit with your brother?

5 A. Yes.

6 Q. Why?

7 A. He was going to pick him up, because he was coming on  
8 duty. He was freed up at that point, so I just  
9 thought it would be best for him.

10 Now, it would have been fine if he worked  
11 out later a sergeant comes and sits with him. But I  
12 assigned him initially to go get him and sit with him.

13 Q. Why did he have to have somebody sit with him?

14 A. Because the idea is he probably wouldn't be in regular  
15 population in the jail, like every other law  
16 enforcement officer that's been arrested for drunk  
17 driving. They're usually held out of the jail, so  
18 they still have to be supervised.

19 Q. So you had Duva -- was he -- he was working that  
20 morning?

21 A. He offered to go in early, because he was going to  
22 start his shift at 5:00.

23 Q. So he was getting paid for the time he sat with your  
24 brother?

25 A. Yes.

1 Q. So you had taxpayer money go to somebody sitting with  
2 your brother?

3 A. Correct.

4 Q. And why did somebody have to sit with him? Is that  
5 just because he's incarcerated in some format?

6 A. Yeah. So, again, with any other deputy or officer in  
7 the county that's been arrested for drunk driving,  
8 they're held somewhere outside the jail walls.

9 Q. I know that. I do know that.

10 A. And while doing that, to be able to say they're in  
11 custody, they are supervised by somebody.

12 Q. So when your brother arrived back at the county, for  
13 how long was he going to remain in custody, as you  
14 understood it?

15 A. Until he was a .03 or below.

16 Q. But we have no record, sir, that he never blew .3 or  
17 below. Are you aware of that?

18 A. No. We do have a record of that.

19 Q. Where is the record?

20 A. It's the supplement report.

21 Q. The one that's, what, signed a couple weeks later? Is  
22 that what you're referring to?

23 A. Deputy Duva's supplement report.

24 Q. But we have nothing from the day he blew, which you  
25 would have had -- if he'd been, let's say, in your

1 jail, we would have had a documentation of what he  
2 blew prior to him being released, correct?

3 A. He did the report afterwards.

4 Q. You can just answer my question. Okay?

5 A. You're asking a roundabout question about other  
6 situations, other parts of the --

7 MS. GORDON: Excuse me. Lisa, would you  
8 just mind reading back my question?

9 (The following requested portion of the  
10 record was read by the reporter at  
11 1:18 p.m.):

12 Q. But we have nothing from the day he  
13 blew, which you would have had -- if he'd  
14 been, let's say, in your jail, we would  
15 have had a documentation of what he blew  
16 prior to him being released, correct?

17 MR. SHOUDY: It's a compound question.

18 BY MS. GORDON:

19 Q. Is that correct? You're not tracking me?

20 A. I am not tracking you.

21 Q. I'll do it again. Had he been housed in your jail, at  
22 what time would he have been given a blood alcohol  
23 content test?

24 A. In this specific incident?

25 Q. No. Let's say he was a drunk -- super drunk that came

1 into your jail. He came in at about 3:00 a.m.,  
2 4:00 a.m. in the morning. How long would he be in  
3 custody?

4 A. Until he blew a .03.

5 Q. And who would administer the test?

6 A. Whatever deputy was working that area.

7 Q. Okay. And he would mark it down where?

8 A. I believe in the jail notes.

9 Q. As he's doing the test, correct -- or when it's  
10 complete, correct?

11 A. Sometime. There's no -- he doesn't have to go right  
12 back and add it to the jail notes.

13 Q. But at the time of, generally speaking, correct?

14 A. No.

15 Q. Well, that's what Pohl said. He said, "You write it  
16 down in the log, and it's documented at the time --  
17 roughly the time it's taken, certainly that day.  
18 Before he's released, there's a record of what the  
19 blood alcohol level is."

20 Do you agree with that, that that's what  
21 should occur?

22 A. There is a record. I don't know that they immediately  
23 go back and write it down or if they have to do it  
24 before the end of their shift.

25 Q. But the day that your brother was released, there was

1 no notation in any record of the blood alcohol  
2 content, correct --

3 A. Correct.

4 Q. -- that was made by the department?

5 A. Not that day, correct.

6 Q. And that's a major violation of policy, correct?

7 A. No, that is not a major violation of policy.

8 Q. Okay. So you're telling me you can release somebody  
9 out of -- are you telling me you can release somebody  
10 out of custody without having a record that they blew  
11 .03?

12 A. I'm saying that it is not a --

13 Q. That's a yes or no. I'll take a yes or no. Can you  
14 release somebody out of custody where you have no  
15 written record that they have blown a .03?

16 A. You can.

17 Q. Well, you certainly shouldn't, because that's what you  
18 told me is what you must see before you can release  
19 somebody. You told me that earlier today.

20 A. You just asked me about documentation, not about  
21 somebody blowing a .03.

22 Q. Before they --

23 A. You're mixing up the two questions, and that's not  
24 fair. Earlier, I stated somebody has to blow a .03  
25 before being released. Now you just asked me a

1 question about documentation that day. My answer is  
2 you can release somebody without documenting it that  
3 day. He still has to blow a .03.

4 Q. Okay. Well, how do we know he blew a .03?

5 A. The report.

6 Q. Yeah. Well, I don't have any -- that's an  
7 after-the-fact report by somebody, correct?

8 A. It doesn't make it in any less true.

9 Q. Really? He could have made it up, correct?

10 A. He could have made it up?

11 Q. Of course.

12 A. Of course he could have made it up.

13 Q. Okay. Thank you.

14 A. Anybody could make up anything.

15 Q. Have you investigated why it took two weeks to have  
16 somebody write down what your brother's blood alcohol  
17 content was to him being released out of custody?

18 A. No.

19 Q. Have you looked into that?

20 A. No.

21 Q. And this was written in a supplemental report?

22 A. Yes.

23 Q. That was after the arraignment of Marc King, correct?

24 A. I don't know that.

25 Q. Okay. Do you ever remember another situation where a

1 supplemental report was issued weeks after somebody  
2 was released from custody?

3 A. Yes.

4 Q. What do you recall?

5 A. I've been there 27 years. I know people have failed  
6 to do a report on something or supplement a report.

7 Q. I knew that too, but I didn't ask you that. I know in  
8 27 years somebody neglected to do a report. I asked  
9 you if you knew of the specific circumstance. So I  
10 assume you don't know of anything?

11 MR. SHOUDY: Give him a chance to answer.

12 MS. GORDON: He answered. He said in 27  
13 years he'd seen a lot of things.

14 MR. SHOUDY: Do you have another question,  
15 or do you want him to answer?

16 MS. GORDON: I got the answer.

17 BY MS. GORDON:

18 Q. You were interviewed by the Times Herald; is that  
19 correct?

20 A. Yes.

21 Q. And you answered their questions about your brother;  
22 is that correct?

23 A. Yes.

24 Q. Do you know Laura Fitzgerald?

25 A. As a reporter at the Times Herald.

1 Q. Have you worked with her on other stories?

2 A. Yes.

3 Q. And you told the reporter that your brother was  
4 arrested and lodged first -- at first in Lapeer and  
5 then St. Clair County Jail until he could operate a  
6 vehicle under the blood -- legal blood alcohol content  
7 limit, correct?

8 A. That's what I told her, yes.

9 Q. But you had no proof that he was operating at the  
10 legal limit. You had no evidence that at the time he  
11 was released he was at a legal limit, correct?

12 A. It was documented in the police report that he blew a  
13 .03.

14 Q. Yeah. That was on November 23, correct?

15 A. Yes.

16 Q. What did -- where did that information come from?

17 A. Deputy Duva.

18 Q. Was it his memory?

19 A. Yes, I guess. I mean, it must have been his memory.  
20 He did the report two weeks later. Yeah.

21 Q. So this is your brother's good friend, your friend, 20  
22 years. He happens to be the guy that supposedly  
23 administers the test. We have no record of it.

24 A. We do have a record of it. It's the police report.

25 Q. Excuse me. I wasn't done.

1 A. Okay.

2 Q. You have a record of it from the day you got a --  
3 talked to a reporter where she ran a piece after his  
4 arraignment. And we have no way of knowing what time  
5 the test was administered, correct, the so-called test  
6 by Duva? We don't know what time he administered the  
7 test, do we?

8 A. It's at 9:00 in the morning.

9 Q. Okay. But he has no proof of that. It's just his  
10 memory, correct?

11 A. Just like any other report you make, yes.

12 Q. So it's not -- if I -- how do you issue a -- if you're  
13 at the jail, how do you issue a -- how do you do a  
14 blood alcohol content?

15 A. Use a PBT.

16 Q. Okay. And that's a device?

17 A. Same device that's used --

18 Q. As I understand it, if you're in the jail, there's an  
19 automatic record made of it. Is that correct?

20 A. I don't know of any record that's made other than --

21 Q. It's saved. It's saved in the device; is that  
22 correct?

23 A. I don't believe so, no. I don't think they're even  
24 capable of saving records. I think it just saves the  
25 last one.

1 Q. Are you guessing?

2 A. From my recollection, the portable PBT is not saved.

3 Q. Who is going to know the answer to these questions  
4 from your department?

5 A. Who is in charge of the PBTs now? I'd have to check  
6 to see who's in charge of the PBTs now.

7 Q. You don't know?

8 A. Not off the top of my head, no.

9 Q. When did you first become aware of a social media link  
10 about your brother's arrest?

11 A. It was within a couple days of his arrest. I don't  
12 remember the specific date that I learned about it.

13 Q. And do you know Kevin Lindke?

14 A. Yes, I know who he is.

15 Q. Have you ever met him?

16 A. Him swearing at me in public -- that's the closest to  
17 meeting him.

18 Q. Is he somebody you follow online?

19 A. I blocked him online.

20 Q. And who is he, in general, as you understand it?

21 A. He's an individual that seems to have a problem with  
22 authority, as he criticizes anybody in a position of  
23 authority, thinks he's a social activist.

24 Q. So is that upsetting to you that he criticizes you?

25 A. Me personally, no. But the office -- and when he lies

1 about me -- yes.

2 Q. What has he lied about you? What has he said that  
3 he's lied about you?

4 A. There's a million things.

5 Q. Well, just give me the top two.

6 A. The top two, that I'm on steroids and that -- what's  
7 the other one that would be the top two? Just  
8 repeatedly he accused me of trying to skip out on the  
9 subpoena for this deposition. That would be the most  
10 recent.

11 Q. That would be online?

12 A. That was on Facebook, yes.

13 Q. Have you had legal counsel contact him?

14 A. No.

15 Q. So you don't like him. He doesn't like you. Fair?

16 A. I think that's fair to say, yes.

17 Q. At this time, were you running for reelection at the  
18 time of these events?

19 A. Of Marc's arrest?

20 Q. Yes.

21 A. No, it was not on election year.

22 Q. Okay. So when you heard about the post, what did you  
23 do?

24 A. The original post or as they came out? Originally, we  
25 talked about how information got out quick.

1 Q. I'm sorry. I don't understand your answer.

2 A. We had a conversation between myself, the  
3 undersheriff, and the captain about how his arrest got  
4 to Kevin Lindke very quickly.

5 Q. Okay. So let's go to that.

6 So when did Duva talk to your brother about  
7 the arrest? When did they first talk?

8 A. I presume when he picked him up from the Lapeer County  
9 Jail.

10 Q. Well, you're -- are you aware he talked to him prior  
11 to that?

12 A. Prior to his arrest?

13 Q. No, prior to him picking him up at the jail.

14 A. No, I'm not aware of that.

15 Q. Are you aware that Duva picked up your brother's  
16 personal items for him?

17 A. From the jail?

18 Q. Yeah.

19 A. I would assume that all the personal items would go  
20 with Marc. And Duva picked him up, so yeah.

21 Q. Are you aware Duva went in and got his stuff for him?

22 A. I don't know how physically it got from inside the  
23 jail to his car.

24 Q. Okay. So are you aware that -- you were aware Duva  
25 knew from basically the very next morning about your

1 brother's arrest, correct? Obviously, he knew.

2 A. From 3:00 in the morning.

3 Q. You talked to him about it?

4 A. Yeah.

5 Q. He called you to tell you about it?

6 A. Right. Yeah.

7 Q. And how had he found out about it?

8 A. Deputy Pokriefka called and told him.

9 Q. Okay. And who else knew about it by that time? Do  
10 you know?

11 A. I do not know.

12 Q. And everyone at the department would know by that  
13 time; is that correct?

14 A. 3:00 a.m.? I don't know.

15 Q. No. By the next day. Not by 3:00 a.m., but certainly  
16 by the next day.

17 A. I wouldn't say everybody in the department. Everybody  
18 that worked that shift probably would know.

19 Q. Sure. And everybody -- a lot of people that were at  
20 the bachelorette party would know, correct?

21 A. No, they would all have been home by the time Marc got  
22 arrested, or at least --

23 Q. Yeah. But they all heard about it by the next  
24 morning, correct?

25 A. I have no idea who called who and said what to who.

1 Q. Well, you know that's highly likely, correct?

2 MR. SHOUDY: Calls for speculation.

3 A. I don't know if that's highly likely.

4 BY MS. GORDON:

5 Q. Your fiancée knew. You already said that.

6 A. Yeah. She lived with me.

7 Q. Okay. So after you heard about the leak, what's the  
8 next thing you did?

9 A. Well, at one point, we knew we wanted to talk to Scott  
10 irregardless of the leak, because he was obviously  
11 there during the arrest, and just to break down the  
12 arrest of an employee. We also talked about the fact  
13 that he was brought to another county and didn't  
14 notify me.

15 We attempted to get ahold of Scott, and he  
16 took his next four shifts off work and wasn't  
17 answering phone calls and texts.

