

EXHIBIT 7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT E. JONES, an individual,
Plaintiff, Case No.: 24-CV-11965
Hon. Nancy G. Edmunds

-vs-

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.

DEPOSITION OF

MATTHEW POHL

February 28, 2025

10:07 a.m.

Taken at:

33 Bloomfield Hills Parkway, Suite 220
Bloomfield Hills, Michigan

Court Reporter:

Patricia A. Everett, CSR-4602, Notary Public

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17
18 ALSO PRESENT: Scott Jones

TRANSCRIPT INDEX

| | PAGE |
|------------------------------|------|
| Appearances | 2 |
| Index of Exhibits | 4 |
| Examination by Ms. Gordon | 5 |
| Examination by Mr. Shoudy | 276 |
| Re-Examination by Ms. Gordon | 276 |
| Reporter's Certificate | 278 |

INDEX OF EXHIBITS

| DESIGNATION | DESCRIPTION | PAGE |
|-------------|--|------|
| | (Attached to transcript) | |
| Exhibit 1 | (SSCSO job description-lieutenant) | 36 |
| Exhibit 2 | (Internal investigation memo) | 52 |
| Exhibit 3 | (St. Clair County Sheriff's Office case report) | 80 |
| Exhibit 4 | (Lindke Facebook posts) | 124 |
| Exhibit 5 | (Cronkright statement) | 202 |
| Exhibit 6 | (Cronkright intervention meeting) | 249 |
| Exhibit 7 | (Jones disciplinary hearing minutes) | 265 |

Page 5

Bloomfield Hills, Michigan

Friday, February 28, 2025

At or about 10:07 a.m.

- - -

M A T T H E W P O H L,

having first been duly sworn, was examined and testified
on his oath as follows:

EXAMINATION

BY MS. GORDON:

Q Captain, we just met. If you don't understand my
questions, if you want me to rephrase, just let me know,
okay?

A Yes.

Q I assume you've been deposed before for something or
another?

A I believe maybe once, like, 20 years ago or so.

Q Okay. How -- how long have you been with the sheriff's
department?

A Twenty-four and a half years.

Q Okay. And when -- when did you obtain the title of
captain?

A 2021.

Q Okay. And was that an appointed position?

A There's a testing process. The sheriff can pick who he
wants out of the top three, so it wasn't just appointed.

1 I did --

2 Q Got it.

3 A -- a written test, seniority points, and then there's
4 also an oral interview.

5 Q Okay. Who did the oral interview?

6 A What was it? Jim Spadafore was on it. He's the current
7 undersheriff.

8 Q Yep. Was the sheriff on it?

9 A The sheriff was not on it.

10 Q Okay.

11 A I don't remember the other two.

12 Q And prior to captain you were a lieutenant?

13 A Yes.

14 Q Okay. When did you get -- when did you first get to
15 know Sheriff King?

16 A Well, I was hired in 2000, so he had been hired prior to
17 me. I don't know when our paths crossed, but soon
18 thereafter, I would assume.

19 Q Okay. So you've known him for quite sometime?

20 A Yes.

21 Q Are you friends?

22 A Yes.

23 Q Okay. Socialize from time to time?

24 A Yes.

25 Q Okay. You stay in close touch with him?

1 A Well, we work at --

2 Q Right.

3 A Next door to each other so

4 Q Literally your offices are next door to each other?

5 A Yes.

6 Q I assume you text, you e-mail, you call?

7 A Yes.

8 Q Okay. And that's probably about work issues as well as
9 other things that might just come up?

10 A Correct.

11 Q Okay. And what documents were you asked to produce in
12 this case? We were seeking certain relevant materials.
13 Were you asked to produce anything?

14 A Yes.

15 Q What were you asked to produce?

16 A There's a long list.

17 Q Okay.

18 A I don't recall everything because they keep coming in
19 so

20 Q I hear you. Did you produce some material?

21 A I produced everything that I could produce.

22 Q What do you recall that you had in your possession that
23 was relevant that you produced?

24 A The internal report, the --

25 Q By internal report -- let me interrupt you if you don't

1 mind -- your memo?

2 A Yes.

3 Q Okay.

4 A Policies. I mean, there's other documents provided I
5 didn't -- which I didn't -- I know our secretary
6 provided your firm --

7 Q Right.

8 A -- lots of documents.

9 Q Okay. Have you been involved with drafting policies or
10 putting them together or reviewing them since you've
11 been in your current role?

12 A Yes.

13 Q What is your responsibility in that regard?

14 A Well, currently we have partnered with Lexipol, so we
15 are redoing our whole policy and procedure. So I meet
16 weekly with a representative and we go over our current
17 policies as they update them and format them in their
18 wording. This might be a yearlong process, so we are --
19 that's the big project that we're -- that I'm involved
20 with with policy so far.

21 Q What I've been given I assume is the previous policies
22 that have not been changed yet from Lexipol?

23 A Yes.

24 Q Okay. Were you involved in any of those policies and
25 procedures?

1 A As far as?

2 Q Drafting, changing or were they already in place when
3 you got to the department? I've been given written
4 policies. I'm just trying to figure out whether you had
5 a role in creating those?

6 A So I would -- for the most part all policies were
7 already in place prior to me being appointed or promoted
8 to captain. If and when a discrepancy would arise that
9 we needed to edit the policy or to change policy then,
10 yes, that would be up to me. We've also made new
11 policies since I attained captain. One that comes to
12 mind would be, like, the body cam policy. We never had
13 body-worn camera before that, so that was a brand new
14 policy that I was in charge of --

15 Q When did you get the body-worn cameras, approximately?

16 A I think it was 2021, approximately.

17 Q So what is your policy on body-worn cameras that you had
18 a hand in?

19 A It's quite lengthy so --

20 Q Give me the rules on when it's to be used.

21 A In contact with the public, during investigations. It's
22 not to be used with -- amongst private conversations
23 with other officers. It's not to be used to
24 surreptitiously record another employee. It's not to be
25 used inside the building or personal things like meal

1 breaks or bathroom breaks. But other than that, it
2 should be on during your course of duty if you're having
3 a consensual encounter with a citizen or on a traffic
4 stop or things of that nature.

5 Q Did you -- I assume you supported the sheriff when he
6 ran for election recently last time, last election
7 cycle?

8 A Yes.

9 Q Did you -- were you a contributor?

10 A With money?

11 Q Yeah.

12 A Yes.

13 Q Roughly, how much did you contribute? I mean, the
14 records are out there. I can --

15 A No, I know. A hundred would be my guess.

16 Q Did you play -- I assume you played a role in helping
17 him with his campaign and, you know, greeting the public
18 and making an appearance?

19 A I put out signs. And I also on the day of -- I think he
20 ran twice effectively. The first time around I believe
21 would be the primary. On one of those dates, yeah, I
22 wore a T-shirt. It was at a polling station.

23 Q Okay. But you were right there with him, I assume, as
24 captain throughout the process when he made appearances
25 and attended political events, fundraising and the like?

1 A I attended a fundraising event that he hosted. Now, I
2 know he attended meetings, like, the Republican Party
3 meetings. He probably met with other dignitaries. I
4 know he had other fundraising events throughout the
5 county, but I was not right there with him attending
6 those.

7 Q Okay. And were you working with him on both his 2020
8 and 2024 elections in a similar manner?

9 A I believe I probably -- I guess I don't recall as far as
10 my involvement. I certainly attended his -- the
11 fundraising campaigns that he held in both of those.

12 Q Okay. How long have you known Marcus King?

13 A I don't want to guess when I met him, but at least ten
14 years, if not longer.

15 Q How did you get to know him?

16 A I think I met him first through his brother.

17 Q The sheriff --

18 A The sheriff.

19 Q -- for the record.

20 A Right. And his other brother, Mike, before he was
21 employed at the sheriff's office.

22 Q And did you meet him through the sheriff? You met
23 Marcus through the sheriff before Marcus actually came
24 on board?

25 A Yes.

1 Q What was that? Did you -- what, were you guys doing an
2 activity together or something like that?

3 A I had -- I had attended their deer camp several times up
4 north in Lewiston, Michigan. We had taken several trips
5 to Cleveland for an Italian festival.

6 Q Who is we?

7 A Myself, Mat King, Marc King, their older brother,
8 Michael John. And there may have been some other people
9 that drifted in and out of that group.

10 Q Okay.

11 A Their dad would have been part of those trips.

12 Q And that was to where?

13 A Either Lewiston, Michigan, they had a cottage up there,
14 or Cleveland, Ohio was a Italian festival.

15 Q Is that something you all go to, you know, regularly,
16 the Italian festival?

17 A I can't remember the last time I went.

18 Q Okay. But the Lewiston deer hunting is kind of a
19 regular activity?

20 A Likewise, I -- I can't remember the last time I went.
21 They've since sold that --

22 Q Okay.

23 A -- cottage.

24 Q So but that's likely how you got to know Marcus before
25 he came on board in the department?

1 A Yes.

2 Q Okay. And I assume you've been friends with him over
3 time?

4 A Yes.

5 Q Okay. And do your families socialize together from time
6 to time?

7 A No.

8 Q Do you socialize with him from time to time?

9 A From time to time, yes.

10 Q Okay. And I assume you text with him, as well, calls,
11 e-mails and the like?

12 A Text, yes.

13 Q Okay. Do you have a work phone or your own personal
14 phone that you use?

15 A Both.

16 Q Okay. And do you use your personal phone when you're
17 communicating with the sheriff or Marcus?

18 A Yes, I have.

19 Q Okay. Do you delete material on your phone?

20 A Yes.

21 Q What's your deletion policy?

22 A I don't think we have a policy that covers deletion.

23 Q What's your personal practice?

24 A I just like to periodically clean things up, both work
25 e-mail, phones.

1 Q Okay. Do you have the same phone today that you had in
2 2022?

3 A Yes.

4 Q Okay. Have you deleted material that would be relevant
5 to the circumstances involved in this case?

6 A Yes.

7 Q Okay. What have you deleted?

8 A Whatever text messages or phone calls that I'd
9 referenced in my internal report, I no longer have those
10 on my phone.

11 Q Okay. So I assume you were texting with the sheriff
12 and/or with Marcus beginning on or around 11/6/2022;
13 correct? Things were happening and, you know, at the
14 time of the arrest and there was some communication;
15 correct?

16 A I don't know if I had text communication with either of
17 those two --

18 Q Uh-huh.

19 A -- with regards to the arrest.

20 Q Okay. Phone?

21 A I did have a phone call with Mat King that Sunday
22 morning.

23 Q Okay. And what was that about?

24 A Well, I had awoken and missed a call and/or voicemail
25 from Scott Jones as to the arrest of Marc King. When I

1 woke up and heard that, at some point thereafter I
2 called Mat King to see if he knew about it or just to
3 kind of go, hey, what's going on with this.

4 Q Okay. And you continued to stay in touch with it --
5 with him on this; correct?

6 A Yes.

7 Q His brother's arrest?

8 A Yes.

9 Q Okay. Did you also communicate with Marcus King on
10 Sunday?

11 A I don't believe so.

12 Q Or a couple of days thereafter?

13 A I don't know if I had any phone communication with Marc.
14 I'm sure if I'd seen him maybe some words of
15 encouragement, but I don't know if I had any phone
16 communication with Marc over this.

17 Q Okay. And would you have used your work phone for any
18 of the communications you would have had with either of
19 the Kings, Marcus or Mat?

20 A If it's work related I would use my work phone.

21 Q And what's the retention policy on that?

22 A We don't have a policy.

23 Q Okay. Who's the carrier for the phones?

24 A I don't know.

25 Q Who's your carrier for your --

1 A I don't know.

2 Q Verizon?

3 A We have several carriers. I don't know which plan mine
4 is under.

5 Q Okay. When is the first time you became a law
6 enforcement officer?

7 A 1999.

8 Q And where was that?

9 A I had worked, like, part-time in two, like, village of
10 Breckenridge and St. Louis, Michigan, prior to getting
11 full-time employment for Arenac County Sheriff's Office.
12 That would have been -- I believe in the spring, early
13 summertime is when I probably got full-time employment
14 with them.

15 Q And then you moved over to the sheriff's office?

16 A Well, I worked, you know, let's say a year and a half or
17 so and then before I got hired by St. Clair County in
18 August of 2000.

19 Q Okay. How did you happen to get hired by St. Clair
20 County?

21 A Just through the application process.

22 Q Okay. What documents have you reviewed to get ready to
23 give your testimony today to refresh your recollection?

24 A I went over the internal report. Some policies that
25 were referenced in the internal report, some text

1 messages that were -- or, screenshots of those
2 referenced in the internal report.

3 Q Do you have a job description, a written job
4 description?

5 A Yes.

6 Q Okay. Would you tell me what your job -- main job
7 responsibilities are? Just walk us through them.

8 A So as the road patrol captain I would oversee things
9 police related. Our agency is split between the jail
10 and then the road division, so --

11 Q Let me interrupt you, if you don't mind.

12 A Yes.

13 Q As of 2022 how many road patrol staff did you have and
14 how many jail? What was the split, roughly?

15 A Roughly 80 sworn police officers that I would oversee on
16 roadside. The jail side I'm not certain. It would be
17 more. There would be more jail staff, though.

18 Q Okay. Okay. So I'm sorry, go ahead with your list of
19 responsibilities.

20 A So as of now I oversee road division, which would
21 include your uniformed police officers, the records
22 division, which is our service bureau that types reports
23 or handles any front counter business. It's now called
24 the criminal investigation division. That would entail,
25 like, the detective bureau, our drug task force. We

1 have people detailed out to Homeland Security, a task
2 force with Port Huron PD. And then I don't directly,
3 but ultimately oversee the marine division, as well.

4 Q Okay. And do the lieutenants report directly to you?

5 A Yes.

6 Q How many lieutenants are there?

7 A So we have a lieutenant at the drug task force, a
8 lieutenant at the detective bureau, a lieutenant at the
9 marine patrol and then four lieutenants on the road.

10 Q Okay. And when -- do you oversee these individuals'
11 performance?

12 A Not directly, since I don't work hand in hand with them
13 to see how they're performing, but, yes, it would be my
14 responsibility to address any shortcomings of
15 performance if any issues arose.

16 Q What else are your main job responsibilities?

17 A Besides that, like, we covered -- I also -- currently my
18 main job responsibility is dealing with this policy
19 project with Lexipol. Discipline often would come to my
20 attention, either directly or indirectly.

21 Q How -- I mean, is that your -- are you responsible for
22 discipline? Are you the designated individual?

23 A I wouldn't say that I was the designated individual.
24 Depending at the level of discipline meted out it can be
25 handled at a shift level or it may arise to my level or

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Page 19

1 -- I mean, ultimately the decision of some discipline
2 may -- that lies in the hands of the undersheriff or
3 sheriff.

4 Q Okay. And do you report to the undersheriff?

5 A Yes.

6 Q Is that who your direct supervisor is?

7 A Well, in the chain of command the undersheriff would be
8 first and then the sheriff, so I would report to both of
9 them.

10 Q And is -- is there somebody else that's responsible for
11 -- you did an investigation here. You're calling it, I
12 think, a memo or an investigation; is that accurate?

13 A Yes.

14 Q Do you do all of the investigations?

15 A No, I do not.

16 Q Who else does them?

17 A We try to -- it would depend on who the investigation is
18 on. Sometimes rank would play a role in that. It might
19 be -- depends on the member of the department, who do
20 they report to, but we would prefer that lieutenants do
21 investigations of members on their shift or could be
22 anyone of lower rank. If it was a lieutenant or higher
23 then it makes sense myself as the captain that I should
24 do that investigation so a lieutenant wouldn't be
25 investigating a fellow lieutenant of the same rank.

1 Q Okay. And Marcus -- Marcus's title was what, Marcus
2 King in 2022? He was a deputy?

3 A Deputy, yes.

4 Q Who did he report to directly?

5 A I don't recall which shift he worked on.

6 Q Okay.

7 A I believe it was a split shift, so he could have
8 reported to multiple -- multiple supervisors in one
9 12-hour block.

10 Q Okay. So with regard to discipline or investigations it
11 could have involved a sergeant?

12 A Yes, a sergeant would have control and command over him
13 to discipline him.

14 Q Same or it could be a lieutenant?

15 A Correct.

16 Q Okay. What else -- so you explained your job duties.
17 You from time to time get involved in investigations.
18 In any given year how many investigations are you
19 responsible for, would you say?

20 Let's talk about 2024. How many
21 investigations were you involved in in 2024?

22 MR. SHOUDY: You're talking about
23 internal investigations for employee discipline?

24 MS. GORDON: Yes, of course.

25 BY MS. GORDON, CONTINUING:

1 Q Not, you know, in your professional capacity as a law
2 enforcement officer.

3 A I don't know if I did any in 2024.

4 Q Okay. There were investigations, though, but not done
5 by you?

6 A Yeah, there's -- we have internal investigations, safe
7 to say, probably every calendar year even between the
8 road patrol and/or jail.

9 Q Okay. So nothing you can recall that you were involved
10 in in 2024?

11 A Not that I can recall.

12 Q Okay. How about 2023?

13 A Don't recall that either.

14 Q How about 2022?

15 A Yes.

16 Q What were you involved in in 2022?

17 A Scott Jones internal investigation and Marcus King
18 internal investigation.

19 Q Okay. Anybody else that year?

20 A I don't recall.

21 Q How about 2021?

22 A I don't recall either.

23 Q You don't recall any in 2021?

24 A I don't know if I did any in 2021, as well.

25 Q Okay. Can you remember any other investigations other

1 than these two in the last five years?

2 A Yes.

3 Q Who else do you recall?

4 A ██████████ █ ██████████

5 Q Roughly when was that?

6 A So it was since 2021. I just -- I don't know what
7 year --

8 Q Okay.

9 A -- what that was.

10 Q What was that about?

11 MR. SHOUDY: Just for the record we have
12 to designate part of these confidential if we believe
13 they should be confidential. And I would like to
14 designate the record confidential. You don't need to do
15 anything else or create a separate record or anything,
16 just put a label on it.

17 MS. GORDON: Make a note, yeah.

18 BY MS. GORDON, CONTINUING:

19 Q Go ahead.

20 A It had to do with his time, if he was leaving work
21 early, coming in late, things of that nature, extended
22 lunchtime at his home.

23 Q What was your -- what was your title at that time?

24 A If it was post 2021 it would have been captain.

25 Q You're not -- you're not sure?

1 A It was -- I believe it was in that -- that timeframe.

2 Q And he was a detective?

3 A Yes.

4 Q So why did you get involved in that one?

5 A I don't recall specifically. I think it's probably
6 because I had had maybe easier access to pull time cards
7 and watch, like, video of people coming and going from
8 the employee parking lot and/or to make sure his
9 lieutenant didn't have any culpability in this, as well.

10 Q Okay. Anybody else you can recall other than what
11 you've now mentioned where you were involved in an
12 investigation?

13 A Not offhand.

14 THE COURT REPORTER: Could we go off for
15 a second?

16 MS. GORDON: Sure.

17 (Discussion held off the record)

18 MS. GORDON: Does it -- Todd does it
19 include the outcomes of the investigations or just the
20 investigation itself?

21 MR. SHOUDY: Yes, and the outcome. So
22 basically I want to do just that part. Again, our
23 protective order just all it prevents is people from
24 sharing it publicly; right, so you can still use it in
25 court filings.

1 MS. GORDON: Okay. Got it.

2 MR. SHOUDY: But it's a fairly simple
3 protective order.

4 MS. GORDON: Okay.

5 BY MS. GORDON, CONTINUING:

6 Q Who have you been -- okay. So when somebody does an
7 internal investigation, whether it's the few you've
8 mentioned or anybody else, who's involved in discipline?
9 Have you been involved in making disciplinary decisions?

10 A Well, ultimately it's up to the sheriff for discipline,
11 but, yes, I've been involved with discussion of, hey,
12 what might be the appropriate discipline, what have we
13 done before in a similar circumstance.

14 Q Okay. What discipline do you recall most recently that
15 you've been involved in?

16 A I'm certain there's been something since this
17 investigation. I'm drawing a blank right now.

18 Q Since the Scott Jones investigation?

19 A Yes, ma'am.

20 Q Nothing you can recall?

21 A Not at this moment.

22 Q What role have you played in discipline? To the extent
23 you can recall ever doing so, what would your role have
24 been?

25 A My role has been to author statement of charges and then

1 read the statement of charges to that deputy, and that's
2 it.

3 Q What --

4 A As far as the formal hearing.

5 Q What's a statement of charges?

6 A You know, on this date your activity was A, B, C, this
7 violated policy such and such. That would be the
8 statement of charges.

9 Q And is that read to the person?

10 A Yes. Actually, I just -- I did -- I know the last one I
11 read.

12 Q Okay. What was that?

13 A Was part of -- and this would be another confidential.

14 Q Okay. Just let's use somebody's initials.

15 A [REDACTED]

16 Q Okay.

17 MS. GORDON: And let's go off the record
18 for a second.

19 (Discussion held off the record)

20 BY MS. GORDON, CONTINUING:

21 Q Okay. So what happened with this individual?

22 A It came to light that he had been displaying some
23 questionable behavior. We looked into it. We
24 interviewed fellow deputies that were present. Looked
25 into policies, what might -- may have been violated.

1 And ultimately we found that he had violated a
2 harassment policy by statements he made around a female
3 student rider. He violated a -- let's just say in
4 generic terms by unholstering his gun in a
5 unsafe manner, horsing around with it, if you will.

6 Q Uh-huh.

7 A Those were the two main policies, and as a result of
8 that he received discipline.

9 Q What was his discipline?

10 A I believe it was a three-day unpaid suspension, to the
11 best of my knowledge.

12 Q He'd sexually harassed somebody?

13 A He had made comments --

14 Q Uh-huh.

15 A -- that were inappropriate.

16 Q Okay.

17 A That were in violation of our harassment policy.

18 Q Okay. And what was your role there? I'm not sure I
19 understand that.

20 A So my role in that was typing up the statement of
21 charges, which we put on the formal letterhead for the
22 formal disciplinary hearing, then reading those
23 verbatim, and then the deputy and the union official get
24 a copy of those.

25 Q Okay. So you typed up a document at the onset of the

1 investigation?

2 A No.

3 Q No?

4 A At the conclusion of the investigation.

5 Q Okay. And so you just typed up the conclusion of the
6 investigation. You were not involved in the
7 investigation or you were?

8 A No, I didn't interview him.

9 Q So somebody gave you an investigation report?

10 A Correct.

11 Q Okay. And then you were involved in the discipline or
12 you weren't, the three days?

13 A I typed the document up --

14 Q Uh-huh.

15 A -- the statement of charges. That was my involvement as
16 far as the disciplinary hearing.

17 Q And then who did the discipline? Who made the
18 disciplinary, the three days?

19 A Ultimately that's decided by the sheriff.

20 Q So you type up of the statement of charges. That goes
21 where, to the person that's being investigated?

22 A That goes to -- so I would read that verbatim and then
23 we give a copy to the deputy who's involved and then his
24 union representation.

25 Q Then he gets to respond; is that correct, to the

1 statement of charges that are your -- the conclusions?

2 A Yes.

3 Q Okay. And that's given to him in writing, he and the
4 union can review it and can respond?

5 A We leave the room. We allow them to review that
6 document, and then they have an opportunity to respond
7 to that document.

8 Q Okay. Is this in writing?

9 A Their response?

10 Q Yes.

11 A It could be.

12 Q Okay. What happens after you leave the room and they
13 look at the document that has the charges? What's the
14 next thing that happens?

15 A When they're ready they come out of the room and get us.

16 Q And then what happens?

17 A It's up to them if they want to make a response. And
18 they don't have to.

19 Q Right. Can they say, We want to put something in
20 writing responding to this?

21 A They could.

22 Q Okay.

23 A That didn't happen in this case, though.

24 Q Okay. So other than this one, what other discipline --
25 I'll use the term -- have you been involved in?

1 Hang on one second, we're just getting a
2 message from a court. Off the record.

3 (Discussion held off the record)

4 BY MS. GORDON, CONTINUING:

5 Q All right. What other discipline have you -- okay. So
6 you've told me that in this case you type up -- not our
7 case, but the one you just described, you typed up the
8 charges and you left -- left it to the union and the
9 officer to review. Have there been other occasions when
10 you've done that?

11 A Yes.

12 Q Okay. What other occasions do you recall?

13 A Well, any occasion -- if I was involved in that
14 disciplinary process, that formal discipline, I would
15 type up the statement of charges.

16 Q Okay. So in 2024 how many times were you involved in
17 the discipline?

18 A Well, that case.

19 Q That we just talked about?

20 A That we just talked about, yes.

21 Q Okay. [REDACTED] Anybody else in 2024?

22 A Not that comes to mind, no.

23 Q 2023?

24 A Likewise.

25 Q 2022?

1 A Marc King and Scott Jones.

2 Q Okay. Anybody else --

3 A However --

4 Q -- from 2022?

5 A I just want to say, however I was never involved into
6 the disciplinary hearing with Scott Jones, so I never --

7 Q You were never involved in a disciplinary. What's a
8 disciplinary hearing?

9 A When we mete out discipline, so there was -- I never
10 prepared a statement of charges for Scott Jones. For
11 Marcus King I did and I was involved in both
12 investigations.

13 Q What's a statement of charges include?

14 A Like I said, I would -- we would list, hey, on this date
15 you did such and such violating said policy. That would
16 be the statement of charges.

17 Q Okay. Well, you have -- you have statements in Scott
18 Jones's -- your memo or your investigation as to rule
19 violations where you made findings.

20 A At the end of it?

21 Q Yeah.

22 A Yes.

23 Q So is that different than what you just described for
24 the other employee?

25 A So that is part of the internal investigation

1 document --

2 Q Right.

3 A -- for the Scott Jones, where I made a conclusion at the
4 very end --

5 Q Yeah.

6 A -- that in my opinion he violated --

7 Q Rules.

8 A -- these three policies.

9 Q Yes.

10 A Yes.

11 Q Okay. So is that different than what you're talking
12 about?

13 A Yes.

14 Q Okay. What's the difference?

15 A The statement of charges would literally say "Statement
16 of Charges" on top of the document. We would put it on
17 the letterhead. It would have that narrative, it would
18 have the policy violated and the deputy violated that
19 policy. That is a separate document from the internal
20 investigation.

21 Q Okay. Again, if you don't mind, give me the name of
22 that document.

23 A Statement of charges.

24 Q Okay. All right. So sitting here today, you can
25 remember one time you've done a statement of charges.

1 Is that correct or not correct for the last several
2 years?

3 A Marcus King would have a statement of charges.

4 Q Right.

5 A This individual we're talking about with the initials
6 would have a statement of charges.

7 Q Okay. That's the sex harassment one?

8 A That was one of the policies he violated.

9 Q Right. Right. Okay. Anybody else?

10 A I don't recall the discipline with the other individual
11 we mentioned, the detective. But anybody that would
12 have received formal discipline above and beyond just a
13 written, like, a written warning when we're -- when
14 we're talking about, like, suspension, they would give a
15 statement of charges.

16 Q Okay. And you have many levels of discipline; correct?

17 A Yes, there are layers of discipline.

18 Q Right. Okay. So I want to finish off asking you about
19 your duties. It doesn't sound like you have a formal
20 role in the discipline process, but you are occasionally
21 called in to handle these matters; is that correct?

22 A Yes. I would liken, like, the vice principal in a
23 school is usually involved in discipline, but also
24 teachers can discipline the students within their
25 classroom. I think it's kind of like there's many

1 layers of discipline that you can receive and there's
2 just layers of discipline of who can handle it.

3 Q What's on your written job description? Is there a line
4 item involved in your role of discipline in your job
5 description?

6 A I don't know if there is.

7 Q Okay. This started off because I was asking you about a
8 list of your job duties, your formal job duties. And
9 you told me about supervision, you know, of the jail of
10 road patrol.

11 A I don't supervise the jail.

12 Q Okay. Not at all?

13 A Those are --

14 Q Who's the --

15 A -- separate bargaining units. I have nothing to do with
16 the jail.

17 Q Who's the highest level person overseeing the jail
18 personnel?

19 A Jail administrator.

20 Q So that's separate and apart from your world?

21 A Yes.

22 Q So finish off for me your job duties as you understand
23 them.

24 A I think -- I mean, just I broadly covered, I think, most
25 of them as far as the divisions that I oversee.

1 Q Okay.

2 A Road patrol, records division, criminal investigation
3 division, and the marine division.

4 Q Who oversees HR?

5 A I don't know who -- the former HR director is no longer
6 there. She retired so I'm not sure who the HR director
7 is now.

8 Q Okay. But do you know who supervises that role? Is
9 that the sheriff?

10 A Oh, no.

11 Q Who supervises HR?

12 A Ultimately would be the county administrator, Kerry
13 Hepting.

14 Q So you don't have an HR -- you don't have an HR office
15 in your sheriff's department, it's a county office; is
16 that accurate?

17 A There's an off-site county human resource office, yes.
18 And then effectively since, you know, the sheriff's an
19 elected official he's kind of a co-employer so in a way
20 we kind of act like our own HR at times in-house.

21 Q In what regard?

22 A We would handle -- you know, our secretary would handle
23 FMLA things or, you know, injuries, on-duty injuries.
24 We handle our own discipline. We have -- we don't deal
25 with HR as far as internal operations that I'm aware of.

1 Q And that's true with the officers under you, as well; is
2 that correct?

3 A As far as -- I'm not sure what you're saying.

4 Q Dealing directly with HR.

5 A We deal with HR, I think just in my experience would be
6 limited to payroll issues, you know, the medical
7 benefits yearly, the re-enrollment for medical benefits.
8 It'd be things of that nature.

9 Q Okay. What else is on your formal list of job duties or
10 have we just covered it? Go ahead.

11 A Other than overseeing the command staff and ultimately
12 overseeing those different divisions, I don't know what
13 I would be leaving out.

14 Q Okay. Are you on the road at all?

15 A No.

16 Q You're in an office?

17 A Yes.

18 Q Okay. Do you have paperwork obligations that are your
19 responsibility as compared to people under you?

20 A Yes.

21 Q What are those?

22 A Some of the things that I review would be use of force
23 reports, pursuit reports. I would handle damaged county
24 property reports. These are all things that are
25 authored prior to they get -- they get to my desk, but I

1 review those.

2 Q Sure. Okay.

3 A I'm not directly involved in authoring police reports,
4 per se. These are all just kind of office work that I
5 do.

6 Q Do you review police reports?

7 A From time to time.

8 Q Okay. My client has a job description; is that correct?

9 A I'm sorry, what?

10 Q My client, Scott Jones, has a job description; is that
11 accurate?

12 A When he was employed, yes, he had one.

13 Q Okay. Are you familiar with it?

14 A Not specifically.

15 MS. GORDON: Do you have an extra copy,
16 Liz?

17 BY MS. GORDON, CONTINUING:

18 Q Just a couple of questions on it. I'll give you a copy.

19 A For sure.

20 Q And do all the officers have a job description?

21 A So we would have two job descriptions.

22 MS. GORDON: Excuse me for one second.
23 Did you bring stickies?

24 THE COURT REPORTER: I did.

25 (Deposition Exhibit No. 1 marked for

1 identification)

2 BY MS. GORDON, CONTINUING:

3 Q So that's Exhibit 1, Captain. Does that form look
4 familiar to you? You've seen those before, just in
5 general?

6 A I've seen these before in general, yes.

7 Q Okay. And does everybody have a job description, as far
8 as you're aware?

9 A Through the county they should, yes.

10 Q Okay. Okay. So this is the job description for Scott
11 Jones; correct?

12 A For the title of lieutenant, yes.

13 Q Yep. And I'm just going to run through these with you.
14 So the first one is a position summary that he
15 coordinates law enforcement activities with assigned
16 area, ensuring goals and assignments are met.
17 Participates in police -- difficult police and
18 investigative problems and instructs subordinate
19 officers and methods. That's generally the summary of
20 the job; correct?

21 A As it's described here, yes.

22 Q Okay. Then we go through the duties and
23 responsibilities, provide counseling and guidance to
24 subordinates. I suppose that has to do with law
25 enforcement activities and their job duties; is that

1 correct?

2 A Yes.

3 Q Okay. Next is, Responds to the scene of all serious
4 accidents or crimes of a serious nature.

5 So a lieutenant is expected to respond to
6 a scene under these circumstances; correct?

7 A Yes.

8 Q The next one is, Assume command at investigations or
9 emergency situations in the absence of undersheriff or
10 sheriff.

11 That's one of the duties that he has to
12 take on and appear in these situations; correct?

13 A Correct.

14 Q Next is, Inspects the work of common staff and
15 subordinates by personal observation in the field and
16 through written reports. So this is supervision of
17 subordinates; correct?

18 A Yes.

19 Q Next is, Reviews and approves daily reports, incident
20 reports, subpoenas, warrants and overall activity of
21 shift, investigate complaints or irregularities. Again,
22 this has to do with, you know, overseeing his
23 subordinates and being sure their paperwork is done
24 correctly and the like; right?

25 A Yes.

1 Q Okay. Next is to patrol the county, to assist deputies
2 and ensure their compliance with assigned duties.

3 And this is, I assume, part of his
4 day-to-day job duties to oversee what's happening on
5 patrol?

6 A Yes.

7 Q And to assist. Next is, Oversee the use of departmental
8 automotive and other equipment.

9 So this is just being sure that all the
10 equipment that you all are using day to day is being
11 correctly maintained and used; correct?

12 A Yes.

13 Q Okay. The next is to keep command staff and other
14 subordinate personnel informed of new laws, court
15 decisions, policies and police corrections problems.

16 A Yes.

17 Q What does that mean? So in other words, if you update a
18 policy or procedure or there's a new law, a lieutenant's
19 responsibility is to let the people that report to him
20 know that there is a change in a law or a policy or a
21 court decision that's going to affect your day-to-day
22 job; is that correct, in law enforcement?

23 A He should do that, yes.

24 Q Okay. Next, Shall keep those officers under his
25 supervision, properly and accurately informed on all

1 matters concerning administrative changes in policy and
2 operation. That's similar. He's responsible for his
3 subordinates being up to speed on policies and
4 operational modalities; correct?

5 A Yes.

6 Q Okay. Next is to analyze current criminal activities in
7 the county.

8 What is that? Just to keep an eye on
9 what's happening where, numbers, events; is that what
10 that would be.

11 A Yes, I suppose so.

12 Q Okay. And so he can then direct his subordinates or
13 supervise them in a way that meets the difficulties; is
14 that the concept there?

15 A To me that would make sense if there was a rise in crime
16 in a certain area. He's analyzing that activity and,
17 yes, directing his subordinates to respond to that.

18 Q Okay. And I think the next one may go along with it.
19 Reviews and analyzes work in crime statistics to ensure
20 efficient allocation of personnel.

21 A Likewise.

22 Q Okay. Next is, Implements, coordinates and supervises
23 crime prevention programs which are presented to the
24 community as a means of educating citizens.

25 I think that probably speaks for itself.

1 Again, you're just trying to stay on top of crime -- or,
2 the lieutenant is trying to stay on top of crime
3 prevention programs and crime prevention?

4 A Yes.

5 Q And educate citizens?

6 A Right. I don't know as far as how accurate that is as
7 far as implementing new crime prevention programs.

8 Q Okay.

9 A But, right, if he was asked to attend a neighborhood
10 watch meeting or something.

11 Q Okay. Next is, Reviews invoices and purchase orders for
12 correctness and completeness.

13 What invoices or purchase orders might
14 that be, if you know?

15 A You know, that might be out of their purview. Perhaps,
16 like, a travel voucher that, you know, somebody -- if
17 one of his officers went to a school he would be
18 expected to sign off on that. Like, hey, this is right,
19 this is accurate, they stayed at this hotel and stayed
20 for this school.

21 Q Okay. Next is, Requisitioning supplies and equipment.

22 Do lieutenants do that? Or at least can
23 they make a request?

24 A They can make a request, yes.

25 Q And who would they make that to?

1 A The best person would be our administrative secretary.

2 Q Okay. Next is, Assigns cases for investigation.

3 And I'll stop right there. By
4 investigation we're talking about investigation into
5 crimes, law enforcement activity.

6 A So initially would be assigned -- dispatch would assign
7 those calls as they come in.

8 Q Okay.

9 A But, yes, the supervisor could assign, you know, for a
10 follow-up investigation. That would be in his purview.

11 Q Okay. Shows leadership in law enforcement and
12 correction activities. Can you give me a quick overview
13 of what that means to you?

14 A Well, the corrections duties isn't technically accurate
15 for this road patrol position. But shows leadership in
16 law enforcement and corrections. Well, he's the leader
17 of the shift, I think is what this is referring to.

18 Q Okay. And by the shift, the personnel?

19 A Yes.

20 Q Oversees the personnel under him?

21 A Yes.

22 Q Okay. Evaluates command staff on their performance,
23 attitudes, morale and leadership abilities. I assume
24 that's everybody subordinate to the lieutenant; correct?

25 A Right, he would probably just be evaluating the sergeant

1 who's directly underneath him.

2 Q Okay. And he wants to be sure the sergeants that are
3 reporting to him are performing properly, have good
4 attitudes, they have good morale and leadership;
5 correct?

6 A Yes.

7 Q But he has no ability obviously to evaluate anybody
8 above him; correct? It's just his subordinates?

9 A Not a formal evaluation.

10 Q Right.

11 A Right.

12 Q Personally handles difficult problems that arise. What
13 is that, just day-to-day on the job. If there's a
14 problem that arises he's to get personally involved if
15 he can be of assistance with regard to his subordinates?

16 A I guess, yeah, per his position, like, if you will,
17 like, we would expect that the supervisor would do,
18 like, the heavy lifting, if you will, or make those
19 uncomfortable decisions if they arise.

20 Q Like, with somebody on the job, one of his subordinates
21 runs into an issue?

22 A Yeah, this is very vague. I'm not -- I'm not certain
23 what they meant by that bullet point.

24 Q Okay. And then other duties as assigned. And then the
25 supervision received says he's working -- the

1 lieutenants are working under the sheriff with direct
2 supervision by the captain and undersheriff; correct?

3 A Yes.

4 Q So as I understand this, and this is obviously nothing
5 new in the police world, you all have a very specific
6 chain of command that flows downward. And each of you
7 that are at the command level have a certain number of
8 subordinates that you are responsible for overseeing and
9 that's your job?

10 A Yes.

11 Q Okay.

12 A There's -- I'd like also to mention there's another job
13 description --

14 Q Okay.

15 A -- that when we were speaking I was thinking of. I
16 wasn't thinking of what was produced by the human
17 resources department. We also have, like, an internal,
18 you know, organizational chart, and that would mention
19 what the duties of each position are.

20 Q I don't think we have that. Can you describe that? Is
21 it, like, a org chart with boxes?

22 A It's not boxes. It's in a narrative form. So it would
23 say, you know, let's say for lieutenant or sergeant, it
24 might say, responsible for the command and control of
25 their shift.

1 Q Okay.

2 A Reports to the captain, so it's not --

3 Q A bullet point list.

4 A -- this detailed. It'd just be paragraph, paragraph.

5 This is the structure.

6 Q Tell me what you think that says for lieutenant, just
7 you know --

8 A I think --

9 Q -- overview.

10 A -- that language kind of would be, you know, responsible
11 for the command and coordination of his shift.

12 Q Okay. Again, he's responsible for his subordinates --

13 A Correct.

14 Q -- and himself?

15 A Correct.

16 Q Okay. And then the sergeants under him, he's overseeing
17 all of them but he relies on the sergeants to assist him
18 in supervising their reports?

19 A Yes. Yes.

20 Q Okay.

21 A And the structure at our office is it's very fluid
22 between the lieutenant and the sergeant, like, the
23 duties they share or decide amongst themselves you're
24 going to handle this portion of the work, I'll do this
25 portion of the work. But, yeah, when you're not here,

1 you know, you do this, I do that. It's, you know, a
2 teamwork kind of thing that they decide on.

3 Q Okay. Does anybody oversee the sheriff's duties and
4 responsibilities? I mean, I realize it's an elected
5 position. How does that work?

6 A As an elected position?

7 Q Uh-huh.

8 A I mean, he's the head of the agency.

9 Q Right.

10 A Right.

11 Q Is there anybody at the county level that he at least
12 periodically reports to? I assume he appears at some
13 meetings when necessary?

14 A Right. He would appear at county commissioner meetings,
15 department head meetings, maybe any ad hoc meeting that
16 would arise that would necessitate his presence. But,
17 no, you're correct, as an elected official he wouldn't
18 report to anyone, per se, I don't think.

19 Q Okay. What officers are you aware of who have been
20 terminated from the department in the last -- let's call
21 it five years, if any?

22 A I can think of resignations. There's no terminations
23 coming to mind right now.

24 Q Resignations occur in lieu of termination from time to
25 time; is that accurate? You give an opportunity for

1 somebody to resign in lieu of?

2 A Some of the resignations I'm thinking of, you know, they
3 just resigned. Some are just unannounced.

4 Q Were they under investigation?

5 A Two of them were; some others that I'm thinking of were
6 not under investigation. They resigned for other
7 employment.

8 Q Sure. Leaving that out, but you have had resignations
9 when people are under investigation in lieu of a
10 termination that may be coming? I mean, I know that's
11 not unusual in the police world.

12 MR. SHOUDY: Objection to the form of the
13 question.

14 BY MS. GORDON, CONTINUING:

15 Q Go ahead.

16 MR. SHOUDY: Answer if you can understand
17 what she's saying.

18 THE WITNESS: They resigned under
19 investigation. I don't know if it was in lieu of
20 termination, if that had been decided what the
21 discipline was, if any.

22 BY MS. GORDON, CONTINUING:

23 Q Have you had people retire under investigation other
24 than my client?

25 A I don't know.

1 Q Anybody you can think of?

2 A Not that I can think of right now.

3 Q Okay. And when an officer retires or separates you fill
4 out a form that goes to MCOLES; is that correct?

5 A I don't.

6 Q Somebody at the department does?

7 A Somebody does, yes.

8 Q And what do you understand the purpose of that form is?

9 A So there's new reporting, that new reporting form from
10 MCOLES, I think that's relatively new. But the purpose
11 of that, I think, is just to upon separation of
12 employment kind of list where that employee fell, just
13 to track that employee so they're not going from
14 department to department.

15 Q Uh-huh.

16 A And we have a bad apple that's gone undetected.

17 Q I'm going to tell you what I understand the categories
18 are, and tell me if this sounds correct to you, for
19 separation reasons. Deceased, retirement, retired in
20 good standing, retired while under investigation,
21 retired while under criminal charges, retired in lieu of
22 termination.

23 A I don't -- I don't know if I've ever actually seen the
24 form.

25 Q Does that sound right?

1 A It sounds right, yes.

2 Q And then there's a Resignation section, resignation,
3 employee chooses to voluntarily leave; separation,
4 employee-employer relationship is terminated by
5 employer; separation for adjudication of guilt for a
6 revocable event or fraud and retaining licensure. Do
7 those sound familiar?

8 A They don't sound familiar.

9 Q They make sense to you?

10 A Yes.

11 Q Okay.

12 MR. SHOUDY: Just got to do a belated
13 lack of foundation objection.

14 MS. GORDON: Well, I don't know lack of
15 foundation.

16 MR. SHOUDY: Just so you know, Deb, the
17 -- like, the resignation, like, if you click on that
18 there's actually additional line items too so

19 MS. GORDON: Okay. So you're saying
20 there's more items under, more options?

21 MR. SHOUDY: Yeah. The one you have, of
22 course, was because it involved a retirement, it's under
23 the retirement line and you click on that and then
24 there's a drop-down box that you're seeing there.

25 MS. GORDON: Okay.

1 MR. SHOUDY: So there should be a
2 drop-down box under resignation, as well.

3 BY MS. GORDON, CONTINUING:

4 Q I have something entitled, Internal Investigation,
5 number 22-11, Scott Jones/Chad Cronkright Loyalty.
6 You've looked at that recently, I assume?

7 A Yes.

8 Q Okay. And it's to -- this is a memo to Sheriff King and
9 Undersheriff Spadafore, so what were you investigating?

10 A We were investigating leaks to social media --

11 Q Okay.

12 A -- surrounding Marc King's arrest.

13 Q Okay. What's the -- I don't have a date on this
14 document, on the memo to Sheriff King from you, which
15 does include your conclusions. What would the date be?

16 A It would have been after Scott's separation from
17 employment.

18 Q So after he submitted his retirement under the
19 circumstances that are already -- we have a record of in
20 this case you prepared this investigative memo?

21 A Yes.

22 Q Okay. The investigative memo includes conclusions and
23 findings?

24 A Yes.

25 Q When were those prepared?

1 A After his separation.

2 Q Okay. And your conclusions and findings were that he
3 had violated the following policy: 6.5, truthfulness
4 policy; policy 6.10, loyalty policy; correct?

5 A Yes.

6 Q 6.9, standard of conduct policy; correct?

7 A Yes.

8 Q Okay. So do you know the date that you prepared this
9 for the sheriff?

10 A I don't know.

11 Q How would we find out?

12 A At this point I don't think we would.

13 Q Who typed it up?

14 A I did.

15 Q Did you do it on a work computer, I assume?

16 A Yes.

17 Q Okay. So there must be some kind of a record. What
18 kind of computer do you use?

19 A We work off of --

20 Q Laptop?

21 A -- VDI boxes.

22 Q Okay. So as soon as you got it completed what did you
23 do with it? Did you give it to the sheriff right away?

24 A It was completed and put into the internal, like, a
25 folder that would contain the policies and other

1 documents that I reference in there.

2 Q Okay. Well, when was the folder first created?

3 A So I believe the 23rd is when we pulled this number to
4 start the internal investigation.

5 Q November 23rd?

6 A Yes.

7 Q Okay. So on November 23rd a file was opened; is that
8 what you're saying?

9 A A physical file, yes.

10 Q Yeah. Was there an electronic file?

11 A The only electronic file would have been, like, the Word
12 document that I typed this on.

13 Q So this is a Word document?

14 A It's on Word, yes.

15 Q So you should be able to go back and find that memo?

16 A I don't know.

17 (Deposition Exhibit No. 2 marked for
18 identification)

19 BY MS. GORDON, CONTINUING:

20 Q This memo, I've marked this as Exhibit 2 for the record.

21 A I don't know if I have the capabilities to find that.

22 Q Right, I understand. Your job isn't to be a tech
23 expert. But if it's a Word document presumably it's
24 there, that's neither here nor there. So you prepared
25 this -- you opened a file in November 23rd; is that what

1 you're telling me?

2 A So physically all internals go in a red folder, for what
3 that's worth, and there is a number that tracks
4 internals. You know, this is a 11 so this would have
5 been the 11th internal presumably in 2022, and I would
6 have pulled that number as the next number in line.

7 Q As the 11th internal?

8 A If that's -- does that say 22-11?

9 Q Yep.

10 A So that would be the 11th internal pulled.

11 Q Tell me what some of the other internals were, just so I
12 have an understanding of what you're talking about.

13 A We share this folder with the jail so I -- they may have
14 pulled their own internal numbers, so I would have no
15 idea what they pulled them for.

16 Q Well, what does internal refer to, an internal
17 investigation?

18 A Internal investigation, yes.

19 Q Do you guys have an internal affairs unit there?

20 A No.

21 Q Who -- who -- okay. So who acts in the role of what
22 would normally be internal affairs, which would be
23 investigating possible illegal conduct by a police
24 officer? Who does that?

25 A So again, I would investigate a lieutenant. It wouldn't

1 be fair for a lieutenant to lieutenant to investigate on
2 a policy violation.

3 Q I'm talking about a criminal violation.

4 A On a criminal --

5 Q Yeah, I mean, because as I understand it, just from my
6 years of experience in internal affairs usually has a
7 specific role in investigating officers who might have
8 violated the law. Is that your understanding? And
9 that's when Garrity is read?

10 A We don't have the luxury of having a dedicated internal
11 affairs unit.

12 Q I understand that.

13 A So --

14 Q But you have officers who might at some point be accused
15 of legal violations that need to be investigated;
16 correct?

17 A Correct.

18 Q So who does that?

19 A I think it would be a case-by-case scenario of how we
20 hand those out.

21 Q So it could be any of the people you've already
22 referenced here today that do investigations?

23 A It would be somebody in the command structure that would
24 do the investigation.

25 Q Have you ever done such an investigation of some officer

1 who may have committed a crime?

2 A A criminal investigation or an internal --

3 Q An internal affairs -- I'm calling it affairs even
4 though you don't have that department -- an internal
5 investigation into a police officer where a Garrity
6 hearing is held and Garrity Rights are read because it's
7 a possible crime. Are you with me on that?

8 A I'm with you.

9 Q Okay. So have you had hearings there where Garrity --
10 where the department insists that Garrity Rights be
11 given to the officer?

12 A Usually Garrity is invoked by the other party, the one
13 being investigated, but, yes, I've given Garrity to
14 people within the department.

15 Q Well, the department has an obligation to give -- read
16 somebody their Garrity Rights if they're being
17 investigated for possible criminal activity; right?
18 It's not up to the person to ask for the rights to be
19 read.

20 A My understanding is it is up to them to request Garrity.

21 Q Okay.

22 A But I also understand it would be implied, as well, if
23 it's a compelled statement.

24 Q Okay. In any event, with regard to what I'm talking
25 about about a Garrity hearing, internal affairs type

1 where somebody might have violated a crime, it's
2 basically the same, you guys use the same system, you
3 don't have the luxury of a separate internal affairs
4 office. It's the command structure?

5 A Correct.

6 Q Okay. Okay. So I just want to go back to this report
7 which I'm marking as Exhibit 2. You said it was opened
8 on --

9 MR. SHOUDY: I'm sorry, could I have a
10 copy of the document you marked, Liz?

11 MS. TAYLOR: Are you handing it to him
12 now?

13 MR. SHOUDY: Is that your only copy?

14 MS. TAYLOR: No, it's not.

15 MR. SHOUDY: Okay.

16 MS. TAYLOR: If you're ready to hand it
17 to him.

18 MS. GORDON: Okay. Well, I don't think I
19 need to hand it to you. I'm just referencing it for the
20 record. We all know what it is. It's been produced by
21 defendant.

22 MR. SHOUDY: Do you have a copy? I was
23 looking for my copy. I couldn't wave my hand. I was
24 just holding my folder --

25 MS. TAYLOR: Yeah.

1 MR. SHOUDY: I would probably have my
2 folder --

3 BY MS. GORDON, CONTINUING:

4 Q All right. So let's just go to when this file would
5 have been opened, 21-11. You said there would have been
6 a hard copy file opened?

7 A Yes.

8 Q When would that have been?

9 A I believe it was on the 23rd.

10 Q Okay. And why was it opened on the 23rd?

11 A That's when I was directed to do so by the sheriff.

12 Q Okay. And at that time what was placed in the file with
13 regard to this matter?

14 A I don't know if anything was placed in the file at that
15 time.

16 Q Well, was there a document that goes in with the number
17 22-11 on it?

18 A It's just written on the tab.

19 Q Okay.

20 A Handwritten on the tab above it.

21 Q So was there a file and then there was nothing in the
22 file? It was just there, like something had been
23 opened?

24 A Right. As I -- upon completion of this report or
25 another internal investigation or as I go, you know,

1 punch holes and then put documents in this file.

2 Q Okay. And when's the first time you put a document in
3 the file?

4 A That I don't recall.

5 Q What did you put in the file?

6 A Ultimately?

7 Q Well, as you went.

8 A So the copy of that report is in there.

9 Q Okay.

10 A The policies -- the full policy version of each policy
11 referenced is in there.

12 Q Okay.

13 A There's copies of Facebook and Facebook messages are in
14 there.

15 Q Okay. And just so we're clear for the record, this is
16 the Kevin Lindke, if I'm pronouncing that correctly,
17 Facebook posts?

18 A Facebook posts and then there's two, like, text message
19 screenshot pages.

20 Q From?

21 A Between Chad Cronkright and Josh Goodrich, those are in
22 there. There is a written statement from Chad
23 Cronkright is in there.

24 Q When was that statement taken?

25 A I don't want to misspeak, but I believe I interviewed

1 him on November 30th and that document was produced on
2 December 1st. But you could verify that if you have a
3 copy of it.

4 Q Okay. How long have you known Josh Goodrich?

5 A I don't recall his hire date, but that's when I would
6 have first met him.

7 Q I think it was 2019 -- I'm sorry, 2014, then he left
8 in twenty --

9 MS. TAYLOR: '22.

10 BY MS. GORDON, CONTINUING:

11 Q '22, February '22?

12 A That sounds about right.

13 Q So you worked with him?

14 A Yes.

15 Q What was his rank when he was at the department?

16 A Deputy.

17 Q Okay. And you knew who he was obviously and worked with
18 him?

19 A Yes.

20 Q Was he a good officer?

21 A I don't know. I didn't work that closely with him.

22 Q Okay. Did you have any difficulties yourself with him?

23 A No.

24 Q Okay. Do you know why he left? Did he get another job
25 or do you know what happened?

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Page 60

1 A He resigned. That was his decision. I do not know why
2 he made that.

3 Q Okay. Did he go elsewhere?

4 A I had heard that he worked for a company called Milo.

5 Q Okay. Who's Kevin Lindke?

6 A Somebody who posts community -- his idea of wrongdoings,
7 I guess, on Facebook.

8 Q One of those gadflies?

9 MR. SHOUDY: We would be all-day talking
10 about the story.

11 BY MS. GORDON, CONTINUING:

12 Q Well, tell me what -- when did he first come to your
13 attention?

14 A He really came to my attention over this whole incident.
15 I had heard his name prior, I just never paid any
16 attention to it. And I never really knew anything about
17 him or the back story or any dealings because I just
18 don't get involved with jail matters, and he had spent
19 time in our jail, you know, repeatedly. But it was
20 really when this came to light, like --

21 Q What do you mean by jail? Was he hepped up on --

22 A Incarcerated.

23 Q I know, but was that what his issue was, Lindke's issue?
24 You said I don't get involved with the jail, so --

25 A I don't know what --

1 Q I mean, I can go back and look at his stuff, I gotta be
2 honest, so --

3 MR. SHOUDY: You'd be all day.

4 BY MS. GORDON, CONTINUING:

5 Q What's his schtick, as you understood it? Is it your
6 department in particular or is it the county? Is it --

7 A It's everybody.

8 Q It's state government?

9 A As someone described as an anarchist. I think he has a
10 power -- or problem with judges, law enforcement.

11 Q Okay.

12 A His perceived -- what he perceives as whatever slights
13 have been made against him. There's been a long going
14 battle he has with a certain judge over custody rights
15 with his daughter.

16 Q Okay.

17 A There's just a lot of things.

18 Q Okay. Does the sheriff, like, have -- you know, does he
19 dislike the sheriff or does the sheriff dislike him?

20 A He definitely dislikes the sheriff.

21 Q Has he posted about the department other than this
22 particular situation?

23 A Oh, I'm certain of it.

24 Q Okay. Has anybody contacted him from the department or
25 taken any action to find out where he gets his

1 information?

2 A That I don't know if anybody's reached out to him in
3 that respect.

4 Q Okay. Has he posted things about the sheriff that
5 you're aware of other than this matter?

6 A He has. I just don't know what posts. There's so many
7 posts.

8 Q Okay.

9 A And I don't -- I don't keep tabs on those.

10 Q How many posts did he put up on this particular
11 situation, vis-a-vis, Marc King?

12 A I don't know.

13 Q Did you look at them?

14 A Some of them.

15 Q Well, what do you mean some? Were there more than one
16 on Marcus King that he posted?

17 A There's more than one, yes.

18 Q Okay. This is what you're looking into, though, is a
19 leak to Kevin Lindke, as I understand your testimony;
20 correct? This is what you were investigating?

21 A Yes, ultimately reached Kevin Lindke and it was on his
22 -- he posted it on Facebook.

23 Q And that was what part -- that was what you were
24 investigating?

25 A Yes.

1 Q So what Facebook post that was posted were you looking
2 at or for?

3 A So the ones that I included in my internal report,
4 obviously those. But I know through conversation that
5 those were the only ones we were able to go back and
6 grab.

7 Q Uh-huh.

8 A Or persons other than myself screenshotted and grabbed.
9 And that, in fact, there were more than that but they
10 had been taken down and we can no longer find.

11 Q Okay. And do you know when they first went up?

12 A I believe that would be November 8th.

13 Q Okay. And do you know of anymore that went up?

14 A So we've determined that there were two that we verified
15 were on November 9th, at least one on November 10th and
16 then just a multitude of posts that we are not able to
17 verify what date they were published.

18 Q Okay. Do you have a policy at your department for -- or
19 protocol for stopping, arresting or investigating
20 somebody suspected of drunk driving?

21 A We have a traffic enforcement -- like, a traffic policy,
22 like, that our members are expected to enforce traffic
23 laws of the state of Michigan. So that -- I assume that
24 would be covered under a traffic law violation.

25 Q So just -- let's just go through an overview of the

1 policy on stopping and arresting somebody suspected of
2 drunk driving while intoxicated. I assume you read the
3 police report with regard to Mat King?

4 A Marc.

5 Q I apologize, Marc King.

6 A Yes, I have.

7 Q Okay. And does it appear to you that the policies were
8 followed with regard to what you've read, the general
9 protocols with regard to the stop?

10 A So the traffic stop was effected by a Port Huron police
11 officer so he wouldn't be under -- he's not subject to
12 our policies.

13 Q Okay, but --

14 A Yes, fair to say that stop was a legal stop as -- as it
15 was performed.

16 Q All right. And there were certain things that occurred
17 at the scene, which I assume from what I've read in the
18 report and my understanding of your policy is that, you
19 know, similar to what you all would do if you made a
20 stop. Made contact with the driver, have the driver
21 step out of the vehicle, make observations about the
22 physical appearance of the driver, whether they're
23 manifesting physical signs of intoxication. Is that all
24 correct?

25 A Yes.

1 Q Questioned the driver about where they're driving from
2 and to?

3 A Yes.

4 Q Where they -- whether they'd been drinking?

5 A Yes.

6 Q Ascertain from the suspect if they -- you know, if they
7 had been drinking and how much?

8 A Yes.

9 Q That's important to know, isn't it?

10 A Yes.

11 Q Okay. And then you conduct field sobriety tests; yes?

12 A Yes.

13 Q And, you know, there was field sobriety tests done with
14 regard to Marc King; correct?

15 A Yes.

16 Q And I assume you're familiar with those?

17 A Yes.

18 Q And those all seemed appropriate; is that right?

19 A Yes.

20 Q And the Breathalyzer is appropriate; correct?

21 A Preliminary breath test, yes.

22 Q Okay. And then what happens on the scene once the
23 Breathalyzer -- the preliminary Breathalyzer is
24 administered? Do you get a result there on the scene
25 typically?

1 A Yes.

2 Q Okay. And what's your criteria with regard to the
3 number of the Breathalyzer; is it the same as what
4 happened here?

5 A For arrest?

6 Q Yeah.

7 A I guess I don't understand as far as -- the criteria as
8 far as what his number was?

9 Q Yeah. Well, what is the level for your department when
10 you're going to arrest somebody on a Breathalyzer?

11 A Well, we don't have a specific policy stating that. I
12 mean, state law is .08 BAC.

13 Q I'm sorry?

14 A It's .08, but there's nothing stating that we --

15 Q What is .08?

16 A Blood alcohol content.

17 Q Just in general are you talking about?

18 A Just in general that would be the state law for the --
19 and certainly can make an arrest lower than that if you
20 can prove impairment otherwise --

21 Q Okay.

22 A Or by drug, per se.

23 Q And -- go ahead.

24 A I was just going to say for alcohol it would be .08.

25 Q Okay. And impairment was shown at the scene; is that

1 correct?

2 A Yes.

3 Q So once that happens what's the next step? Here he was
4 found to be operating while intoxicated and he was
5 handcuffed and placed in the rear of a patrol car;
6 correct?

7 A Correct.

8 Q That's proper procedure; correct?

9 A Yes.

10 Q Okay. And since this was out of your jurisdiction, I
11 guess you've become aware that -- I'm sorry, it was --
12 he was pulled over by a Lapeer police officer?

13 MS. TAYLOR: Port Huron.

14 BY MS. GORDON, CONTINUING:

15 Q I'm sorry, Port Huron.

16 A Yes.

17 Q Okay. And others were called to the scene; correct?

18 A So the Port Huron police officer was out of his
19 jurisdiction.

20 Q Okay, thank you, yeah.

21 A He received permission to make that stop. He did and
22 then our county deputies and subsequent personnel went
23 to that scene to take over the traffic stop effectively.

24 Q And that is the proper procedure; correct?

25 A Correct, in this -- in this circumstance how it played

1 out, yes.

2 Q And it was appropriate for my client to appear as a
3 lieutenant; correct?

4 A Yes.

5 Q And for the other two officers, the deputies that
6 appeared; correct?

7 A Yes.

8 Q Have you had other officers that you can think of here
9 today since you've been with the department who have
10 been stopped for being intoxicated and arrested?

11 A Yes, we have.

12 Q Who do you recall in that regard?

13 A Mark Dedenbach.

14 Q When was that, roughly?

15 A 2002.

16 Q Okay.

17 A Myself.

18 Q What year was that?

19 A 2004.

20 Q Okay.

21 A Who would be the next? Chad Cronkright.

22 Q When was that, roughly?

23 A I don't know, 12 years, 15. I'm not certain.

24 Q Okay.

25 A Dennis Tuzinowski.

1 Q Is he still with the department?

2 A Yes.

3 Q Okay. When was that, roughly?

4 A I would say eight to ten -- well, let's say six to
5 eight. I'm not sure, somewhere in that window.

6 Q Okay.

7 A Several other correction officers, their names -- I
8 either don't know their names or --

9 Q Okay.

10 A -- it escapes me at this point.

11 Q Okay. And when you -- let's use you because you will
12 undoubtedly remember that. You were arrested?

13 A Yes.

14 Q Where and what time of day was this?

15 A It was nighttime, early morning hours. I'm not certain.

16 Q Okay. Where were you transported to?

17 A The St. Clair County Jail.

18 Q Okay. And were you housed in the jail?

19 A Yes.

20 Q For roughly how long?

21 A I really don't recall. At some point late morning,
22 early afternoon hours.

23 Q Multiple hours?

24 A Yes.

25 Q Okay. Were you in with other inmates or how did that

1 work?

2 A No, I was in, like, a little closet area.

3 Q Okay. And why were you in a closet area, if you know?

4 A Well, they didn't want to put me in with, you know,
5 other inmates, general population because of, you know,
6 I was a police officer. It would be unsafe to commingle
7 me with people that I may have arrested or may soon to
8 be arrested. At this point it was maybe a little more
9 particular. I was at the drug task force. I kind of
10 worked in an undercover capacity.

11 Q Okay.

12 A My appearance was different at this point.

13 Q Got it.

14 A And then also this had been practiced with other people
15 prior to me, and then since then to house them
16 separately from the general population of jail inmates.

17 Q And it sounds like there's an area where that can be
18 done?

19 A There's more than one. And you should know, like, the
20 jail that I was in was prior to this jail. That was at
21 204 Bard Street, so that was the old jail.

22 Q So what was different about it with regard to finding a
23 place to put people?

24 A Just it was just a different location. I wanted you to
25 know that.

1 Q Okay. But there's always a place that's separate from
2 the regular population; correct?

3 A In that case, yes, they had a physical closet area.

4 Q And does that still exist in something similar to that?

5 A Well, the building no longer exists, but our present
6 building -- there's now, like, offices, office area that
7 you could place people separate from --

8 Q Well, you must have times where you need to separate
9 somebody from the general population for a myriad of
10 reasons; correct?

11 A There could be.

12 Q Yeah, so where do you go -- where do those people go?

13 A I don't work in the jail so I don't --

14 Q I know.

15 A Right.

16 Q Have you been in there?

17 A I've been in there.

18 Q Okay. So you don't know where people are located that
19 need to be separated, you just know there's some setup?

20 A There must be, yes, avenues for that.

21 Q Okay.

22 A Yes.

23 Q And at the time you were released what was your blood
24 alcohol content?

25 A I don't recall. I know they'd given me -- I remember

1 being given, you know, several PBTs in the morning
2 saying, You're not ready, you're not ready. I took
3 several of those, so I don't know what it was when I was
4 finally released.