18 At that point, suspicions raised as the  
19 amount of specific details came out and his not  
20 getting back in touch with us and mysteriously taking  
21 the four next shifts off after the arrest. And we  
22 knew we needed to conduct an internal investigation  
23 into the leaks and some other things that happened  
24 that night.

25 MS. GORDON: Would you read back my last

1 question, Lisa?

2 (The following requested portion of the  
3 record was read by the reporter at  
4 1:36 p.m.):

5 Q. Okay. So after you heard about the  
6 leak, what's the next thing you did?

7 BY MS. GORDON:

8 Q. I didn't want to hear your whole thing about my  
9 client. Did you try to get in touch with Scott Jones?

10 A. Captain Pohl did.

11 Q. Okay. And how did he try to get in touch with him?

12 A. I don't know if the first was a text or a call, but he  
13 tried both.

14 Q. Did he -- and when he contacted him, he didn't want to  
15 chat on the phone. He wanted a formal meeting,  
16 correct?

17 A. Yes.

18 Q. So nobody called him and just said, "Scott, give us a  
19 quick overview of what happened." You already were  
20 not happy with Scott Jones, correct?

21 A. There's two questions there. I don't know what  
22 overview or questions Pohl relayed wanted to be asked.

23 Q. Okay. So you don't know that?

24 A. Not off the top of my head.

25 Q. You were already upset with Scott Jones, correct?

1 A. I was upset with some decision-making he had that  
2 evening.

3 Q. Yeah, exactly. When you didn't get ahold of Scott  
4 Jones and you said you wanted to find out more about  
5 what had happened because you were thinking about the  
6 leaks, what did you do next after you couldn't get  
7 ahold of Scott?

8 He's entitled to take certain time off,  
9 correct?

10 A. Yes.

11 Q. He wasn't charged with any wrongdoing for taking time  
12 off, correct?

13 A. Correct.

14 Q. So nothing technically wrong with that. You didn't  
15 like it, though, correct?

16 A. I didn't care that he took the time off, but it looked  
17 suspicious.

18 Q. Why?

19 A. He was in charge of the arrest of a deputy of our  
20 department, decided to take him out of county, and  
21 decided on his own accord that he was going to decide  
22 when information would be given to the sheriff.

23 Q. I don't --

24 A. All of a sudden he won't -- because he told me. All  
25 of a sudden, he won't answer phone calls and texts and

1 takes the next four days off.

2 Q. Okay. And, hence, you're suspicious?

3 A. That, along with a lot of other information that was  
4 given out on social media and the timing of it all,  
5 yes.

6 Q. What other information was given on social media?

7 A. The BAC, that Marc was brought to Lapeer County Jail,  
8 my wife's bachelorette party, the other details about  
9 the report.

10 Q. You think my client shared all this information?

11 A. We don't know that. We didn't conclude our  
12 investigation.

13 Q. Was that your opinion at the time of?

14 A. I didn't necessarily have an opinion. We knew we had  
15 to interview everybody involved.

16 Q. Who did you interview that was involved in all that?

17 A. Captain Pohl did the interviews.

18 Q. Well, you were very involved in it all.

19 A. So Captain Pohl interviewed Lieutenant Jones, April  
20 Seavolt, Joe Schoof, Clark, and eventually Cronkright.

21 Q. These were the people that were on the scene and then  
22 Cronkright, correct?

23 A. Correct.

24 Q. Nobody interviewed Duva about who he told this  
25 information to when he learned it directly from your

1 brother the very next morning and had been the one to  
2 pick him up? He would have known all of the details,  
3 wouldn't he? Duva would have known, correct?

4 A. No, I don't know that he would have known all of the  
5 details.

6 Q. What wouldn't he have known? He's the one who filled  
7 out, according to you, the blood alcohol report. He's  
8 the one that gave that test. He would have known  
9 everything.

10 A. Yeah. I have no way of knowing that he would have  
11 known all the details.

12 Q. Wait. What?

13 A. I have no idea or way of knowing --

14 Q. Okay. Let's cover what he knew.

15 A. -- that he knows all of the details.

16 Q. Let's cover what he knew.

17 You called him and told him your brother --  
18 he called you. He found out from your brother he was  
19 picked up for drunk driving.

20 A. He found out from Deputy Pokriefka.

21 Q. Okay. And he talks to your brother, and he talks --

22 A. He talked to me. He didn't talk to him before he  
23 called me.

24 Q. Okay. Then, he talks to Marc?

25 A. When he picked him up, yes.

1 Q. Okay. So you've got Duva knowing -- then he knows the  
2 blood alcohol content. So he knows all these details,  
3 correct?

4 A. Those details, yes.

5 Q. Yeah. Okay. Did anybody check with Marc to find out  
6 who he had discussed the details with?

7 A. I don't think so.

8 Q. Okay. So what else did you do at that time, then,  
9 with regard to the social media link -- leak that you  
10 were concerned about? What was the next thing that  
11 happened?

12 MR. SHOUDY: Next thing after what?

13 MS. GORDON: After what he just said.

14 BY MS. GORDON:

15 Q. That you called Scott Jones -- or not -- somebody  
16 wanted to set up a meeting with Scott Jones. He  
17 didn't respond. What else did you do?

18 A. I know that Captain Pohl and Undersheriff Spadafore  
19 continued to try and locate him and finally had a  
20 meeting with him.

21 Q. Only him, nobody else, correct?

22 A. They were starting the meeting with him, correct.  
23 There were other interviews later, yeah.

24 Q. The point is -- well, I know that, but they didn't  
25 call anybody else to try to get information other than

1 my client, correct?

2 A. I don't know the timeline when --

3 Q. Not that you're aware of, correct?

4 A. -- Captain Pohl made those phone calls.

5 Q. Not that you're aware of, correct?

6 A. Not that I'm not aware of. I don't know when he made  
7 those other phone calls.

8 Q. He didn't report back to you and say, "I've contacted  
9 Scott Jones. I've contacted Cronkright. I've  
10 contracted Goodrich. I've contacted these other  
11 officers." You were never advised of that, correct?

12 A. Not every time he contacted somebody.

13 Q. Well, the only person you can remember is Scott Jones,  
14 correct?

15 A. No. I know he contacted the other people, and it's in  
16 the --

17 Q. That was during --

18 A. -- internal --

19 Q. -- the investigation process, sir, but not at the  
20 time -- not immediately --

21 A. I don't --

22 Q. You've got to let me finish.

23 -- not immediately afterwards when he  
24 wanted to talk to my client. He didn't, then, follow  
25 up and contact anybody else, as far as you know,

1 correct?

2 A. As far as I know. I don't know when he did those  
3 things.

4 Q. Okay. The post didn't mention the department,  
5 correct? They talked about your personal integrity;  
6 is that right?

7 A. I thought I saw one of the posts mention something  
8 about bad things going on at the department.

9 Q. And did you ask Spadafore to continue to monitor this  
10 Lindke account?

11 A. Yeah. We had a conversation about monitoring it. I  
12 don't remember if I directly ordered him to. It just  
13 was more of a conversation. It was understood he was  
14 going to monitor it.

15 Q. Okay. And you wanted him to report back to you on  
16 this, correct?

17 A. Yeah, I wanted -- yes.

18 Q. Okay. And you continued to talk with your direct  
19 reports about the post, correct?

20 A. I'm sorry. With who? With him?

21 Q. With Spadafore and with Pohl.

22 A. Yes.

23 Q. You continued to talk to them, correct?

24 A. Yes.

25 Q. Okay. But to the effect of you thought it was not a

1 good look, correct, on Facebook; is that right?

2 A. Correct.

3 Q. And there was talk about your brother getting special  
4 treatment that you didn't like; is that correct?

5 A. Correct.

6 Q. I guess you understand people have the right to post  
7 whatever they want; is that correct?

8 A. That's correct.

9 Q. At what point did the -- do you -- strike that.

10 As I understand it, when somebody is taken  
11 to a jail, it's public information. Is that correct?

12 A. Yes.

13 Q. So your brother being in jail would always have been  
14 public information from the time he was put in the  
15 Lapeer County Jail, correct?

16 A. Correct.

17 Q. Similarly, it should have been public information if  
18 he was transported and in your custody and control,  
19 correct?

20 A. If somebody FOIA'd it. I mean --

21 Q. No. If somebody called and said, "Is such and such in  
22 custody?" --

23 A. Right.

24 Q. -- they can get that information, correct?

25 A. Yes.

1 Q. So your brother being at Lapeer and being in the  
2 detective bureau was not anything private or secret,  
3 correct?

4 A. It's not a secret.

5 Q. No. It's public information, correct?

6 A. Once it is requested. It had not been released.

7 Q. I know what --

8 A. The department has the right to release information.

9 Q. Okay. But Pohl said, "I can call the police station  
10 and ask, 'Is such and such in custody there?' and I  
11 will get an answer."

12 A. Correct.

13 Q. And I also know there's now an app that can be used  
14 where you can just put a name in and find out if the  
15 person is in custody.

16 A. Correct.

17 Q. So it's not that you have to release anything. At any  
18 time, anybody could have found out that your brother  
19 was arrested, correct?

20 A. Correct.

21 Q. Similarly, the blood alcohol level is open to the  
22 public; is that correct?

23 A. Not at the time of his release.

24 Q. Well, it's going to be open to the public very shortly  
25 thereafter, correct?

1 A. It will --

2 Q. Because there's going to be an arraignment, correct?

3 A. After the arraignment, correct.

4 Q. It's going to be said at the arraignment, correct?

5 A. I don't know -- I guess it could be, yeah.

6 Q. Sure. And is there a reason to keep from the public  
7 what anybody's blood alcohol level is that's been  
8 arrested? Is there some reason to keep that secret?

9 A. No.

10 Q. So what was the secret information, if there was any,  
11 that Lindke posted?

12 A. There was information that was posted, whether it was  
13 secret or not, that had not been released by our  
14 department.

15 Q. Well, I realize that, that that's your point, but  
16 we've already established that your department does  
17 not need to release information and that, as a matter  
18 of fact, you don't have any policy that says anybody  
19 in your department cannot say, "We arrested John Doe  
20 last night, and he blew a 1.83 [sic]" to their  
21 neighbor. There's no rule against that, correct?

22 A. Against that?

23 Q. Yes.

24 A. No.

25 Q. So I'm working for the St. Clair County Sheriff's

1 Department, and I learn that -- I'm an employee. I'm  
2 a deputy. And I learn that John Doe was arrested the  
3 night before, and he blew a 1.83. I can tell my  
4 neighbor or anybody I want that, can't I?

5 A. Sure.

6 Q. So what is the information that is private?

7 A. Well, it wasn't about it being private. It was about  
8 it being -- well, the private part --

9 Q. I'm going to retract my question.

10 Is there anything that was a secret or  
11 should have been kept secret that was not available to  
12 the public that you did not like that Kevin Lindke  
13 posted?

14 A. Personal information that was gathered while the  
15 arrested person -- Marc it being in this case -- while  
16 his understanding was it was going to be kept private  
17 because the lieutenant said his camera was off; being  
18 my wife's bachelorette's party.

19 Q. Hang on. If you're going to give me a list, let's  
20 just --

21 A. Well, you just asked for a list.

22 Q. I know. So something about -- learning something  
23 about your wife's bachelorette party?

24 A. Yes.

25 Q. Okay. Is there anything else?

1 A. The whole incident as a whole was not to be released  
2 by somebody calling what everybody knows is an  
3 inflammatory slanderer so he can put his statement out  
4 there and put it in whatever light he wanted with no  
5 rebuttal.

6 Q. So you're concerned that somebody called this  
7 particular guy who's --

8 A. Or knew it would get to him.

9 Q. I didn't finish my question. That somebody called  
10 Lindke, who is a bad guy, writes a bunch of stuff that  
11 doesn't seem right, that he would be contacted. That  
12 was a concern to you?

13 A. Well, that's what -- no. My concern is information  
14 being leaked out that way for this specific incident  
15 because it could get to a guy like that.

16 Q. Wait a second, then. I'm sorry to interrupt you. So  
17 then you're saying because you don't like what Kevin  
18 Lindke posts, the people that work for you can't  
19 exercise their right to give out public information  
20 because Kevin Lindke might get it?

21 A. That's not what I'm saying.

22 Q. Okay. Good. So other than your wife's bachelorette  
23 party, which we'll get to in a second, apparently you  
24 think my client provided this information to Lindke,  
25 correct? That's what you seem to be saying here?

1 A. He provided it to Josh Goodrich, who gave it to  
2 Lindke.

3 Q. Do you have any proof of that? Because Pohl didn't --  
4 he didn't have any evidence of that.

5 A. I know that he was talking to Josh Goodrich, and Josh  
6 Goodrich said in some other texts that he was talking  
7 to Kevin Lindke.

8 Q. Yeah. We all know all that. We sat through a long  
9 dep with Pohl. You have no evidence that my client  
10 told Josh Goodrich anything that Josh Goodrich took to  
11 Lindke, correct?

12 A. I think we have text messages between Goodrich and  
13 Cronkright stating that he did.

14 Q. Okay. I'm just going to take an answer to my  
15 question. You have no evidence that my client said  
16 anything to anybody that was then posted by Kevin  
17 Lindke?

18 A. I think we do have evidence.

19 Q. Well, Pohl said you didn't have any evidence. So what  
20 are you referring to?

21 A. The text messages about Jones giving information to  
22 Goodrich and then Goodrich giving it to Lindke.

23 Q. Have you looked at the timing of all that, sir?

24 A. I don't know that --

25 Q. Are you aware that the post was already up after that

1 text -- before that text was issued?