5 Q As I understand it, the law is .03 to be released?

6 A There is no law dictating that, that's just internal
7 policy.

8 Q Okay. Is that the internal policy?

9 A That is our jail policy, yes.

10 Q All right. Mark, did you say Deenbach? Am I
11 pronouncing that correctly?

12 A Dedenbach, yes.

13 Q Dedenbach. What happen to him? Was he taken to the
14 jail, arrested and taken to the jail?

15 A That's my understanding, yes.

16 Q Okay. And were you made aware of that at the time of?

17 A I don't know when I came to learn of his arrest.

18 Q Was he a deputy?

19 A I believe so. He retired out of command, but I don't
20 know what his rank was when this happened.

21 Q Was it connected to this or no?

22 A Oh, no, his was a separate incident.

23 Q Okay. Chad Cronkright, what do you recall about --
24 about his arrest for intoxication?

25 A He was arrested by the St. Clair Police Department.

1 Q Where was he taken?

2 A To the St. Clair County Jail.

3 Q Okay. And he was housed there --

4 A Yes.

5 Q -- within the jail? Was he separated, do you know, from
6 others or not?

7 A I don't know if he was or not.

8 Q Should he have been or that's not necessarily important?

9 A Well, I do know in all the instances of people that --
10 from our agency that have been arrested, including
11 corrections officers, they've always been kept separate
12 from, as I said, like, the general jail population.

13 Q You -- you gave me an individual, I think last name you
14 said was Tuz --

15 A Tuzinowski.

16 Q Tuzinowski. What happened with him?

17 A He was arrested for OWI and he was brought back to St.
18 Clair County Jail.

19 Q Okay. Housed separately?

20 A Yes.

21 Q What was your discipline for the OWI?

22 (Phone ringing)

23 MS. GORDON: Sorry. Go ahead.

24 THE COURT REPORTER: I believe it read
25 six-month suspension, four months held in abeyance. So

1 I had two calendar months off suspended without pay.

2 BY MS. GORDON, CONTINUING:

3 Q Were you asked how much you'd had to drink that night?

4 I assume you were and went through the normal protocols?

5 A I'm sure I was.

6 Q Okay. How long does it take for a person's blood
7 alcohol to go from 0.83 down to .03?

8 MR. SHOUDY: Could you say that first
9 number again?

10 BY MS. GORDON, CONTINUING:

11 Q .083 down to .03.

12 A I don't know.

13 Q Yeah, I misspoke, I apologize. Liz is assisting me
14 here. 0.183. That's what I understand King blew; is
15 that correct?

16 A Yes, .183.

17 Q Yes.

18 A Yes.

19 Q And then the general situation to be released is .03;
20 correct?

21 A Yes.

22 Q Okay. So do you have any idea how long it takes as an
23 officer sitting here today who's involved in this to go
24 from that level to .03?

25 A I don't know.

1 Q I think I've got some information on this. And from the
2 charts I'm seeing you metabolize roughly .015 per hour;
3 is that correct?

4 A I've heard it can vary.

5 Q Okay.

6 A And I believe it varies amongst gender.

7 Q For the -- I'm talking about for a male here.

8 A My understanding from what I've heard it can vary from
9 .015 to .025 per hour.

10 Q So I'm looking -- what I'm looking at here is the MSP
11 number, the Michigan State Police.

12 A Okay.

13 Q So I'm going to get you the number on roughly -- do you
14 know roughly how long that would have taken for -- if he
15 was arrested at roughly 1:30 a.m., when would he have
16 been back down to .03?

17 A Again, I think it varies what standard we're using.

18 Q I don't know what you're talking about.

19 A Well, I believe it can vary from .015 to .025.

20 Q Well, just give me your estimate of when -- how long you
21 would have -- you think it would have taken to go from
22 point -- and .183 is a very high number, isn't it?

23 A Yes.

24 Q It's I think close to becoming unconscious?

25 A I think that, again, I would think that would probably

1 vary.

2 Q Okay. Leaving that aside, there are charts, there are
3 charts --

4 A Okay.

5 Q -- that I've seen that list -- and I realize it can vary
6 with person, but I think it's the second to the highest
7 level before you become unconscious. Does that sound
8 right to you?

9 MR. SHOUDY: Objection, lack of
10 foundation.

11 THE WITNESS: No, we regularly --

12 MS. GORDON: Lack of foundation?

13 THE WITNESS: I was going to say we
14 regularly have people come in at .3 and we will take
15 them to the hospital for jail clearance.

16 BY MS. GORDON, CONTINUING:

17 Q You take them to the hospital for what?

18 A Jail clearance.

19 Q Okay. So did you see any results of the blood alcohol
20 test given to Marc King prior to his release the next
21 morning?

22 A No, I did not.

23 Q Does anybody have a record of that?

24 A Not that I'm aware of.

25 Q Shouldn't you keep records before you release somebody

1 of what their blood alcohol level was?

2 A I don't think there's records kept of that.

3 Q So let me see how this works. Somebody gets arrested;
4 they blow a .183.

5 A Uh-huh.

6 Q They're arrested, they're taken to a jail cell. At what
7 point are they allowed to be released?

8 A So again, that's on the corrections part of the
9 building, but they would give them a PBT and --

10 Q What's a BPT (sic)?

11 A Preliminary breath test. It's just a portable device.

12 Q Okay.

13 A And once they blow, if they blow a .03 or lower then
14 they would be released.

15 Q Okay. And that's administered at the jail?

16 A Well, wherever they're housed in this case, but yes.

17 Q Does that not go into the police report?

18 A Normally it does not.

19 Q Okay. Well, where is that record kept so that in case
20 the person gets released, gets in a car and gets in an
21 accident on the way home you guys don't get sued, where
22 is that record kept?

23 A So I believe it would be kept in the jail notes.

24 Q Okay.

25 A And they have a separate system on that side of the

1 house.

2 Q Okay. Do you know what Marc King's blood alcohol was
3 when he was released? Have you ever seen any
4 documentation of it?

5 A Just in the police report stating it was a .03.

6 Q So who put it into the police report?

7 A Deputy Damon Duva.

8 Q And you don't know, sitting here today, whether that
9 reading is actually accurate or not?

10 A I would have no reason to believe otherwise.

11 Q Well, is Duva also a friend of the Kings?

12 A Yes.

13 Q Right. And he would have had to make a note of what
14 actually he saw on the testing device; is that correct?

15 A Like, a mental note?

16 Q No, not a mental note, a written record as to what the
17 reading was.

18 A He did in his police report.

19 Q Okay. Is there a report at the jail?

20 A There's not a report at the jail. He wasn't released
21 from the jail side of the building.

22 Q Okay. So Duva would have written out something in the
23 police report?

24 A He did write that out in the police report.

25 Q Who's T-S-B-R-O-N-C (sic)?

1 A Carol Brown; she's a typist.

2 Q Okay. And where does she work?

3 A Currently I don't know. She retired from our -- our
4 office.

5 Q Was she working in your office? Was she working at the
6 jail? What was it?

7 A She's a typist. She would type all the police reports
8 for our agency at this point.

9 Q Okay. I don't see a report in here on this from Duva.

10 MS. GORDON: Do we have an extra copy of
11 the report here?

12 MS. TAYLOR: Yeah.

13 MS. GORDON: Do you have the report
14 there?

15 MR. SHOUDY: No.

16 MS. GORDON: Okay.

17 MR. SHOUDY: You should have that report.

18 MS. TAYLOR: We have it. I have it here.

19 MS. GORDON: No, we have it. I just
20 wondered if we've given one to the witness.

21 MS. TAYLOR: Not yet. But you're going
22 to need to mark that.

23 MS. GORDON: So this will be Exhibit 3.

24 Hang on one second. Thank you, Captain.

25 THE WITNESS: Yep.

1 MS. GORDON: Exhibit 3.

2 MS. TAYLOR: Does that say St. Clair?

3 MS. GORDON: Let's be sure we've got the
4 right one. Yep, St. Clair County Sheriff's Office.

5 MR. SHOUDY: Looks like it.

6 MS. GORDON: Yep. Okay. So this is
7 Exhibit 3.

8 MR. SHOUDY: Thank you.

9 (Deposition Exhibit No. 3 marked for
10 identification)

11 BY MS. GORDON, CONTINUING:

12 Q So this is Exhibit 3, St. Clair County Sheriff's Office,
13 case report, CR No. 220041543. So why don't you go to
14 page 8 of 9.

15 A Got it.

16 Q Okay. Have you seen this -- I assume you've seen this
17 document before; right?

18 A Yes.

19 Q You had an whole investigation. All right. So okay.
20 Let's go down to the bottom of the page. Gives us a
21 case number. It says, Written by TS Brown C, and
22 that's, you're telling me, your typist?

23 A Yes.

24 Q And then next to it it says, 07133; correct?

25 A Yes.

1 Q What's that reference to?

2 A I believe that would be her employee number.

3 Q Okay. Then it says, Date, 11/23/2022. Do you see that?

4 A Yes.

5 Q Now, why is that dated 11/23/22?

6 A I don't know if that's -- if they put that as the date
7 they typed it or the date it was dictated. So the
8 majority of our police reports are done via dictation
9 and that's why we have a typist staff.

10 Q Okay. But the other police reports that are -- police
11 reports have to be written usually at the time of the
12 event or shortly thereafter; correct? That's a
13 requirement.

14 A Right. So we -- we classify them either as a priority
15 or nonpriority police report.

16 Q Well, whatever. They're supposed to be done in a timely
17 manner, aren't they?

18 A Priorities in custody should be done in a timely manner,
19 yes. If it's a nonpriority or if it required, like,
20 further investigation it could be -- they could dictate
21 it later, you know, somebody's mailbox got smashed.
22 They may wait the weekend, I'm off on vacation, I'll get
23 to it when I get back, you don't have to work next week.

24 Q Okay. But a drunk driving, somebody is brought in at
25 1:30 a.m., they're booked, the report is written at that

1 time; correct?

2 A Yes, it should be.

3 Q Okay. And then they're released several hours later and
4 the report should be written at that time; correct?

5 A Yes, it should be.

6 Q Okay. But this didn't happen here --

7 A Yes.

8 Q -- are you aware of that?

9 A Yes.

10 Q So nobody wrote up at the time that Marc King was
11 released that there was a release. That's not a part of
12 this report, is it?

13 A This supplemental report, yes, was not done
14 contemporaneously with the original.

15 Q Okay. I don't know what you mean by supplemental
16 report. Let's walk through the report. Let's go back
17 to page 1.

18 A Sure.

19 (Ms. Taylor left the room)

20 BY MS. GORDON, CONTINUING:

21 Q Okay. So page 1 is the case report. It's the opening
22 page, then we go to the next page and we go to the top
23 event, operating with blood alcohol of .17 or more.
24 There's a name. The document continues on page 2 of 9.
25 Marcus James King, arrestee, fills out the information,

1 then we have the officers that arrived at the scene.

2 How does Teichow pronounce his last name?

3 A Teichow.

4 Q Teichow, thank you. And go to page 3 out of 9. Who's
5 writing this report? This is Deputy Clark; is that
6 accurate?

7 A Yes.

8 Q And he's writing this at 11/06/22 at 2:42 a.m.; is that
9 correct?

10 A Okay, yes.

11 Q So he's telling in his report that he arrived at the
12 scene, he's giving the dispatch information. He says
13 Deputy Schoof arrived, that they were dispatched. They
14 described their contacts with the vehicle, the contact
15 with the driver. They on page 4 of 9 describe the field
16 sobriety tests. On page 5 -- and other things. On page
17 5 of 9 they interview Marcus King; correct?

18 A Yes.

19 Q And he says that he had had two Michelob Ultra Lights
20 and one shot; is that correct?

21 A Yes.

22 Q That was a lie; correct?

23 A I don't know if that was a lie.

24 Q You don't know, sitting here today, that that's a lie?

25 A Well, he may have had two Michelob Ultra beers and one

1 shot at Tailgators.

2 Q But that wasn't all he would have had, because he
3 wouldn't have blown what he blew --

4 A No.

5 Q So --

6 A Correct.

7 Q -- he wasn't being -- at the time he was stopped he had
8 consumed more than two Michelob Ultra Lights and one
9 shot; correct?

10 A Yes, I would think so.

11 Q So this is an incorrect statement by him; correct?

12 MR. SHOUDY: I'm going to object to
13 foundation. Answer if you know.

14 BY MS. GORDON, CONTINUING:

15 Q Correct?

16 A He said how much did he drink at Tailgators Bar. He
17 said he was there for -- he was there for approximately
18 one and a half hours. Within that timeframe how much
19 alcohol he believed he consumed; he said two Michelob
20 Ultra Beers and one shot. So I can't necessarily say
21 that was a lie that -- he may have just had two beers
22 and a shot in the hour and a half at Tailgators Bar, I
23 don't know.

24 Q Okay. Well, you did an investigation on this man. Did
25 you ask him how long he was at Tailgators Bar?

1 A I don't believe I did.

2 Q Did you ask him if he'd been anywhere beforehand?

3 A No.

4 Q Where had he been that night?

5 A I don't know.

6 Q Wasn't he at some kind of a party?

7 A I don't know.

8 Q You investigated him and you don't know where he was? I
9 thought there was a thing about there was a bachelorette
10 party? Does that sound familiar to you --

11 A There was --

12 Q -- a wedding party?

13 A But that was just for girls.

14 (Ms. Taylor entered the room)

15 BY MS. GORDON, CONTINUING:

16 Q Okay. Well, where was he involved in all this? What's
17 the connection between that party and his being at the
18 bar?

19 A I don't know if there's necessarily --

20 Q Well, it comes up in the paperwork.

21 MR. SHOUDY: Just wait, wait, wait. Let
22 him --

23 BY MS. GORDON, CONTINUING:

24 Q Go ahead.

25 MR. SHOUDY: You asked him a question and

1 let him answer.

2 BY MS. GORDON, CONTINUING:

3 Q Let me restate this. I didn't bring up -- I didn't come
4 across this idea that there was a party or bachelorette
5 party connected to his arrest, but it is in the
6 paperwork. So what do you understand the connection is?

7 MR. SHOUDY: Object to lack foundation.

8 I think you're actually confusing some things there.

9 BY MS. GORDON, CONTINUING:

10 Q I may be, so fill me in.

11 A Right, I don't -- I don't think Marc has a -- a direct
12 connection as far as being present at the bachelorette
13 party, because I believe that was just for -- it was a
14 girls night out.

15 Q Okay. Is there any connection with that party and what
16 happened to Marc King that you're aware of?

17 A I guess I don't understand what you're asking. He
18 wasn't at that -- that was a girls party.

19 Q I know that, but was there any connection to that party
20 and what happened to him, any connection?

21 MR. SHOUDY: What happened to Marcus?

22 THE WITNESS: I know he was -- what
23 happened to him was independent from that party.

24 BY MS. GORDON, CONTINUING:

25 Q Okay. Is he married?

1 A Yes.

2 Q Was his wife at that party or something?

3 A Yes.

4 Q Okay. So it's not independent of. His wife was at the
5 party that night that he got stopped for drunk driving.

6 MR. SHOUDY: Those are two --

7 THE WITNESS: Separate events.

8 MR. SHOUDY: I mean, like, you're saying
9 it's not --

10 MS. GORDON: You know what, you two are
11 welcome to your opinion.

12 MR. SHOUDY: Well, you're giving --

13 MS. GORDON: Okay, thank you. I just --

14 MR. SHOUDY: Yeah, go ahead.

15 MS. GORDON: It's just my statement his
16 spouse was out for the night at a party.

17 BY MS. GORDON, CONTINUING:

18 Q Correct?

19 A Yes, she was.

20 Q Okay. And he was out drinking that night; correct?

21 A Yes, he was.

22 Q Okay. And the whole point of these stops and these
23 questions is to interrogate the suspect to find out how
24 they've been drinking, how much they've drunk. We've
25 already covered this. This is part of the protocol.

CONFIDENTIAL

Page 88

1 You get the person out of the car and you say, how much
2 have you had to drink tonight; correct?

3 A Correct.

4 Q Okay. So the report here from Deputy Clark says, I
5 asked Marcus to step out of his vehicle, I then had him
6 walk to the rear of the vehicle. I'm on page 4,
7 Captain.

8 A Got it.

9 Q So I could continue the investigation. I smelled odor
10 of intoxicants. I asked Marcus where he was coming
11 from. He said, Tailgators Bar in Port Huron. Are you
12 familiar with Tailgators Bar?

13 A Yes.

14 Q Okay. Okay. Let's go to now the sobriety test is being
15 given, which he failed. Let's go to page 5, and Officer
16 Clark -- Deputy Clark says, After completing the SFSTs I
17 asked Marcus if he would be willing to answer some
18 questions I had regarding his drinking, and he said he
19 would.

20 I read Marcus his Miranda Rights and
21 asked if he understood his rights; he said he did. He
22 said he would be willing to waive his rights to answer
23 my questions and said he would. I asked Marcus how long
24 he believed he was at Tailgators Bar, so let's go back
25 here.

1 Let's see, okay. And he said at
2 approximately -- he'd been there for approximately one
3 and a half hours. Do you see that?

4 A On page 5 again?

5 Q Five, yep.

6 A Yes.

7 Q Interview with Marcus King. I asked Marcus within that
8 timeframe how much alcohol he believed he consumed and
9 he said two Michelob Ultra Lights and one shot.

10 A Yes.

11 Q Okay. So let's stop here. Is it your officer's
12 responsibility to find out whether -- strike that.

13 So if you were out there, any sensible
14 officer would know that given the Breathalyzer results
15 that occurred at the scene that Deputy King had had more
16 than two Michelob Ultra Lights and one shot, you all
17 would have understood that?

18 A Yes.

19 Q Okay. So that would have indicated to you that either
20 he was somewhere before he was at Tailgators or he had
21 more at Tailgators; correct?

22 A Yes.

23 Q Okay. Do you think that Officer Clark was under the
24 belief that he had spent that evening at Tailgators and
25 not been somewhere else earlier?

1 A I don't know what he believed to be --

2 Q Okay.

3 A -- true to that.

4 Q Okay. But I think can we agree that it's certainly
5 possible that Marcus King was lying about how much he
6 had to drink at Tailgators, that that's a possibility
7 here?

8 A It could be a possibility, yes.

9 Q Okay. But you didn't investigate that?

10 A No.

11 Q But you have a policy as to honesty; correct?

12 A We do.

13 Q Okay. So after Officer Clark administers his test, does
14 the interview, the arrest occurs, he's handcuffed, and
15 the next -- and the document says we then transported
16 Marcus King to Lapeer County Jail by direction of
17 Lieutenant Jones to be processed and logged. At Lapeer
18 County Jail Marcus was read his Michigan Chemical Test
19 Rights verbatim. Marcus verbally consented to a breath
20 test and after a 15-minute operation period Marcus
21 showed BAC of .18 at approximately 2:04 a.m.; correct?

22 A Yes.

23 Q And then it says, And .18 at approximately 2:06. So two
24 tests were administered for accuracy. Do I have that
25 right?

1 A So we have to give one test. It's always the option if
2 the arrestee wants to take a second test.

3 Q So this is a day Daylight Savings kicked in, apparently;
4 correct?

5 A Yes.

6 Q So let's just be clear here. When we say he had been
7 drinking the night before that was prior to Daylight
8 Savings kicking in, when he was at Tailgators; correct?

9 A Yes.

10 Q Okay.

11 A But I believe it switches at 2 a.m.

12 Q Right. So at 2 a.m. it really would have been 3 a.m.
13 under Marcus King's time when he left for the evening,
14 hours being subtracted here because of Daylight Savings?

15 A Yes, I understand that.

16 Q Okay. That's not in this report, though, is it?

17 A Daylight Savings?

18 Q Yeah, the fact that it's actually --

19 A I don't recall seeing that mentioned in the report.

20 Q Okay. So at 3 a.m. he's blowing .18; correct?

21 A Yes.

22 Q Okay. And what time is he released?

23 A That was

24 Q He was released from --

25 A 9 a.m., maybe. 9 a.m. Approximately 9 a.m. he was

1 released.

2 Q Okay. This report is written by Clark on 11/7; correct?

3 A 11/6.

4 Q 11/6, and then there's another entry, if you go back to
5 page 6, on 11/7, request to charge prepared on Marcus
6 King on 11/7. Do you see that?

7 A Yes.

8 Q So all these entries are being made in real time as
9 these events are occurring; correct, so far in the
10 report?

11 A I think I -- from what my understanding of the 2:42 a.m.
12 would be when Clark originally dictated this report.

13 Q Okay.

14 A And I don't believe he dictated the request to charge at
15 11:06 a.m. because he would not have been at work so
16 that time should coincide when Carol Brown prepared the
17 request to charge.

18 Q This is Clark that's, you know, at -- if we go back to
19 page 3, as we said earlier, it was Clark at 11:06 a.m.
20 who's making these entries. The first entry he makes is
21 2:42 a.m., which is really 3:42 a.m. That's his sort of
22 contemporaneous note or when he got back to the station;
23 correct?

24 A 2:42 a.m.?

25 Q Yeah, something like that.

CONFIDENTIAL

Page 93

1 A Yes, I believe so.

2 Q He did that as soon as he could; correct?

3 MR. SHOUDY: Go ahead. Go ahead and
4 answer, then I'll put a statement on the record, but go
5 ahead.

6 THE WITNESS: Yeah, he did the night
7 of --

8 BY MS. GORDON, CONTINUING:

9 Q The night of --

10 A The morning of the arrest.

11 Q Fair enough.

12 MR. SHOUDY: I just want to be clear,
13 because we keep -- we're referencing the times and then
14 we're also saying, okay, that if there weren't Daylight
15 Savings that would actually be --

16 MS. GORDON: Yeah.

17 MR. SHOUDY: -- an hour later.

18 MS. GORDON: Yeah.

19 MR. SHOUDY: But then when we get to
20 we don't use that same hour extra.

21 MS. GORDON: We haven't gotten to
22 yet. He just referenced it.

23 MR. SHOUDY: Well, you did just now.

24 MS. GORDON: He just referenced it.

25 MR. SHOUDY: And it's fall back, not

1 spring forward; right, so, okay, we actually gain an
2 hour, not lose an hour.

3 MS. GORDON: Okay. I don't think we're
4 going to go on the record here with all the details. We
5 can unravel that if we need to.

6 BY MS. GORDON, CONTINUING:

7 Q Okay. So my point is that Clark wrote this more or less
8 contemporaneously or as he should as soon as he can
9 after the event; correct?

10 A Yes.

11 Q And then the same with the next entry by Brown; correct?
12 She's making an entry, the next entry -- on page 6 she's
13 making an entry at 11:06 a.m.; correct?

14 A Yes.

15 Q Okay. And then there's another entry by Brown at
16 p.m.; is that correct, on 11/7?

17 A Yes.

18 Q And what is this entry, as you understand it, on the
19 bottom of 6?

20 A So she would have -- this the LEIN entry so she entered
21 the arrest information, the blood alcohol level into
22 LEIN on Marcus King.

23 Q Which blood alcohol level?

24 A That should be the point -- I'll have to see if the
25 entry is in here. She did the breath -- I believe this

1 stands for logging breath at -- on 11/7 at approximately
2 3 p.m. This is probably just like a cut and paste of
3 LEIN into the report. I'm not that versed in LEIN
4 language, but I know that's what this is.

5 Q So --

6 (Phone ringing)

7 MS. GORDON: I'm so sorry. I thought I
8 had this taken care of.

9 (Discussion held off the record)

10 BY MS. GORDON, CONTINUING:

11 Q So it appears that Marc King blew the same number on the
12 road as he did at the jail about an hour and a half
13 later; is that accurate?

14 A Yes.

15 Q And what time was he at the jail, as you understood it?

16 A The date of master was administered at 2:04 a.m. and
17 2:06 a.m.

18 Q Okay, thank you. Page 8, the next entry is from Brown.
19 Again, she's not an officer; correct?

20 A Correct.

21 Q And this is now 11/23/2022?

22 A Yes.

23 Q Okay. And she writes -- now, so she apparently --
24 whatever information she's writing here it appears to me
25 she obtained the information on 11/23; does that sound

1 right to you at 8:52 a.m.?

2 A Yes.

3 Q Okay. So on 11/23/2022 at 8:52 a.m. she's writing, I
4 received a phone call at approximately 3 a.m. on
5 11/6/2022 from union vice president Deputy Pokriefka
6 advising that one of our union members, Deputy Marc
7 King, was arrested by our department for operating while
8 intoxicated. I contacted Lieutenant Jones within a few
9 minutes, speaking with Deputy Po --

10 A Pokriefka.

11 Q Pokriefka. And he advised that Deputy King had been
12 arrested for operating while intoxicated and he was
13 being transported to Lapeer Jail. Then if we keep going
14 on to the next page 9 of 9, let's cover this here. I
15 contacted Lieutenant Jones and then the deputy --
16 advised that Deputy King had been arrested for operating
17 while intoxicated and he was being transported to Lapeer
18 County Jail.

19 I asked Lieutenant Jones if
20 administration had been notified. Lieutenant Jones
21 stated he had attempted to make contact, however was
22 unsuccessful in doing so. This concluded the
23 conversation with Lieutenant Jones. After hanging up
24 the phone with Lieutenant Jones I made contact with
25 Sheriff King and advised him that Deputy King had been

1 arrested for operating while intoxicated. The sheriff
2 advised this was the first he had heard of this.

3 I'm going to pause right here. Whose
4 words are these?

5 A Deputy Duva's.

6 Q And how do we know that?

7 A At the bottom it says Duva.

8 Q Okay.

9 A Under closed.

10 Q That he's contacting Brown on the 23rd with this
11 information; correct?

12 A Not Brown. Brown just typed --

13 Q I understand. Duva is contacting Brown on the 23rd with
14 this information?

15 A Not contacting, though.

16 Q Okay.

17 A Like, he just dictated it and then she goes --

18 Q He dictated it on the 23rd?

19 A That would be my understanding, yes.

20 Q Okay. And here Duva is saying, I made contact with
21 King, advised him, you know, he had been operating while
22 intoxicated. I'll pause right here. Do you know who
23 advised Duva?

24 A Well, he's said Deputy Phil Pokriefka. He got a call
25 from Deputy Pokriefka.

1 Q Who did, Duva?

2 A Duva did.

3 Q Okay. And then Duva called the sheriff?

4 A No, he called Lieutenant Jones first and then he called
5 the sheriff.

6 Q Right. So the sheriff is now learning that Deputy King
7 had been arrested. The sheriff advised this was the
8 first he heard this. I asked him in regards from a
9 union standpoint -- I'll pause right here. Duva is
10 connected to the union; is that correct?

11 A At this time he was the union president.

12 Q Right. If -- why Deputy King was transported to Lapeer
13 County Jail, referenced in this investigation. Sheriff
14 King advised he did not know and he would contact
15 Lieutenant Jones and get back with me. A short time
16 later I received a call from Sheriff King and he advised
17 I was to respond to the Lapeer County Jail and pick up
18 Deputy King. I responded there and took Deputy King
19 into custody and transported him back to the St. Clair
20 County Sheriff's Office where he remained under my
21 observation.

22 At approximately 9 a.m. I administered a
23 preliminary breath test to Deputy Marc King and the
24 results were .03, which is the legal BAC, according to
25 our jail, for releasing any subject for operating while

1 intoxicated.

2 Okay. What was Duva's role at that time
3 as an officer?

4 A His assignment?

5 Q Yep.

6 A I believe he was a secondary road traffic enforcement
7 car.

8 Q Okay. And he's a deputy?

9 A He's a deputy.

10 Q And he's also the union president?

11 A Yes.

12 Q Does he get paid for his time as being union president
13 by the county?

14 A No.

15 Q Does he work full-time regular hours?

16 A Yes.

17 Q So the sheriff directed Duva to go pick up his son --
18 his brother, rather; correct?

19 A That's my understanding, yes.

20 Q Uh-huh. Do you know why he did that?

21 A To bring him back to our jail.

22 Q Why?

23 A Because he shouldn't have been in Lapeer County Jail in
24 the first place.

25 Q Why?

CONFIDENTIAL

Page 100

1 A Because that's not common practice to take someone out
2 of county and house them in another jail.

3 Q Okay. But there's no rule that says you can't do it, so
4 he was safe in Lapeer; correct, as far as you know?

5 A As far as I know he was safe.

6 Q He was separated from your -- your prison population
7 that you've talked about earlier that you don't want to
8 be a part of if you're an officer and you're arrested;
9 correct?

10 A Correct, as far as I know.

11 Q Okay. There was no harm to come to Marc King from being
12 in Lapeer. Wasn't he in the office, the Lapeer office?

13 MS. TAYLOR: No.

14 THE WITNESS: No.

15 MS. GORDON: I'm sorry. Yeah, I know, I
16 got it.

17 BY MS. GORDON, CONTINUING:

18 Q So there was no harm to come to him, he was safe there;
19 correct? And he was away from the population in the St.
20 Clair --

21 MR. SHOUDY: Compound question. I think
22 that's two --

23 BY MS. GORDON, CONTINUING:

24 Q He was safe there. You have no reason to think
25 otherwise?

CONFIDENTIAL

Page 101

1 A I have no reason to think otherwise.

2 Q There was no harm to come to him from remaining there
3 until he blew a .03; correct?

4 A I don't believe there would have been.

5 Q And it wasn't your decision to move him out of Lapeer;
6 correct?

7 A Correct.

8 Q And you weren't called to go pick up Marc King; correct?

9 A Correct.

10 Q Instead, another deputy who had not been involved with
11 this was told to go do it; correct?

12 A Yes.

13 Q So when he was picked up per the sheriff's directions by
14 Duva, he was not taken to the jail, he was taken to the
15 office, the sheriff's office; correct?

16 A Yes.

17 Q And that was the sheriff's decision?

18 A Within the building where he was?

19 Q To take him to the sheriff's office, that was the
20 sheriff's decision?

21 MR. SHOUDY: Objection, lack of
22 foundation.

23 BY MS. GORDON, CONTINUING:

24 Q As you understand it.

25 MR. SHOUDY: If you know.

CONFIDENTIAL

Page 102

1 THE WITNESS: I'm sorry, what?

2 BY MS. GORDON, CONTINUING:

3 Q Okay. All of these questions are if you know. As far
4 as you're aware it was the sheriff's decision -- well,
5 we know it was the sheriff's decision to have Duva go
6 pick up Marc King. It was also the sheriff's decision
7 and directive to have Marc King brought back to the
8 sheriff's office; correct?

9 A Yes.

10 Q Instead of to the jail; correct?

11 A That I don't know what directive was given to where to
12 house him, but brought to our building, yes.

13 Q Well, the report says, I responded there and took Deputy
14 King into custody and transported him back to the St.
15 Clair County Sheriff's Office. Do you see that?

16 A Yes.

17 Q Was there a reason he couldn't go into the jail in St.
18 Clair County?

19 A Just normal --

20 Q Other than that he was the brother of the sheriff?

21 A That had nothing to do with it.

22 Q Oh, really?

23 A Prior practice --

24 Q Oh, really?

25 MR. SHOUDY: Okay. That's not

1 appropriate for a lawyer and you know it.

2 BY MS. GORDON, CONTINUING:

3 Q Go ahead.

4 A Prior practice of every former employee, including
5 myself, has always been at the St. Clair County Jail,
6 separated.

7 Q Yeah.

8 A Right.

9 Q We went over that.

10 A Yeah.

11 Q There's spaces in the jail where people can be separated
12 from the regular rest of the jail population. We know
13 that. It's not just officers that may need to be
14 separated; correct?

15 A Correct.

16 Q There's other people, too.

17 A But it has been the practice of our office to bring them
18 back and separate them and keep them under observation
19 in rooms --

20 Q Right.

21 A -- or offices that are separate from a jail cell.

22 Q In the jail, in the jail itself.

23 A It can be in the jail side; it can be on the road side.

24 Q Okay. Well, you don't know of anybody that's been
25 housed in the county sheriff's office itself; correct?

1 A And this wouldn't be the office of Mat King, though.

2 Q Okay. Where was he housed?

3 A The office was just used as department.

4 Q But where was he housed in there?

5 A In the detective bureau.

6 Q Okay. And who was observing him? It says, Where he
7 remained under observation. Who was assigned to observe
8 him? In that he was no longer in a cell of any kind,
9 who was observing him?

10 A Deputy Duva.

11 Q Deputy Duva sat there with him?

12 A That's my understanding.

13 Q Is that a good use of government dollars and time to
14 have Duva sitting there baby-sitting him?

15 A Somebody would have to keep him under observation.

16 Q Right, because he was no longer contained in some kind
17 of a cell or a closed office; correct, like he would be
18 in the jail?

19 A He was in a closed office of the detective bureau.

20 Q What do you mean by closed? The door was closed? It
21 wasn't locked; correct?

22 A That I don't know.

23 Q Is the detective bureau office locked during business
24 hours? People are in and out of there, aren't they?

25 A Yes.

CONFIDENTIAL

Page 105

1 Q Okay. So who assigned Duva to keep him under
2 observation?

3 A I don't know who made that designation.

4 Q Okay. So then at approximately 9 a.m. Duva administered
5 a preliminary breath test, not Clark; correct?

6 A Correct.

7 Q Okay. And the results were .03, which is a legal BAC
8 according to our jail, okay? But we have no -- but we
9 have no report from Clark as to the BAC level; correct,
10 and this -- correct?

11 A From Clark, no.

12 Q Uh-huh. And we don't even have a report from Duva that
13 he wrote timely. This is something that's coming in on
14 11/23 from an event that occurred on November 6 and 7;
15 correct?

16 A Yes.

17 Q Did you investigate that, why this -- this part of the
18 report did not come in until 11/23, the day you opened
19 your investigation?

20 A Well, when I found out -- and here's the difference. So
21 in a normal -- in any other OWI arrest this would not
22 have been added because just again it's a jail note that
23 is separate. It would not have been included in the
24 police report of who PBT'd the prisoner and when he got
25 released, those are all jail notes separate than the

1 incident report.

2 So I can say that when I read this I just
3 overlooked it because this isn't something I would
4 normally see in a police report. When it came to my
5 attention that it had not been added, I talked to his
6 supervisor, Lieutenant Scott Brown, and directed him
7 that Duva needs to make a supplemental report to the
8 original report stating what he did as far as this
9 arrest was concerned.

10 Q When did you do that?

11 A On the 23rd.

12 Q Is that in writing?

13 A In writing?

14 Q Did you send an e-mail?

15 A No, ma'am.

16 Q You made no written record of it?

17 A No, it was a verbal directive.

18 Q And were you talking to him in person?

19 A To Lieutenant Scott Braun.

20 Q Were you talking to him in person?

21 A In person, yes.

22 Q Where did that conversation occur?

23 A Within the building, but I don't recall.

24 Q Okay. Did you ask for an explanation as to why the
25 proper records hadn't been created?

1 A I don't recall our conversation in entirety, but, hey,
2 this has been overlooked, this report needs to be added.

3 Q And what did Brown do?

4 A Braun would have obviously --

5 Q Braun.

6 A -- talked to -- yeah, A-U-N.

7 Q What's Braun's title?

8 A Lieutenant.

9 Q Where is he stationed? Where is his --

10 A Road patrol.

11 Q So this was another problem with not housing Marc King
12 in the jail, because he wasn't housed in your jail when
13 he was brought back from Lapeer. The proper procedures
14 were not followed because if he had been in the jail the
15 paperwork would have been filled out at the time of;
16 correct?

17 A I think the proper procedure was followed. He was PBT'd
18 and when he was at .03 he was released. It's just that
19 normally that would be handled by corrections staff --

20 Q Right.

21 A -- if they were housed on that side of the building.

22 Q And corrections staff would have filled out the form
23 that you're saying was missing from your file. That's
24 part of the corrections process, you said that would be
25 in the jail records?

1 A Correct.

2 Q But because he was not in the jail, there's no jail
3 record -- official jail record of any Breathalyzing
4 before he was released.

5 A Correct.

6 Q So you're relying on Duva -- his union president --
7 who's going to help Marc King, that's his job, you're
8 relying on Duva to give you weeks later a BAC level?

9 A Which he did.

10 Q What, is he just using his memory?

11 A I don't know.

12 Q You didn't ask him?

13 A No.

14 Q Did it cross your mind that perhaps Marc King was
15 released improperly prior to his being able to blow a
16 .03?

17 A It did not cross my mind, and I have no reason to
18 believe otherwise.

19 Q Well, you know for sure the proper procedures weren't
20 followed, you know that none -- we've already covered
21 that. I don't want to re-go through it, but the sheriff
22 made a decision not to even put him in the jail.
23 There's no jail record, which is obviously something
24 very important in your process. You have a record from
25 the jail of the -- of the BAC before anybody's released.

1 MR. SHOUDY: Objection.

2 BY MS. GORDON, CONTINUING:

3 Q And that protects the department from liability, doesn't
4 it?

5 MR. SHOUDY: Objection to the form and
6 foundation and now we've got multiple questions in
7 there.

8 BY MS. GORDON, CONTINUING:

9 Q Doesn't that protect the department? Isn't that part of
10 the reason, at least in part, that you want the
11 Breathalyzer before the person's released? You don't
12 want to release anybody who's still drunk?

13 A Right, so in that matter we could release them at .07 if
14 we would like to.

15 Q I didn't ask you that. I just said you don't want to
16 release anybody who's still drunk, do you? Is the
17 answer to that, that's correct, we don't want to release
18 anybody that's still drunk?

19 A I guess I was getting if the legal intoxication was .08.

20 Q I didn't ask you that. You don't want to release
21 anybody who's still drunk or --

22 MR. SHOUDY: Are you asking him his
23 personal opinion?

24 MS. GORDON: No, as a lieutenant in his
25 department, who oversees people that make these arrests.

1 BY MS. GORDON, CONTINUING:

2 Q Go ahead.

3 A Right. So, yes, that is why we --

4 Q I didn't ask you that's why. I just want to know if you
5 agree that you don't want to release anybody who's still
6 under the influence, above .03; correct? That's your
7 goal?

8 MR. SHOUDY: Objection, form and
9 foundation, but you can answer if you can.

10 BY MS. GORDON, CONTINUING:

11 Q Correct?

12 A That is our policy, yes.

13 Q Thank you. And when you talked to Duva that day when
14 you contacted him and said, hey, there's nothing in the
15 file, what did he say back?

16 A I talked to his lieutenant.

17 Q Okay. And so did the lieutenant say, let me go talk to
18 him?

19 A I believe he must have because now that report was
20 produced.

21 Q Let's walk through it, then. You contacted the
22 lieutenant. I'm sorry, what was his name?

23 A Scott Braun.

24 Q Okay. Contact Scott Braun. You tell him what?

25 A It came to my attention this was missing from the

1 report. Duva needs to dictate his supplemental report.

2 Q Okay. And --

3 A Detailing what his -- his involvement with this arrest
4 was.

5 Q And what time was that conversation, roughly?

6 A I don't know.

7 Q Morning?

8 A I don't -- I don't recall.

9 Q Okay. And then what's the next thing you heard after
10 you had that conversation with the lieutenant?

11 A I didn't hear anything, really.

12 Q Well, did you then get this?

13 A At some point, yes, it was added to the report.

14 Q Same day that you talked to the lieutenant over Duva?

15 A I'm assuming so, because it says Carol Brown typed it,
16 or opened it on the 23rd.

17 Q Okay.

18 MS. GORDON: Let's take just a
19 couple-minute break.

20 MR. SHOUDY: Sounds good.

21 (Recess from 12:22 p.m. to 12:43 p.m.)

22 BY MS. GORDON, CONTINUING:

23 Q Just a couple other follow-ups.

24 A Yes.

25 MS. TAYLOR: Here's my checklist.

1 MS. GORDON: Thank you.

2 BY MS. GORDON, CONTINUING:

3 Q Okay. Just I have a few more questions on this BPT.

4 MS. TAYLOR: PBT.

5 BY MS. GORDON, CONTINUING:

6 Q PBT, BPT, BAC. Sorry. PBT. Let's just go back so I
7 understand the process. If you're in the jail and
8 before you're released we've already talked about
9 there's a PBT given at the jail, and it's done on a
10 device; is that accurate?

11 A The device is called the PBT, the preliminary breath
12 test, yes.

13 Q Am I correct that there's data stored in the PBT?

14 A The new ones should have data stored.

15 Q And that was true in 2022; correct?

16 A I would assume so.

17 Q And what is the data that's stored?

18 A I think it shows the last test on there.

19 Q Okay. Did you ask for that result at anytime during any
20 of this after you got involved?

21 A No, I did not.

22 Q Am I correct that the policy in the jail is that the PBT
23 is administered while it is being recorded, a video
24 recording?

25 A Oh, I have no idea.

1 Q You don't know about that?

2 A No, that's the first I'm hearing of it.

3 (Mr. Jones entered the room)

4 BY MS. GORDON, CONTINUING:

5 Q Are you aware that there should be a witness?

6 A I am not aware of that either.

7 Q Okay. You're not disputing it, you just don't know?

8 A I just don't know. I've never worked --

9 Q Well, when you -- when you were in the situation for
10 your arrest --

11 A Yes.

12 Q -- what -- where were you administered the PBT?

13 A Like I said, I was housed in the jail in a little closet
14 area, and that's where I was administered the PBT.

15 Q And before you were released you were administered the
16 PBT there?

17 A Yes.

18 Q And who was in there?

19 A Just me and the corrections officer.

20 Q Okay. And do you know whether a video was taken of it
21 or not?

22 A No, nobody had a camera.

23 Q Okay. And the PBT also has a timestamp; is that
24 correct, as to when the test was administered, the
25 device?

1 A The current one does. Probably not when I was in that
2 situation.

3 Q Okay. Okay. And is the PBT information also kept in a
4 similar manner for the one that's administered at the
5 time of the stop and the arrest? Is that information
6 retained in the device?

7 A I think it just retains to the last breath sample on
8 there.

9 Q Okay. You call in Exhibit 2, which is your
10 investigation, this is called an internal investigation?

11 A Yes.

12 Q What's the definition of an internal investigation?

13 A That this report is just kept internally within the
14 department. It's not to be published for public
15 consumption or shared with anybody outside of the
16 administration.

17 Q Okay. And at the conclusion of the internal
18 investigation then you write your results?

19 A Yes.

20 Q And then those go to the individual being investigated?

21 A No.

22 Q What do you mean no?

23 A We don't share this report. It's for, like, eyes of the
24 administration. Sheriff, undersheriff would view this.

25 Q What does the person that's being investigated get to

1 find out what the results were of your investigation?

2 A Well, if it was discipline, then they would get that
3 statement of charges and the order of discipline would
4 be the pieces of paperwork that they would receive. If
5 there's no discipline either verbally or, you know, we
6 could write -- I have written in the past, hey, this was
7 unfounded or something to that effect.

8 Q Okay. Get back to that. What's a daily report?

9 A It's something that people would make entry in to kind
10 of keep track of what you did that way as far as at
11 work.

12 Q Okay. So any duty you perform there's a report for it;
13 is that correct?

14 A It's like a log sheet, like --

15 Q Okay.

16 A -- you make entries whether you made a traffic stop or
17 took lunch breaks.

18 Q Is there a policy on this?

19 A I looked for that and I did not find a specific policy.

20 Q Okay. Did you find something that was pertinent?

21 A I didn't find anything that covered that.

22 Q Okay. But Duva never did a daily report for the
23 activities he performed in this matter; is that correct?

24 A That I don't know.

25 Q Well, you've never seen one?

CONFIDENTIAL

Page 116

1 A I haven't seen one, no.

2 Q And it's not part of your investigative report?

3 A No, it's not.

4 Q Okay. And we asked for -- and of course it's not part
5 of the police record either, is it?

6 A Well, the daily report wouldn't be attached to an
7 incident report.

8 Q Okay. So shouldn't the incident report include all the
9 actions that occurred with regard to the arrested
10 individual, including picking him up and transporting
11 him somewhere?

12 A I've never seen a daily attached to a police report in
13 my career.

14 Q I don't know what you mean by a daily, so we have -- we
15 have an individual who's arrested for being intoxicated.
16 I see that there's documentation of where he is
17 transported; correct?

18 A Yes, that's documented in the police report.

19 Q Right. So Duva did not do a report with regard to his
20 actions in this; is that correct?

21 A But he did. Page 8.

22 Q This was the one from 11/23?

23 A Yes.

24 Q Okay. At the time of nothing; correct?

25 A Nor do we have Deputy Clark's, like, his daily log of

CONFIDENTIAL

Page 117

1 activities throughout the night --

2 Q No, but he says --

3 A -- and it isn't attached in --

4 Q But we know what his daily activities were with regard
5 to this arrestee. That's all documented, isn't it?

6 A Yes, in the police report.

7 Q Right. So when Duva went out to pick up Marc King
8 shouldn't that have been part of the -- the police
9 report?

10 A I believe it is part of the police report.

11 Q On the 23rd he does an addendum to it. But at the time
12 of wouldn't that have been part of one of the things he
13 should have written down that was part of the police
14 report?

15 A Should he have done this earlier? Yes.

16 Q Okay. When did you first become aware of a so-called
17 social media link about Marcus King's arrest?

18 A Like I said, I believe it was on the 8th was one of the
19 first posts.

20 Q How did you come to be aware of it?

21 A Talk within the -- the office.

22 Q Who did you hear about it from?

23 A Undersheriff Spadafore was paying attention to those
24 Facebook posts.

25 Q Was that part of his duties?

CONFIDENTIAL

Page 118

1 A I wouldn't say an official duty. It was just -- it was
2 out there for public consumption and obviously the
3 arrest of our employee.

4 Q Okay. So is he the one who advised you of it?

5 A I believe so, yes.

6 Q Okay. And what did he say?

7 A Just bringing it the attention, hey, you know, it's all
8 over Facebook.

9 Q Okay. What's the next thing you heard about it?

10 A From a social media standpoint?

11 Q From -- no, from an internal standpoint at the
12 department. What's the next thing you heard about the
13 social media post, other than what you just testified
14 to?

15 A That continued throughout that first week. There was
16 more posts. Like, it was like a daily occurrence.
17 There's more and more being posted.

18 Q Okay. And how much was posted?

19 A I don't know.

20 Q Did you see any of it?

21 A The ones that we -- that I was able to attach to the
22 internal report, but I know there were more than that,
23 because there was conversation that some had been
24 deleted or taken down.

25 Q Okay. So you learned about this on the 8th. Who did

1 you discuss it with after you received information? Did
2 the sheriff contact you about it that day?

3 A We had discussions amongst ourselves upstairs.

4 Q I don't know who you mean --

5 A Myself, the sheriff and the undersheriff.

6 Q Okay. You, Spadafore and the sheriff?

7 A Yes.

8 Q Okay. And that was on November 8?

9 A The 8th, yes.

10 Q Okay. And what did you discuss?

11 A I don't know specifically, but to the effect of it's on
12 Facebook, like, this did not look good. And as these
13 posts continued there was these things posted, like, how
14 could like -- like, who knows this? Like, how do people
15 know this?

16 Q Let me start by asking you why did it not look good?

17 A Well, some of these posts were, like, disparaging the
18 sheriff, the department.

19 Q What was the disparagement of the sheriff?

20 A You know, I'd have to look at them specifically to see
21 some of those statements from, but there was alluding to
22 that, you know, things weren't maybe on the up and up.

23 Q Because why? Because why?

24 A Because Marc King had been taken out of the Lapeer
25 County Jail and brought back to our facility.

1 Q Uh-huh. So people thought there was some connection or
2 special treatment being given because his brother was
3 the sheriff, I presume; is that -- is that the concept?

4 A I think we can make that presumption.

5 Q Well, you read them. Okay. So people were alluding to
6 that, but that was, in fact, what happened. The sheriff
7 did order that his brother go get picked up; correct?

8 MR. SHOUDY: One second. Just you used
9 the word "people". Could you define when you say
10 people, are you talking about the general public? Are
11 you talking about --

12 MS. GORDON: Yeah.

13 MR. SHOUDY: -- the posts?

14 MS. GORDON: No, you can --

15 MR. SHOUDY: He wouldn't know what the
16 people thought of it so --

17 BY MS. GORDON, CONTINUING:

18 Q Yeah, whatever you read, whatever you learned.

19 MR. SHOUDY: Lack of foundation.

20 BY MS. GORDON, CONTINUING:

21 Q He's talking about talk, so whatever the talk is from.

22 A You know, one post specifically meant something that he
23 sprung his brother out of jail. So whoever authored
24 that post --

25 Q Well, isn't that true?

CONFIDENTIAL

Page 121

1 A I don't know if he sprung him out of jail.

2 Q Okay. He made arrangements, he gave a directive to
3 remove him from the Lapeer County Jail; correct? That's
4 a true statement; right?

5 A Yes.

6 Q Okay. Is there -- did -- so was there something
7 improper about the sheriff doing that?

8 A No.

9 Q Well, then why did the sheriff care if the truth came
10 out and it was known to the public that he did something
11 that was not improper? Why was that troublesome?

12 A I think if you look at some of the posts from Kevin
13 there's, like, either directly or indirectly some
14 throwing shade at the sheriff, calling him names --

15 Q Okay.

16 A -- about what's going on.

17 Q Well, doesn't that come with being an elected official?

18 A It shouldn't.

19 Q Well, I think it does these days.

20 A Doesn't make it right, though.

21 Q So what's your point, that he shouldn't be allowed to
22 disparage the sheriff?

23 A No, I support free speech, it just doesn't make it any
24 easier to hear.

25 Q Okay. Well, whether it makes it easier to hear or not,

1 the issue is you launched an investigation into this to
2 find out who allegedly told Kevin Lindke about this. A
3 lot of time and money went into what you looked into.
4 Hence, I'm trying to find out what it was that you were
5 -- you or the sheriff were concerned about with regard
6 to the posts, so much so that you did everything that
7 led us to sit at this table today.

8 So what was wrong with the post? If what
9 the poster was saying was the sheriff sprung his brother
10 from jail or got his brother out of jail, that was a
11 true statement, what was the problem with the statement?

12 A There were statements made that were very specific to
13 the night of the arrest and the actual arrest itself and
14 the facts and events surrounding it.

15 Q I'm going to hand you -- and just tell me what you're
16 referring to, because I know you've said you weren't
17 able to access all of the posts, that some of them
18 disappeared apparently. Those are my words not yours.
19 But I just have what we were given by you guys, okay?
20 So I'm going to hand you what I got from the county.

21 A Okay.

22 Q That's Exhibit 4. So why don't you tell me what Exhibit
23 4 is.

24 MR. SHOUDY: One second. Do you have a
25 copy for me?

1 MS. TAYLOR: That's the only one I have.

2 MS. GORDON: You can share with your
3 client.

4 MR. SHOUDY: There should be more.

5 MS. GORDON: You've seen it.

6 MR. SHOUDY: Yeah, my eyesight isn't as
7 good as what it used to be, but let me take a look here.

8 THE WITNESS: There should be more
9 than --

10 MR. SHOUDY: Well, yeah, I mean, she
11 doesn't have to show you every one of them. She'll be
12 asking you about these.

13 MS. TAYLOR: That's all that was attached
14 to his report.

15 MR. SHOUDY: So she hasn't asked you a
16 question yet. She's given you the report.

17 BY MS. GORDON, CONTINUING:

18 Q Okay. Captain, that's what was attached to your report.

19 MR. SHOUDY: That's not accurate, Deb.

20 MS. GORDON: Okay.

21 MR. SHOUDY: That's some of them that
22 were attached.

23 MS. TAYLOR: Okay. Well, that's all I've
24 got.

25 MS. GORDON: Let's go off the record.

1 (Discussion held off the record)

2 (Deposition Exhibit No. 4 marked for
3 identification)

4 BY MS. GORDON, CONTINUING:

5 Q I'm going to hand you Exhibit 4, Captain, which I think
6 your counsel will tell me if this is complete as to what
7 was attached.

8 MR. SHOUDY: I would have to go by my
9 memory but --

10 MS. GORDON: Yes.

11 MR. SHOUDY: If you just pulled it off, I
12 trust you.

13 MS. GORDON: I'm not sure because you
14 know --

15 MS. TAYLOR: So did you get extra copies
16 of those or no?

17 MR. SHOUDY: I did not, I'm sorry. I
18 just gave the version --

19 MS. TAYLOR: Sorry, guys, never mind. Go
20 on.

21 MR. SHOUDY: Did you say you have an
22 extra?

23 MS. TAYLOR: I don't.

24 MR. SHOUDY: All right.

25 MS. GORDON: Is this part of it?

CONFIDENTIAL

Page 125

1 MS. TAYLOR: No, that's what I pulled, so
2 no.

3 MR. SHOUDY: Yeah, there's ones we
4 produced yesterday with dates on them.

5 MS. GORDON: Yeah.

6 MR. SHOUDY: And then the one I had the
7 date from before and so I had my secretary pull them and
8 see what was on it so we could attribute some dates to
9 them.

10 MS. TAYLOR: But you just handed him ones
11 in his file.

12 MS. GORDON: Okay.

13 BY MS. GORDON, CONTINUING:

14 Q So can you identify Exhibit 4 that's in front you for
15 the record?

16 A Copy of Facebook posts and -- yes.

17 Q Were those attached to your report?

18 A Yes, they were.

19 Q It was essentially an exhibit to your report?

20 A Yes.

21 Q What was the point of attaching these?

22 A Just to reference the post that -- some of the posts
23 that we were able to grab off Facebook that were talked
24 about as far as the information being leaked out to the
25 public.

1 Q Okay. So let's go back to where we were. We do know
2 that the sheriff ordered somebody to go pick up his
3 brother at another police station and drive him to the
4 sheriff's office for St. Clair County. We know that to
5 be true; correct?

6 A Yes.

7 Q Okay. We also now know that Marc King was released at a
8 particular time that's in the records. We have no
9 record of a Breathalyzer other than a verbal statement
10 communicated on November 23. We have no documentation
11 of what he blew at the time he was released; correct?

12 A Other than the police report, no.

13 Q Okay. I don't have anything in the police report about
14 the time he was released and what he blew.

15 A But we do.

16 Q Okay. Let's see what you're referring to.

17 A It says that -- you want me -- can I pull it up?

18 Q Yeah, go ahead.

19 A At approximately 9 a.m. I administered a preliminary
20 breath test.

21 Q Okay, hang on. That's a November 23 entry; correct?

22 A Right, this is his --

23 Q I get that. That was supposedly dictated. It's not
24 something that was filled out at the time of. We have
25 Duva's after-the-fact statement. That's all we have.

CONFIDENTIAL

Page 127

1 A Yes.

2 Q Okay. And normally we would have actually a record from
3 a jail that does not exist, so we're relying on Duva's
4 word from X number of weeks later. That's your position
5 in this case; correct?

6 A Yes.

7 Q And you accept that --

8 A Yes.

9 Q -- I guess?

10 A I do.

11 Q It's pretty sloppy, isn't it, in a case like this? You
12 got the -- you got the sheriff's brother at issue here,
13 you're very upset about social media posts, yet you
14 don't have any backup information about what this guy
15 blew when he was released. There's no written record.
16 And then the day you open your investigation somebody
17 uses some words. Didn't that concern you?

18 A I trust what he put in his report.

19 Q I didn't ask you if you trusted it.

20 A So it does not concern me it. I trust it's the truth.

21 Q So people can just later, weeks later come up with a
22 blood alcohol level, write it in a police report even
23 though you have procedures where at a jail how this
24 would be officially documented.

25 A And he was not released from the jail side, so yes,

1 that's how it was happened.

2 Q That was the sheriff's doing, sir, that he wasn't
3 released from the jail side. That was all the sheriff's
4 decision; correct?

5 A I don't know what the conversation was between him and
6 Deputy Duva.

7 Q Well, it wasn't your decision that Marc King be brought
8 back to the sheriff's office and not the jail, was it?

9 A It was not my decision.

10 Q No. And it wasn't Spadafore's decision, as far as you
11 know either, was it?

12 A As far as I know it was not.

13 Q So that leaves us with the sheriff, and you know it was
14 the sheriff's decision; correct?

15 A I just don't know what he told Deputy Duva as far as put
16 him in this part of the building -- when I refer to the
17 sheriff's office that's the entirety of the building.

18 Q You know the sheriff made the decision that he would not
19 go to the jail.

20 A I don't know if the sheriff made that decision or if
21 Deputy Duva made that decision.

22 Q Come on. Are you kidding me? You think Duva made that
23 decision?

24 MR. SHOUDY: Wait a second. That's
25 improper. If you have a question --

CONFIDENTIAL

Page 129

1 MS. GORDON: No, it's not.

2 MR. SHOUDY: -- you can ask. It's like
3 you're scoffing at the witness.

4 MS. GORDON: I am. It's absurd and we've
5 already covered all this.

6 MR. SHOUDY: Actually, it's not absurd.
7 And that's unfair of you to say as an attorney under the
8 federal rules, rules of civility.

9 MS. GORDON: I didn't know that it was
10 written in the -- hang on a second. Give us a minute.

11 MR. SHOUDY: You can ask questions but
12 you can't sit there and tell --

13 MS. GORDON: Todd, I've been doing this a
14 few years. You're more than welcome to make your
15 objections.

16 MR. SHOUDY: I'm --

17 MS. GORDON: It doesn't mean that you
18 have to give me a lecture about anything.

19 MR. SHOUDY: Well, you're giving my
20 client a lecture so I'm not letting you do that.

21 MS. GORDON: No, I asked him a question.
22 I said, Are you kidding. That was a question, or
23 something like that.

24 MR. SHOUDY: You know that's not proper.

25 MS. GORDON: Okay. Sorry you're upset.

CONFIDENTIAL

Page 130

1 MR. SHOUDY: I'm not upset.

2 MS. GORDON: Okay. Let's stop talking
3 about it.

4 MR. SHOUDY: I'm not upset.

5 MS. GORDON: Let's stop talking about it
6 so we can move on.

7 MR. SHOUDY: You're welcome to move on.

8 BY MS. GORDON, CONTINUING:

9 Q Okay. Okay. So you never discussed with the sheriff,
10 hey, did you direct this, that your brother be brought
11 back to the sheriff's office? You never asked the
12 sheriff that?

13 A We may have had that conversation but I --

14 Q Okay. But it's your position here today under oath you
15 don't know whose decision that was. It could have been
16 Duva; is that your testimony?

17 A I was not privy to their conversation.

18 Q Okay. You know what, you weren't privy but you did a
19 whole investigation, so not being privy to the
20 conversation doesn't answer my question. You're sitting
21 here today for a deposition in a federal court, okay?

22 A Yes.

23 Q Okay. So you've learned things since the time this
24 occurred. And is it your position, sitting here today,
25 that you don't know whether it was the sheriff or Duva

1 who said that Marc King should be taken into the
2 sheriff's office? Is that your position under oath?

3 A It was the sheriff's decision. I just don't know where
4 within the building whose decision it was to place him
5 in the detective bureau for observation.

6 Q All right. Let's go to the social media posts, which
7 we've now marked as Exhibit 4, and let's talk about why
8 you picked these -- let's first get on the record why
9 you selected these entries to attach to your report?

10 A These entries were the only ones that we were able to
11 preserve, if you will. Like I said, there were
12 additional posts but they had since been taken down or
13 deleted.

14 Q Who directed you, if anybody, to obtain these posts?

15 A I don't think I was directed to obtain them, but when
16 they were on Facebook we thought at some point it would
17 be a good idea to preserve them if we could before they
18 were taken down or disappeared.

19 Q Who's we?

20 A I would say the administration, myself and the
21 undersheriff and the sheriff.

22 Q Okay. And why was it important to preserve them? What
23 was your goal?

24 A So we would have this to reference things that were
25 being -- that were posted. And like I said, there were

1 other posts that were taken down and deleted and
2 disappeared, so at some point we started grabbing these
3 before --

4 Q Why?

5 A -- they disappeared.

6 Q For what purposes, though? You said this guy is posting
7 all the time about all kinds of people. Why were you
8 taking it upon yourself to capture -- to make -- keep a
9 record of these? Why?

10 A Because there was details from that night of the arrest
11 and events surrounding that arrest that we didn't know
12 how anybody in the public would have known that except
13 if somebody was, you know, at that scene of the arrest.

14 Q Known what?

15 A Details of the arrest like the --

16 Q What?

17 A -- blood alcohol content.

18 Q Hang on a second. Is the blood alcohol content in here?

19 A Yeah, let me find that for you. This would say page 8.

20 He got arrested at 1:30 a.m. at a .18.

21 Q Okay.

22 A So that was one thing in the --

23 Q Okay. Hang on.

24 A Okay.

25 Q This is going to go one by one. This is in the police

1 report; correct?

2 A It is, yes.

3 Q And the police report becomes a public record; correct?

4 A At this point it was not public.

5 Q I realize that. It is public information at some point
6 in time; correct?

7 A Yes.

8 Q So when does it become public, when the suspect is
9 charged?

10 A Post arraignment --

11 Q Okay.

12 A -- might be a benchmark. I'm not certain when under
13 FOIA laws.

14 Q There's nothing about this information that was not
15 going to become public; is that correct?

16 A The BAC, you are correct.

17 Q Okay. And you are aware, I assume, that when an arrest
18 like this is made the shift is advised of what has
19 happened; correct?

20 A I'm not aware of that.

21 Q You are not aware that word is given to the other
22 officers on the shift that there's an arrest and this is
23 what's occurred and this is what you're doing?

24 A I know that happened in this specific case.

25 Q Yeah. Well, doesn't that often happen in police work,

1 you're letting your fellow officers that are also on the
2 shift with you what is happening, who's coming in,
3 what's going on, what the circumstances are? Isn't that
4 typical?

5 A I don't know what happened with the prior arrests of our
6 fellow officers, if that was shared throughout the
7 department.

8 Q I'm not asking you that. I'm asking you in general if
9 somebody is on patrol on their shift and they make an
10 arrest and, let's say, coming in with somebody people
11 are alerted, aren't they?

12 A So the jail staff would be alerted that the specific
13 person is coming in to be lodged.

14 Q Okay. There's no rule against talking to your fellow
15 members on the shift about what happened; correct?

16 A Correct.

17 Q Okay. You can say, I stopped a suspect, we arrested
18 him, he blew blank, we're going here. There's nothing
19 wrong with that, is there?

20 A There is not.

21 Q Okay. So you knew other officers could learn about
22 this?

23 A I learned that they had, yes.

24 Q Yeah, okay. And there was nothing wrong with that.
25 That's allowed. We already covered that.

1 A Yes.

2 Q Okay. So what happened is this individual, Kevin
3 Lindke, on the 8th published information that would
4 become public and it was already known -- maybe already
5 known by other members of your department. Let's go to
6 the next thing. You mentioned the blood alcohol level.
7 Go to the next thing you were concerned about here.

8 A There was the fact that Marc King was supposed to train
9 somebody that morning at 10 a.m.

10 Q Can you find that for me, please, so I can track you?

11 A It continues with the first one I was referencing. If
12 you go to page 8, it's the last paragraph.

13 Q Okay. Let me just understand. What was the page you
14 just read from a moment ago about the blood alcohol
15 level?

16 A Page 8, and then I was also going to say on page 5 it
17 references the BAC.

18 Q Okay. So now we're back on page 8. And point me to
19 what you're concerned about here. Read it for us, if
20 you would.

21 A He got arrested at 1:30 a.m. at .18 and was supposed to
22 work and have a new trainee with him at 10 a.m. That
23 means if he made it home, and it trails off. So and
24 then there's --

25 Q Hang on a second. Was this also posted on the 8th of

1 November?

2 A I don't know when this was posted.

3 Q Do you know who posted this?

4 A This was part of the Kevin Lindke posts.

5 Q Okay. I'm asking because on one of the posts I can see
6 it's from an entity called Through My Eyes.

7 A That's his --

8 Q But some of these pages there's no way for me to
9 identify where it actually came from, but you're telling
10 me what you viewed, where it came from?

11 A Like, they were, like, part of a thread of posts --

12 Q Okay.

13 A -- underneath the original.

14 Q Did -- did Marc King work on Monday?

15 A We haven't gotten there yet, but I think that was the
16 overtime shift, yes. He worked Monday. I'm sure that
17 was an overtime shift he worked, yes.

18 Q Okay.

19 A He was supposed to work Sunday at 10 a.m., as well.

20 Q Okay. But he didn't work that day?

21 A No.

22 Q Why was that? Because he had been arrested and so on?

23 A Yes.

24 Q And who approved him not coming in to work or is that
25 automatic or something?

1 A That I don't know.

2 Q Okay. So your concern is that somebody said he was
3 scheduled to work Sunday but didn't.

4 A It was just something that only somebody there would
5 know that he was supposed to work Sunday and that he had
6 a new trainee with him at 10 a.m.