2 A. I'm not aware.

3 MR. SHOUDY: Objection, form and  
4 foundation.

5 BY MS. GORDON:

6 Q. In any event, you think my client was responsible for  
7 this or involved, correct?

8 A. I do, yes.

9 Q. You appointed Pohl to conduct the investigation; is  
10 that correct?

11 A. Yes.

12 Q. Is there anything in writing so instructing him?

13 A. No.

14 Q. What was the purpose of the investigation?

15 A. The purpose of the investigation is to find out the  
16 shortcomings of the events surrounding Marc's arrest.

17 Q. Okay. That's a very vague statement. What are you  
18 referring to? What are the shortcomings?

19 A. The fact that Marc was taken to the Lapeer County  
20 Jail.

21 Q. Okay, sir. That's not a part of the investigation.

22 A. The investigation was not complete yet.

23 Q. Well, that's not -- my client was never asked about  
24 that.

25 A. Because the investigation wasn't completed.

1 Q. Okay. Well, how many interviews do you do of an  
2 officer?

3 A. As many as it takes to get --

4 Q. You just hold back until you can like wave stuff  
5 around and threaten somebody with it? Is that what  
6 you do?

7 A. No.

8 Q. I mean, it's inexplicable -- if you had something my  
9 client -- by the way, Pohl said my client violated  
10 three policies, and none of them involved Lapeer. He  
11 was asked point-blank, "What did Scott Jones" -- "what  
12 policy did he violate?" He never mentioned that. So  
13 are you aware of that? You said you read his dep.

14 A. Yes.

15 Q. Is he incorrect?

16 A. I hadn't given the direction because the investigation  
17 wasn't done yet.

18 Q. I didn't ask him what the direction was you'd given  
19 him. I asked him what policies my client had violated  
20 in that he was the investigator that actually wrote up  
21 conclusions. I asked him what policies were  
22 violated --

23 MR. SHOUDY: So what's your --

24 BY MS. GORDON:

25 Q. -- and he did not include Lapeer. Did you read that?

1 A. Yes.

2 Q. Okay. So is he wrong?

3 A. The investigation wasn't done yet.

4 Q. Sir --

5 A. At that point -- at the point there, he wasn't wrong.

6 At the point of that situation --

7 Q. When was that going to be investigated, Sheriff? When  
8 was Lapeer going to be investigated?

9 A. If the investigation concluded, but it didn't.

10 Q. What investigation? Into what?

11 A. The shortcomings of the handling of Marc King's  
12 arrest.

13 Q. Wouldn't that include taking him to Lapeer?

14 A. Yes.

15 Q. But it's not in the investigation, Sheriff.

16 A. The investigation wasn't concluded.

17 MR. SHOUDY: Objection, lack of foundation.

18 BY MS. GORDON:

19 Q. Well, you never said that. My client was called --

20 MR. SHOUDY: That's a false statement.

21 A. I've said that three times.

22 BY MS. GORDON:

23 Q. My client was called in and interviewed about all the  
24 alleged wrongdoing that he was accused of.

25 Okay. There's no point in arguing. You've

1 got --

2 MR. SHOUDY: That's all you're doing, and  
3 you're misstating the facts.

4 MS. GORDON: It's not me. Your client has  
5 a parallel theory that he's trying to present here  
6 today, which is illogical --

7 MR. SHOUDY: Do you want --

8 MS. GORDON: -- and I'm stuck with it.

9 MR. SHOUDY: Do you want him to answer your  
10 questions or not?

11 MS. GORDON: I'm not answering your  
12 questions.

13 MR. SHOUDY: You asked him a question. You  
14 don't like his answers, so then you criticize him. So  
15 just ask your questions, he answers, and we move on.

16 MS. GORDON: Thank you for that, Todd.

17 BY MS. GORDON:

18 Q. So your testimony here is today that you intended to  
19 open up another investigation into Scott Jones; is  
20 that -- do I have that right?

21 A. It would have been all the same investigation.

22 Q. It couldn't have been all the same investigation,  
23 because this investigation was closed and concluded.

24 A. That's why I said it would have been. There was  
25 follow up things I wanted to investigate had we moved

1 forward, because they weren't addressed in the  
2 beginning of the investigation.

3 Q. Well, did you talk -- did you write up Pohl for this?

4 A. No, I did not.

5 Q. It sounds like a rather glaring error on the part of  
6 Pohl. Your big concern is how your -- what went wrong  
7 with your brother's arrest. But none of that -- none  
8 of that is in the Pohl investigation, correct?

9 A. No, I don't think that's correct. None of it is?

10 Q. Yes.

11 A. There's several things that I wanted investigated.  
12 You interrupted me, didn't let me finish.

13 Q. No. There's nothing -- well, we'll get out the  
14 investigation.

15 In addition, Pohl said there was nothing  
16 wrong with the arrest scene. Are you aware of that?

17 A. With the arrest? There was nothing wrong with the  
18 arrest --

19 Q. Yeah.

20 A. -- other than that Jones should have taken it.

21 MS. GORDON: Okay. I'm going to take a  
22 couple-minute break, get my documents organized.

23 (Recess taken at 1:56 p.m.)

24 (Back on the record at 2:15 p.m.)

25 BY MS. GORDON:

1 Q. So we were talking before the break about you  
2 believing you had evidence as to my client talking to  
3 Goodrich and, hence, being part of or the reason for  
4 the so-called leak, and you mentioned you had  
5 evidence, as I said. So I want to talk to you about  
6 what happened when Cronkright was investigated.

7 You were very involved in this  
8 investigation, as I read through it. You were being  
9 kept up to date on what the witnesses were saying; is  
10 that correct?

11 A. Yeah. I was being kept up to date, yes.

12 Q. And, in fact, for my client's interview, you were very  
13 much involved. You were present. There were breaks  
14 taken where you were consulted with, correct?

15 A. I wasn't present for the interview, but --

16 Q. You were on premises.

17 A. Oh, yes.

18 Q. You were nearby. You were in, I think, a nearby room.  
19 Where were you? Why don't you tell us?

20 A. For the interview with -- the initial interview with  
21 Scott at HR, I was not. I was in a different  
22 building. But the other interviews, I was down the  
23 hall in a different office, yes.

24 Q. And from what we've learned from the Pohl dep and from  
25 actually the records we have here is that throughout

1 Scott Jones's interview, you were being consulted  
2 with, correct?

3 A. Correct.

4 Q. And why was that?

5 A. Because I'm the sheriff.

6 Q. Well, you weren't involved in other people's  
7 interviews. People weren't going back and forth to  
8 you when others were being interviewed. Why was it  
9 with this one?

10 A. Because there was more things involved than -- he's a  
11 lieutenant. There's more responsibility for the  
12 lieutenant.

13 Q. But he wasn't being asked about that night. He was  
14 being asked about the alleged leak, correct?

15 A. I don't recall everything he was -- I wasn't in there,  
16 so I don't really -- he could have been asked about  
17 that night. I wasn't in there.

18 Q. But when you were being updated, you were not being  
19 updated about the night of. You were being updated  
20 about the leak. Do you recall that?

21 A. I don't recall if I was updated about other things.

22 Q. Okay. So Cronkright is interviewed here on  
23 November 30th. Do you recall that?

24 A. I know he was interviewed. I don't remember what the  
25 date was.

1 Q. Okay. There was a follow-up statement from him on  
2 12-1; is that correct?

3 A. I don't remember the date, but there was a follow-up,  
4 yeah.

5 Q. So let's go through what Cronkright said in his first  
6 interview. When is the last time you would have  
7 looked at this?

8 A. Yesterday.

9 Q. Okay. Did you read Pohl's deposition about all this,  
10 where we walked through with him all of these  
11 communications?

12 A. Last week, yes.

13 Q. You read through it?

14 A. Yes.

15 Q. Okay. Chad originally was interviewed, and were you  
16 in the building at that time or nearby?

17 A. I don't recall.

18 Q. So, according to the interview notes, Cronkright  
19 said -- rather, Pohl says, "I went through the five  
20 aforementioned bullet points, and he denied each and  
21 every one of them. He offered the following: 'If you  
22 want to know who it is, just ask me.' I did, and he  
23 said, 'Scott Jones.'

24 "When asked how he knew this, he said he  
25 was told so by Josh Goodrich. He further elaborated

1 he talks to Goodrich daily."

2 Do you recall that?

3 A. I recall not necessarily word for word that, but that  
4 conversation, yes.

5 Q. And he said not only did he tell him this  
6 conversation, but he sent Goodrich text messages.  
7 Were you aware of that?

8 A. Okay. Who is "he"? I don't have the piece of paper  
9 in front of me, so it's hard for me to follow.

10 MS. GORDON: Do we have an extra copy of  
11 this?

12 BY MS. GORDON:

13 Q. So I'll give you -- we don't have a document number on  
14 this.

15 MS. MARZOTTO-TAYLOR: They didn't  
16 Bates-stamp their stuff.

17 MS. GORDON: Yeah, I know.

18 MS. MARZOTTO-TAYLOR: So it's, I think,  
19 Exhibit 2.

20 MS. GORDON: This is what we've been  
21 calling Exhibit 2?

22 MS. MARZOTTO-TAYLOR: No, we've --

23 MS. GORDON: Can I maybe --

24 MR. SHOUDY: I think it's been both. For  
25 some reason, I think it's 2 and 3.

1 MARKED FOR IDENTIFICATION:

2 DEPOSITION EXHIBIT 1

3 2:21 p.m.

4 BY MS. GORDON:

5 Q. I'll hand you Exhibit 1. I'm going to flip you to --  
6 again, these aren't page-numbered either, but the top  
7 of the page says "Chad Cronkright - Wednesday,  
8 November 30th."

9 A. Okay.

10 Q. He said he talks to Goodrich daily. Do you see that,  
11 a few lines down from the top?

12 MR. SHOUDY: Three.

13 BY MS. GORDON:

14 Q. Do you see it?

15 A. Yep.

16 Q. And Cronkright claimed that he has text messages where  
17 Goodrich tells him that Jones was the leak.

18 A. Okay.

19 Q. Cronkright deleted his texts, correct?

20 A. Okay.

21 Q. Do you see that? After he was notified of the  
22 investigation, Cronkright deleted his texts, correct?

23 A. Where about on this? I have to --

24 MR. SHOUDY: The last two questions you  
25 asked, I can't find it.

1 A. In full disclosure -- I'm not trying to be funny, but  
2 I'm dyslexic. So I read a little slower.

3 BY MS. GORDON:

4 Q. That's okay. If you go down to the fourth line where  
5 he says he talks to Goodrich daily. Are you with me?

6 A. Fourth line from the top. One, two, three, four.

7 Q. He says he talks to Goodrich daily.

8 MR. SHOUDY: That's the sixth line.

9 MS. GORDON: Okay. You can point him to it  
10 if you see it, Todd.

11 A. "Talks to Goodrich daily." Gotcha.

12 BY MS. GORDON:

13 Q. "Not only did he tell him in this conversation, but he  
14 also sent him text messages of it. However, he  
15 followed up by saying he deleted the texts." Do you  
16 see that?

17 A. Yep, I see that.

18 Q. So we have Cronkright deleting his text messages that  
19 might have shed some light on all this, correct?

20 A. Yes, according to this.

21 Q. Did you learn about this at the time?

22 A. I don't recall learning about it at the time, no.

23 Q. "His understanding was that Jones told Goodrich, who  
24 in turn told Kevin Lindke, and he posted it on his  
25 Facebook page." Do you see that?

1 A. Yes.

2 Q. In fact, Cronkright was lying about deleting text  
3 messages, correct, because you later obtained some  
4 from him. Is that right?

5 A. I don't know that that's true.

6 Q. We have text messages from him.

7 A. We don't know that we have all the text messages from  
8 him.

9 Q. Okay. But he said he deleted text messages, and then  
10 he provided them, correct? He eventually gave you  
11 text messages?

12 A. We don't know that --

13 Q. Were you aware of that?

14 A. We don't know whether they're the same text messages,  
15 though.

16 Q. Sir, he told you he deleted all of his text messages,  
17 the important texts. He said he deleted -- he had  
18 deleted the texts.

19 A. Okay.

20 Q. So the texts are the texts involving Lindke, Goodrich,  
21 and Jones, correct? Those would be the texts?

22 MR. SHOUDY: Objection, lack of foundation.

23 A. I don't know what the texts are according to --

24 BY MS. GORDON:

25 Q. Well, I'm asking you your understanding. You're

1 involved in all this.

2 A. I just did, and you asked me the question again. I  
3 said I don't know that they're the same texts, the  
4 ones he deleted or ones that he offered.

5 Q. Did anybody investigate Cronkright lying?

6 A. Not that I know of, no.

7 Q. Okay. Then he was asked to go to his phone and  
8 retrieve -- go to the car and retrieve his phone,  
9 correct?

10 A. Right.

11 Q. And look at the call logs and retrieve the deleted  
12 messages. Were you aware of that happening?

13 A. Uh-huh.

14 Q. Okay. He was unable to retrieve the texts, correct?

15 A. Right.

16 Q. Then, the next paragraph says, "Upon concluding the  
17 interview, I advised Cronkright he had 24 hours to  
18 turn in a written statement." Correct?

19 A. That's what it says, yeah.

20 Q. And that's going to be about the conversations with  
21 Goodrich and his allegations against Jones, correct?

22 A. Correct.

23 Q. Now, on Friday, December 9th, you get involved in a  
24 meeting, correct?

25 A. Correct.

1 Q. Why are you in this meeting?

2 A. Because he was supposed to come in and give some  
3 information. If he gave the information we thought he  
4 was going to give, then we were going to talk about  
5 where he was as a deputy in this department.

6 Q. What was the information that was going to cause you  
7 to discuss whether he should remain a deputy in the  
8 department?