7 Q Okay. On page 8 I don't see the new trainee.

8 A On the third line up.

9 Q Oh, I'm sorry, okay. What's -- okay. So somebody in
10 the department knew that?

11 A Uh-huh.

12 Q Who would know that he was supposed to work with a new
13 trainee? How many people would know that?

14 A I don't know. I don't think I even know.

15 Q Okay. Well, you're very high level.

16 A There's a lot of things going on.

17 Q Who does Marc report to on that Monday?

18 A I don't know who the supervisor was or what shift he
19 worked Monday.

20 Q Well, who would know within the department when Marc
21 King was supposed to report on Monday? Who would know
22 that?

23 A The supervisor that filled the overtime would know that.

24 Q Okay. This is an overtime shift on Monday?

25 A On Monday and then --

1 Q Go ahead.

2 A Whoever, you know, worked that shift on Monday.

3 Q Okay. And how is this posted? Do you have schedules
4 that are posted somewhere?

5 A Yes, we have a scheduling program.

6 Q Where is the schedule posted?

7 A It's an electronic program so it's through an app.

8 Q Everybody in the department has access to it?

9 A Yes.

10 Q Okay. So everybody in the department would have known
11 that Marc King did not work Sunday and was working
12 Monday?

13 A They could have known.

14 Q Well, it was -- all the information was available?

15 A Yes.

16 Q You don't know who accessed it?

17 A I don't.

18 Q But literally everybody in your department had access to
19 it?

20 A Yes.

21 Q How many people is that?

22 A Say 80.

23 Q Okay. And then as to the new trainee, is that also on
24 the calendar?

25 A Yes, it would be on the schedule. Not necessarily that

1 the trainee was assigned to Marc King.

2 Q Okay. But there's many people that would know this
3 information?

4 A Yes.

5 Q And you don't know whether my client knew this
6 information or not? You don't know whether he'd
7 accessed this information?

8 A He had access to it.

9 Q Well, everybody did. You just got done telling me.

10 A Right.

11 Q But you have no idea that my client accessed this
12 information; correct?

13 A I don't have that.

14 Q No. You don't know who accessed this information;
15 correct?

16 A Correct.

17 Q Okay. All right. So let's keep going --

18 A Okay.

19 Q -- with the other things that you and/or the sheriff
20 were concerned about with regard to this post, so much
21 so that you took up an investigation.

22 A So.

23 Q What's the next thing?

24 A The other part was, you know, getting him out of -- I'll
25 have to find the language, but getting him out of the

CONFIDENTIAL

Page 140

1 Lapeer County Jail.

2 Q Take your time. You can find it and you can direct us
3 to it.

4 A There may be multiple.

5 Q Go ahead, take your time.

6 A We could start with page 9.

7 Q Okay.

8 A Fourth paragraph down, I was provided information that
9 following his arrest near his home at 1:30 a.m. early
10 Sunday morning Deputy King was briefly booked into
11 Lapeer County Jail but was released only hours later and
12 well before his BAC was under the limit to allow him to
13 go home.

14 Q Okay. Stop right there. This is Kevin -- for the
15 record, this is Kevin Lindke stating that he was
16 provided information; correct?

17 A Yes.

18 Q Okay. He was briefly booked into the Lapeer County
19 Jail. Isn't it a public record when somebody is booked
20 into a jail?

21 A I don't know when that's made available.

22 Q But it is a public record, isn't it?

23 A That we could confirm if they are in jail.

24 Q Don't you guys have a website where you can put a name
25 in?

1 A We do now, yes.

2 Q Okay. So it's public the minute somebody is booked into
3 a jail.

4 A If they're -- only when they're in the jail I think that
5 app works.

6 Q Okay. But the point is, if somebody is in jail it's not
7 private.

8 A Yes, correct.

9 Q Okay. So --

10 A Just we didn't have the app back then, though, just so
11 you know.

12 Q Well, that doesn't mean it's private, just because you
13 didn't have the app. The law hasn't changed; correct?

14 A Well, no, we just didn't have that app.

15 Q You've made it easier for people to get names.

16 A Yes.

17 Q But that doesn't mean that this was private information
18 that you're referring me to here. It was public
19 information, it's just you didn't have the app.

20 A Correct.

21 Q Okay. And you don't know what Lapeer County gave out to
22 people; correct?

23 A No idea.

24 Q You don't know what the Lapeer officers, who they told;
25 correct?

1 A Correct.

2 Q Okay. So why are you concerned that somebody told
3 Lindke that he was booked into a jail? It's public
4 information. Why is that of concern to you?

5 A Well, we had to start somewhere.

6 Q You had to start what somewhere?

7 A To figure out how this information was getting out.

8 Q Why? There's been no information we've lighted upon so
9 far that is like nuclear weapon secrets or something.
10 It's all been information that was public or would be
11 public. Was it just that the sheriff was just
12 embarrassed politically and he didn't want this out?

13 A Well, you would have to ask him that.

14 Q Well, no, from what you learned -- listen, you were
15 right there. You were doing what he told you to do, I
16 assume, and you knew he was upset, weren't you?

17 A We were upset about this information.

18 Q The sheriff was upset that his name and his family's
19 name were in these posts; correct?

20 A I -- I can't answer that.

21 Q Come on --

22 A I cannot answer --

23 Q -- honestly?

24 A -- to his emotional state if he was upset.

25 Q He expressed that to you, didn't he?

1 A That he was upset?

2 Q Yes.

3 A I don't recall if he expressed to me that he was upset.

4 Q Concerned.

5 A He was upset how this was handled, that I know for a
6 fact.

7 Q How what was handled?

8 A That a deputy was taken out of county and housed in a
9 jail in Lapeer which is against anything we've ever done
10 before.

11 Q Okay. But as we've -- okay. He was upset only because
12 it was his son, let's just be honest --

13 MS. TAYLOR: Brother.

14 BY MS. GORDON, CONTINUING:

15 Q His brother; correct? If it would have been any Tom,
16 Dick or Harry driving through your town who was taken to
17 Lapeer, there's no way the sheriff would have gotten
18 involved in this; correct?

19 A We never would have taken any Tom, Dick or Harry to the
20 Lapeer County Jail for an offense that was committed in
21 St. Clair County.

22 Q Okay. Well, we've already covered this and you've
23 already said there's nothing wrong with it, so I'm not
24 going to revisit that.

25 MR. SHOUDY: Objection. That

1 mischaracterizes his testimony.

2 MS. GORDON: You know what, his testimony
3 is on the record, so that's just coaching.

4 MR. SHOUDY: It is. It is.

5 MS. GORDON: That's just coaching.

6 BY MS. GORDON, CONTINUING:

7 Q We've got the record. There's no rules against going to
8 Lapeer County. We've already covered all this. So the
9 sheriff was upset. Now you're pointing me to the fact
10 that public knowledge, the things that were available to
11 the public were posted.

12 A But it wasn't public, not like the -- it wasn't public
13 knowledge yet, because we had not released --

14 Q Yet. The public had every right to know that somebody
15 was arrested and taken to jail. At anytime the public
16 has the right to know that, don't they?

17 A I'm not arguing that.

18 Q Good. Hence, the sheriff had no reason to be this upset
19 about the public receiving public information.

20 A My point --

21 Q That I can -- that I can see.

22 A It wasn't public information yet, though.

23 Q Why wasn't it public? If I called the Lapeer County
24 Jail at 2 a.m. and I'd said, hey, is Marc King there,
25 what would they have said? They would have answered me,

1 wouldn't they?

2 A Yes.

3 Q Okay. Thank you. So let's keep going here. The
4 sheriff -- I assume none of this is you, like, oh, my
5 God, I can't believe somebody wrote this. I assume you
6 were being told this was a concern to the sheriff; is
7 that right? And you were directed to look into this.
8 This wasn't your idea to do this investigation, do I
9 have that right? You were assigned an investigation.

10 A I was assigned this, yes.

11 Q Thank you. Okay. So let's keep going here. What's the
12 next one on page 9? Briefly booked and released hours
13 later.

14 A Well, before his BAC was under the limit to allow him to
15 go home.

16 Q Well, is that not something the public would want to
17 know? Wouldn't the public want to know about somebody's
18 BAC? Is the public not allowed to know that?

19 A I don't know what we release from jail notes, to be
20 honest with you.

21 Q Okay. All right. What else?

22 A It may reference the -- there may be another one that
23 references Lapeer County, but there was -- if you go to
24 page 5 it references this.

25 Q Okay. Do we have a date on number 5, page 5 of Exhibit

1 4?

2 A No, we don't.

3 Q Did you make a note anywhere of what days these things
4 were posted?

5 A I did not.

6 Q So sitting here today, how do we know the timing of
7 these and what had gotten out? Is there any way to
8 determine that?

9 A You know, I made the notation that they started on the
10 8th. We know that there were two posts on the 9th and
11 one on the 10th. As far as these, I don't know when
12 they were posted.

13 Q So when you say these, you're talking about page 5 right
14 now?

15 A These that all are --

16 Q Just read us the page numbers if you don't mind.

17 A Sure.

18 Q That would be easiest. And again, this is the page
19 numbers where you're not sure of the date they were
20 posted.

21 A I don't have the -- the additional ones that had the
22 timestamp on them from yesterday.

23 Q Were there some that you had yesterday that were time
24 stamped?

25 MS. TAYLOR: They went and pulled them

1 down yesterday. But the ones that he's talking about
2 yesterday were not attached to his report
3 contemporaneously.

4 THE WITNESS: It's the same post, but we
5 were able to go back and find the actual original post,
6 I think, that had the timestamp.

7 BY MS. GORDON, CONTINUING:

8 Q When did you find those?

9 A Yesterday.

10 Q So at the time you wrote your report you didn't know
11 when these were posted?

12 A No, I don't think so.

13 Q Okay.

14 MS. GORDON: So do we have the time
15 stamped ones now?

16 MS. TAYLOR: Yeah.

17 BY MS. GORDON, CONTINUING:

18 Q Let's keep going.

19 A So in general what I'm referencing --

20 Q Yeah.

21 A -- would be -- let's go with eight, seven. I don't know
22 why I'm missing six. Five, four --

23 Q Wait, wait, wait. Tell me what we're referring to here
24 when you say we've got. Are you talking about where
25 there's no dates?

CONFIDENTIAL

Page 148

1 A Yes.

2 Q Okay. I gotcha. All right. So let's go to the next
3 one. Is there anything else on eight that you are
4 concerned about with regard to your investigation, other
5 than what we've already talked about?

6 A No.

7 Q Okay. Let me ask you this, on a slight -- on a similar
8 but slightly different topic. When somebody in your
9 department is arrested for whatever the cause do you --
10 do you go back to work the next day or the day after or
11 are you on some kind of a leave?

12 A No, you go back. So you have to wait till the
13 conclusion of the criminal investigation is done, and
14 then whatever discipline is meted out, and so, yes, you
15 are required to go back to work.

16 Q So you're required to go back to work while the
17 investigation is ongoing?

18 A Yes.

19 Q There's no leave while you're under investigation?

20 A There could be, but unless there's maybe extenuating
21 circumstances. But for the drunk driving incidents
22 involving fellow officers from our department, I believe
23 everybody went back to work until it was -- the criminal
24 was concluded.

25 Q Okay. Go ahead with the next thing you were concerned

1 about with regard to the investigation.

2 A On page 10.

3 Q Okay. Go ahead.

4 A Just the final, What a way to end his fiancée's
5 bachelorette party.

6 Q Why is that a concern?

7 A I think very few people would have known about that. I
8 don't think I even knew about that.

9 Q Whose fiancée is this?

10 A Sheriff King's.

11 Q Well, everybody at the bachelorette party would have
12 known that.

13 A Yes.

14 Q And many other people would have known, too, that there
15 was a bachelorette party for Marc King's fiancée;
16 correct?

17 A It would be Mat King's fiancée.

18 Q I'm sorry? Marc, I'm sorry.

19 A Mat.

20 MS. TAYLOR: It's Mat King, sheriff's
21 fiancée.

22 MS. GORDON: All right, I'm sorry.

23 BY MS. GORDON, CONTINUING:

24 Q So Mat King's -- a lot of people would know that Mat
25 King's fiancée was having a party; correct? That was

1 probably talked about.

2 A Like I said, I don't even know -- I don't remember that
3 I even knew, so I don't think it was just a very
4 publicized event.

5 Q Well, what's the difference? I mean, it's a public
6 event. Where did it take place?

7 A I have no idea.

8 Q Why are you upset about it, then? Or con -- I'm not
9 saying you're upset. Why were you directed to this or
10 why are you highlighting this for us?

11 A Like I said, I think it was information only a few
12 specific people would know.

13 Q Who? Who were the specific people that would know?

14 A Well, Scott Jones knew.

15 Q How did he know?

16 A Because he talked about it with Marc King.

17 Q When did he talk about it with Marc King?

18 A The night of the arrest in the back seat of the patrol
19 car.

20 Q Okay. So he knew about it and other people were there
21 at the time, too.

22 A That conversation was just between the two of them.

23 Q Okay. So who else would have known about the party?

24 A I don't know who else knew about it.

25 Q How did Scott Jones find out about the party?

1 A Marc King told him.

2 Q Okay. Well, Marc King probably told other people, too;
3 right?

4 A He may have.

5 Q I mean, it's a party; right?

6 A Yes.

7 Q And people talk about parties and they talk about
8 bachelorette parties, don't they?

9 A I suppose they do.

10 Q Are you married?

11 A I am.

12 Q Okay. Did your wife have a bachelorette party?

13 A She did.

14 Q It's an exciting thing that people talk about; correct?

15 A Okay.

16 Q Okay. So what else have you got that you're concerned
17 about?

18 A So those were the five bullet points that stood out to
19 me when I was -- we were looking at these things.
20 There's other -- I mean, of course they knew the names
21 of people involved. And again, the police report had
22 yet to be released. There was no body cameras released
23 yet. So there were these five things that kind of stood
24 out. Like, well, how would anybody know about that this
25 fast and then it gets published on social media.

1 Q But we've already gone through the list of all the
2 different people that would know every one of these
3 things, and there's a pool of probably 80 people or more
4 who would have known any one of these things.

5 A But it was being -- it wasn't being posted by them,
6 though.

7 Q Well, they could have contacted Kevin Lindke or told a
8 friend or told anybody; correct?

9 A Yes.

10 Q I mean, these are public things involving an elected
11 sheriff. We all know these are things that are of
12 interest and people gossip and talk, guess what happened
13 to the sheriff's brother, blah, blah, blah.

14 A It wasn't public yet, is my point, with the timeframe of
15 this.

16 Q So your gripe is that all this happened, none of it is
17 false, and it was all going to come out, but it hadn't
18 come out yet?

19 A Certainly the events within the police report would have
20 come out.

21 Q Okay. So hence, you felt it was important to find --
22 or, somebody told you it was important to find out who
23 contacted Kevin Lindke. Is that what your goal was?

24 A It was just how the information got released to him so
25 that he posted it.

1 Q Okay. So when were you told to open this investigation?

2 A The 23rd.

3 Q And how did you get directions to do so?

4 A I was told by Sheriff King.

5 Q Do you have any kind of a document from him saying that?

6 A No, it would have been a verbal directive.

7 Q Have you done an investigation before where it was just
8 verbal and you weren't given something in writing with
9 specifics in it as to what you should be investigating?

10 A I would think almost all of -- yes, if all -- all just
11 be a verbal conversation, verbal directive. These
12 weren't, like, written directives.

13 Q Okay. So we have no record of what you were told by the
14 sheriff to investigate?

15 A No, we do not.

16 Q And your report doesn't say what you were told to
17 investigate; correct?

18 A Well, we were looking into the --

19 Q I didn't ask what you were looking into. I just said
20 your report doesn't contain a specific directive as to
21 what you were looking into; is that correct?

22 A I believe it would be the social media leaks.

23 Q I'm just saying your written report -- I don't see
24 anything in the written report where you set forth this
25 investigation covers blah, blah, blah, blah, blah.

1 A Okay.

2 Q Or I've been directed to investigate one, two, three,
3 four, five. I don't see that in your report.

4 A Okay.

5 Q Correct?

6 A I'm just curious what one of the headings might say.

7 Q Sure. It says, Internal investigation, gives a number,
8 Scott Jones, slash, Chad Cronkright.

9 MR. SHOUDY: I'm just going to object
10 because you didn't read that. You left out the last
11 part of the --

12 BY MS. GORDON, CONTINUING:

13 Q Okay, loyalty. That's the name of a policy, but it
14 doesn't say what you're looking into with regard to
15 loyalty; correct?

16 A It would be the violation of the loyalty policy.

17 Q Okay. In what regard?

18 A So the loyalty policy also, along with the conduct
19 policy, covers behavior amongst members of the
20 department, as far as what they do that has -- how it
21 may negatively affect the operations and the efficiency
22 of the agency, and/or it prohibits disparaging fellow
23 employees and how that may affect their employment and
24 effectiveness.

25 Q Okay. Well, nobody disparaged -- nobody disparaged

1 Deputy King. They just wrote down what had happened;
2 correct? He got himself into trouble and it was
3 repeated on a -- on Facebook.

4 A Yes.

5 Q You see no officer assigning -- attaching his name to
6 disparaging Mat King in any way; correct -- Marc King in
7 any way; correct?

8 A No officer?

9 Q Right.

10 A No.

11 Q So I don't get the loyalty thing. What's the violation
12 of the loyalty policy? You write loyalty. Here's the
13 policy, I'll read it into the record, Purpose, to foster
14 a loyal team to carry out the St. Clair Sheriff Office's
15 mission. That's vague, but okay. That's A. And then B
16 says, Policy members shall -- shall maintain such
17 loyalty to the department and their associates as is
18 consistent with their oath of office. I'll stop right
19 there. What's the oath of office?

20 A I don't know that by memory.

21 Q Well, it says you're supposed to be loyal consistent
22 with your oath, but you don't know what that is?

23 A We take an oath every four years, but I don't have that
24 memorized.

25 Q But do you have some sense of what it's about?

1 A Upholding the laws of the state of Michigan.

2 Q Okay. And personal and professional ethics. Loyalty is
3 an important factor in the departmental morale and
4 efficiency. Okay. There was no harm to department
5 morale or efficiency with regard to this matter; is that
6 correct? Other than that Duva had to drive out -- well,
7 that's -- let's talk about just the postings. Was there
8 any harm that came to the department from the Kevin
9 Lindke postings?

10 A What do you mean by harm?

11 Q You're the one that says -- thinks there was something
12 wrong with this, so I'm asking you what was the harm to
13 the department, if any?

14 A What we thought might be inappropriate was people of the
15 department releasing privileged information that they
16 would only have access to releasing that to the public.
17 And in turn, these posts were fashioned in some way that
18 would affect the image of the agency or the head of the
19 agency, the sheriff.

20 Q Okay. Sir, it was going to come out that the sheriff's
21 son was extremely --

22 MS. TAYLOR: Brother.

23 THE WITNESS: Brother.

24 BY MS. GORDON, CONTINUING:

25 Q Brother was extremely drunk. That was always going to

1 come out; right?

2 A But it hadn't at this point.

3 Q Okay. But you're trying to tell me about harm to a
4 department. If it hadn't come out on Facebook but it
5 had come out ten days later through court records would
6 that have brought harm to the department? Would that be
7 embarrassing to the department?

8 A I don't know. It's the way it came out on Facebook and
9 the way it was authored that it just seemed as if there
10 was somebody that was close to this investigation was
11 releasing information to persons of the public.

12 Q I get that, but I'm now trying to find out what the harm
13 to the department was since that's the -- I just read
14 you the policy.

15 A Uh-huh.

16 Q Loyalty is an important factor and detrimental in
17 departmental morale and efficiency. I'm saying there
18 was no harm to the morale and efficiency in this
19 department from the Kevin Lindke posts, as far as I can
20 tell.

21 A Well, I would argue that there was a hit to morale
22 amongst members of the agency.

23 Q Whose morale was harmed other than the arrested
24 individual and his brother?

25 A The arresting officer.

1 Q Who's that?

2 A Deputy Clark.

3 Q What happened with his morale due to the posting?

4 A Well, just the morale of the -- I guess, if you will,
5 brotherhood or the esprit de corps surrounding that he
6 arrested his fellow coworker.

7 Q Well, that's not what we're talking about in a posting,
8 sir. That's his job, isn't it, to arrest people?

9 A Not in that specific instance, it shouldn't have
10 happened that way.

11 Q Well, if he's driving around, he has to arrest whoever's
12 in the vehicle; correct?

13 A Yes.

14 Q Even if it's the elected sheriff; correct?

15 A We would have -- we would prefer that a supervisor
16 handle that -- that incident.

17 Q Well, nonetheless, this man is on the road to enforce
18 the law and pull people over, but leave that aside. I'm
19 talking about Facebook posts. Now you're saying you
20 felt sorry that -- is part of this now that Clark had to
21 get out there and act as a police officer on the scene,
22 are you upset about that?

23 A I didn't say that.

24 Q Well, you brought him up. You said his morale and then
25 you tied it to him having to be at the scene and handle

1 the arrest. I was talking about the Facebook post.

2 A Okay, I'm just referencing the morale at the department.

3 Q Yes, as to the -- okay. Let's look at your department.

4 Loyalty. Here's the policy, loyalty. I'm asking about
5 your findings here, sir, and how they affected morale.

6 These posts, how did the posts affect morale? Do you
7 have any facts to support that?

8 A As I -- I don't know how I can state it any other way.

9 There was concern that this --

10 Q All right. Let me change my question if you're having
11 difficulty. Did anybody tell you that their -- their
12 morale was harmed because of the Kevin Lindke posts?

13 A No, I don't believe so.

14 Q Okay. Did anybody tell you that -- okay. That any harm
15 came to the department from the Kevin Lindke posts,
16 other than the sheriff himself, who might have felt harm
17 came to him? But leaving that aside, anybody from
18 department tell you the department was harmed by the
19 posts?

20 A I think it'd be fair to say that --

21 Q Just anybody that told you that, that's all I want.

22 A Told me that, no.

23 Q Okay. Were there FOIA requests made for the Marcus King
24 arrest reports?

25 A I believe so.

1 Q Were you involved in that?

2 A I'm not involved with FOIA.

3 Q Did Joshua Goodrich FOIA documents?

4 A I don't know if he did or not.

5 Q You're not denying it?

6 A If he did then, no, I'm not denying that.

7 Q Documents were released; is that correct?

8 A If there was a FOIA release or request we would have
9 released them, yes.

10 Q Okay. Who was involved in conducting this investigation
11 other than yourself? I see from the document it appears
12 the sheriff was involved, Spadafore was involved.

13 A Well, I was the only one that interviewed people.

14 Q You consulted with the sheriff during interviews;
15 correct?

16 A Yes. And we would have round-tabled post interviews and
17 throughout the process.

18 Q But during the interviews you consulted with the sheriff
19 and Spadafore?

20 A On one interview I did, yes.

21 Q Uh-huh. And who was that?

22 A Scott Jones' interview.

23 Q Uh-huh. Who did you think had -- when you began this
24 investigation who did you think had given information to
25 Kevin Lindke?

CONFIDENTIAL

Page 161

1 A I didn't know.

2 Q Well, you must have had some idea because you
3 interviewed very few people.

4 A Well, I interviewed a fair amount of people.

5 Q How many people did you interview?

6 A Maybe eight.

7 Q Okay. You interviewed the people that were there that
8 night. We'll get to it.

9 A Right.

10 Q Did you -- you had a limited group of people that you
11 apparently thought could have been involved in this; is
12 that correct?

13 A I started, yes, with the people that were directly
14 involved with the arrest.

15 Q And let's just go through that list.

16 A Officer Teichow, Deputy April Seavolt. These will all
17 be deputies.

18 Q Right.

19 A April Seavolt, George Clark, Joe Schoof.

20 Q Uh-huh.

21 A Scott Jones. There would have been Officer Scott Silver
22 from Marysville Police Department, Carol Brown, our
23 typist.

24 Q Why did you interview her?

25 A Because she prepared the report. And Deputy Chad

1 Cronkright was interviewed. I don't know if I'm missing
2 any.

3 Q Okay. Did the sheriff tell you -- strike that.

4 Did the sheriff express to you his
5 concerns about Scott Jones taking his brother to Lapeer?

6 A Yes.

7 Q What did he say about that?

8 A Yeah, he was not happy that happened.

9 Q Yeah. What did he say about it?

10 A That there was no reason to take him to Lapeer County
11 Jail.

12 Q Uh-huh.

13 A There were several reasons.

14 Q Uh-huh.

15 A A, we've never done that; B, while he was at the jail he
16 was placed in a cold cell without a blanket. We lost
17 all control of our officer -- or, deputy, if you will.
18 And then if and when he stayed or were to get released
19 now you have to put it on his wife to make an hour-plus
20 drive just to go get Marc out of the jail, when he
21 should have been in our facility the whole time.

22 Q How did you lose all control of him? I don't know what
23 that means -- of our officer, what does that mean?

24 A Well, he's over an hour away. He's in a jail cell in a
25 different county in a different jail. We have no idea

1 what's going on.

2 Q Well, what do -- what do you need to track about what's
3 going on with somebody that's been arrested for being
4 intoxicated?

5 A Well, apparently the conditions of the cell that he was
6 in weren't fair to him, and that wouldn't have happened
7 if he stayed at our facility.

8 Q Why not?

9 A Because we would have made those -- make sure that, you
10 know --

11 Q Uh-huh. Okay.

12 A -- it was at least climate controlled.

13 Q Okay. What else?

14 A What else what?

15 Q What else was the reason that the sheriff was upset
16 about the going to Lapeer?

17 A Other than the reasons I stated.

18 Q Okay. What happens if an officer is in another county
19 and gets pulled over for drunk driving and is arrested
20 in Wayne County, what happens? Where does he go?

21 A I presume they would go to a Wayne County Jail --

22 Q Uh-huh.

23 A -- for an offense that was committed in Wayne County.

24 Q Sure. The mere fact an officer is housed in a different
25 county or a distance away from your office, the

1 sheriff's office, I mean, that can easily happen to an
2 individual; correct?

3 A If they were in that county, yes.

4 Q Sure. So it's not like something that can't happen,
5 that you have to have them under control. Anybody could
6 be arrested anywhere, in any county or any state that
7 works for you; correct?

8 A Right. And they would be lodged in that county where
9 the offense was committed.

10 Q Right. And their wife might have to drive an hour to
11 pick them up. Who knows? You wouldn't send a car for
12 them, would you? You'd just let the normal procedures
13 go forward, wouldn't you?

14 A But the thing was the normal procedures weren't followed
15 that evening.

16 Q We've covered all this.

17 A Right.

18 Q We've already covered that. I don't know what you mean
19 when you say the normal procedures weren't followed.
20 You haven't given me a single normal procedure that
21 wasn't followed.

22 A Every former person that was arrested that was an
23 employee of our department was never taken out of
24 county.

25 Q Okay.

CONFIDENTIAL

Page 165

1 A They all went to the St. Clair County Jail.

2 Q Okay. Well, this guy never went to the Wayne County
3 Jail -- the St. Clair County Jail. He never set foot in
4 the St. Clair County Jail, even when he was returned to
5 St. Clair County; right?

6 A Yes.

7 Q And that's unlike all the rest of you, isn't it?

8 A It's not.

9 Q You just got done telling me all of you were in the
10 jail. We went through the whole thing and -- and the
11 sheriff's brother is the only guy who didn't end up in
12 the jail -- we've covered this -- and sitting in
13 somebody's office?

14 A I guess we should just -- there is a clarification
15 between -- there's different sides of the house of the
16 sheriff's office so --

17 Q Okay, you've already explained all this.

18 A Okay.

19 Q He was in the detective bureau?

20 A Yes, okay.

21 Q He was not in the jail, they did not follow the jail
22 procedures, they did not do what they would normally do,
23 he was treated differently than all of you.

24 MR. SHOUDY: Had you finished your answer
25 on the other one?

1 THE WITNESS: If I could finish, I know
2 it's called the -- in reports it's also referred to as
3 the St. Clair County's Sheriff's Office, or, you know,
4 St. Clair County Intervention Center, I guess just the
5 vernacular would be jail, would be, yes, the jail side
6 where there's cells. And then there's the roadside or,
7 I guess, the office side.

8 Q Yeah, I got that.

9 A Okay.

10 Q You were all in the jail side, all the other lists you
11 gave me --

12 A No.

13 Q -- you were in the jail side?

14 A No, Dennis Tuzinowski was on the roadside. He was in
15 the detective bureau.

16 Q Okay. I don't think you said that earlier. When was he
17 arrested?

18 A Eight years ago, six to eight, I think.

19 Q Why was he given special treatment? You're remembering
20 this now?

21 A No.

22 Q Well, you just testified to it.

23 A I've always known that's what happened.

24 Q Why was he not in the jail like everybody else,
25 Tuzinowski? Why not?

1 A Like everyone else, like every other employee that's
2 been arrested for drunk driving.

3 Q Just answer my question. Why was Tuzinowski not in the
4 jail where he should have been?

5 A Because it's practice within our agency that if one of
6 our members gets arrested for drunk driving that we keep
7 them in an office, not a jail cell separate from the --
8 whatever, the jail population.

9 Q Yeah, and we've covered this and there's prisoners that
10 have to be separated from the jail population but
11 they're still in the jail. We've already covered all
12 this; right, several times today?

13 A Yes.

14 MR. SHOUDY: So do you have a question
15 for him?

16 MS. GORDON: No. He continues to talk.
17 You guys want to, like, add something new or make it
18 sound different. This is obviously something added. He
19 wanted to explain to me the buildings. I didn't raise
20 this.

21 MR. SHOUDY: Hold on. You asked him a
22 question about Tuzinowski and he was answering that and
23 he's given that answer.

24 MS. GORDON: Yeah, I heard it.

25 MR. SHOUDY: And so you don't like his

1 answer, but his answer is 100 percent truthful so --

2 MS. GORDON: His answer --

3 MR. SHOUDY: -- go ahead.

4 MS. GORDON: -- is fine.

5 BY MS. GORDON, CONTINUING:

6 Q We've already -- I'm repeating stuff because you're
7 trying really hard to make it sound like this wasn't
8 anything unusual, but I heard -- your testimony is on
9 the record earlier, so we got it.

10 MR. SHOUDY: You can make what arguments
11 you want with the facts, I'll make my arguments. Please
12 ask your next question. It's not a time to badger the
13 witness.

14 BY MS. GORDON, CONTINUING:

15 Q Why did -- why did Tuzinowski -- okay, I think you've
16 already answered that.

17 How did you get in touch with Scott Jones
18 with regard to the investigation?

19 A Via text and phone call.

20 Q What did you say in your text and phone call?

21 A I would have to paraphrase. I believe it was on Monday
22 the 14th. I first sent a text to Scott Jones asking if
23 he was available to meet myself and the undersheriff to
24 go over the details of the arrest.

25 Q That's what you told him?

1 A Again, I would have to paraphrase.

2 Q Unfortunately you didn't make a written record of this,
3 I guess, again; correct?

4 A It's in my report.

5 Q Okay. And you told him you wanted to go over the
6 arrest?

7 A The arrest, and I don't know if I added the social media
8 leak at that point in time.

9 Q Okay.

10 A I didn't hear back from him on Monday.

11 Q Go ahead.

12 A On Tuesday I believe I left him a voicemail; content
13 being the same. Undersheriff Spadafore left him a
14 voicemail, I believe on his personal phone; content
15 being same. And we didn't hear back from him on Tuesday
16 either. On Wednesday I believe Scott called me back,
17 morning hours, asking about the messages that we had
18 left him.

19 Q You knew he was out for a couple of days; correct? You
20 knew he took vacation days?

21 A Yes, ultimately I found out he had taken those vacation
22 days.

23 Q Okay. How did you get along with Scott Jones at this
24 point in time?

25 A Very good.

1 Q What was his disciplinary history like?

2 A I don't know. I haven't gone through his discipline
3 file.

4 Q Okay. He wanted to meet in the HR office; correct?

5 A He did, yes.

6 Q Was that a problem for you?

7 A It wasn't a problem. It was unusual.

8 Q Well, he thought what was happening was unusual, didn't
9 he?

10 A I'm not certain I know what he thought, but --

11 Q You didn't come up with that assumption? He sounded
12 concerned about the meeting, didn't he?

13 A Yes, he was suspicious of it.

14 Q Right. Hence, he wanted it in the HR office; right?

15 A Yes.

16 Q And you weren't happy about that; correct?

17 A It didn't matter to me. I wanted to meet with him. We
18 needed to and that's why we agreed to meet at the HR
19 office.