9 A. That's not what I said.

10 Q. What did you say?

11 A. I said he was supposed to come in and give some  
12 information. If he gave that information, we were  
13 going to talk to him about where he was at as far as  
14 his attitude, his place in the department. He was  
15 disgruntled at the time.

16 Q. Okay. So what day was he supposed to come in with  
17 that new information?

18 A. I believe on the 9th here. Is that the date?  
19 Whatever the date is here, the follow-up. Yeah,  
20 November 9th. No, that's not right.

21 Oh, December 9th. I'm sorry.

22 Q. Okay. You have a follow-up interview that day,  
23 correct, where you reviewed his written statement,  
24 correct? He did give a written statement, right?

25 MR. SHOUDY: Which question do you want him

1 to answer?

2 BY MS. GORDON:

3 Q. He gave a written statement, and you reviewed it. Is  
4 that right?

5 A. Yes.

6 Q. All right. His written statement -- do you recall  
7 what his written statement said?

8 A. No, not off the top of my head.

9 Q. Okay. He says, "We reviewed his written statement.  
10 Of note: During a subsequent call, I told him that  
11 Marc was arrested by Clark, and he was super drunk."

12 Are you with me? Do you see where --

13 A. No. I'm sorry.

14 Q. That's okay. Go down to your -- take your time.

15 MS. MARZOTTO-TAYLOR: The bullet points.

16 A. The same page?

17 BY MS. GORDON:

18 Q. See where the bullet points are?

19 A. All right. Review of the written statement. Okay.

20 Q. Just for the record, present at this discussion is  
21 you, Spadafore, Andrea Blair, Cronkright, and  
22 Pokriefka?

23 A. And Captain Pohl.

24 Q. And Pohl, who is running this?

25 A. Correct.

1 MS. GORDON: His written statement is --  
2 let's hand the witness a copy of the written  
3 statement. We'll mark this as Number 2.

4 MARKED FOR IDENTIFICATION:

5 DEPOSITION EXHIBIT 2

6 2:28 p.m.

7 BY MS. GORDON:

8 Q. There is the written statement. When is the last time  
9 you would have seen that, Sheriff?

10 A. I saw it in the packet I reviewed, but I didn't really  
11 read it.

12 Q. Take a second and read it.

13 A. Okay.

14 Q. Does that refresh your recollection?

15 A. Yep.

16 Q. Okay. So let's start with this. On the top line, he  
17 says, "On November 5, 2022, I was contacted by Marc  
18 King, and he told me he had been arrested for OWI."

19 I'll tell you for the record, Sheriff, that  
20 we've all agreed that the date of the 5th is incorrect  
21 on the part of Cronkright. That should actually be  
22 the 6th. Okay?

23 A. Correct. Yeah.

24 Q. Pohl testified to that.

25 Did you know -- I suppose you must have

1 known that Cronkright and Marc King were good friends,  
2 correct?

3 A. I know they used to be. I didn't think they were  
4 anymore.

5 Q. Well, you can see that your brother called Cronkright.

6 A. I can see that now, but, I mean, at the time, I didn't  
7 really think they talked anymore.

8 Q. Well, is this the first time you're learning that your  
9 brother personally called Cronkright on the night of  
10 the arrest or the early morning hours, or have you  
11 seen this before?

12 A. I've seen this before. I was just saying I didn't  
13 think they were friends at the time, but I'm seeing  
14 now they have contacted -- or he contacted him.

15 Q. Did you know when you read this in December of 2022 --  
16 did you know -- you must have then realized, been made  
17 aware, that your brother actually called Cronkright  
18 himself and said what had happened to him that night?

19 A. Correct.

20 Q. So leave aside anything that my client did. Your own  
21 brother contacted another officer and told him he'd  
22 been arrested for OWI, correct, and also said that he  
23 was super drunk?

24 A. Right.

25 Q. So now we have an added fact here based on everything

1           you've been testifying to today. Your brother himself  
2           was talking about his arrest and the OWI within the  
3           department, correct?

4       A.    To another person who had gotten a drunk driving. I  
5           presume it was to get some advice on how to handle it.

6       Q.    I'm not asking you to presume anything. Your brother  
7           is now talking to another officer and telling him  
8           exactly what happened and that he was super drunk,  
9           correct?

10      A.    Telling him that he was arrested and that he was super  
11           drunk, yes.

12      Q.    All right. So now you see that there is an officer  
13           here that your brother openly gave information to and  
14           that this officer, Cronkright, has a connection to  
15           Kevin Lindke, correct?

16      A.    Correct.

17                   MR. SHOUDY: I'm sorry. Did you mean Kevin  
18           Lindke or Goodrich?

19                   MS. GORDON: Kevin Lindke.

20                   MR. SHOUDY: Okay.

21   BY MS. GORDON:

22      Q.    Is an indirect connection to Lindke, correct?

23      A.    Indirect, yes.

24      Q.    And then he says -- I'm continuing on with  
25           Cronkright's email here -- that he then texted --

1 Cronkright texted Josh Goodrich. Do you see that?

2 A. "Received a text that Josh Goodrich" --

3 Q. You don't have to read it out loud.

4 A. Yes, I see that.

5 Q. So here we have Marc King contacting Cronkright, who  
6 texts Goodrich. Do you see that?

7 A. Yes. It looks like Goodrich texted him, but yes.

8 Q. He says, "Later that evening I texted Josh Goodrich."

9 A. Okay. I must be looking at the wrong line. This  
10 line --

11 Q. Well, you've got to look at the right line. It's  
12 important. It's Exhibit 2.

13 MR. SHOUDY: Well, he's on the wrong line.

14 THE WITNESS: Just a different spot.

15 MR. SHOUDY: If you can focus him to the --

16 BY MS. GORDON:

17 Q. Let's read it together. Let's start at the top.

18 Okay?

19 A. Sure.

20 Q. "On November 5, 2022, I was contacted by Marc King,  
21 and he told me he had been arrested for OWI. Later  
22 that evening, at 5:44 p.m., I texted Josh Goodrich,  
23 who I am friends with and talk daily with, that Marc  
24 got an OWI." I'll stop right there.

25 A. Yep. I'm with you.

1 Q. So now you can see my client's name is not in here.  
2 Scott Jones's name is not in here. And we see the  
3 connection is Marc King to Cronkright to Goodrich. We  
4 see that in this document Number 2, correct?

5 A. Correct.

6 Q. Cronkright goes on to say, "Never once was it my  
7 intention for him to say anything about it. During a  
8 subsequent call -- phone call, I told him that Marc  
9 was arrested by Clark and was super drunk. Josh had a  
10 previous encounter with Deputy Clark that he was upset  
11 about and stated he was going to FOIA the report."

12 That's Josh Goodrich, correct?

13 A. Yes.

14 Q. It says, "On Monday, the following day, sometime  
15 during my shift, I retrieved Marc's duty bag and rifle  
16 to return to his home." Do you see that?

17 A. Yes.

18 Q. So they're good enough friends, Cronkright and Marc,  
19 that he's going in to pick up his rifle and duty bag,  
20 correct?

21 A. Yes.

22 Q. "On Wednesday, November 9, 1:23 p.m., I received a  
23 text that Josh was on the phone with Jones. Later  
24 that day, at 3:31, he stated the word is already out  
25 on social media."

1                   So that would be Goodrich telling  
2                   Cronkright that, correct?

3           A.    Yes.

4           Q.    So at the time my client was on the phone with Josh --  
5                   and we're going to get to that call in a minute --  
6                   this had already been posted by Kevin Lindke on social  
7                   media, correct? This is what's being said by  
8                   Cronkright.

9           A.    It says at 1:23 received a call, and later it was  
10                   indicated that it was out on social media. So it  
11                   looks like after the call from Jones it was out on  
12                   social media.

13          Q.    No. We're going to look at the social media --

14                   MS. GORDON: What time is the social media  
15                   post?

16                   MS. MARZOTTO-TAYLOR: Prior day, the 8th.

17          A.    I'm going off of --

18          BY MS. GORDON:

19          Q.    The social media post was the prior day. We'll get to  
20                   that in a minute, Sheriff.

21                   MR. SHOUDY: I think that statement is  
22                   wrong.

23                   MS. GORDON: Well, you'll be happy to  
24                   cross-examine and --

25                   MR. SHOUDY: Well, you're stating a fact

1           that's wrong.

2                       MS. GORDON: I said we'll get the document  
3           out, okay, so you can -- not worry about it.

4 BY MS. GORDON:

5 Q.   And then he says, "I've had conversations by" -- TX,  
6       as I understand it, is phone. Is that correct?

7 A.   Yes.

8 Q.   -- "with Josh, as we talk daily about a variety of  
9       things. In conversations, he did say he got this  
10      information from Jones, as he is friends with Jones  
11      and does talk to him. I did not want to get involved  
12      with what they had going on and wanted to distance  
13      myself. I'm sorry that Marc and his family were  
14      affected by this, but it was not my intention when I  
15      told Josh about the arrest and did not take part in  
16      leaking details."

17                    Okay. Do you see that?

18 A.   Yes.

19 Q.   So here we have Cronkright admitting that he's the one  
20      that talked to Marc and then contacted Goodrich who  
21      then contacted Lindke, correct?

22 A.   That's in there, correct.

23 Q.   And this document does not contain any evidence that  
24      my client is the one that was responsible for any  
25      leak, correct?

1 A. That's false.

2 Q. What's false about it?

3 A. In this document, it states that Josh is saying he's  
4 talking to Jones, and he talks to him all the time.

5 Q. Right. But he doesn't say that Josh gave Jones the --  
6 excuse me -- that Jones gave Josh the information that  
7 Josh then went to Lindke with, correct? It doesn't  
8 say that. It just says they talk, correct?

9 MR. SHOUDY: Objection. The document  
10 speaks for itself.

11 BY MS. GORDON:

12 Q. Correct?

13 A. I'd have to hear that question again. I'm sorry.

14 Q. Look at the document, sir.

15 A. Yeah. I was when you were talking.

16 Q. What we have here is -- we know for sure it went from  
17 Marc King to Cronkright to Goodrich, and the social  
18 post went up -- the social media post went up. Then,  
19 we have Cronkright saying Jones also talked to  
20 Goodrich. But by that time, the social media post was  
21 up, correct?

22 MR. SHOUDY: Objection to form and  
23 foundation, and that misrepresents the statement.

24 MS. GORDON: I'm just reading the  
25 statement.

1 MR. SHOUDY: No, you're not. You're  
2 actually misreading the statement.

3 MS. GORDON: Okay. You can do cross-exam.  
4 BY MS. GORDON:

5 Q. Go ahead.

6 A. So what I see is that he states to Goodrich -- or Josh  
7 states to Cronkright at 1:23 he's talking to Jones.  
8 Later that day, at 3:31, he states the word is already  
9 out on social media, so that would be after. That's  
10 not to say that any other conversations didn't take  
11 place with Goodrich and Jones before any of this.

12 Q. Okay. So by the time -- per the investigation  
13 report -- this is Exhibit 1, page 2. By Tuesday,  
14 November 8, Kevin Lindke began posting original posts  
15 about the incident. Do you see that at the very top?  
16 Do you see the November 8th date, Sheriff?

17 A. I'm looking at it right now.

18 Q. Okay. Good. So that's your document.

19 Now, let's go to -- hand me Exhibit 2. I  
20 want to see what's attached to your Exhibit 2.

21 Let's go to the text messages attached. So  
22 these are messages between Cronkright and Goodrich,  
23 okay, that were produced by Cronkright to you. Are  
24 you with me?

25 A. Yes.

1 Q. So this is where he says, "On with Jones." Goodrich  
2 is telling this to Cronkright. Do you see this?

3 A. Yeah.

4 Q. There's nothing in here about what he's talking to  
5 Jones about; is that correct?

6 A. Correct.

7 Q. Are you aware that the date of this text is 11-9?

8 A. I'm not aware of that.

9 Q. You don't dispute it?

10 A. It's not on here, so I won't confirm it or deny it.  
11 There's no date on it.

12 Q. Well, this is produced by Cronkright, and he describes  
13 it. So that's what he says.

14 A. I don't know where he says that.

15 Q. So if you go back to the -- if you go back to the  
16 first page, you will see that on Wednesday -- in  
17 Cronkright's statement, he says, "On Wednesday,  
18 November 9th, received a text that Josh was on the  
19 phone with Jones." Do you see that?

20 A. Okay.

21 Q. So if you go to the next page, you'll see that text  
22 there. And Cronkright is saying -- he signed this --  
23 that on November 9th, that's the date that Jones and  
24 Goodrich were on a call together. Do you see that?

25 A. Yeah, I realize that. It's just this text could have

1           been a whole different situation on another day. So I  
2           can't say for sure it was on the 9th, because it's not  
3           dated, unfortunately.

4       Q.    This is what you relied on. This is what you got from  
5           Cronkright. I don't know if you or Pohl --

6       A.    It's just --

7       Q.    Hang on. I'm still talking.

8                    I don't know if you or Pohl said to  
9           Cronkright, "You've got to date this or give us more  
10          information," but this is what he produced to you --  
11          to you -- back at the time of. You had this. Do you  
12          disagree?

13       A.    I disagree with a lot of what you said. You said this  
14           is what I relied on, and you made this long  
15           statement --

16       Q.    Did you have --

17       A.    -- and threw out "Do you disagree" at the end.

18                    MR. SHOUDY: You've got to let him answer.

19       A.    I can't agree or disagree with a whole long statement.

20       BY MS. GORDON:

21       Q.    No. You just don't want to answer.

22                    Let's go to Exhibit 2.

23                    MR. SHOUDY: You're not letting him.

24       BY MS. GORDON:

25       Q.    Exhibit 2 is one --

1 MR. SHOUDY: You just cut him off.

2 BY MS. GORDON:

3 Q. -- two -- three pages. Is that correct?

4 A. Yes.

5 Q. Did you receive these, sir, when they were given to  
6 you by Cronkright in 2022?

7 A. I believe Captain Pohl did.

8 Q. Okay. So these were received by your office, correct?

9 A. Correct.

10 Q. So Captain Pohl would have been able to look at these  
11 documents and see that Cronkright said, "On Wednesday,  
12 November 9th, I received a text that Josh was on the  
13 phone with Jones." Then attached is the text that  
14 says, "On phone with Jones"?

15 A. Correct.

16 Q. So are you disputing the date of the text?

17 A. I'm not going to say that that's the date or not,  
18 because this could be a whole other conversation where  
19 he was on the phone with Jones.

20 Q. Well, did you ask Pohl? Did you say, "Hey, buddy,  
21 what" -- "why don't you get proof as to what date this  
22 is?"

23 A. I don't remember if I had that conversation with him  
24 or not.

25 Q. So do you understand that I've been given this by your

1 office, and it's representative of a text occurring on  
2 November 9th that comes from your office and has been  
3 given to us? Do you grasp that?

4 A. I grasp that you were given this by our office. I'd  
5 have to see the context in which we have said that  
6 this is actually on the 9th.

7 Q. Okay. Well, since you're the sheriff and you're  
8 everybody's boss, I would think you would have made  
9 sure that was accurate at the time. You got this  
10 document on or around December 1st. You didn't do  
11 that, apparently? You didn't say to Pohl, "Hey, I  
12 don't think this is sufficient. Maybe this is a text  
13 from another place"?

14 A. No, I didn't have that conversation.

15 Q. Did you say that to him?

16 A. I don't remember having that conversation.

17 Q. No, no. But you would have been aware of these  
18 documents. We know that, correct?

19 A. Yeah.

20 Q. You saw these, and you saw the text at the time they  
21 came in to Pohl, correct?

22 A. Not at the time they came in to Pohl, no.

23 Q. When did you see them, sir?

24 A. When Pohl gave them to me.

25 Q. When was that?

1 A. I don't remember.

2 Q. Shortly thereafter?

3 A. I don't remember. It could have been that day. It  
4 could have been two days later.

5 Q. Well, you're sitting here in litigation.

6 A. It was two years ago.

7 Q. Yeah. And you're in litigation. Okay? Are you with  
8 me?

9 A. Uh-huh.

10 Q. And you've reviewed documents, and you read Pohl's  
11 entire dep, which all of this is covered in, in just  
12 the last few days.

13 MR. SHOUDY: What's your question?

14 BY MS. GORDON:

15 Q. My original question -- and, hence, I continue to try  
16 to follow up on it is -- this is the material you  
17 received, and you have no reason today to question the  
18 dates on the text messages, correct, because you  
19 didn't question them at the time of?

20 A. I'm not questioning the date. I'm questioning the  
21 fact there is no date.

22 Q. Well, again, that's on you, then, and Pohl, correct?  
23 You guys didn't do your due diligence to find out what  
24 the date is. You received these from your employee?

25 A. Uh-huh.

1 Q. Is that right?

2 A. Correct.

3 Q. So assuming that this is the text and that my client  
4 was on the phone with Goodrich on the 9th of November,  
5 the Lindke post was already up, correct?

6 MR. SHOUDY: When you say "the Lindke  
7 post," which post are you referring to? Because we  
8 produced about six to you.

9 BY MS. GORDON:

10 Q. Go to the third page of the document, which you had --  
11 which your office had in November and/or December of  
12 2022 --

13 A. Yep.

14 Q. -- and which was provided to us by your office.

15 A. Okay.

16 Q. On November 9th, at 3:31 p.m., Goodrich texts, "Dude,  
17 word is already out on social media." Do you see  
18 that?

19 A. Yes.

20 Q. And he says "because of my post." Do you see that?

21 A. Yes.

22 Q. That's Goodrich speaking. Do you understand that?

23 A. Uh-huh. Yep.

24 Q. So you have no evidence that my client ever connected  
25 up with Kevin Lindke, correct?

1 A. I do have evidence.

2 Q. Okay. What is it, that my client directly connected  
3 up with Kevin Lindke?

4 A. Oh, directly? No.

5 Q. Yes.

6 A. No. It's indirectly, just like the evidence that  
7 Cronkright directed -- that -- came into contact with  
8 Kevin Lindke indirectly. Same person in between is  
9 Josh Goodrich.

10 Q. We have statements from Cronkright as to exactly what  
11 he did. You have nothing from my client showing that  
12 he gave anybody anything that ended up with Lindke.  
13 You have nothing.

14 A. From your --

15 Q. We do know from Cronkright -- I'm not going to argue  
16 with you about it.

17 MR. SHOUDY: Your question was from your  
18 client, so I think he can answer that question.

19 A. Nothing from your client.

20 BY MS. GORDON:

21 Q. So did Cronkright get any discipline?

22 A. No.

23 Q. Why not?

24 A. We decided the best course of action was to give him  
25 some -- basically, some coaching.

1 Q. So you saw that he did directly reach out to somebody  
2 outside of your department and did tell somebody  
3 outside of your department that your brother was super  
4 drunk and arrested for OWI. We do know for sure that  
5 he did that, correct?

6 A. Correct.

7 Q. And he got no discipline?

8 A. Correct.

9 Q. And you met with Cronkright, and you really pressured  
10 him to say that Jones was responsible for this, didn't  
11 you?

12 A. That's false.

13 Q. You said to Cronkright, "I don't know who you're  
14 trying to protect," didn't you?

15 A. Yes.

16 Q. And by that, you were referring to Scott Jones,  
17 weren't you?

18 A. Josh Goodrich.

19 Q. Well, he wasn't trying to protect Josh Goodrich, sir,  
20 because he had already laid it all out for you on a  
21 silver platter. He'd given it to you in writing in  
22 Exhibit 2 there. You can see that he told you  
23 point-blank, "I told Josh Goodrich, and he then went  
24 to Lindke." So he wasn't --

25 MR. SHOUDY: It doesn't say that. That's

1 just false.

2 MS. GORDON: The document speaks for  
3 itself.

4 MR. SHOUDY: Yes. And you're like falsely  
5 stating things, and --

6 MS. GORDON: I am not.

7 MR. SHOUDY: -- you're an officer of the  
8 court. Please stop.

9 MS. GORDON: That's -- you're completely  
10 incorrect.

11 BY MS. GORDON:

12 Q. He says in here, that thanks to his post the stuff is  
13 already up with Lindke.

14 A. Who is "he"?

15 Q. Cronkright.

16 MR. SHOUDY: That's to Goodrich.

17 A. That's Goodrich.

18 BY MS. GORDON:

19 Q. Yeah. And Goodrich got it from Cronkright?

20 A. That's not what it says.

21 Q. Okay. Well, show me where it's not -- where it  
22 says --

23 A. The only thing I can think of --

24 Q. Show me what you're talking about.

25 A. -- is back here where you just brought to my

1 attention, "Dude, word is already out on social media  
2 because of my post." That's from Goodrich.

3 Q. Yeah. To who?

4 A. I think to Cronkright.

5 Q. Right.

6 A. So where is the connection that it's Cronkright's  
7 information that was put on the post?

8 Q. Go back to the document right in front of you. Go  
9 back to Exhibit 2. I'm not going to sit here and  
10 waste time.

11 A. I don't want to either.

12 Q. Listen. We have Pohl's testimony already to all this  
13 where he said exactly --

14 A. Great.

15 Q. -- what I'm saying to you.

16 MR. SHOUDY: No, he didn't. Like you're  
17 getting it completely wrong. It specifically says in  
18 there that it was --

19 MS. GORDON: You can't testify here.

20 MR. SHOUDY: -- from Jones. It says it  
21 right in there. Even your client admits that.

22 MS. GORDON: Okay. I object to you making  
23 statements.

24 MR. SHOUDY: I object to you trying to  
25 misrepresent the record.

1 MS. GORDON: I'm not misrepresenting. The  
2 Pohl testimony --

3 MR. SHOUDY: You're very clearly  
4 misrepresenting.

5 MS. GORDON: Todd --

6 MR. SHOUDY: It says it right here.

7 MS. GORDON: Okay. Look above it. Look --  
8 I'm not arguing with you. You can have your own  
9 interpretation. You have a game plan, and you're --

10 MR. SHOUDY: Well, you keep referencing  
11 Lindke.

12 MS. GORDON: Okay. I'm not going to argue  
13 with you.

14 MR. SHOUDY: Lindke is not even referenced  
15 in this whole statement. You keep saying that that's  
16 what it says.

17 MS. GORDON: It's in the attachments.

18 MR. SHOUDY: It doesn't even say it.

19 MS. GORDON: I'm not arguing with you.  
20 It's in the attachments. You don't like -- you don't  
21 like the reality of your case. I get that.

22 MR. SHOUDY: No. Actually, I like the  
23 reality of the case. I just don't like the --

24 MS. GORDON: Okay. No, you don't. Unless  
25 you like dealing --

1 MR. SHOUDY: -- false reality you're trying  
2 to present.

3 MS. GORDON: Unless you like dealing with  
4 people -- unless you like people -- dealing -- unless  
5 you like a theory of a case that's based obviously on  
6 cover-ups.

7 BY MS. GORDON:

8 Q. Okay. So we asked --

9 MR. SHOUDY: If you have to misrepresent  
10 the facts to make a case, you don't have a case.

11 MS. GORDON: Okay. Todd, please stop  
12 lecturing me about this.

13 MR. SHOUDY: Well, you just lectured me.

14 MS. GORDON: After -- what can I say? You  
15 don't like what you're dealing with. Neither does  
16 your witness. That's been true throughout the case,  
17 so you have to --

18 MR. SHOUDY: No, it really hasn't.

19 MS. GORDON: Let's just both stop taking  
20 back and forth.

21 MR. SHOUDY: Well, I agree. Go ahead and  
22 ask your question.

23 BY MS. GORDON:

24 Q. I asked Pohl, "What evidence do you have that my  
25 client told Goodrich about any of the things that

1 ended up on Lindke's post?" and he said, "I don't. I  
2 don't have any evidence." So do you disagree with  
3 Pohl?

4 A. Can you ask that question again? I'm sorry. I was  
5 trying to follow, but I lost you at one point.

6 Q. "What evidence do you have my client told Goodrich any  
7 of what you just listed? What evidence do you have?"  
8 He said, "I don't have any."

9 A. Okay.

10 Q. Then I said, "What details were leaked on social  
11 media? What are you referring to now?" He says, "I'm  
12 referring to the blood alcohol content. I'm referring  
13 to getting him out of Lapeer Jail. I'm referring to  
14 the bachelorette party. I'm referring to he was  
15 supposed to be a trainee and also referring to that he  
16 worked overtime shift."

17 Question from me: "Those are all things  
18 you just said to me you have no evidence that my  
19 client said, correct? We just went through that. You  
20 have no evidence."

21 He says, "Correct."

22 Did you read that in his dep?

23 A. I think I remember reading that.

24 Q. Is he incorrect? Is Pohl lying under oath? Is he  
25 lying under oath?

1 MR. SHOUDY: Well, you asked two questions:  
2 Is he incorrect, or is he lying under oath? Which one  
3 do you want him to answer?

4 BY MS. GORDON:

5 Q. Is he lying under oath?

6 A. No, I don't think he's lying under oath.

7 Q. All right. So you have a meeting, and you're right in  
8 the middle of everything here trying to get my client  
9 as best you can. And you take it upon yourself to  
10 attend this meeting with Cronkright. You've attended  
11 no meetings with my client, but you attend a meeting  
12 with Cronkright, and --

13 A. I attended the very last meeting where he resigned --  
14 or, I'm sorry, retired.

15 Q. That's when the die was already cast.

16 MR. SHOUDY: I move to strike your  
17 commentary as inappropriate.

18 MS. GORDON: I move to strike yours as well  
19 from earlier.

20 MR. SHOUDY: Please ask a question. You're  
21 like characterizing like your opinion on his  
22 testimony, and then you ask a question. So let's --  
23 you know, please just limit it to questions. I know  
24 you have a position and you're an advocate but,  
25 please, just ask questions of the witness.

1 MS. GORDON: Thank you, Todd.

2 BY MS. GORDON:

3 Q. All right. So you guys set up a meeting with  
4 Cronkright, and you wanted this to be a meeting to  
5 bring you together with Cronkright. Correct?

6 A. I wanted to get information as to what Cronkright had  
7 to do with the case and to make sure that his  
8 previous, I guess, statements were accurate.

9 Q. You wanted Cronkright to bring text messages, you  
10 yourself, correct?

11 A. That was, I believe, Captain Pohl's idea.

12 Q. Okay. And you were involved in that decision,  
13 correct?

14 A. I don't remember.

15 Q. You met with Cronkright and these other individuals --  
16 Spadafore, Pohl, Pokriefka, and Andrea Blair. You  
17 pressured -- you pressured Cronkright to finally  
18 produce his texts that he said he deleted, correct?  
19 And he did produce them, right?

20 A. I'd say Captain Pohl probably pressured him. I was  
21 there. His attitude was a little off, and I just was  
22 frustrated with what he thought the meeting was about.

23 Q. And are the texts he produced, vis-à-vis your meeting  
24 with him, those documents that are attached to  
25 Exhibit 2?

1 A. From -- yeah. From what I recall, yes.

2 Q. Then, you spoke up, and you kind of threatened  
3 Cronkright by saying you've gone through his file. Do  
4 you remember that?