20 Q And Jones told you that, you know, calling him in 24
21 hours after he had made a complaint with HR about the
22 sheriff was concerning to him, didn't he?

23 A He was suspicious of that.

24 Q Right. So at the time you meet with him and got all
25 this going, in fact, you started this literally the day

1 that he had gone to HR; correct?

2 A No.

3 Q The day after?

4 A No.

5 Q Why no?

6 A I think we started on the 23rd.

7 Q Okay. The date -- just get my dates here. You
8 contacted him on the 14th and he tells you -- you said
9 Jones said, Me calling him 24 hours after he made the
10 complaint to HR made him suspicious. We became aware of
11 it, and that's why we were calling him into the office
12 to interview him.

13 That's what he told you; correct?

14 A That's what he told me.

15 Q Right. And had you already known by that time that he'd
16 filed a complaint?

17 A No.

18 Q Did you read the complaint?

19 A HR complaint?

20 Q Yeah.

21 A No, I've never seen it.

22 Q Okay. What happened to the HR complaint?

23 A I have no idea.

24 Q So one of your employees files a complaint with HR. Who
25 sees it through?

1 A HR does.

2 Q You guys have nothing to do with that?

3 A Oh, no.

4 Q Your whole department has nothing to do with it?

5 A No.

6 Q Okay. So who in HR, if you know, would be responsible
7 for a complaint by an employee?

8 A At that time it was Diane Barbour.

9 Q Okay. Did you ever discuss it with Diane Barbour?

10 A No.

11 Q Is Diane Barbour still with the county?

12 A She's not.

13 Q When did she leave?

14 A Couple months ago.

15 Q Where did she go?

16 A No idea.

17 Q Why did she leave?

18 A I don't know.

19 Q Did you know Diane Barbour?

20 A Only that she was the head of HR. And I could recognize
21 her by sight --

22 Q Uh-huh.

23 A -- but it was limited to that.

24 Q Okay. So you met with my client on what date?

25 A I believe the 17th, if that's right.

CONFIDENTIAL

Page 173

1 Q And he told you when you asked him about the PBT he
2 said, Anyone could have looked up the CAD notes and seen
3 the results; correct?

4 A Yes.

5 Q And when you asked him had he talked to anyone outside
6 the department, he said people probably 20 guys' wives
7 here know about what happened.

8 A Yes.

9 Q Did you -- that's a true statement, isn't it?

10 A That he said that? Yes.

11 Q No, in that that was -- that would be true because of
12 the party and so on and so forth?

13 A Yeah, I -- well, I don't want to assume what he meant by
14 it, but, so, no, I don't know if that's 20 guys' wives
15 --

16 Q It's possible?

17 A -- knew about the incident.

18 Q It's possible?

19 A It is possible, yes.

20 Q So you then interviewed Andy Teichow, and what did he
21 tell you that was of any interest? It looks like a very
22 short interview; is that accurate?

23 MR. SHOUDY: Just for the record, you're
24 asking him these questions without letting him refer to
25 his report. Is that the way you want it or do you want

1 him to look at his report?

2 BY MS. GORDON, CONTINUING:

3 Q Do you recall? It looks to me like it was a very short
4 interview.

5 A Yes, I recall I asked him if he had any involvement
6 directly or indirectly with the information being
7 released to the public.

8 Q To the public or to one particular person?

9 A Publicly posted.

10 Q Okay. Did you ask him any follow-up questions about it?

11 A He said no.

12 Q Did you ask him if he told anybody in his family?

13 A So I know with each interview I covered the five bullet
14 points that were listed in my report prior to that, the
15 five that we talked about that I had concerns with. I
16 know in subsequent interviews for a fact that I'd asked
17 people if they had talked to anybody outside the
18 department. I don't know if I asked Andy that or not.

19 Q Okay. So the document will speak for itself. And then
20 you interviewed Carol Brown. That was also very brief;
21 is that correct?

22 A Correct.

23 Q She denied she had any employment (sic), she cut you off
24 and that was that; correct?

25 A Yes.

1 Q Any involvement; correct?

2 A Yes.

3 Q And then you brought in Joe Schoof on Monday the 28th;
4 do you recall that?

5 A I do.

6 Q Okay. That was also a brief interview; is that correct?

7 A Yes.

8 Q And he told you he talked to his girlfriend; correct?

9 A Correct.

10 Q About what happened?

11 A Yes.

12 Q And did you -- you didn't talk to her, I guess, to find
13 out if she'd talked to anybody?

14 A No, I did not.

15 Q Did you tell him it was improper for him to tell his
16 girlfriend? I don't see that in here.

17 A No, I didn't tell him that.

18 Q And what's the phone call that you discussed with him
19 that he had been -- to use your words -- exposed to?

20 A The phone call between Mat King and Scott Jones.

21 Q And what was the concern there?

22 A Well, I mean, that should have been presumed to be a
23 private conversation between the sheriff and the
24 lieutenant at that time, and Scott Jones put that phone
25 call -- he put it on speakerphone for them to hear.

1 Q Why was the -- why was the call taking place, as you
2 understood it, between the sheriff and Scott Jones?

3 A It is my -- my understanding is that Deputy Duva had
4 alerted Mat King to the arrest of Marc King, so then Mat
5 called Jones to find out what was going on.

6 Q Okay. And normally that's not a private conversation;
7 correct? If somebody's being arrested and the sheriff
8 calls out to the guys that are on the scene to find out
9 what's happening, that's not a private conversation;
10 correct?

11 A They weren't -- they weren't at the scene.

12 Q Okay. Well, who heard it on the -- on the speaker?

13 A Joe Schoof and George Clark.

14 Q They were at the scene. They'd been at the scene?

15 A Yes, they were at the scene.

16 Q Okay. So you've got guys that were with you at the
17 scene that know what happened, you're getting a return
18 call from the sheriff, you call the sheriff to talk to
19 him probably when these guys weren't around. You're
20 getting a return call and you answer it on speaker.

21 A That's not the sequence. He never called the sheriff?

22 Q Okay. The sheriff is calling because he's learned about
23 it, fair enough. So the sheriff is calling you to find
24 out and you're talking about a work issue; correct?

25 A Yes.

CONFIDENTIAL

Page 177

1 Q Okay. Why -- why could this not be on speaker?

2 A I think just out of respect and etiquette, like, of a
3 phone call you would assume that you were having a
4 conversation, a one-on-one conversation. And if it was
5 on speakerphone then you should go, hey, by the way, so
6 and so is listening in.

7 Q Well, what could -- what would in an ordinary situation
8 if this wasn't the sheriff's brother, what in the world
9 could have been said that wouldn't have been said to
10 Schoof and Clark, as well?

11 A I'm not saying anything was. It was just, I think, just
12 the etiquette of having a phone call with your boss.

13 Q Okay. Is it --

14 A It should have been private conversation.

15 Q A business call about an arrest scene should have been
16 private? Why?

17 A Again, I think it's just phone etiquette that you would
18 assume you're --

19 Q Okay. This is a police department, sir. It's not like
20 phone etiquette at a tea party and a private call comes
21 in from a doctor or something. You're talking about an
22 official police activity; correct?

23 MR. SHOUDY: So I move to strike the
24 original preamble to your question.

25 You can answer that last part of the

1 question.

2 BY MS. GORDON, CONTINUING:

3 Q The call was about an official police activity; correct?

4 A Yes.

5 Q A documented police activity for which a report would be
6 written?

7 A Yes.

8 Q All three of these officers that were overhearing the
9 sheriff were involved in the activity at issue; correct?

10 A Yes.

11 Q Okay. Was there something secret or private that you
12 believe the sheriff wanted to say to Scott Jones that
13 the other two officers should not have been privy to?

14 A I don't believe that was the intent of the call.

15 Q Okay. So the intent wasn't to, like, you know, go offer
16 somebody a hundred dollars to release my brother. It
17 was a business call; correct?

18 A Yes.

19 Q Okay. And when you guys are out in the field and you're
20 using your radios, often times you just all hear each
21 other's radios and talking, don't you?

22 A Yes.

23 Q Okay. So people aren't having private conversations
24 about what they're doing as part of their day-to-day job
25 duties out in the field unless it's, you know, your

1 spouse or some medical emergency; correct?

2 A There are things that should be private amongst upper
3 command and --

4 Q Yeah.

5 A -- and management.

6 Q But this shouldn't have been one of them, should it?

7 Because he was looking for a favor for his brother.

8 This shouldn't have been something that was made to be
9 kept private; right?

10 A It wasn't private.

11 Q Right. And the only reason anybody is upset about it is
12 because the sheriff turns out he didn't want others to
13 hear that he wanted special treatment for his brother.
14 That's why it should be private. There's no other
15 reason; correct?

16 A There wasn't -- he didn't receive special treatment. He
17 just wanted Marc King to be treated like any other
18 officer that had been arrested before for OWI.

19 Q Well, then why couldn't Schoof and Clark hear this? Why
20 was this even in your report?

21 A I'm not saying there was anything in this conversation
22 that they couldn't have heard. I simply made the
23 notation like it didn't seem like proper etiquette.

24 Q I'm sorry to laugh. I didn't mean to.

25 A It's fine.

1 Q Proper etiquette?

2 MR. SHOUDY: I mean --

3 BY MS. GORDON, CONTINUING:

4 Q Are you kidding?

5 MR. SHOUDY: Okay. Enough of that,
6 please.

7 MS. GORDON: Well, then enough of this.
8 Try listening to this stuff. Phone etiquette in a crime
9 scene.

10 MR. SHOUDY: So --

11 MS. GORDON: Really?

12 MR. SHOUDY: So that's totally
13 inappropriate to mock a witness like this, and you know
14 it.

15 MS. GORDON: I'm not mocking him, I'm
16 just --

17 MR. SHOUDY: Look, if you're going to do
18 this --

19 MS. GORDON: -- questioning his
20 credibility.

21 MR. SHOUDY: -- we're going to stop it
22 and I'm going to go to the Court.

23 MS. GORDON: I'm questioning his
24 credibility. I'm not mocking this witness.

25 MR. SHOUDY: No, actually, if you call

1 one of your employees --

2 MS. GORDON: He's not the one that was on
3 the call.

4 MR. SHOUDY: You call one of your
5 employees, one of your associates and you were asking
6 about something they did that you had serious questions
7 about and they put it on speakerphone so everyone else
8 to hear, you would say -- you wouldn't have an issue
9 with that? And if you're --

10 MS. GORDON: Not under these
11 circumstances. It's absurd.

12 MR. SHOUDY: If one of your clients
13 was --

14 MS. GORDON: Uh-huh.

15 MR. SHOUDY: -- ripping you on social
16 media --

17 MS. TAYLOR: Again, is he just testifying
18 now?

19 MS. GORDON: Yeah.

20 MR. SHOUDY: I mean, it's like you're
21 belittling him.

22 MS. GORDON: Okay. Well, what you're
23 doing is now giving testimony on the record and
24 schooling your client, so let's just stop talking, okay,
25 Todd? He's gone way beyond anything I've said.

1 MR. SHOUDY: Actually, like, what you're
2 doing is you keep mocking this witness and I'm not going
3 to take it.

4 MS. GORDON: I'm not mocking him.

5 MR. SHOUDY: Yes, you are.

6 MS. GORDON: Things are being said here
7 today and there will be other witnesses that will say
8 things that seem to me to be inherently incredible and I
9 will note that. I'm sorry, it's true.

10 MR. SHOUDY: What, you don't note that?

11 MS. GORDON: Don't -- I don't know that?
12 I know what I know. Don't tell me what I know.

13 MR. SHOUDY: Well, I think you're wrong
14 and you're --

15 MS. GORDON: Fine, I think you're wrong.
16 Let's just keep going. Tell you what, we've got to get
17 on a call with the federal court in ten minutes.

18 MR. SHOUDY: Okay.

19 MS. GORDON: Let's break. Let's break
20 and give us about 20 minutes, if you don't mind. You're
21 welcome -- you can go out in the hall or there's a
22 conference room over there, whatever you want to do.

23 MR. SHOUDY: And thank you. And again,
24 when you come back I want you to treat the witness with
25 respect as required under the rules of civility.

1 MS. GORDON: I am. I've been very
2 respectful to the witness.

3 MR. SHOUDY: I don't think you have.

4 MS. GORDON: I don't think you've been
5 respectful to me, but I don't care. I'm not griping
6 about it. I'm used to it.

7 MR. SHOUDY: You're trying -- you're
8 trying to belittle the witness is what you're trying to
9 do.

10 MS. GORDON: I am not.

11 MR. SHOUDY: You've admitted it on the
12 record.

13 MS. GORDON: Oh, stop.

14 MR. SHOUDY: Geez.

15 MS. GORDON: Stop already.

16 THE COURT REPORTER: Off the record?

17 MS. GORDON: Yep.

18 (Recess from 2:18 p.m. to 3:10 p.m.)

19 BY MS. GORDON, CONTINUING:

20 Q Back to your internal investigation, Captain. Let's go
21 to when you were interviewing my client. Roughly how
22 long would you say the interview lasted, if you can
23 recall?

24 MR. SHOUDY: Can I -- just for the
25 record, you're not asking -- you want to ask these

1 questions without his report in front of him?

2 MS. GORDON: If he needs it, that's fine
3 with me.

4 BY MS. GORDON, CONTINUING:

5 Q I'm asking the question. If you need to review it,
6 Captain, to answer the question, that's fine.

7 MR. SHOUDY: Do you have a copy?

8 MS. GORDON: Have you got a copy there?

9 MR. SHOUDY: No, I don't have a copy.

10 MS. GORDON: I thought we handed you a
11 copy?

12 MS. TAYLOR: It's Exhibit 2 --

13 MS. GORDON: Exhibit 2 --

14 MS. TAYLOR: -- which I just gave to you,
15 I think.

16 BY MS. GORDON, CONTINUING:

17 Q Exhibit 2, yeah, okay. There you go. You've got it if
18 you need it.

19 A Okay.

20 Q Do you recall how long your interview with my client
21 lasted? It occurred on Wednesday, November 30th.

22 A I don't recall how long it was.

23 Q Okay. Is it your position -- who asked him to fill out
24 a Garrity form?

25 A From what I recall, Business Agent Sellers asked for

1 Garrity. I filled it out. We all signed it.

2 Q Did other witnesses fill out a Garrity?

3 A No, they didn't ask for Garrity.

4 Q Well, did they have union representation?

5 A Yes.

6 Q Okay. And during the interview you took a break; do you
7 recall that?

8 A Yes, I do.

9 Q What was the purpose of the break?

10 A I had gotten through a series of questions. The final
11 question before the break was surrounding Scott Jones'
12 knowledge of the bachelorette party that evening that
13 had been broadcasted on social media, and he told me
14 that he didn't know about that. I'd just reviewed the
15 in-car video that morning, which contradicted his
16 statement, that showed that he and Marc King had a
17 conversation about the bachelorette party.

18 That also kind of concluded the bullet
19 points that I was trying to cover with Scott, so at that
20 point I took a break.

21 Q For what reason, just to get input from the others?

22 A Well, yeah, to take a break and I -- you know, we were
23 going for some time. Took a break, and I went back in
24 and I spoke with the sheriff and undersheriff.

25 Q Okay. But before you took the break you had said to

1 Scott, you're saying you don't remember the bachelor
2 (sic) party, but I just watched a video where you
3 mentioned the bachelor (sic) party. Do you recall
4 telling him that?

5 A Yes.

6 Q And he said, you know, I just didn't recall that. Do
7 you remember that?

8 A Yes, I do.

9 Q Okay. And you had reviewed the video. Do you still
10 have the video?

11 A Yes.

12 Q Okay. And what else was in that conversation that was
13 on the video?

14 A Part of that he got him out of the car and switched the
15 cuffs from the back to the front.

16 Q That was on the video, the back seat -- let me get this
17 from you. There's a camera apparently in the back seat?

18 A Yes, there is.

19 Q Where is that located?

20 A Well, it would be in the middle of the -- there's a
21 separation, a cage or a screen, if you will, separating
22 the back seat from the front seat. And those cameras
23 should be located in the middle towards the -- the roof
24 of the vehicle pointing back -- back towards the
25 prisoners.

1 Q So I'd have a view of the prisoner or prisoners?

2 A And in this you do have a view of the prisoner.

3 Q Okay. And my client would have known that was
4 operational; correct, at the time of?

5 A That I don't know.

6 Q Isn't it standard that they're on?

7 A They are on if you turn them on, yes.

8 Q Okay. And this had been turned on, obviously?

9 A It was on, yes.

10 Q Okay. Do you remember what -- what else was in the
11 discussion?

12 A So it started, Scott opened the door and he kind of hit
13 Marc on the side of his arm like this. And he, like,
14 tapped twice presumably to the body cam he was wearing,
15 and he said, It's off. That's how the conversation
16 started.

17 Q Okay.

18 A And I don't know if he made some comments, hey, there
19 was a conversation, like, of, do you want me to get
20 ahold of your wife --

21 Q Yeah.

22 A -- or whatever that conversation was.

23 Q Right. Do you want me to let your wife know about this?

24 A Right.

25 Q Okay. And then did Marc offer up information about a

1 bachelor (sic) party; is that what happened?

2 A Yeah, at some point Marc was, like, Hey, no, she's at,
3 you know, Mat's bachelorette party.

4 Q Okay.

5 A She's not home. Because I believe Scott offered to go
6 to the house to wake her up.

7 Q Okay. So Scott didn't know she was at the bachelor
8 (sic) party, but Marc mentioned this, it wasn't a part
9 of what Marc was trying to find out. He just wanted to
10 know if he should call his wife, and it came up that she
11 was at a bachelor (sic) party; correct?

12 A Yeah, I don't think Scott knew before that conversation.

13 Q All right. So you went and you talked to King and
14 Spadafore. How long did that last?

15 A I would have to guess, but, you know, this may be a five
16 to ten-minute break.

17 Q What did King say to you about what had happened so far?

18 A Well, what I was relaying was, Hey, it was my opinion
19 that Scott was not being truthful with me, and it did
20 kind of -- a lot of it did hinge on that last
21 conversation we had regarding the bachelorette party and
22 his knowledge of it, when he said he didn't have any
23 knowledge of it.

24 Q Okay. But this -- the bachelor (sic) party was
25 irrelevant to Scott at the time of. He just had -- had

1 asked whether he wanted his wife to be called. Where
2 she was not relevant to anything Scott Jones was going
3 to do or not do; correct?

4 A I don't understand that.

5 Q Scott Jones wanted to know from Marc if his wife should
6 be called.

7 A Uh-huh.

8 Q Okay. He didn't elicit information because he was
9 interested in it about her whereabouts. Hence, to him
10 he just wanted to know if the wife should be called and
11 she was going to come. Hence, it wouldn't be something
12 that he wouldn't necessarily remember; correct?

13 MR. SHOUDY: Objection, calls for
14 speculation.

15 THE WITNESS: Yeah, I can't speak to what
16 -- what he would remember --

17 BY MS. GORDON, CONTINUING:

18 Q Okay.

19 A -- and not remember.

20 Q Okay. It's nothing that would end up in a police
21 report, for example; correct? He wouldn't put that in a
22 police report?

23 A Of the arrest?

24 Q That the arrestee told me his wife was at a bachelor
25 (sic) party.

1 A I wouldn't put it in there unless, yes, it had something
2 that was relevant to it.

3 Q Right.

4 A Right.

5 Q And it wasn't relevant to what was happening there, was
6 it?

7 A No.

8 Q So anyway, you expressed your opinion that this was not
9 honest or whatever you just got done saying. What else
10 was discussed?

11 A There was another point of discussion, too, about the
12 BAC being in the CAD notes, and this was back to the
13 conversation that we had at HR originally. And after
14 that conversation I had with Scott Jones I went and
15 pulled the CAD notes from our department as well as Port
16 Huron Police Department.

17 Q I'm not sure what you're talking about, CAD notes.

18 A Computer-aided dispatch. So a dispatcher will -- as the
19 call's progressing, things that are said over the police
20 radio or asked for, they'll make notations --

21 Q I'm not sure what your point is. What's the point
22 you're making here about the CAD notes and HR?

23 A So when I was at HR and --

24 Q I'm sorry, when were you at HR? Are you talking about
25 the interview?

1 MR. SHOUDY: I mean, you keep
2 interrupting when he's trying to talk.

3 MS. GORDON: Well, it sounds like this is
4 some new line he's on.

5 BY MS. GORDON, CONTINUING:

6 Q I'm just trying to figure out what you're talking about.
7 When you were at HR, what are you referring to? My
8 question had to do with what else did the sheriff and
9 Spadafore say to you?

10 A That's what I'm getting at.

11 Q Okay.

12 A Because I was --

13 Q Tell me what they said to you during the break.

14 A But I was updating them on our conversation, the
15 interview so far.

16 Q I didn't ask you that. I wanted to know what they said
17 to you.

18 MR. SHOUDY: That's a different question
19 than you asked before, but you can answer that.

20 BY MS. GORDON, CONTINUING:

21 Q What did they say to you during the break?

22 A I don't recall what they said.

23 Q Did they suggest follow-up questions or anything else
24 you should do?

25 A I -- I had follow-up questions that I wanted to ask.

1 Q Did you have a written list of questions with you?

2 A I did have a list, yes.

3 Q Where is that?

4 A I no longer have that.

5 Q Why not? How was it created?

6 A I wrote -- I wrote the questions out.

7 Q Did you type them up?

8 A Yes.

9 Q Okay. So was it a Word document?

10 A It was on a Word document.

11 Q Okay. So that should be obtainable?

12 A I tried to look back -- if IT can get it that would be
13 on them.

14 Q Okay. Who helped you create the list of questions?

15 A Nobody.

16 Q Okay. How many questions were on the list?

17 A Oh, well, the five bullet points that we've spoken of
18 before. I went through each of those. I had some
19 general questions about who he may have spoken to. You
20 know, from my memory it was just on a single page.

21 Q Okay. All right. So did the sheriff give you his
22 thoughts on how it had gone or what he wanted you to do
23 to follow up?

24 A No, that was on me. Like I said, I still had some
25 things to follow up on. I simply took a break to kind

1 of keep them updated as to where we were at in the
2 interview.

3 Q This is the only interview where you had King and
4 Spadafore involved; is that accurate?

5 A The prior interview Spadafore was present for.

6 Q How about King, is this the only one that he was
7 involved in?

8 A Peripherally. He was not involved in the interview.

9 Q Well, there was a break taken for you to sort of update
10 him and then to get input.

11 A Yes, I updated him.

12 Q And this was the only person you interviewed for whom
13 that occurred; correct?

14 A As far as the other witnesses?

15 Q Yeah.

16 A Correct. Like, during the interview I did not take a
17 break with anybody else and update the sheriff.

18 Q Okay. And you asked him who he'd spoken to. He said
19 the only people he'd talked to was his parents. And do
20 you remember that?

21 A Yes.

22 Q Okay. And you had no reason to think that my client was
23 connected to Kevin Lindke; is that correct?

24 A That's what I was trying to find out.

25 Q Okay. And he told you that he thought that Chad

1 Cronkright would be the person that had connected up
2 with Kevin Lindke; correct?

3 A Or that Chad Cronkright would be responsible for
4 releasing the information.

5 Q Yeah.

6 A Yes.

7 Q And then you talked to Chad Cronkright after that;
8 correct?

9 A Yes, I did.

10 Q So let's go through that. How did you get along with
11 Chad?

12 A Personally, fine; professionally, you know, we had some
13 disciplinary issues with him prior to this.

14 Q What were those, just briefly?

15 A There was a report issue, there was an issue involving
16 his dog getting loose within the neighborhood.

17 Q Dog loose in a neighborhood, what was that?

18 A Like, his dog, like, breaking through the fence or,
19 like, charging at people walking in the neighborhood.

20 Q Okay.

21 A There was -- there may have been some performance
22 issues, or lack of performance, I should say.

23 Q Was he a disgruntled employee in some ways?

24 A I would say yes, he was.

25 Q How long was your interview with Chad?

1 A I don't recall.

2 Q How did his name come up?

3 A Scott Jones said that Chad would be the person --

4 Q Anybody other than Scott that mentioned him?

5 A That's the first time his name came up.

6 Q And he told you that he talked to Josh Goodrich daily;
7 is that correct?

8 A Correct.

9 Q And did he tell you that Goodrich is the one that told
10 Lindke?

11 A His understanding was that Goodrich got his information
12 from Jones and then Goodrich then, yes, relayed the
13 information to Lindke.

14 Q But he talks to Chad -- but Chad talks to Goodrich every
15 day.

16 A Uh-huh.

17 Q Yes?

18 A Yes.

19 Q And Chad had access to this information about the
20 arrest; correct?

21 A Some of the information he had access to.

22 Q Well, did you ask him what his knowledge was? Did you
23 ever ask him what did you know and when did you know it?

24 A Yes, I believe it went -- if I could refer back to the
25 interview with him.

1 Q Okay.

2 A Okay, yep, as with the other witness interviews, I went
3 through those five bullet points with Chad. As far as
4 his knowledge or involvement with those -- those points
5 of contention being released.

6 Q So according to Chad Cronkright, Josh Goodrich told
7 Cronkright that Scott Jones had told him and Goodrich
8 told Lindke?

9 A Yes.

10 Q So this is Cronkright's position with you at the
11 interview?

12 A Yes.

13 Q But per -- you asked Cronkright to write a letter
14 subsequently; right, put it in writing?

15 A I asked him to make a statement as to his involvement
16 with that.

17 Q In that letter he tells you that he told Goodrich about
18 the events the same day as the arrest; correct?

19 A Yes.

20 Q So now you've got Cronkright telling you something
21 different.

22 A Well, I think they were both talking to Goodrich.

23 Q Okay. But when you interviewed him, he told you Josh
24 Goodrich told Cronkright plaintiff told him, and now
25 he's telling you in a written statement that he told

1 Goodrich?

2 A He told him that Marc had been arrested and that he was
3 super drunk. My understanding that was the limit --
4 that was the limitation of what he had told Josh
5 surrounding the arrest.

6 Q Okay. Hold on a second, please. His understanding --
7 I'm reading from your exhibit, your investigation. His
8 understanding was that Jones told Goodrich, who, in
9 turn, told Kevin Lindke and he posted it on his Facebook
10 page. That's in your report. That's Chad's
11 understanding. Chad's understanding is that Jones told
12 Goodrich, who in turn, told Kevin Lindke?

13 A Yes.

14 Q Okay. Are you with me on that?

15 A I'm with you.

16 Q Okay. But then in his written statement to you he says,
17 I told him in a subsequent conversation with Goodrich,
18 he says, first of all, he says -- let's go back here.

19 On November 5th I was contacted by Marc
20 King and he told me he had been arrested. Right?

21 A Yes.

22 Q So here -- when I asked you earlier that Chad would have
23 had information and you said he would have had some
24 information, he talked directly to Marc King.

25 A Yes, he did.

CONFIDENTIAL

Page 198

1 Q Okay. So this wasn't like secondhand information that
2 Chad was obtaining around the station. He had a direct
3 conversation with Marc?

4 A Correct.

5 Q Okay. And he has that information on the night of
6 November 5th; correct?

7 A The date is wrong on his memo.

8 Q You're right, it's the 6th and he was corrected, because
9 we know the arrest was the 6th.

10 A Yes.

11 Q Okay. So for the record the document that's attached to
12 your investigation report, it's the written statement
13 from Chad Cronkright dated 12/1/2022; correct?

14 A Yes.

15 Q Okay. Maybe we should get a copy of that and mark it.
16 Okay. So just for the record, I'll re-read it to you
17 while we're getting it marked. I'll change the date to
18 the date you've said is the correct date. On November
19 6, 2022 I was contacted by Marc King. I'll stop there.
20 Did you know that Marc King and Chad Cronkright were
21 friends or buddies?

22 A To some respect. I didn't know --

23 Q Yeah.

24 A -- how deep that ran.

25 Q Well, this indicates that they're friendly, obviously,

1 if he's calling him the night of; correct?

2 A Yes.

3 Q Okay. So on November -- November 6 I was contacted by
4 Marc King and he told me he had been arrested for OWI.
5 Later that evening at 5:44 p.m. I texted Josh Goodrich,
6 who I am friends with and talk daily with that Marc got
7 an OWI. Are you with me?

8 A Uh-huh.

9 Q So according to Chad he talks directly to Marc King. He
10 then picks up the phone -- or, excuse me, yeah, his
11 phone and texts Josh Goodrich right away with this new
12 information; correct?

13 A Yes, he texted that information.

14 Q Okay. So was that wrong of Chad to do with this
15 information on November 6 that he should not have gone
16 outside the department and texted this information to a
17 third party?

18 A I'm certainly not happy with that.

19 Q Well, is it wrong?

20 A I don't think he had the malicious intent to harm the
21 department --

22 Q Hang on.

23 A -- with that information.

24 Q I'm not -- you think my client had malicious intent; is
25 that your position in this case?

1 A I believe Kevin Lindke in his posts wanted to harm the
2 reputation of the sheriff and our department.

3 Q Okay. But the point is this, sir, you've made a big
4 deal here today about an investigation because people
5 shouldn't be sharing information about the Marc King
6 arrest. Now you have one your officers admitting that
7 the day of the arrest he texted a third party who he's
8 friends with and talked daily with that Marc King got an
9 OWI. Was that a mistake on the part of Chad Cronkright?

10 A Yes, he should not have done that.

11 Q Okay. And then Chad Cronkright goes on to say in his
12 letter to you, During a subsequent call I told him --
13 meaning Goodrich -- that Marc was arrested by Clark and
14 was super drunk. Josh had a previous encounter with
15 Deputy Clark that he was upset about and stated he was
16 going to FOIA the report.

17 I'll stop there, okay?

18 A Uh-huh.

19 Q So now here you have Chad telling you that not only did
20 he text Josh Goodrich but that he subsequently talked to
21 him and added more details about what happened to Marc
22 King; correct?

23 A Correct.

24 Q Was that wrong on Chad's part?

25 A Yes.

1 Q He wasn't investigated for that or punished for that, or
2 no wrongdoing formally was found against him; correct?

3 A He did -- yes, he was not disciplined for that.

4 Q Nor were any findings made against him; correct?

5 A Correct.

6 Q Okay. But you have absolute proof here that he's the
7 one that's talking outside the department about personal
8 details?

9 A In his own admission, yes.

10 Q And he's talking to the person who's connected to Kevin
11 Lindke; correct?

12 A Correct.

13 Q And you knew at the time that Goodrich was somebody that
14 would give Lindke information; correct?

15 A I didn't know that at the time.

16 Q You hadn't learned that during your earlier
17 investigation, the stuff you had -- people you'd already
18 talked to and connected Goodrich up to Kevin Lindke?

19 A No, nobody brought Josh's name into this prior to
20 Cronkright's statement.

21 Q Okay. Okay. And then apparently they're friendly
22 enough that Chad on Monday goes in and picks up Marc
23 King's stuff, his duty bag and his rifle; correct?

24 A Correct.

25 Q So that's more indication that they're close friends and

1 that he could get information about what happened from
2 Marc directly; right?

3 A Yes, closer friends than I thought.

4 Q Right. And he returned them to his home. He says, I
5 spoke with him about his arrest and told him he would be
6 okay; correct?

7 A Yes.

8 Q So he's now had far more contact with Marc King than my
9 client ever had with Marc King; correct, as far as you
10 can tell here?

11 A Yes.

12 Q Then a statement to you continues, so we have Chad
13 returning to Marc King at his home, his rifle and his
14 duty bag at 12:30 -- I'm sorry, that day, and then the
15 same day he -- he sees -- he tells him that word is
16 already out on social media. Do you recall that?

17 A I don't.

18 Q Okay.

19 MR. SHOUDY: Sorry, did you mark that one
20 as an exhibit? I know we were in the process.

21 MS. GORDON: It's 5.

22 MR. SHOUDY: Okay.

23 (Deposition Exhibit No. 5 marked for
24 identification)

25 MR. SHOUDY: And just for the record you

1 haven't shown that to the witness.