5 A. It was not a threat.

6 Q. Okay. Do you remember telling him, "I've gone through  
7 your file"?

8 A. Yes.

9 Q. "And I've looked at your previous disciplines"?

10 A. Yes.

11 Q. And, apparently, you had formed the opinion by this  
12 meeting that Chad Cronkright was very disgruntled with  
13 the department; is that right?

14 A. I formed that opinion before all of this.

15 Q. So he was a disgruntled employee?

16 A. Yes.

17 Q. So he might have some motive to try to harm you or  
18 your son, correct?

19 A. My brother?

20 Q. Your brother. I'm sorry.

21 A. Sure.

22 Q. At the meeting, Spadafore said to Cronkright, "If you  
23 were on the other side of things, we would fight just  
24 as hard for you." What was that referring to, as you  
25 understood it?

1 A. I'm not sure what he meant with that.

2 Q. At this meeting, you said, "The point is not about  
3 Marc King. It's about the actions of people who did  
4 some things to this department that are not good."  
5 What are you referring to there?

6 A. The reason for the internal investigation: the fact  
7 that things were not handled right by Lieutenant Jones  
8 at the scene, and that somebody within the department  
9 had leaked information about the arrest and the  
10 circumstances of the arrest to known people who don't  
11 like the department and subsequently posted negative  
12 things about the agency, and myself, and Marc.

13 Q. But the only person you investigated for that was my  
14 client?

15 A. No. I think the fact that you're holding that right  
16 there, Cronkright was the focus of the investigation.

17 Q. No. He was just a witness. He was called in. My  
18 client was the one being investigated, sir. It's an  
19 investigation into Scott Jones.

20 A. The investigation --

21 Q. You're not aware of that?

22 A. The investigation was to find out who was responsible  
23 for the leaks. And at one point --

24 Q. No, it wasn't.

25 A. -- the focus -- well, it's my department. I was

1           there. At one point, the focus narrowed down to Scott  
2           Jones.

3           Q. The focus never -- okay.

4                         Have you read the Scott -- the Goodrich  
5           affidavit?

6           A. Yes.

7           Q. So that's a statement taken under oath, correct?

8           A. I don't -- I'm not sure if it was or not.

9           Q. It was. Do you know what an affidavit is?

10          A. I think it's just taken in front of a notary public.  
11          I don't know if it's under oath. But I could be  
12          wrong. I'm not a lawyer.

13          Q. It's attested to. It's a sworn statement. So you  
14          read that, and you saw what he said; is that correct?

15          A. Yes.

16          Q. And you know he said: Yeah, it was strictly  
17          information he got from Cronkright that he took to  
18          Lindke. It had nothing to do with Scott Jones.  
19          Correct? I'm paraphrasing.

20          A. I don't have -- I read it once weeks ago.

21          Q. Well, it must have made an impression on you, given  
22          that you're sitting here today all day answering  
23          questions about this. You must have remembered what  
24          it said?

25                         MR. SHOUDY: What does the affidavit have

1 to do with him sitting here? We're here because you  
2 noticed his dep up.

3 MS. GORDON: Because he said he doesn't  
4 remember it. It sounds weird.

5 A. I don't remember word for word. So when you're going  
6 to quote a statement --

7 BY MS. GORDON:

8 Q. I know that. Okay? Sheriff, I knew you didn't  
9 remember it word for word. But you got the gist of  
10 it, didn't you, that he's basically saying you're  
11 wrong, that my client had nothing to do with any of  
12 this. Did you take that away from the affidavit? Did  
13 you grasp that?

14 MR. SHOUDY: I'm going to object. The  
15 document speaks for itself.

16 A. I'd like to look at the document if I'm going to  
17 testify what was meant by it.

18 BY MS. GORDON:

19 Q. Well, what was your takeaway from the document? Did  
20 you think it was important information for you?

21 A. What Josh Goodrich says? Not really, no.

22 Q. Okay. So you don't care about getting statements?

23 A. I didn't say that.

24 Q. You just have your opinions, and you're sticking do  
25 them.

1 A. No.

2 Q. And you wanted -- and you want Scott Jones out because  
3 he drove your brother to Lapeer. So what Josh  
4 Goodrich says and what Cronkright says, that's all  
5 irrelevant to you, because you got your guy. You got  
6 done what you wanted to do. Hence, you don't care  
7 about an affidavit; is that right?

8 MR. SHOUDY: What question do you want him  
9 to answer?

10 A. I don't know how to answer that question.

11 BY MS. GORDON:

12 Q. You don't care, because you accomplished your goal.  
13 Your goal was to punish --

14 A. Josh Goodrich is an dishonest person.

15 Q. I'm talking.

16 A. That's why I don't necessarily give a lot of credence  
17 to his statement.

18 Q. Is your -- are you an honest person?

19 A. Yes.

20 Q. Is your brother?

21 A. I believe so, yes.

22 Q. Is Cronkright an honest person?

23 A. For the most part, I think he's a pretty honest  
24 person.

25 Q. How about Scott Jones?

1 A. You know what? Honestly, most of the time Scott Jones  
2 is a very honest person.

3 Q. What was the point of your -- strike that.

4 Do you remember Pohl stating to Cronkright  
5 that he had a family, his life is his daughter, and  
6 you cannot lose this position? Do you remember that?

7 A. I remember that, yeah.

8 Q. Is that kind of a threat to Cronkright?

9 A. I don't think so.

10 Q. Well, you had this intervention meeting.

11 A. It was never a threatening meeting.

12 Q. Okay. And he was also told that Cronkright could have  
13 been terminated based on three other items that could  
14 be a termination. Do you remember him being told that  
15 in this meeting?

16 A. I remember Undersheriff Spadafore talking about that  
17 he's not being targeted and brought up some prior  
18 incidents to prove that. I don't remember  
19 specifically about termination.

20 Q. This is actually Pohl.

21 A. Okay.

22 Q. Pohl explained if Cronkright had been written up for  
23 the three other items outlined earlier, this may be a  
24 termination?

25 MR. SHOUDY: So if you're reading a

1 document, you're required to show the witness the  
2 document.

3 BY MS. GORDON:

4 Q. Do you recall that?

5 MR. SHOUDY: So don't answer unless she's  
6 going to show you the document.

7 MS. GORDON: No. He can answer.

8 MR. SHOUDY: You can ask him what he  
9 remembers --

10 BY MS. GORDON:

11 Q. Okay. Sir --

12 MR. SHOUDY: -- but you can't like read a  
13 part of the document and ask him about it --

14 MS. GORDON: Yes, I can.

15 MR. SHOUDY: -- without showing him the  
16 document.

17 MS. GORDON: He was at the meeting.

18 A. I'd like to see the document.

19 BY MS. GORDON:

20 Q. Do you recall this being said to Cronkright, that he  
21 could have been terminated, and his daughter means  
22 everything to him?

23 A. I do not recall anything about termination.

24 Q. Okay. But you don't dispute what's in this -- these  
25 notes --

1 A. I don't confirm it either if I can't see it.

2 Q. Well, have you seen this document before --

3 A. Yes.

4 Q. -- about the -- okay.

5 Typist is Blair. Does she report to you?

6 A. Yes.

7 Q. Did you feel that Cronkright violated his duty of  
8 loyalty to the department in his conduct that we've  
9 just covered today?

10 A. No.

11 Q. Is it your position that Scott Jones violated the  
12 truthfulness policy?

13 A. I can't come to that conclusion yet, because the  
14 investigation wasn't finished.

15 Q. Okay. Did you conclude that Scott Jones violated the  
16 loyalty policy?

17 A. Yes.

18 Q. Okay. What he do that was disloyal that you can  
19 prove?

20 A. We believe he shared intimate information about the  
21 actions of that night with Goodrich, knowing that it  
22 would get to Kevin Lindke.

23 Q. Well, same is true of Cronkright, correct, the exact  
24 same thing?

25 A. I believe Cronkright's intentions were totally

1 different.

2 Q. Okay. His intentions were different, but his acts  
3 were allegedly the same. That's your testimony here  
4 today?

5 A. They weren't the same. They were -- the amount was  
6 different.

7 Q. What's the amount -- what amount -- what did my client  
8 say that you're referring to here where you're saying  
9 he was disloyal? What did he say, and who did he say  
10 it to?

11 A. I believe that your client told Josh Goodrich about  
12 things that Cronkright didn't, which would include the  
13 bachelorette party, the fact that I got -- as it was  
14 stated on Facebook, I got my brother out of jail when,  
15 in fact, he was just transferred from one jail to  
16 another.

17 Q. Wait, wait, wait. What was that last thing?

18 A. The fact that -- so the statements on Facebook said I  
19 got my brother out of jail early, but really he was  
20 just transferred.

21 Q. So let's go back. You think my client told who  
22 about --

23 A. Josh Goodrich.

24 Q. Okay. And what evidence do you have of that?

25 A. The evidence would be circumstantial, to be honest,

1 but the fact that all this information, one person  
2 might have known a piece of it, but only a couple knew  
3 all of it. And we know that one of those people is  
4 Scott Jones. And Scott Jones we know talked to Josh  
5 Goodrich, and we know that Josh Goodrich talked to  
6 Kevin Lindke.

7 Q. Did Cronkright know about the bachelorette party?  
8 He's a good friend of your --

9 A. I don't know.

10 Q. He's a good friend of your brother?

11 A. Not that I know of.

12 Q. Did you ever ask him?

13 A. No, I didn't.

14 Q. Okay. So a bachelorette party. What else have we  
15 got? And we covered all the people that knew about  
16 the bachelorette party.

17 A. Uh-huh.

18 Q. Many people were there. So who else was at -- what  
19 else, other than the bachelorette party, do you think  
20 my client was disloyal with regard to?

21 A. The fact that he shared that information about Marc  
22 going to one jail and going to another.

23 Q. I'm sorry. What is this? Marc going to one jail and  
24 then another?

25 A. Going to Lapeer County Jail and then being brought

1 back to our department --

2 Q. Okay. So you --

3 A. -- and by the specific deputy that took him.

4 Q. So you think my client said that to who?

5 A. Josh Goodrich.

6 Q. And let's say hypothetically somebody did tell Josh

7 Goodrich that. What would be wrong with that,

8 hypothetically, if somebody told him that?

9 A. The problem here is you're asking why I think he was  
10 disloyal. I told you. And then you asked me to list,  
11 and then you want to break it down. It's a  
12 culmination of everything together.

13 Q. We're just going question by question here, Sheriff.  
14 I wanted to know what you -- my client -- you think my  
15 client did that was a violation of the loyalty policy.  
16 You've mentioned him talking about the bachelorette  
17 party, and you've mentioned him -- your personal  
18 opinion. You have no evidence of this, but it's  
19 personal -- your personal opinion based on what you  
20 said that he also would have talked about going from  
21 one jail to another.

22 A. Okay.

23 Q. Now, I asked you -- following up on that,  
24 hypothetically, if somebody did tell somebody Marc  
25 King was picked up from Lapeer and driven to St. Clair

1 County, what would be wrong with that? That's exactly  
2 what happened. Did you -- were you trying to cover  
3 that up?

4 A. No. I'm answering your question as to why he was  
5 disloyal.

6 Q. No. I've moved on. I had a follow-up. So you've got  
7 to stick with me.

8 A. You didn't let me finish the first question.

9 Q. I know. We're going through a list, and I'm on --

10 MR. SHOUDY: Well, you're asking about  
11 disloyal and going point by point. And then you  
12 interrupt him when he tries to answer your question.

13 MS. GORDON: You know, it's clear what I'm  
14 doing. He doesn't want to answer the follow-up  
15 question.

16 MR. SHOUDY: He's answering --

17 MS. GORDON: Okay. Todd --

18 MR. SHOUDY: -- every question you have.

19 BY MS. GORDON:

20 Q. Okay. We're going through a list of what my client  
21 did that was disloyal. I had a follow-up question to  
22 point number 2, which I've yet to get an answer from  
23 you on.

24 A. That's --

25 Q. Hang on. I've asked over and over again. Marc going

1 to one jail and then another. My follow-up was, if  
2 somebody did, hypothetically, tell another person  
3 that, what would be wrong with it, if anything?

4 A. That in and of itself is not my point. It's that  
5 collectively.

6 Q. Okay. I know it's not your point.

7 A. That in and of itself --

8 Q. I don't care about your point.

9 A. -- would be relying --

10 Q. I want to know what's --

11 A. I'm trying to answer right now.

12 Q. No, you're not. Hang on.

13 MR. SHOUDY: Please let him answer the  
14 question.

15 MS. GORDON: No.

16 BY MS. GORDON:

17 Q. Listen to my question.

18 MR. SHOUDY: Wait a second.

19 MS. GORDON: I'm sick of listening to  
20 this --

21 MR. SHOUDY: I don't care what you're sick  
22 of.

23 MS. GORDON: -- failure to answer.

24 MR. SHOUDY: You asked him a question. He  
25 gets to answer the question. He's explaining. You

1           said, "Why the issue?" and he's trying to explain it  
2           to you. Then you stop him because you don't like his  
3           answer. Let him answer the question.

4                   MS. GORDON: No, it's not that I don't like  
5           it.

6   BY MS. GORDON:

7   Q. Sheriff, try --

8                   MR. SHOUDY: Then why are we here if you're  
9           not going to let him answer the questions?

10 BY MS. GORDON:

11 Q. Sheriff, try to hone in on the question. Okay?

12                   MR. SHOUDY: No. You've asked the  
13           question. Let him answer it.

14 BY MS. GORDON:

15 Q. Sheriff, hone in on my question. Okay?

16                   MR. SHOUDY: Do you want to withdraw your  
17           other question?

18 BY MS. GORDON:

19 Q. Hone in on my question. I'm going to repeat it again.  
20           Okay?

21                   MR. SHOUDY: Wait a second. So he's -- he  
22           has a right to answer a question.

23                   MS. GORDON: I'm going to repeat my  
24           question. You've interrupted the dep now and so has  
25           your client. I want to --

1 MR. SHOUDY: No. You interrupted the  
2 witness.

3 MS. GORDON: Okay, Todd.

4 MR. SHOUDY: Please let him answer the  
5 question.

6 MS. GORDON: I'm just going to sit here  
7 until you're done.

8 MR. SHOUDY: Well, you need to ask him a  
9 question and then let him answer and stop interrupting  
10 him. Otherwise, I mean, what are we here for if  
11 you're just going to just interrupt him? You get like  
12 part of an answer, and you don't like it, so you stop  
13 him. I mean, let him answer the questions. I think  
14 that's a reasonable request. That's the whole point  
15 to the deposition.

16 MS. GORDON: Are you done talking?

17 MR. SHOUDY: Are you going to let him  
18 answer the question?

19 MS. GORDON: I'm not answering your  
20 questions. Are you done talking or not?

21 MR. SHOUDY: I want you to let him answer  
22 the question.

23 MS. GORDON: Okay. I'm not listening to  
24 you. Are you done talking, or are we just going to  
25 sit here?

1 MR. SHOUDY: Go ahead and ask him a  
2 question. If you're not going to let him answer,  
3 then --

4 MS. GORDON: You can walk out of here if  
5 you think I'm not going to let him answer. You can  
6 walk out.

7 MR. SHOUDY: I will.

8 MS. GORDON: Feel free to.

9 MR. SHOUDY: I will.

10 MS. GORDON: I mean, your conduct here -- I  
11 should have ended the dep a long time ago.

12 BY MS. GORDON:

13 Q. In any event, let me go back to you, Sheriff.

14 MR. SHOUDY: Please do so.

15 BY MS. GORDON:

16 Q. You've given me two items now as to my client's  
17 alleged disloyalty. Okay? I'm repeating myself now  
18 for about the fifth time. Please listen to my  
19 question and try to answer my question and not just  
20 tell me what you would prefer to say.

21 Here is the question: If somebody  
22 hypothetically told another person that Marc King was  
23 picked up at Lapeer and driven to another jail, would  
24 there have been anything wrong with saying that?

25 A. Yes.

1 Q. Okay. Marc was picked up and driven to another jail,  
2 correct?

3 A. Correct.

4 Q. Should that be withheld from the public?

5 A. No.

6 Q. What's your next thing on your list after the -- that  
7 you think my client was disloyal about? Bachelorette  
8 party, Marc going from one jail to another. What  
9 else?

10 A. It was leaked that Marc had a trainee the next day.

11 Q. Okay. You have no proof that my client said this to  
12 anybody, correct?

13 A. Yeah. I have proof that he talked to Josh Goodrich  
14 about these things. Josh admitted to giving them to  
15 Kevin Lindke, and Kevin Lindke posted it.

16 Q. Okay. You have no proof that my client talked to Josh  
17 Goodrich about a trainee, correct? You have no proof  
18 of that?

19 A. Same answer.

20 Q. I'm going to take an answer here on the record. You  
21 have no proof of that, correct?

22 MR. SHOUDY: No. We've already answered.

23 MS. GORDON: No, you haven't.

24 BY MS. GORDON:

25 Q. You have no proof that my client leaked information --

1 MR. SHOUDY: Don't answer it.

2 BY MS. GORDON:

3 Q. -- about a trainee; is that correct?

4 MR. SHOUDY: Don't answer.

5 Go ahead. Next question.

6 MS. GORDON: I'm not asking a next question  
7 until I get an answer. I haven't gotten an answer.

8 MR. SHOUDY: He's answered it already.

9 MS. GORDON: What's the answer?

10 MR. SHOUDY: He answered. It's right on  
11 the record.

12 MS. GORDON: Lori, would you please read it  
13 back -- Lisa. I'm sorry.

14 (The following requested portion of the  
15 record was read by the reporter at  
16 3:14 p.m.):

17 Q. Yeah. I have proof that he talked to  
18 Josh Goodrich about these things. Josh  
19 admitted to giving them to Kevin Lindke,  
20 and Kevin Lindke posted it.)

21 BY MS. GORDON:

22 Q. Okay. So that's all the proof you've got, that my  
23 client talked about, quote, things, closed quote?

24 A. Correct.

25 Q. Let's go to the next one that you think my client was

1 disloyal about.

2 A. The fact that it got leaked to social media that Marc  
3 worked an overtime shift on the following Monday.

4 Q. You have no evidence my client leaked that to anybody,  
5 correct, or told that to anybody?

6 A. I have evidence that all this information got given to  
7 Josh Goodrich and was given to Kevin Lindke, and it  
8 was posted. And we know that those two talked. Jones  
9 and Lindke talked.

10 Q. Okay. Well, we know Cronkright and Goodrich talk  
11 every day, correct?

12 A. Correct.

13 Q. So I'm going to go back to the work schedule. You  
14 have no evidence that my client ever talked about any  
15 work schedule. You just think -- think he talked  
16 about general things, correct?

17 A. I think all of these things were known by only a  
18 couple of people, and it got their way to Josh  
19 Goodrich. And I know that Josh and Jones talked.

20 Q. So did you read Pohl's testimony where he said  
21 everybody in the department would have known what your  
22 brother's schedule would have been for the next day  
23 because it's posted publicly within the department,  
24 and everybody would have also seen that there was a  
25 trainee? Do you remember reading that from the Pohl

1 dep?

2 A. I remember him saying that we have a scheduling  
3 process, that people could have looked it up if they  
4 want.

5 Q. Where is this information posted? Don't people check  
6 the schedule every day?

7 A. You'd have to go online and look up Marc's schedule.

8 Q. Okay. Well, how many people had access to that, the  
9 schedule?

10 A. 70, I guess.

11 Q. 70 people. Okay. So my client certainly didn't have  
12 access to any information anybody else did, correct?

13 A. Your client did have access to that information.

14 Q. What else have you got? Anything else, or have we  
15 covered it now?

16 A. As far as the loyalty?

17 Q. Yeah.

18 A. I think we've covered it.

19 Q. Okay. So everything that was posted on social media  
20 that you didn't like, in spite of Cronkright's  
21 statements and Goodrich's statements, you disavow  
22 those, and you want to put it all on Scott Jones,  
23 correct, all this to Scott?

24 A. I don't know that all of it is Scott, but the --

25 Q. Well, you went through all the list.

1 A. Oh, the ones I listed?

2 Q. Yeah.

3 A. I believe they came from Scott, yes.

4 Q. Hence, you were vindictive towards Scott, because you  
5 thought he did this. Hence, you came after him.

6 Hence, you posted on MCOLES that he was -- resigned  
7 while under investigation. You did all that because  
8 this is your personal opinion, and you're very angry  
9 at Scott Jones obviously, right?

10 A. No, that's not right.

11 Q. Well, anybody that did this to your brother, sir, what  
12 you just walked me through, and then on top of it to  
13 believe what you said, my client -- a loyal officer  
14 for decades -- would have to have been lying in your  
15 face. According you to, he was lying in your face.  
16 He was lying to everybody.

17 MR. SHOUDY: Lying to his face?

18 BY MS. GORDON:

19 Q. And he was -- yeah. He was involved in all of this.  
20 He lied to the department. And, according to you, my  
21 client is a liar. He -- all of this material he  
22 intentionally went to. So you obviously have a real  
23 significant grudge against Scott Jones, correct?

24 MR. SHOUDY: What's the question again?

25 Because like you said all this stuff, so I'm objecting

1 to the form of the question.

2 MS. GORDON: You just don't like hearing  
3 stuff, do you?

4 MR. SHOUDY: No, you like to give a  
5 speech --

6 MS. GORDON: Yeah, I do.

7 MR. SHOUDY: -- with your opinion on the  
8 case.

9 MS. GORDON: I do.

10 MR. SHOUDY: Yeah. But you need to ask him  
11 a question.

12 MS. GORDON: I did.

13 MR. SHOUDY: We're not here to listen to  
14 your speeches. You're here to ask questions.

15 MS. GORDON: You missed the question  
16 because you're too busy thinking about scolding  
17 people.

18 MR. SHOUDY: Well, you just went on like  
19 four different tangents --

20 MS. GORDON: Lisa, I'm really sorry you  
21 have to sit through this.

22 MR. SHOUDY: -- where you mischaracterized  
23 the evidence.

24 MS. GORDON: Okay. I asked a question.

25 MR. SHOUDY: I don't know what your

1 question is.

2 MS. GORDON: I asked a question.

3 MR. SHOUDY: I don't know what your  
4 question is of this witness.

5 MS. GORDON: I asked a question. I said,  
6 "You have a real big grudge against Scott Jones, don't  
7 you?"

8 MR. SHOUDY: Okay. That's a question. The  
9 rest of the stuff should be stricken.

10 MS. GORDON: Todd, that was asked before  
11 your soliloquy. You just -- you can't stand it, so  
12 you don't --

13 MR. SHOUDY: No. You know that's not  
14 proper.

15 MS. GORDON: See, here you go.

16 MR. SHOUDY: You know it's not proper.

17 MS. GORDON: You're the same as him.

18 MR. SHOUDY: You know it's not proper. So  
19 your question to him is -- let him answer the  
20 question. Go ahead and ask your question again and  
21 let him answer.

22 MS. GORDON: Okay. We're going to take a  
23 break. I have to take a break because of Todd  
24 Shoudy's continual interruptions. I'm going to take a  
25 break and look at my stuff again. It's just kind of

1 ridiculous, Todd, but have at it. I realize you're  
2 upset as well. So be it.

3 (Recess taken at 3:19 p.m.)

4 (Back on the record at 3:43 p.m.)

5 BY MS. GORDON:

6 Q. Sheriff, we earlier identified King Exhibit 1, which  
7 is, as I understand it, the internal investigation,  
8 the entirety of the internal investigation.

9 A. Okay.

10 Q. Is that your understanding of what Exhibit 1 is?

11 A. Yes.

12 Q. Okay. Since you've been sheriff, have there been any  
13 other investigations that have resulted in a written  
14 document such as Exhibit 1?

15 A. Yes.

16 Q. Okay. What else has there been?

17 A. Any of the internal investigations that would rise  
18 to -- rise to anything other than just a conversation  
19 between a sergeant and a lieutenant.

20 Q. I'm looking for names. Anybody's name that you can  
21 tell me such a document exists?

22 A. Let's see. There would be -- since I've been sheriff?

23 Q. Since you've been sheriff, are you aware of --

24 A. Yes.

25 Q. Can you give me any name of anybody that had a similar

1 investigation to Exhibit 1?

2 A. As far as the -- yes. As far as that document -- a  
3 documentation, yes. So we've got [REDACTED]

4 Q. I'm sorry. Hang on. [REDACTED]

5 A. Yes.

6 Q. And what was that for?

7 A. I think there was one for -- he fired his weapon off  
8 on duty accidentally. Then, there was one -- I don't  
9 know if we did a report on the dog incident, but I  
10 think there was one referencing his dog and animal  
11 control.

12 Q. Wait a second. So [REDACTED] you had one  
13 investigation as to him improperly firing a weapon.

14 A. Uh-huh.

15 Q. That's after you became sheriff?

16 A. Yes.

17 Q. Okay. Did he get disciplined for that?

18 A. Yes.

19 Q. What was the discipline?

20 A. Some type of suspension. I forget the days.

21 Q. And then you thought there may be another one  
22 involving a dog?

23 A. Yeah. He had an incident with animal control. I  
24 believe we did an internal investigation on that.

25 Q. In writing?

1 A. I believe so.

2 Q. Anybody else other than [REDACTED] that you can think  
3 of?

4 A. Yeah. There'd be a lot of them, so you have to bear  
5 with me.

6 [REDACTED] Dan [REDACTED]

7 Q. Spell that.

8 A. It's [REDACTED] -- [REDACTED] [REDACTED] -- your guess is as good as  
9 mine.

10 Q. What was that about?

11 A. Use of force.

12 Q. What was his penalty?

13 A. I believe he was suspended.

14 Q. Okay.

15 A. Deputy [REDACTED]

16 Q. What did he do?

17 A. Use of force.

18 MR. SHOUDY: Sorry to interrupt, but could  
19 we agree this part of the deposition will be labeled  
20 as confidential, because we're talking about --

21 BY MS. GORDON:

22 Q. Is this all public information?

23 A. No, this is not public information.

24 MR. SHOUDY: So are we okay with that?

25 MS. GORDON: I don't know how to do it.

1 But if we file the dep --

2 MR. SHOUDY: If we could just -- for the  
3 court reporter, once we start asking questions about  
4 these other internals, can we designate those as  
5 confidential? Are we okay with that, Deb?

6 MS. GORDON: I have no problem with that,  
7 but it's just the court. Let's talk about -- I hear  
8 your point. We've already discussed this in earlier  
9 depositions, so I don't know we need to bring it up  
10 right now.

11 MR. SHOUDY: We used initials before.

12 MS. GORDON: Well, I wish you would have  
13 mentioned it. So it's probably too late to go back,  
14 but let's continue.

15 BY MS. GORDON:

16 Q. This last individual you named, improper use of force,  
17 what was his penalty?

18 A. He was suspended.

19 Q. What was the improper use of force?

20 A. He used too much force for the situation.

21 Q. What happened? What was the result?

22 A. The subject was resisting while in handcuffs, and the  
23 amount of force he used to subdue him turned into the  
24 subject falling and hitting his head on the concrete.