2 MS. GORDON: No. Okay.

3 MR. SHOUDY: So do you have a copy for
4 me?

5 MS. GORDON: You can look at that one if
6 you want.

7 MR. SHOUDY: Thank you.

8 BY MS. GORDON, CONTINUING:

9 Q Okay. And then on Wednesday, November 9, 2023,
10 according to Chad he received a text from Josh Goodrich,
11 his good friend, who he talks to daily, just so we're
12 all on the same page here, that he was on the phone with
13 Jones. Do you remember that?

14 A Yes.

15 Q Did you ask him what he was on the phone with Jones
16 about?

17 A That was Josh was on the phone with Jones.

18 Q Right. But here's Chad telling you that he received a
19 text that Josh was on the phone with Jones. Who was the
20 text from?

21 A The text was from Josh Goodrich to Chad Cronkright.

22 Q Right. So did you ask, well, what were they on the
23 phone about? Did you find out what they were on the
24 phone about?

25 A No.

1 Q Okay. And then later that day at 3:31, Josh apparently
2 tells Chad word is already out on social media. Do you
3 remember him telling you that in his written statement?

4 A I don't remember that.

5 Q Handing you Exhibit 5.

6 A Okay.

7 Q Do you see it?

8 A Yes.

9 Q So on November 9 word was already out on social media
10 and Josh is talking with Chad about this; correct?

11 A Yes.

12 MR. SHOUDY: I think you mean texting
13 with him.

14 MS. GORDON: Yeah, thank you.

15 MR. SHOUDY: All right.

16 MS. GORDON: Thank you.

17 MR. SHOUDY: Although it does say
18 talking.

19 BY MS. GORDON, CONTINUING:

20 Q Okay. Then he adds in this written statement, I've had
21 conversations by text -- he uses TX -- with Josh, as we
22 talk daily about a variety of things. In conversation
23 he did say he got his information from Jones, as he is
24 friends with Jones and does talk to him. I did not want
25 to get involved with what they had going on and wanted

1 to distance myself from it. I'm sorry that Marc and his
2 family was affected by this, but that was not my
3 intention when I told Josh about the arrest and did not
4 take part in leaking the details.

5 Do you recall that?

6 A Yes, and just for the record, TX would be kind of police
7 lingo for telephone call.

8 Q Thank you, I thought it was for text. Okay. So you
9 asked -- at this interview you asked Chad to give you a
10 written statement.

11 A Yes.

12 Q He writes it on December 1. When do you receive it?

13 A I don't remember if it was on December 1st or not.

14 Q My records show -- and I'll have to find it -- that you
15 received it on December 9th. Does that sound right?

16 A Where do you have that record of?

17 MS. GORDON: I can't remember, but I
18 pulled it out.

19 MR. SHOUDY: Yeah, I don't -- I think
20 there's a note about the December 9th meeting.

21 MS. GORDON: Yeah.

22 MR. SHOUDY: Maybe that's what you're
23 referring to.

24 MS. GORDON: Yep, that's it.

25 BY MS. GORDON, CONTINUING:

1 Q Okay. So we can come back. So you don't know the date
2 you received this signed -- I'll call it a letter, I
3 guess that's what it's being called.

4 MS. TAYLOR: Statement.

5 BY MS. GORDON, CONTINUING:

6 Q Statement from Chad Cronkright; is that right?

7 A Correct.

8 Q You don't know the date. So this must have concerned
9 you when you saw that Chad had been talking extensively
10 to Marc King, getting information from him and talking
11 extensively to Goodrich; correct?

12 A Yeah, I was not happy about that.

13 Q And it certainly created questions about whether he was
14 the one that actually went to Kevin Lindke; correct, and
15 that he was just denying it? That Goodrich was the one
16 that went to Lindke with the information he'd received
17 from Chad. It raised that issue, didn't it?

18 A Right. I believed Goodrich was going to Kevin Lindke --

19 Q Right.

20 A -- with information.

21 Q Right.

22 A Yes.

23 Q And I don't think anybody's disputing that, but the fact
24 is that you are now learning that Chad is in extensive
25 communication with Goodrich?

1 A Yes, that's --

2 Q More so than my client was ever in connection with him
3 from what you learned, and that Chad had very inside
4 information about what happened to Marc King; correct?
5 You now learned this?

6 A I don't know the extent of the conversations that Scott
7 Jones had with Josh Goodrich, but --

8 Q Hang on a second.

9 MR. SHOUDY: Let him finish his answer,
10 please.

11 BY MS. GORDON, CONTINUING:

12 Q All right. Go ahead.

13 A This was the first time I learned that when he made
14 statements, you know, I talk to him daily. I had no
15 idea --

16 Q Right.

17 A -- that they had that relationship.

18 Q But now you're learning whenever you receive this
19 letter, like, wait a minute, he's talking to Goodrich
20 daily. Goodrich is the guy that went to Kevin Lindke,
21 we think. And the information Chad has is extensive.
22 He's in direct contact with Marc King, plus he's
23 disgruntled; right? You knew all this by this time now
24 once you got this statement; right?

25 A Yes.

1 Q And it also casts doubt on what he had told you in the
2 interview, didn't it?

3 A No. When I went through those specific things he
4 admitted that he told Josh about him being arrested and
5 that he was super drunk. In my bullet points he denied
6 knowledge of any of those or passing that information
7 on.

8 Q Yeah, I didn't see that in your report.

9 MR. SHOUDY: It's in there.

10 MS. GORDON: Let's see here. I'll go
11 back.

12 MR. SHOUDY: Third line of the --

13 MS. GORDON: Okay. I'll find it, but
14 thank you.

15 BY MS. GORDON, CONTINUING:

16 Q An issue came up during the interview with the texts
17 that you wanted to see between Chad and Goodrich;
18 correct?

19 A Yes.

20 Q Uh-huh. And he said he deleted the texts; correct?

21 A Yes.

22 Q Even the ones from what, the couple days, you know,
23 earlier or a week earlier?

24 A Yeah, I was just relying on his cooperation to provide
25 me with what he had and he said he didn't have them.

1 Q If it turns out that Goodrich got his information from
2 Chad and not from Jones then Chad lied to you during
3 this investigation; correct?

4 A Well --

5 Q Flatly lied to you.

6 A Goodrich did get information from Chad's own admission
7 that Marc had been arrested and that he was super drunk.
8 But, yes, if it goes further than that, on those five
9 bullet points that we covered, then that would be a lie,
10 since he denied that.

11 Q Well, isn't it your position that my client is
12 responsible for the Facebook posts by Kevin Lindke or
13 not?

14 A Kevin is responsible for his own posts.

15 Q Well, what are you holding my client responsible for?

16 A I haven't held him responsible for anything.

17 Q Okay. You made finding against him, sir.

18 A So at the point where I was -- we got in the
19 investigation I couldn't go any further. I made
20 conclusions based on what I had at that point.

21 Q Okay. And what was your conclusion about truthfulness?

22 A That he violated the truthfulness policy, the loyalty
23 policy and the conduct policy.

24 Q In what way did he violate the truthfulness policy? You
25 say it's the policy of the St. Clair County Sheriff's

1 Office that all employees will answer any and all
2 questions posed to them in a complete and truthful
3 manner.

4 What did my client not answer in a
5 truthful and honest manner that you can identify here
6 today?

7 A So initially when I first had my first conversation with
8 Scott Jones after I left those messages for him --

9 Q Hang on a second. This is not the investigation
10 meeting, this is before the investigation meeting?

11 A This is even before the HR meeting.

12 Q Do you have notes of this conversation that you're going
13 to talk to me about Chad?

14 MS. TAYLOR: About Scott.

15 BY MS. GORDON, CONTINUING:

16 Q Scott.

17 A I don't have any notes.

18 Q Is it in your investigative report?

19 A Yes, it is.

20 Q Okay. Go ahead.

21 A So he said he didn't get back with me because he had the
22 flu and was fighting a fever. I came to find out that
23 he was actually at HR making the complaint against the
24 sheriff during that time, so he had the ability to call
25 and/or text me back. So that was the first discrepancy.

1 Then in the HR meeting he said that the

2 BAC --

3 Q I'm sorry, what HR meeting?

4 A The 14th. There was only one HR meeting. I would have
5 to go through my report and get the exact date for you.

6 Q Who was at the HR meeting?

7 A Diane Barbour, Scott Jones, myself, and Undersheriff
8 Spadafore.

9 Q Okay. Go ahead.

10 A That when I asked him about the BAC results that had
11 been released on social media he said that they were in
12 the CAD notes. When I -- when I pulled the CAD notes I
13 found out that they were not attached to the CAD notes,
14 so that was inconsistent with his statement.

15 Q Well, did you go back and say, Hey, they're not there?

16 A In my follow-up interview with him, yes, I did.

17 Q Okay. And what did he say?

18 A I had the printout of the CAD notes and I went to give
19 them to him to tell him that, hey, the BAC is not in the
20 CAD notes, he didn't even want to look at the document.
21 He said, Okay, I believe you.

22 Q Okay. So what's the point? What's your point?

23 A My point is he said they were in the CAD notes.

24 Q Well, he made a mistake.

25 A Okay.

CONFIDENTIAL

Page 212

1 Q Is that your point?

2 A I'm just going to continue with the inconsistencies of
3 things in our conversations that we had. I asked him in
4 that HR meeting --

5 Q Hang on a second. I'm asking you about the truthfulness
6 conclusion.

7 MR. SHOUDY: That's the answer he's
8 giving you.

9 BY MS. GORDON, CONTINUING:

10 Q No, it's not. Hang on a second, please. It is the
11 policy of the St. Clair County Sheriff's Office that
12 employees will answer any and all questions posed to
13 them in a complete and truthful manner.

14 Okay. So you're saying that this
15 conversation where Chad said something about the CAD
16 notes and then you checked and they weren't there.

17 A We're not talking about Chad.

18 MR. SHOUDY: Scott Jones, you mean.

19 BY MS. GORDON, CONTINUING:

20 Q I'm sorry, Scott, yeah. I apologize.

21 That you're saying that he was not being
22 truthful when he said to you what he said, that we don't
23 have a record of about the CAD records?

24 A I have a record of the CAD notes.

25 Q I know, but are you saying he was lying about it as

1 compared to he just was incorrect?

2 A Well, that's what I'm saying, that there's
3 inconsistencies with his statement. He was not correct,
4 they weren't in the CAD notes.

5 Q But your policy doesn't talk about inconsistencies, it
6 talks about truthfulness. And there's a difference
7 between somebody getting something wrong, as we've heard
8 many times today, at various things that have been said
9 that were incorrect here, and being untruthful and being
10 written up. So I'm trying to find out, are you saying
11 that my client was untruthful as compared to there being
12 a discrepancy?

13 A If you could explain to me what the difference is.

14 Q It's your policy, sir. Yeah, I can explain it to you if
15 you want my definition. If somebody's untruthful it's
16 intentional and they intend to lie and you have a policy
17 prohibiting people intentionally lying to you.

18 A Okay.

19 Q Okay?

20 A I got it.

21 Q That's my definition.

22 A Okay.

23 Q So using that definition, are you saying that Scott was
24 untruthful?

25 A I don't know his intent.

1 Q Okay.

2 A And if I could continue, in that HR interview, as well,
3 I asked him if he had spoken with anybody else out of
4 the department, and he said no. And we learned that he
5 had -- in my subsequent interview that he had spoken
6 with his parents, so that was another one that was
7 inconsistent with his earlier statement.

8 Q What did he tell you in his original statement?

9 A That he hadn't spoken with anyone.

10 Q Okay. I'm sure he meant at the department; correct?

11 A I asked outside the department.

12 Q Okay. Well, why would he lie about that? Other people
13 told you they told their wives, told their girlfriends.
14 Why is that something that Scott would lie about?

15 MR. SHOUDY: How do you expect him to
16 know why Scott would lie?

17 BY MS. GORDON, CONTINUING:

18 Q That's your theory. If you're sitting here telling me
19 this is intentional, why would he lie about telling his
20 parents when apparently you don't think there's anything
21 wrong with telling your parents because other people
22 told their girlfriends?

23 MR. SHOUDY: Calls for speculation.

24 BY MS. GORDON, CONTINUING:

25 Q Go ahead.

1 A I don't know why. That was the whole point of this, to
2 have these interviews, to figure out what happened and
3 then --

4 Q Well, you certainly didn't go around the police station
5 asking everybody else who they talked to, we know that.

6 A So then in the follow-up interview with him, you know, I
7 asked him if he had any, you know, involvement with this
8 information directly or indirectly.

9 Q I'm sorry, follow-up interview. Are you talking about
10 your investigation now?

11 A The -- if you want to call it the investigative
12 interview, but it was the second interview I had with
13 Jones. The first was the HR setting; this would be the
14 one with Business Agent Sellers present.

15 Q Okay.

16 A He said no, and I also --

17 Q He said no to what?

18 A Having any involvement voluntary -- or, involuntary
19 involvement with -- with this information being
20 released. And I had a follow-up final question I asked
21 him, did you ever speak to Josh Goodrich about this? He
22 said, No, nope.

23 Q Okay.

24 A So when I talked to Chad Cronkright after this interview
25 and he provided me text messages at some point later and

1 a statement saying, Hey, Josh is talking to Jones about
2 this, with all these things together it seemed that when
3 I was made to make a conclusion like he had been
4 untruthful to me throughout this process.

5 Q Okay. So let's list the things he was untruthful about,
6 that you asked him who he talked to and at that time he
7 didn't say his parents, but later when you asked him who
8 did he talk to, he said, I talked to my parents.

9 A Yes.

10 Q Okay. And then there's the CAD record, which he said he
11 thought, it wasn't there -- I could be misstating this
12 -- and then you found the records; correct?

13 A Try that again.

14 Q The CAD records.

15 A He said the BAC -- that the .18 BAC would be in the CAD
16 notes, that's how people would know. And it was not in
17 the CAD notes.

18 Q Okay. Was it in the police report?

19 A Yes.

20 Q Okay. And what are the CAD notes?

21 A Computer-aided dispatch. So these are notes that are
22 curated by the central dispatch dispatcher just updating
23 whatever call somebody's on.

24 Q Okay. So should the blood alcohol levels have been in
25 the CAD notes?

CONFIDENTIAL

Page 217

1 A They don't need to be.

2 Q Okay. So do you think that's -- but they are in the
3 police report, so they are documented and the whole
4 department has access to the reports; correct? We've
5 already discussed this; right?

6 A We have discussed this.

7 Q Okay. So we've got that.

8 MR. SHOUDY: I'm sorry, the whole
9 department has access to the -- you mean, the incident
10 report.

11 MS. GORDON: I got my answer.

12 BY MS. GORDON, CONTINUING:

13 Q And then the third thing, I guess, you're telling me is
14 that my client had told you that he had not talked to
15 Josh Goodrich about this, is that it?

16 A Yes, he said that.

17 Q And he told you about the CAD notes. He had just
18 assumed they had been given over the air or entered by
19 dispatch; is that correct?

20 A Correct. And dispatch doesn't enter the BAC on those
21 arrests unless it's a special request. And to my
22 knowledge the BAC was not given out over the air.

23 Q Why did you have a follow-up with Chad Cronkright?

24 A Could I finish the other couple points that I --

25 Q Yeah, I thought you said there were the three. Go

1 ahead.

2 A No, you know, he led me to believe the reason he didn't
3 call me back or text me back was because he was sick.

4 Q Yeah, you said that earlier.

5 A Okay. And then the final one, just the knowledge of the
6 bachelorette party, when he said he didn't know about
7 that.

8 Q Okay. You don't know whether he had the flu or not to
9 come in and meet with you; correct, as compared to going
10 to HR and handing him a document?

11 A Right, I don't know if he had the flu or not. He led me
12 to believe that he -- the reason he didn't call me back
13 or text me back was because of that. But yet he had
14 been at HR that Monday I --

15 Q Well, those two --

16 MR. SHOUDY: Just one belated objection
17 to the foundation. There was no document that was
18 handed to HR.

19 BY MS. GORDON, CONTINUING:

20 Q Okay. The fact that he couldn't get on the phone with
21 you because he had the flu because he did something else
22 that day you're saying is a lie?

23 A I'm not saying I know his intent. I'm just saying he
24 led me to believe that he couldn't call or text me back
25 was because he had the flu or had a fever. But in fact

1 he was at HR that Monday.

2 Q Okay.

3 A So he could go in person to HR, but he couldn't return a
4 phone call to me, so I found that to be suspicious.

5 Q Was he on a sick day?

6 A No.

7 Q He was just not scheduled?

8 A He was on -- I think those were vacation days, yes.

9 Q So he's not -- he's not required to respond to you on a
10 vacation day; is that correct?

11 A No.

12 Q Okay. So he had every right to say he couldn't talk;
13 correct?

14 A Yes.

15 Q Okay. And he also had every right to go into HR if he
16 wanted to on a vacation day; correct?

17 A Absolutely.

18 Q Okay. But to talk to you would have been involving work
19 matters, and that's not required on a vacation day;
20 right?

21 A Correct.

22 Q Okay. Do you know, sitting here today, whether or not
23 the information that Josh Goodrich turned over to Kevin
24 Lindke actually came from Chad?

25 A I don't know what information Josh may have turned over

1 to Kevin Lindke.

2 Q And is it your position in this case that my client was
3 responsible for -- for some of the information that was
4 turned over to Kevin Lindke?

5 A I believe your client was in conversation with Josh
6 Goodrich about this case.

7 Q And that that ended up with Kevin Lindke?

8 A I don't know what information was passed between party
9 A, B and C. But it is my opinion that he had talked to
10 Josh about this case and that Josh talked to Kevin
11 Lindke about this case.

12 Q Well, same with Chad.

13 A Chad and I talked --

14 Q Josh had talked to Chad?

15 A Yes.

16 Q Okay. So difference in treatment there between the two?
17 According to you they both did the same thing?

18 MR. SHOUDY: Objection, lack of
19 foundation, and also objection, misstates his testimony.

20 MS. GORDON: Well, it's not his
21 testimony, it's in his notes. We know very well that --
22 that Chad spoke to Goodrich exactly when he spoke to him
23 and then the social media went up. He admits it.

24 THE WITNESS: I don't know what the
25 mistreatment is that you're referring to, though.

1 BY MS. GORDON, CONTINUING:

2 Q I said difference in treatment. You're -- part of the
3 reason my client is no longer at the department, if not
4 the only reason, is because somebody allegedly believed
5 that he leaked information. That's been said over and
6 over again. Hence -- hence --

7 MR. SHOUDY: Just --

8 MS. GORDON: Okay. I'm not done with my
9 question.

10 MR. SHOUDY: I know, I'm just telling him
11 to wait so -- to answer until I have a chance to object.

12 MS. GORDON: Okay. You're just
13 interrupting right now.

14 MR. SHOUDY: I didn't interrupt at all.
15 You interrupted with me. I didn't say a word until you
16 raised --

17 MS. GORDON: You put your hand up and
18 made a noise.

19 MR. SHOUDY: No, I put my hand up.

20 MS. GORDON: Okay, Todd.

21 Would you read back where we were?

22 MR. SHOUDY: I do have a right to object.

23 (Reporter read last question)

24 BY MS. GORDON, CONTINUING:

25 Q Is that correct?

1 MR. SHOUDY: Okay, just one second. Let
2 me put my objection on the record. I object to --

3 MS. GORDON: No coaching, please.

4 MR. SHOUDY: Foundation. I'm using the
5 word "objection". I said lack of foundation.

6 MS. GORDON: Okay.

7 THE WITNESS: The reason Scott Jones is
8 no longer at the department is because he resigned.

9 BY MS. GORDON, CONTINUING:

10 Q Okay. Thank you for that. There's a reason he retired;
11 correct, just right on the heels of your investigation?

12 A Well, that's only known to him why he retired.

13 Q Really? Have you read the lawsuit that we filed?

14 A Yes.

15 Q Okay. I'm asking you now whether it is your position or
16 the position of the sheriff's department that my client
17 is responsible for having leaked information that Kevin
18 Lindke posted and that he's in some way responsible for
19 that?

20 A It is my opinion that information from your client was
21 given to Josh Goodrich, Josh Goodrich gave that to Kevin
22 Lindke, and that's how some of this was posted online.

23 Q And how about Chad Cronkright, did he do the same thing?

24 A He gave limited information, which was that Marc King
25 was arrested and he was super drunk. I don't believe he

1 was involved with these other details that were
2 released; i.e., the .18 BAC, the bachelorette party,
3 Sheriff King ordering him to get him out of the Lapeer
4 County Jail.

5 Q And you think that is the information my client gave to
6 Josh Goodrich that went to Kevin Lindke?

7 A I think he's responsible for some of that information.
8 I do not know exactly what the conversation was between
9 him and Josh.

10 Q Okay. Why didn't you interview Josh Goodrich to get the
11 answer to this big, fat question?

12 A Well, your client resigned and this investigation was
13 terminated. It was done.

14 Q Before your investigation, before you completed all your
15 interviews and you called people back, and then you
16 reached conclusions eventually, before all that happened
17 and before my client was -- I'll use the word
18 "pressured" -- and it's not your word -- that he was
19 going to be fired, as part of your interviews why didn't
20 you interview Goodrich?

21 You -- you were interviewing people on --
22 throughout November and you were getting written
23 statements. And if you were interested in the truth and
24 wanted to get to the bottom of it, why not just call
25 Josh Goodrich?

1 MR. SHOUDY: Objection, form and
2 foundation.

3 BY MS. GORDON, CONTINUING:

4 Q Go ahead.

5 A I didn't call Josh Goodrich because honestly I didn't
6 expect him to return my call or to be interviewed by me.

7 Q Okay. And you're aware, I guess, from your
8 investigative report that Chad Cronkright talked to
9 Goodrich before the November 8 post; correct?

10 A If we're basing it on that he talks with him daily?

11 Q No. Here we go. We just covered this. This is in -- I
12 think it's Exhibit 5 now.

13 A Okay.

14 Q November 5, which is really November 6th --

15 A Yes.

16 Q I -- I was contacted by Marc King and he told me he had
17 been arrested for OWI. Later that evening I texted Josh
18 Goodrich.

19 A Yes, got it.

20 Q Who I am friends with and talk daily with, that Marc
21 King got an OWI. So you see that -- before the post
22 went up by Lindke you can see here that Chad had already
23 talked to Goodrich about this.

24 A I see that, yes.

25 Q Okay. But my client did not talk to Goodrich until

1 after the November 8 posting; correct?

2 A I don't know when your client talked to Goodrich.

3 Q You have no evidence that he talked to him beforehand;
4 is that correct?

5 A Right. The only evidence would be those -- the
6 screenshots of the text messages that we provided
7 between --

8 Q Yes, let's look at those. Let's look at those. So
9 we've got a text message --

10 MS. GORDON: Are we going to make this a
11 separate --

12 MS. TAYLOR: It's part of Exhibit --

13 BY MS. GORDON, CONTINUING:

14 Q It's a part of Exhibit 5. They're attachments. I don't
15 know if you have them.

16 A Got it.

17 Q Let's look at that. So here we have Goodrich texting
18 with my client; correct?

19 MS. TAYLOR: No.

20 THE WITNESS: No.

21 MS. TAYLOR: Texting with Chad.

22 MS. GORDON: I'm sorry, thank you. Yes,
23 okay.

24 BY MS. GORDON, CONTINUING:

25 Q Let me get to the first date here. Let's go to November

1 9, 6:33. Do you see this?

2 Okay. Let's read this into the -- have
3 you read this into the record. The top entry is, Dude,
4 word is already out on social media.

5 Who's that from?

6 A That's after the first series of --

7 Q Okay. Go to the first series.

8 A Want me to go, like, by the pictures?

9 Q Go ahead. Walk me through it.

10 A There is a picture that says, Milo, on it.

11 Q Okay.

12 A That's at 1:01 p.m.

13 Q Who is that from?

14 A Well, as I see, like, the way it's orientated I believe
15 that's Chad being sent to Goodrich.

16 Q Goodrich. And what's the date on this?

17 A The date is Wednesday, November 9th.

18 Q You're just assuming that because of the date on the
19 next page?

20 A Right, I think this is part of the -- the same thread.

21 Q Okay. You think it starts at 1:01 p.m.

22 A Yes.

23 Q Okay.

24 A 1:22 p.m., a response from Goodrich, quote, That's bad
25 ass, end quote.

1 Q Okay.

2 A He follows at 1:23 p.m. on, and he makes a phone emoji
3 with Jones, on phone with Jones.

4 Q Okay.

5 A There's a --

6 Q And that refers to Scott Jones?

7 A I would assume so, yes.

8 Q Okay. Then he posts a picture at 2:09.

9 A 2:09 a picture of a beach.

10 Q Okay.

11 A Then at 3:31 p.m. he says, Dude, word is already out on
12 social media. Four exclamation points.

13 Q And who's that from?

14 A That's from Goodrich to Cronkright.

15 Q And he says, Because of my post.

16 A Because of my post.

17 Q What's he talking about there?

18 A I don't know.

19 Q You never found that out?

20 A No, I never talked to Josh.

21 Q You never asked Chad what the post is that he's talking
22 about?

23 A I didn't.

24 Q Okay. So keep going.

25 A Chad says, I got prices on the lofts, the place in

1 downtown Marine City. Goodrich responds, Yeah dumb
2 fuck, what's the price. Ha ha. Dude, Kevin and I --
3 this is still Goodrich. Kevin and I are like buddies
4 now. LOL. I gave him so -- four O's -- much shit.

5 New line, fucking 32 cents, dollar
6 decimal point 32. Chad responds, Fak.

7 Q And Kevin is who?

8 A Kevin Lindke.

9 Q So Goodrich is letting Chad know, hey, I gave Kevin so
10 much shit; correct?

11 A Yes.

12 Q Okay. Now, at the time that -- I go back to the first
13 page. At the time Goodrich is talking to Chad he's on
14 the phone with my client, Scott Jones; correct?

15 A Yes.

16 Q But by this time the social media post is already up;
17 correct?

18 A There were posts that were up.

19 Q Yeah.

20 A Yes.

21 Q So to the extent that it's your theory that my client
22 gave information to Goodrich who then gave it to Kevin
23 Lindke, it appears that their conversation was on the
24 9th of November; correct?

25 MR. SHOUDY: When you say their, are you

1 talking text or phone?

2 BY MS. GORDON, CONTINUING:

3 Q My client and Goodrich.

4 A Are on phone on the 9th.

5 Q Yeah.

6 A Yes.

7 Q Do you have any other date they talk or texted?

8 A No, I don't.

9 Q Okay. So based on the information you have that there
10 is evidence of a call or conversation between Jones and
11 Goodrich, it occurred after the social media post was
12 up?

13 A After the initial social media post.

14 Q Right.

15 A But they continued throughout that week.

16 Q Okay. And Chad continued to talk to Goodrich, as well,
17 throughout the week; right?

18 A I don't know if he did.

19 Q He talks -- he says he talks to him all the time;
20 correct?

21 A So I would presume that, yes.

22 Q And then when you asked at this intervention meeting on
23 December 9, what was this meeting?

24 A Just to kind of have a follow-up meeting with Chad to
25 discuss this statement, and he was going to produce

1 these text message documents.

2 Q So this may be why I thought that you received the
3 letter on the 9th. Would you have waited eight days to
4 get together with him on this after you received his
5 statement?

6 A We did wait eight -- yes.

7 Q Okay. Okay. So you point out to him that he's got the
8 date of the arrest wrong. And then you asked him if he
9 had text messages to back up what the letter was saying.
10 But he didn't want to turn them over to you; correct?

11 A Initially he did not.

12 Q Okay. And then you said, hey, are we going to have to
13 use Garrity here. Right?

14 A Yes.

15 Q So initially he resisted giving you the text messages
16 voluntarily?

17 A And we had agreed upon --

18 Q Is that correct?

19 A -- this meeting. Yes.

20 Q Am I correct?

21 A Yes.

22 Q And then it sounds like the meeting got a little heated?

23 A Yes.

24 Q And King was in this meeting, as well; correct?

25 A Correct.

1 Q So here you have the sheriff, the undersheriff,
2 yourself, and two other people in this meeting. You've
3 got a large group of people in here and Chad Cronkright
4 knows the sheriff is actually sitting in here listening
5 to this; right?

6 A Yes.

7 Q Why did you have all these here on this follow-up
8 meeting?

9 A That was the sheriff's decision to be there.

10 Q Okay. And do you know why he wanted to be there?

11 A I think he wanted to personally talk with his employee.

12 Q Why? To what end, as you understood it?

13 A Just to clear his involvement, if any, up about this
14 whole incident.

15 Q And then he started to urge -- in addition to the
16 Garrity comment, he started to really press that Chad
17 turn over the texts; correct? So much so that the
18 meeting had to have a cool down; right?

19 A I don't remember it going that way.

20 Q Well, the document says, King stated he didn't know who
21 Cronkright was trying to protect by not turning over
22 text messages. King paused the meeting until everyone
23 could cool down and reset.

24 Does that sound familiar?

25 MR. SHOUDY: Just for the record, you're

1 reading from a document. Are you going to mark that as
2 an exhibit and let him see it or do you want to just ask
3 him about it?

4 MS. GORDON: Right now I'm just asking
5 him about it.

6 BY MS. GORDON, CONTINUING:

7 Q Does that refresh your memory?

8 A Yeah, I remember it did get heated. We left the room.

9 Q Okay. What role was Pokrifaka?

10 A Pokriefka.

11 Q Pokriefka. What role did he play at the meeting?

12 A Union representation.

13 Q Okay. And you told him that he knew the text messages
14 were going to come up at the meeting and he was going to
15 be asked -- Chad was going to be asked to produce them;
16 correct?

17 A Correct.

18 Q So you were probably wondering why didn't you just come
19 in with the text messages; right?

20 A Yes, that was -- we had discussed this, that he would
21 provide those at the meeting.

22 Q Uh-huh. And then he got in and resisted --

23 A Yes.

24 Q -- and it got heated. Did you wonder why he was
25 resisting turning over the text messages?

1 A I was confused, yes.

2 Q And the text messages were kind of incriminating as to
3 Chad; correct?

4 A I don't know if I would use the word "incriminating".

5 Q Hmm.

6 A It didn't --

7 Q Well --

8 A It didn't --

9 Q It didn't what?

10 A Differ from what he said that he had been in contact
11 with Josh Goodrich.

12 Q Well, you didn't know that he and Kevin had been
13 discussing -- I'm sorry, that he and Goodrich had been
14 discussing that Kevin and I are like buddies now, LOL.
15 I gave him so much shit.

16 A Those are the words of Josh Goodrich.

17 Q I know, to his buddy Chad; right?

18 A Right, that Josh --

19 Q So they're laughing about now all the shit he gave to
20 Kevin, who then posted on Facebook and they're getting a
21 laugh out of it. You saw that in the text messages?

22 A I just want to be clear that that's Josh's language
23 laughing about it.

24 Q I know. With his buddy Chad; right?

25 A Yes.

1 Q Okay. So, you know, this shows that the two have been
2 discussing it and that -- well, it shows what it shows.
3 So that's incriminating, isn't it, to Chad? Didn't you
4 think that? I gave him so much shit, dude.

5 A But likewise, he's saying he's on the phone with Jones.

6 Q Yeah, after the post was already up and he gave him so
7 much shit, dude.

8 MR. SHOUDY: Objection to the form and
9 foundation of the question.

10 MS. GORDON: The document speaks for
11 itself.

12 MR. SHOUDY: It does, and you're
13 misrepresenting it.

14 MS. GORDON: I read it literally. I gave
15 him so much shit, dude.

16 MR. SHOUDY: Your question --

17 MS. GORDON: Okay.

18 MR. SHOUDY: -- misrepresented the facts.

19 MS. GORDON: It does not.

20 BY MS. GORDON, CONTINUING:

21 Q Okay. So now -- plus you see that he never wanted to
22 produce this to you at all. Chad didn't want to produce
23 any of this to you. It was like a lot of arm twisting
24 to even -- and threats to even get him to show you the
25 text. Correct?

1 A Yes, he resisted producing this.

2 Q Yeah, he didn't want that to come out. It was a bad
3 look for him. And then Cronkright told you he wanted to
4 separate himself from the situation; correct?