25 Q. Who else? Anybody else?

1 A. Yes. I'm going to have to think here. I can picture  
2 the deputy's face. Her name will come to me.

3 Q. Do you remember what the offense was?

4 A. Yes. It was misuse of sick time.

5 Q. Do you want to just put an initial to it?

6 A. Yeah. I just want to make sure I get the right one.  
7 Why can't I think of her name? Female corrections  
8 deputy. It will come to me. I'm sorry.

9 Q. All right. Anybody else?

10 A. Yeah. I mean, I'll be here for a while. I'm just  
11 trying to think of the situations. I'm trying to  
12 go -- maybe I should go chronological from what I can  
13 remember from back four years ago.

14 Deputy [REDACTED] we talked about earlier.

15 Q. Was there a report issued?

16 A. Yes. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

17 Q. What was that for?

18 A. Improper use of department vehicle.

19 Q. What did he do?

20 A. He was driving around like it was his own vehicle off  
21 duty.

22 Q. Was this an undercover car or --

23 A. Detective cars, they're unmarked, but they're not  
24 really undercover. But I guess you could say  
25 undercover. Administrative cars.

1 Another face I can picture, Deputy  
2 [REDACTED] for failure to respond to work when he was  
3 supposed to work a trade.

4 Q. So was there a whole document written up about that?

5 A. Yes, there was a document. I think he got a day's  
6 suspension for that.

7 Q. Okay. We'll just request all of these. So if you  
8 can't remember them all, they should come out in a  
9 response.

10 In any of these instances that you've just  
11 listed for me, have other witnesses than the  
12 individual at issue been called to answer questions?

13 A. Yes.

14 Q. Which ones?

15 A. Lots of them. I don't know exactly. It's not  
16 uncommon.

17 Q. What is -- I'm going to hand you back Exhibit 1. From  
18 this document, do you know the date this investigation  
19 was opened, from the document itself?

20 A. Unless it's in the body, it's not on the heading, if  
21 that's what you're asking.

22 Q. And you were involved with Pohl -- you've already  
23 discussed this -- in assigning him to this  
24 investigation and giving him your input as needed,  
25 correct?

1 A. Correct.

2 Q. Did you discuss with him -- I think you may have  
3 already answered this -- who was going to be called in  
4 for questions?

5 A. I think he came to that conclusion. I don't remember  
6 telling him who would be called in.

7 Q. And you agreed with the people he selected?

8 A. Yeah.

9 Q. Okay. So we can see that we have a number of people  
10 that were interviewed. I think you've already listed  
11 them earlier in the dep. And then you had the  
12 supplement from Cronkright. Other than what's in  
13 Exhibit 1 and the supplement -- I assume this is the  
14 entirety of what the investigation consisted of, is  
15 that correct, the supplement from Cronkright?

16 A. This and the supplement.

17 Q. The Cronkright supplement, which I believe is  
18 Exhibit 2, is that the entirety of your investigation,  
19 your office's investigation?

20 A. That's the documentation of information gathered, yes.  
21 There's no other supplements or other reports, if  
22 that's what you're asking.

23 Q. Was there an idea that somebody needed to be  
24 interviewed that was not interviewed, or was this the  
25 totality of who the decision was to interview?

1 A. I don't know if more people would have been added to  
2 the list if the investigation had moved forward. At  
3 this point, this is where we're at with the  
4 investigation.

5 Q. At this point, that -- where we're at, can you think  
6 of anybody else that you intended to call as a witness  
7 or ask questions of?

8 A. Not off the top of my head.

9 Q. So nothing you can think of, nobody else you can think  
10 of that you felt should have been questioned. You  
11 felt this was a complete -- a complete investigation  
12 with regard to calling witnesses and obtaining  
13 information?

14 A. To this point, had it moved forward, there may be  
15 different witnesses that would need to be asked  
16 questions.

17 Q. We have no other information about anything moving  
18 forward. There's nothing in writing anywhere that  
19 says something is moving forward or we need more  
20 witnesses, correct, to make a decision on this?  
21 There's nothing that says that, that I've seen.

22 A. The investigation was stopped because Scott Jones  
23 retired.

24 Q. That's what I'm asking you now. Now you're saying  
25 it's stopped. What was left to be done?

1 A. It depends on what would have been divulged in the  
2 follow-up investigation, being an interview with Scott  
3 Jones.

4 Q. So there's no record of any follow-up investigation.  
5 That's just your testimony here today. So I don't  
6 have any documents to look at about a follow-up  
7 investigation.

8 Based on this document, Exhibit 1, is there  
9 anything from Exhibit 1 that was left to be done? I  
10 think you said this is everything that needed to be  
11 done.

12 A. No. There would have been a follow-up interview with  
13 Scott Jones.

14 Q. About what?

15 A. About the information gathered from the other  
16 interviews.

17 Q. I don't know what you're talking about.

18 A. These interviews here in Exhibit 1, about the things  
19 that were gathered here as well as Exhibit 2, what was  
20 gathered in the interviews with Cronkright.

21 Q. Well, tell me what would have been asked of Scott.

22 A. I'm not 100 percent positive. I wasn't doing the  
23 investigation. Deputy Pohl was. But certainly the  
24 communication with Goodrich, what was exactly said  
25 there. And I don't know what else, but I know there

1 was more investigation he wanted to do.

2 Q. Other than talking to Scott Jones, was there any other  
3 investigation that you heard of doing?

4 A. At that point, not yet.

5 Q. But he was asked in the first meeting if he had talked  
6 to anyone outside of the department about the details  
7 of the arrest, correct?

8 A. Yes.

9 Q. And he was asked at the original investigation whether  
10 he had any other knowledge about how the information  
11 got out; is that correct?

12 A. I'd have to check.

13 Q. Do you remember he said, "Talk to Chad Cronkright.  
14 He'll know. He'll know who" -- "he'll know how this  
15 would have gotten out." Do you remember being told  
16 that or Pohl being told that?

17 A. I remember something about Scott saying Chad  
18 Cronkright was good for it.

19 Q. Okay. What job does Marcus King hold today?

20 A. Deputy.

21 Q. Where is he assigned today?

22 A. Drug task force.

23 Q. He's no longer on road patrol?

24 A. Correct.

25 Q. When was he moved to the drug task force?

1 A. Eight months ago, something like that. Sometime  
2 within the last year, I believe.

3 Q. And how does one get moved to the drug task force?

4 A. There's a sign-up list. There's an interview. Then,  
5 the sergeants and lieutenant express who they want to  
6 go up to administration.

7 Q. Did the sergeant and lieutenant at issue here both  
8 request Marcus King?

9 A. Yes.

10 Q. And who were those two people?

11 A. Well, at the time -- at the time, it would have been  
12 Lieutenant Maschke, Sergeant Landon, and Sergeant  
13 Zuska (phonetic). I believe those were the...

14 Q. You're telling me they selected Marcus King?

15 A. I'm telling you they selected Marcus King.

16 Q. Is that in writing?

17 A. No.

18 Q. Okay. Did you discuss it with them?

19 A. Yes.

20 Q. And what was your role in discussing it with them?  
21 You told them you wanted him to have the position?

22 A. What was your question?

23 Q. You told them that you wanted Marcus to have the  
24 position?

25 A. No.

1 Q. Why were you talking to them about it?

2 A. Because they came up to talk about strategic plans of  
3 the drug force and switching out several people. This  
4 is another time where they like to bring somebody on  
5 with experience, as well as somebody new, so it's  
6 staggered, so you don't have all new guys out there at  
7 the same time.

8 Q. Okay. I wanted to know whether you discussed with  
9 them who would get the job.

10 A. I said yes.

11 Q. Okay. And what did you tell them about who should get  
12 the job?

13 A. I didn't. I took their suggestions, and I said, "I'm  
14 okay with that."

15 Q. You're okay with your brother getting the job? That's  
16 what you were okay with?

17 A. And the other decisions that were made during the  
18 conversation.

19 Q. Okay. Obviously, they know this individual is your  
20 brother. They know Marcus is your brother, correct?

21 A. Yes, they do.

22 Q. And you said there was a test given?

23 A. It's just an interview, interview panel.

24 Q. Okay. Who was on the panel?

25 A. I think the three supervisors, but I don't recall

1 if -- sometimes, when one is not available, they have  
2 another drug task force deputy stand in.

3 Q. Are the interviews rated or ranked?

4 A. I don't think they're officially rated or ranked by  
5 number, like an interview for -- like an interview  
6 would be for a new hire or a promotion to like  
7 sergeant. I think they're more general.

8 Q. Well, are they ranked? Are they ranked? It's just a  
9 simple yes or no. Are people ranked after an  
10 interview?

11 A. Yes. Yes, I guess.

12 Q. Okay. And is there a list, a ranked list?

13 A. Not that I know of.

14 Q. With regard to charges, you mentioned a bunch of  
15 people here today that have been investigated:

16 [REDACTED] [REDACTED] [REDACTED] Are you involved in  
17 the decision as to what -- are you involved as to what  
18 the final decision will be on their wrongdoing?

19 A. So a suggestion is given by the person who does the  
20 investigation. Well, actually, they give their  
21 feeling whether or not the subject violated policies.  
22 And then either the captain and lieutenant or the --  
23 on the roadside or jail -- and the jail administrator  
24 and lieutenant will come up with a suggestion.  
25 They'll come to myself and the undersheriff, and

1           either agree or adjust it or whatever.

2       Q.    Okay.  So you guys have final call on what the  
3           decision will be?

4       A.    Yes.

5       Q.    As I read the policy, the sheriff reserves the right  
6           to give Garrity warnings, correct?

7       A.    Yes.

8       Q.    I've got another question for you.  Did you consider  
9           calling in Marcus King for an interview as to who he  
10          talked to about what had happened to him?

11      A.    I didn't run the investigation.  I don't know if --

12      Q.    I didn't ask you if you did.

13      A.    I didn't consider it, no, because I didn't consider  
14          any of them.  Captain Pohl ran the investigation.

15      Q.    But you were kept abreast of this, and you approved  
16          what they did.  You could have suggested people, I  
17          assume.

18      A.    Correct.

19      Q.    But nobody suggested that your brother be --

20      A.    Correct.

21      Q.    -- interviewed?

22                            If you can go to Exhibit 1, the last page.  
23          Did you direct Pohl to make conclusions and findings?

24      A.    No.

25      Q.    When were these conclusions and findings made?

1 A. I don't know.

2 Q. Do you have any idea?

3 A. No.

4 Q. Is there a reason they're not dated?

5 A. I have no idea.

6 Q. I mean, do you just not remember, or you just  
7 literally don't know?

8 A. I didn't make the document. I didn't create this  
9 document, so how would I --

10 Q. You know what? I knew that. I knew that. And I  
11 already spent a lot of time today finding out what  
12 your role was. And I know the person that wrote this  
13 reports directly to you.

14 A. Okay.

15 Q. So you're telling me here today -- do you know  
16 anything about why Pohl created conclusions and  
17 findings? Did you tell him he had to do so?

18 A. I did not tell him to do so.

19 Q. Okay. And have you seen his conclusions and findings  
20 before?

21 A. Yes.

22 Q. Okay. When did you see them?

23 A. I don't remember when I first saw them.

24 Q. Do you have some idea?

25 A. Sometime after Jones retired. That's all I know.

1 Q. Okay. So why were these findings and conclusions  
2 created?

3 A. Generally, we finish a report, and if -- you'd have to  
4 ask the creator of the document as to why he decided  
5 to do this. We oftentimes do do this. It's not  
6 uncommon. We finish the report.

7 Q. Okay. Isn't it a problem if this isn't dated?

8 A. I wish it was dated, yes.

9 Q. I didn't ask you if you wished that, sir.

10 A. I don't think it's improper.

11 Q. It seems sloppy. It seems like a very sloppy process.  
12 So I'm just wondering why in this situation the -- a  
13 memo isn't dated.

14 MR. SHOUDY: Move to strike.

15 MS. GORDON: I'm not done yet. I'm not  
16 done yet.

17 BY MS. GORDON:

18 Q. I note that the memo isn't dated, and the conclusions  
19 aren't dated. I don't have any -- a third party has  
20 no ability -- or, for that matter, neither do you, the  
21 sheriff, have any ability to come into a courtroom and  
22 testify as to when his conclusions and findings were  
23 made. Don't you find that to be sloppy?

24 A. I don't know why he didn't date it.

25 Q. Don't you find that to be sloppy?

1 A. I don't find it to be sloppy. These are never  
2 intended to leave our office or be reviewed by anybody  
3 but internal people.

4 Q. Really? You're not aware of being sued for violating  
5 people's rights and people getting documents? You're  
6 the government. That's never occurred to you?

7 A. Yes, that's occurred to me.

8 Q. Okay. So then you're the government, and you're  
9 taking actions against citizens and against citizens  
10 that are employees. Isn't it important that your  
11 records are kept very, very carefully and accurately?

12 A. Yes.

13 Q. Okay. But this doesn't -- is not dated, and we have  
14 no information. I guess you've already agreed to  
15 that, correct?

16 A. I agree to that, yes.

17 MS. GORDON: Okay. I guess that's all I  
18 have for you.

19 MR. SHOUDY: All right. Well, thank you.

20 (The deposition was concluded at 4:05 p.m.  
21 Signature of the witness was not requested by  
22 counsel for the respective parties hereto.)  
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CERTIFICATE

STATE OF MICHIGAN

COUNTY OF WAYNE

I, Lisa A. Grambo, a Notary Public in and for the above county and state, do hereby certify that this deposition was taken before me at the time and place hereinbefore set forth; that the witness was by me first duly sworn to testify to the truth; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related, nor of counsel to either party, nor interested in the event of this cause.



Lisa A. Grambo, CSR-3748, RPR,  
Notary Public,  
Wayne County, Michigan  
My commission expires 5-13-2025