5 A Yes.

6 Q And hadn't Chad told you earlier that he had actually
7 deleted texts when you first asked him?

8 A Yes.

9 Q And then it turned out he had texts?

10 A He did have texts, yes.

11 Q And then he used as an excuse, I think -- I'm sorry.
12 Spadafore explained that this meeting is not about Marc
13 King. He explained if Cronkright was on the right side
14 of things they would fight just as hard.

15 What does that mean?

16 A I don't know what he meant by that.

17 Q Fight for what just as hard?

18 A I don't know what that means.

19 Q What does the right side of things mean?

20 A I would assume he's referencing not being in violation
21 of policy.

22 Q What policy?

23 A The policies that -- you know, the standard of conduct
24 policy, loyalty policy.

25 Q And then Spadafore said, We are not targeting you.

1 What is that referring to?

2 MR. SHOUDY: I'm just going to object.

3 If you're going to ask him a question about a quote from
4 a document that's --

5 BY MS. GORDON, CONTINUING:

6 Q Well, do you remember that?

7 MR. SHOUDY: You should give him the
8 context, because that's a very general statement.

9 BY MS. GORDON, CONTINUING:

10 Q Spadafore explained to Cronkright that he had a long
11 career left here. He stated, We are not targeting you.

12 What is the insinuation between those two
13 sentences? You have a long career here. We are not
14 targeting you. What did that mean to you?

15 A You know, we weren't going after Chad, I think is kind
16 of what he meant. Like, we weren't targeting him for
17 anything.

18 Q Right, you were just trying to help him get Scott Jones;
19 correct?

20 A Well, he gave us what he gave us.

21 Q Uh-huh. You wanted to get him back on track and get him
22 in on your team so he would -- so you could come after
23 Scott Jones; correct?

24 A No.

25 Q Okay. And then King pulled out -- at the same meeting,

1 to put more pressure on Chad, he said -- he pulled this
2 out. He'd gone through his previous disciplines and he
3 brought that into the meeting, didn't he?

4 A I'd have to see the notes from that --

5 Q I'll read it to you, and if you need to see it I'll be
6 happy to hand it to you.

7 MR. SHOUDY: I'm going to object to just
8 reading --

9 MS. GORDON: I'm going to read it first.

10 MR. SHOUDY: Wait. Okay. I'm going to
11 object if you're going to read the document and not show
12 it to him --

13 MS. GORDON: Okay.

14 MR. SHOUDY: -- and not give him --

15 MS. GORDON: I said I'm going to read --

16 MR. SHOUDY: -- a multi-page document.

17 MS. GORDON: -- it first. It's your
18 document. It was produced to me.

19 BY MS. GORDON, CONTINUING:

20 Q You've seen this document before; correct?

21 A Yes.

22 Q Did you write the document?

23 A No.

24 Q Who did?

25 A Andrea Blair.

1 Q Well, she typed it up; right?

2 A Those are her -- she typed it from her notes.

3 Q King -- let's see here. King stated he went through
4 Cronkright's file and there was some discussion in
5 regards to previous disciplines and signs of Cronkright
6 being disgruntled.

7 Do you remember that?

8 A Yes.

9 Q King stated he could see a change in 2021 with a certain
10 discipline, and then it seemed like things snowballed.
11 King talked about the most recent items as being Animal
12 Control issue, beard/grooming issue, and then the tattoo
13 policy.

14 Remember that?

15 A Yes.

16 Q What was the point of all this, as you understood it,
17 being at the meeting, now threatening Cronkright with
18 his disciplinary record?

19 MR. SHOUDY: I'm going to object to the
20 form of the question.

21 BY MS. GORDON, CONTINUING:

22 Q Go ahead.

23 MR. SHOUDY: There's no evidence he was
24 threatened with his disciplinary record.

25 BY MS. GORDON, CONTINUING:

1 Q Go ahead.

2 A This wasn't in a threatening manner. My understanding
3 was, hey, Chad, you've had problems here, you've had
4 discipline problems, you're disgruntled. You have a
5 long career. Like, we want you to prosper in the rest
6 of your career and be a healthy and happy employee.

7 Q But the goal of this meeting was to look at his text
8 messages.

9 A That was -- that was part of it. He was supposed to
10 produce those.

11 Q What was the other part of the goal of having this
12 meeting?

13 A The sheriff wanted to have this conversation --

14 Q Right.

15 A -- with his employee.

16 Q Right. But there was a purpose behind it, wasn't there?

17 A Right, to, like, bring him back in the fold. Like, hey,
18 listen, we want you to have a productive career here,
19 Chad.

20 Q How would -- how would he have gotten out of the fold?
21 Why was he considered out of the fold on December 9th?

22 A In his own admission, I think due to his prior
23 discipline, he admitted that he had been disgruntled.

24 Q Okay. Well, what does this have to do with the
25 cellphone text and who talked to Goodrich and who talked

1 to Kevin, who posted on Facebook? This meeting is
2 obviously about what went up on Facebook, from what I'm
3 reading here.

4 You got him in there to get his text
5 messages. And now you're into his discipline. So you
6 were trying to get him back on track. What does that
7 mean?

8 A Like I said, you know, he's got a long career left. We
9 want him to be a productive and happy employee. He
10 doesn't need to be disgruntled for the rest of his
11 career. We don't want to see that out of any employee
12 at our office. It serves us no purpose and does no good
13 for them.

14 Q How long had Chad been disgruntled for?

15 A Well, I think, as I mentioned, 2021.

16 Q So --

17 A And I don't know what the catalyst of that discipline
18 that King references.

19 Q So this meeting is just a coincidence on December 9th,
20 to try to get him back on track?

21 A It was -- I mean, obviously it was kind of like, hey,
22 let's -- yes, Chad, you're part of this investigation,
23 yes, part of the meeting was to produce these documents.
24 But while we have you here, and King looking at his
25 employee, like, I want to talk with you about what has

1 gone on in your career and how do we fix this so you
2 have a productive future with this department.

3 Q Uh-huh. And then King got into an overview of the night
4 of the arrest at this meeting; correct?

5 A Okay.

6 Q So while you were having this meeting about, Chad, get
7 back on track and don't -- you know, you got a long
8 career here, but let me mention your disciplinary record
9 to you. Then he goes right back to the night of his
10 brother's arrest; correct?

11 A I don't know what was said in that.

12 Q King gave an overview of the night of the arrest from
13 his view and stated that the point is this is not about
14 Marc King. This is about the actions of people who did
15 some things to his department that are not good.
16 Information was released from this department that
17 should not have been released.

18 King asked the question, Where do we go
19 from here? How do we get Chad back to enjoying his
20 career. That's all in the same paragraph.

21 A Okay.

22 Q So what was this about now? He's back to releasing
23 information and he wants Chad to get back on the team.
24 What was that about, that you understood it?

25 A Again, as far as getting back on the team, as I

1 understood that would be, hey, Chad, we want you to have
2 a healthy and productive lasting career in this
3 department.

4 Q What does that have to do with the night of Marc King's
5 arrest, which King began to talk about?

6 A I don't know why he brought that up.

7 Q You don't know, sir?

8 A I don't know.

9 Q Had Cronkright been looking at the administration as an
10 enemy?

11 A Were you just reading a statement? I don't know.

12 Q Yeah, I'm reading it, but I'm just wondering if you
13 recall this.

14 King told Cronkright to stop looking at
15 administration as an enemy.

16 A I don't recall that.

17 Q Did you believe Chad Cronkright had been looking at
18 administration as an enemy?

19 A I wouldn't phrase this as an enemy.

20 Q Well, that's what the phrasing is here.

21 A Right.

22 Q Do you disagree with that?

23 A That Chad was looking at us like the enemy?

24 Q Uh-huh.

25 A I don't know how Chad was looking at us. I do know he

1 was disgruntled.

2 Q Wouldn't that be more of a reason he would want to
3 embarrass the department publicly?

4 A I don't know.

5 Q Never thought of that?

6 A I didn't.

7 Q Hmm. It sounds like at this meeting everybody knew and
8 understood that Chad had provided information that ended
9 up being put on Facebook, but that it wasn't malicious.
10 Is that what happened at this meeting?

11 A It was my opinion that the information he had given to
12 Josh per his statement that Marc had been arrested on
13 that date and that he was super drunk. That he had not
14 -- he had not given any of the other information of the
15 aforementioned five bullet points, but nor do I think
16 anything was malicious with his conversation.

17 Q Even though he's a disgruntled employee who you're
18 sitting there saying -- people are saying over and over
19 again at this meeting, you've gotta get back on track,
20 we don't want you to be the enemy, even though you have
21 all that information, this is the conclusion you're
22 reaching, it wasn't malicious?

23 A When I interviewed Chad it was my impression that I
24 found him to be truthful when he said he did not do any
25 of that.

1 Q In spite of everything I'm reading in this intervention
2 meeting about him not being a team player, about him
3 being disgruntled, about him being hostile to the
4 administration, how things got heated, in spite of all
5 that you just believed him?

6 A I found him to be truthful in this interview.

7 Q Okay. And then Spadafore said, We pick -- we pick our
8 battles. I don't think you were malicious. I think you
9 got caught up talking to a friend and that friend turned
10 on you.

11 What's that referring to?

12 A Talking to Josh Goodrich.

13 Q You got caught up talking to a friend. And then how did
14 the friend turn on him?

15 A I can only presume by that information being relayed to
16 Kevin Lindke and that he didn't keep that as a private
17 conversation between the two of them.

18 Q And then you stated, You knew I was going to ask for
19 those text messages.

20 The meeting had gone on for some time at
21 this point; correct, and you still didn't have them?

22 A Correct.

23 Q Wasn't that a red flag to you?

24 A A red flag to what?

25 Q That you still don't have the text messages and you guys

1 have been talking, talking, talking to Chad. And you
2 still don't have the text messages and now here you are
3 toward the end of the meeting going, hey, I told you to
4 bring these in.

5 MR. SHOUDY: I'm going to object to the
6 form and foundation, and I don't know where you're
7 reading from in this thing, but there is an earlier
8 indication that the text message --

9 MS. GORDON: Don't coach, please.

10 MR. SHOUDY: -- was provided.

11 MS. GORDON: Not at this point.

12 MR. SHOUDY: The problem I have is, like,
13 you're using documents, you don't give it to him, you're
14 trying to mislead him --

15 MS. GORDON: Okay, that's fine.

16 MR. SHOUDY: -- by reading a document --

17 MS. GORDON: I don't mislead anybody.

18 MR. SHOUDY: -- out of context that you
19 know is --

20 MS. GORDON: I have no reason to mislead
21 anyone.

22 MR. SHOUDY: You've been doing it the
23 whole deposition.

24 MS. GORDON: It's all -- all the evidence
25 is right here. No misleading is necessary.

1 MR. SHOUDY: You -- you've asked
2 misleading question after misleading question this
3 entire deposition.

4 MS. GORDON: I might ask leading
5 questions.

6 MR. SHOUDY: No, you ask misleading
7 questions.

8 MS. GORDON: Okay. All right.

9 BY MS. GORDON, CONTINUING:

10 Q Then you stated you didn't know how everything got
11 sideways. Do you remember that?

12 A Not exactly, no.

13 Q In fact, you went on to tell him, This might be a
14 termination for you, depending on your prior
15 disciplinary record; correct?

16 A If the -- the prior incidents that were referenced --

17 Q Uh-huh.

18 A -- had he received discipline.

19 Q Then this could be a termination. What is this?

20 A So based on discipline, it would be progressive. And he
21 wasn't disciplined for all the prior infractions so --

22 Q I get that. What is the this? When you say this could
23 be a termination, what is this?

24 A I think I was referencing if we thought he was involved
25 with those policy violations of the information being

1 given to Kevin Lindke.

2 Q Okay. And then you went on to tell him the most
3 important thing in his life is his daughter.

4 A Yes.

5 Q And then you very pointedly said -- I'll quote the
6 document -- Pohl very pointedly said, quote, You cannot
7 lose this position, close quote.

8 You're putting some heavy pressure on the
9 guy talking about his daughter.

10 A I've had --

11 Q And then telling him, You can't lose this position.
12 Because he needed to take care of his daughter; right?
13 That was your message to him?

14 A I've had personal conversations with Chad about his
15 personal life and his daughter, so, yes, I know what
16 position he stands in as far as his daughter.

17 Q You're putting heavy personal pressure on. You can't
18 let your daughter down.

19 A No.

20 Q Okay. And then you -- King said, You probably thought
21 Goodrich was a friend, and I hope when you leave here
22 you will figure out all of us here are all on the same
23 side. I really hope that.

24 So as of the time the meeting wrapped up,
25 King still wasn't sure that Cronkright was on the same

1 side as you guys; correct?

2 A And when you reference sides again --

3 Q Uh-huh.

4 A -- the spirit of this conversation was to get back on
5 track with a positive career, a productive career. This
6 is not choosing sides over the investigation.

7 Q I didn't use the word, sir, your sheriff did.

8 A Okay.

9 Q I hope you will figure out that all of us here are on
10 the same side.

11 That's not my -- I didn't come up with
12 those words.

13 MR. SHOUDY: Do you have a question for
14 him?

15 MS. GORDON: No, I'm just telling him
16 what the same side was reference to. It was reference
17 to the sheriff.

18 MR. SHOUDY: Okay.

19 BY MS. GORDON, CONTINUING:

20 Q And then the meeting ended with King saying, Closed
21 without discipline. Correct?

22 A Yes.

23 Q Was King the decision-maker?

24 A He is.

25 Q Okay.

1 MR. SHOUDY: Did we mark that document as
2 an exhibit, the one you just went through?

3 MS. GORDON: No. I can tell you what it
4 is. It's the intervention meeting. We can -- if we
5 have a clean one we can mark it if you prefer, Todd.

6 MR. SHOUDY: Yes, I would, Deb. Thank
7 you.

8 MS. GORDON: All righty.

9 MR. SHOUDY: Thank you. Just so the
10 record's clear, this witness was not shown this document
11 for any of these questions.

12 BY MS. GORDON, CONTINUING:

13 Q When's the last time you read this document? Did you
14 read it when you read the investigative report?

15 MR. SHOUDY: Do you have a copy for me?

16 MS. GORDON: Here, you can take this one.

17 MS. TAYLOR: That one's going to the
18 court reporter.

19 MR. SHOUDY: I have to have a chance to
20 see exhibits that have been marked. I do have that
21 right.

22 (Deposition Exhibit No. 6 marked for
23 identification)

24 BY MS. GORDON, CONTINUING:

25 Q Can I have Exhibit 2 back?

1 MR. SHOUDY: Are you handing him a
2 document?

3 MS. GORDON: Yeah, Exhibit 2.

4 MR. SHOUDY: Okay.

5 BY MS. GORDON, CONTINUING:

6 Q Okay. What's the next thing that happened after your
7 meeting when you got to see the text messages? Is that
8 when you first saw the screenshots of the text messages
9 was at that intervention meeting?

10 A At some point they came through. I recall there was
11 some -- I think some phone connectivity issues from
12 being inside the building as far as him sending them
13 from his phone to my phone.

14 Q And was that the day you got them, the day of the
15 intervention?

16 A I believe so.

17 Q Okay. So after your meeting with Cronkright you spoke
18 with the POAM business agent?

19 A Yes.

20 Q Okay. So you'd gotten done talking to Chad and now you
21 were swinging back to discuss my client; correct, to the
22 business agent?

23 A Yes.

24 Q And what you say is, Later that afternoon I spoke with
25 several times -- several times with POAM Business Agent

1 Steve Sellers. We discussed the option of Jones
2 submitting his letter of intent to retire.

3 Do you see that?

4 A Yes.

5 Q How did this letter of intent to retire come up on this
6 date?

7 A I believe this was from the sheriff. I'd never been a
8 part of anything like this as far as a letter of intent
9 to retire. I had only been upstairs, you know, a year
10 or so. So this was kind of more spearheaded by him and
11 how this could actually -- or, might actually play out.

12 Q So it was his suggestion that Scott go on an
13 administrative -- that with regard to this investigation
14 that a next step is Scott could go on an administrative
15 leave that would lead to retirement. That was King's
16 suggestion; correct?

17 A Yes. Scott had talked about retirement and I'd talked
18 with Sellers and said, hey, this is an option that might
19 be on the table, that if he goes on leave till his --
20 what was it, January 21st date, we could just put him on
21 paid admin leave and he could retire on that date.

22 Q Okay. But it was the sheriff that had suggested this
23 originally?

24 A Yes.

25 Q Okay. And then my client got the idea that if he didn't

1 retire he could be terminated?

2 A I don't know where he got that idea.

3 Q Well, that's a possibility; correct?

4 A That would be his own conclusion.

5 Q Yeah, it sure would. Is there any other reason -- he'd
6 never talked about retirement at that time; correct?

7 A Oh, no, he had. It was department wide.

8 Q Okay. But not with regard to this set of circumstances;
9 correct?

10 A As far as within the scope of this investigation?

11 Q Right.

12 A He had not spoken to me about retirement.

13 Q Right. And this was an offer that was made to him to
14 put him on administrative leave, drop this investigation
15 and then he could retire?

16 A So the offer was if he took that then, yes, the
17 investigation would be concluded. If he didn't want to
18 then we would continue the investigation.

19 Q What would you do? What would the continuation be?

20 A Well, based on the interview with Chad and the text
21 messages I now had information from Josh Goodrich
22 stating, like, that he was in communication with Scott
23 Jones. When the last question I ever had for Scott
24 Jones in his interview was, had you ever talked to Josh
25 Goodrich about this? He said, No, nope.

1 Q So therefore what?

2 A I believed he was lying to me.

3 Q Therefore what?

4 A So if we continued the interview then I would have some
5 follow-up questions about that specifically and some of
6 these other statements that were made.

7 Q Leading to some action; correct, potentially?

8 A I would have to then, you know, draw that conclusion
9 after that interview if we ever had it.

10 Q And the sheriff would make a decision ultimately?

11 A He's the ultimate decision-maker.

12 Q Right. The first date that you gave Sellers the offer
13 was November 30th; is that correct?

14 A No, I believe it was on the 9th.

15 Q You gave him until the 14th to decide; is that correct?

16 A When I talked to him on the 9th we agreed that we would
17 -- they would take the weekend to discuss it and he
18 would get back to me on Monday the 12th with a decision
19 on what they wanted to do.

20 Q And you gave him till the 14th -- did you just answer
21 that question -- to decide?

22 A He was going to -- he was going to decide by the 12th.

23 Q Uh-huh.

24 A And then on the 12th we had our answer and we set the
25 meeting for the 14th.

1 Q And it's up to the sheriff to decide what the discipline
2 would be if there was a violation?

3 A If there was, the decision is the sheriff's.

4 Q And it could be up to termination; correct?

5 A If it was fitting, yes.

6 Q And you -- on the 23rd -- we have already covered this
7 -- you made findings against Lieutenant Jones; correct?

8 A No.

9 Q You said you found he violated these policies.

10 MR. SHOUDY: I'm sorry, the first part.

11 Did you give a date? I didn't hear what you said.

12 THE WITNESS: The 23rd.

13 BY MS. GORDON, CONTINUING:

14 Q In your report. Yeah.

15 MR. SHOUDY: Okay, that's what he said.

16 THE WITNESS: The 23rd is when I --

17 BY MS. GORDON, CONTINUING:

18 Q You had already found that he violated policies?

19 A I think on the 23rd is when I initiated the internal
20 formally.

21 Q What's the date you reached your findings? It's in the
22 document that's -- you told me this document was dated
23 the 23rd. November 23rd is the date you gave earlier
24 today.

25 MR. SHOUDY: Not on this document.

1 THE WITNESS: Not on this document.

2 BY MS. GORDON, CONTINUING:

3 Q What's the date on this document?

4 A This document doesn't have a date.

5 Q I know, that's why I asked you earlier today.

6 A I said this was completed after his resignation.

7 Q It was completed, but when did you -- when did you write
8 it?

9 A I had taken notes throughout this, but the final
10 completion or right on this is after -- well, what did
11 we say? It was the 14th.

12 Q Okay. Why did you come back to this after my client was
13 already leaving the department?

14 A Come back to what?

15 Q You just are telling me you came back to this later.
16 When did you write this report?

17 A After he left the department.

18 Q Why?

19 A Because that's when the investigation was done.

20 Q He was gone from the department.

21 A Right. I didn't know on the 14th whether we were going
22 to have a second interview or not.

23 Q When did he submit his retirement letter?

24 A On the morning of the 14th. Had he not submitted it
25 that day we would have had a follow-up interview.

1 Q Okay. So your point is you were ready on the 14th, so
2 if he didn't resign you were going to present him with
3 this; is that accurate?

4 A Present him with what?

5 Q This document that contains conclusions and findings.

6 A No, he wouldn't be able to see this document.

7 Q You were going to tell him, then?

8 A On the 14th had he not resigned --

9 Q Uh-huh.

10 A -- we would have went into a second interview since he
11 had his Business Agent Sellers there present with him.
12 I would have had a follow-up interview with Scott Jones.

13 Q Okay. Why did you write conclusions and findings, then,
14 after he was gone from the department?

15 A Because based on what I had up to that point --

16 Q I'm sorry, up to what point?

17 A To the 14th, when he left.

18 Q Uh-huh.

19 A I felt I needed to make a conclusion on what I had
20 investigated up to that point. Those conclusions are
21 based on the interviews up to that point.

22 Q Wow. What rule says you have to make conclusions after
23 you reach an agreement with the union that he's going to
24 leave? In what world what rule says you must now make
25 conclusions?

1 A I don't think there's a rule for that.

2 Q Well, who told you to make these conclusions?

3 A I made a conclusion.

4 Q Have you ever made conclusions in an investigation about
5 somebody that has left the department, with no findings
6 being told to him?

7 A I'm just saying it was --

8 Q Have you ever done this before?

9 A I never dealt with a situation like this before.

10 Q Oh, okay. And the sheriff told you to do this; right?

11 A To do what?

12 Q Make these conclusions.

13 A No, I made those on my own.

14 Q Okay, sir, you made conclusions that you never gave to
15 my client. You never allowed him to respond to your
16 conclusions. You never did a follow-up interview like
17 you were going to if he hadn't retired. That's your
18 testimony here today; correct?

19 A Yes.

20 Q Okay. So the whole thing is really a sham because you
21 said in order to -- a few minutes ago that if he hadn't
22 retired there was going to be a follow-up interview with
23 him and the union so you could continue the discussion
24 and gain more information.

25 MR. SHOUDY: So I'm sorry, what's the

1 sham?

2 BY MS. GORDON, CONTINUING:

3 Q I'm not -- so hence, your testimony here that in order
4 to make a conclusion you needed to continue talking to
5 Scott Jones is just completely false. You were happy
6 and willing to make findings against him when you hadn't
7 even -- according to you you hadn't concluded the
8 investigation.

9 A The investigation was concluded at that point. Based on
10 the information I had I made those conclusions.

11 Q Okay. So the whole thing about, well, if he didn't
12 resign on the 14th we were going to call him in for
13 another interview, what was that, just a lie?

14 A No.

15 Q So you really hadn't gotten all the information you
16 needed because you were planning -- if he stayed you
17 were planning to talk to him again to get more
18 information prior to making conclusions. That was your
19 plan?

20 A And he did not allow me to have that second interview
21 with him.

22 Q Because he -- he didn't not allow. He took up the
23 chief's suggestion that he leave. He never didn't allow
24 you to do anything. He was asked to take a leave and
25 leave. And in order to save his good name he did so.

1 But you're telling us you weren't done with the
2 investigation, but here's your conclusion.

3 How long after Scott left did you put
4 this little thing together?

5 MR. SHOUDY: Okay. Just -- so the
6 question on the table is how long --

7 MS. GORDON: Yes, it is.

8 MR. SHOUDY: How long after the meeting
9 did this --

10 MS. GORDON: Yes. Not the meeting.

11 MR. SHOUDY: I think he's --

12 BY MS. GORDON, CONTINUING:

13 Q After he left, after the 14th did you ramble on back to
14 this and decide to make findings and take up taxpayer
15 time? When did you do that?

16 A I don't recall.

17 Q Well, how long roughly, sir? Do you have any dates for
18 us here?

19 A No.

20 Q The document isn't dated. You can't tell us when you
21 returned to this. It's a little weird that you'd go
22 back to your Word document and continue as if it's part
23 of the original investigation, when the last entry on
24 this investigation would have been on November 30th, two
25 weeks before my client left. And instead of just

1 starting a new document you continue on so an ordinary
2 reader would think, huh, he just kept going and he made
3 his conclusions?

4 MR. SHOUDY: So one second, I lost the
5 question.

6 MS. GORDON: Yeah, because you keep
7 interrupting over there. That's why you lost the
8 question.

9 MR. SHOUDY: No, no, I didn't interrupt.
10 I waited till you got the whole question in and then --

11 MS. GORDON: Yeah, like this with your
12 arm out like that, Todd, so yeah.

13 MR. SHOUDY: I want to have a chance to
14 put my objection --

15 MS. GORDON: Well, it's distracting.

16 MR. SHOUDY: -- on the record.

17 MS. GORDON: All right. So you just
18 continue to interrupt me.

19 MR. SHOUDY: You've been doing this long
20 enough it shouldn't be distracting you.

21 MS. GORDON: Well, I see what you're
22 doing and so -- but you continue to, you know, obviously
23 interrupt the flow of questions. So be it. That's fine
24 with me. You know, it is what it is.

25 BY MS. GORDON, CONTINUING:

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Page 261

1 Q Okay. I just want to know -- all right. Nobody told
2 Scott Jones, Hey, you're leaving, but you know what I'm
3 gonna do now? I'm just gonna go back and I'm just gonna
4 make findings against you and make a record. You didn't
5 tell him that, did you?

6 A No, I didn't tell him that.

7 Q Uh-huh. Nobody told him that, did they?

8 A I don't believe so.

9 Q When did you decide to do that?

10 A It was after he left.

11 Q I know. When? The 15th, the 16th, the 17th, 19th,
12 20th? When? The next following year? When?

13 A I don't remember.

14 Q Well, can you get us a date? If I send you an
15 interrogatory can you get a date when you did this?

16 A I can try.

17 Q Are you being truthful here when you tell me this was
18 added on after Scott left?

19 A Absolutely.

20 Q But you can give me no reason for having done so?

21 A I did give you a reason.

22 Q No, you didn't. You said, I just used what I had. You
23 didn't give me a reason as to what the purpose of these
24 findings was.

25 MR. SHOUDY: Yes, he did.

1 BY MS. GORDON, CONTINUING:

2 Q What was the purpose of these findings?

3 MR. SHOUDY: You can answer again.

4 MS. GORDON: Stop coaching. Go ahead.

5 THE WITNESS: I felt like I needed to
6 make a conclusion --

7 BY MS. GORDON, CONTINUING:

8 Q Okay.

9 A -- on the investigation.

10 Q That's the reason, you felt like you needed to make a
11 conclusion?

12 MR. SHOUDY: Wait a second. Let him
13 finish his answer.

14 BY MS. GORDON, CONTINUING:

15 Q Go ahead, answer, please.

16 MR. SHOUDY: Please contain yourself.
17 You're a professional.

18 BY MS. GORDON, CONTINUING:

19 Q Go ahead.

20 A Yes.

21 Q Just a feeling inside of yourself; is that it?

22 A Well, it's a finality to the investigation that I had at
23 that point.

24 Q You ran the man out of the job. That's the finality.
25 He was gone.

1 MR. SHOUDY: Objection.

2 BY MS. GORDON, CONTINUING:

3 Q In any event --

4 MR. SHOUDY: Don't answer. And she's
5 just going to berate you at this point so --

6 Is the deposition done?

7 MS. GORDON: No.

8 MR. SHOUDY: Okay. Because you're
9 running low on time.

10 MS. GORDON: How long have I been on the
11 record, do you know?

12 MR. SHOUDY: You had --

13 MS. GORDON: Can you tell us?

14 MR. SHOUDY: You took, like, a 50-minute
15 break.

16 MS. GORDON: That doesn't count on the
17 record, sorry.

18 MR. SHOUDY: Well, it's --

19 MS. GORDON: It's seven hours on the
20 record.

21 MR. SHOUDY: It's seven hours minus
22 breaks.

23 MS. GORDON: How long were you guys at
24 his office?

25 MS. TAYLOR: Around 6:00 or so.

1 MR. SHOUDY: It was actually 5:30.

2 MS. GORDON: Okay. Well, I'm only at
3 five till five.

4 MR. SHOUDY: Yeah, okay. I'll give you
5 to 5:30.

6 MS. GORDON: Well, we'll see. I've got
7 seven hours under the court rule.

8 MR. SHOUDY: Yeah, but let's get with
9 questions so we can finish this.

10 BY MS. GORDON, CONTINUING:

11 Q Okay. Let's -- there was a meeting on the 14th that you
12 attended; is that correct, with regard to my client
13 leaving?

14 A Are you referencing the HR meeting?

15 Q It doesn't say HR meeting, it says, Disciplinary
16 Hearing, Scott Jones, December 14, 2022.

17 MR. SHOUDY: There's two 14s so you gotta
18 be specific.

19 BY MS. GORDON, CONTINUING:

20 Q Disciplinary Hearing, Scott Jones.

21 A Well, we -- sorry.

22 Q Present, Sheriff King, Undersheriff Spadafore, Captain
23 Pohl, Scott Jones, Steve Sellers, Andrea Blair. Do you
24 remember that meeting?

25 A Correct, but it wasn't a disciplinary hearing.

1 Q I'll hand it to you, sir. It's entitled, Disciplinary
2 Hearing.

3 A I know.

4 Q Okay.

5 A She made --

6 Q That's the title.

7 A She made a mistake, yes.

8 Q Okay. So what was the purpose of this session?

9 A Well, to see if he was going to resign.

10 Q Okay.

11 MR. SHOUDY: Is this Exhibit 7?

12 MS. GORDON: Yeah, we can mark it as
13 Exhibit 7.

14 MR. SHOUDY: Okay. Do you have a copy
15 for me, please?

16 (Deposition Exhibit No. 7 marked for
17 identification)

18 MS. GORDON: So let's just try to get
19 through this.

20 MR. SHOUDY: Okay. Is this my copy?

21 BY MS. GORDON, CONTINUING:

22 Q Okay. So let's go to the second paragraph, Captain.
23 King confirmed they all knew why they were there. Jones
24 gave a letter of intent to retire as of January 21,
25 2023. King and Spadafore looked over the document.

1 King gave a document over to both Jones and Sellers that
2 outlined his discipline, and stated if everyone was
3 comfortable then they could move forward.

4 I'll stop there. What was the document
5 King handed over that outlined his discipline?

6 A It wasn't discipline.

7 Q What was the document he handed over? It says here that
8 it outlined his discipline. You see those words?

9 A I see that she --

10 Q Those aren't my words.

11 A No, they're not.

12 Q Okay.

13 A She was incorrect for saying that. The document was the
14 -- whatever the separation agreement was, however they
15 had that worded.

16 Q Who typed this up?

17 A This right here?

18 Q Uh-huh.

19 A Andrea Blair.

20 Q That's quite a significant mistake she made, isn't it?

21 A Yes, it is.

22 Q Have you discussed that with her?

23 A Yes.

24 Q What did you tell her?

25 A I brought it to her attention. I said, Do you know why

1 you titled this, Disciplinary Hearing? And she didn't
2 even realize that she had.

3 Q That's not what I'm talking about. I'm talking about
4 her statement which you're telling me is incorrect, that
5 King gave a document over to both Jones and Sellers that
6 outlined his discipline. You're telling me that no such
7 document was presented.

8 A There was no discipline.

9 Q So how did Blair come up with the concept here out of
10 the blue that my client was given a document that
11 outlined his discipline?

12 A She was incorrect for saying that.

13 Q Well, I mean, that's more than being incorrect. She's
14 at a meeting and she's talking about a document that
15 never existed. How can that be? Did you ask her about
16 that instead of just the title?

17 A No, I did not.

18 Q Wow. Why not? It's kind of a major mistake if you're
19 in federal --

20 MR. SHOUDY: No more comments on the
21 testimony and stuff like that.

22 MS. GORDON: Stop lecturing me.

23 MR. SHOUDY: But I gotta tell you, like

24 --

25 MS. GORDON: I don't care, Todd.

CONFIDENTIAL

Page 268

1 MR. SHOUDY: -- I'm going to have to go
2 to the court and seek a protective order.

3 MS. GORDON: Go ahead. Have fun.

4 MR. SHOUDY: Because you're violating the
5 rules of civility.

6 MS. GORDON: Because I said wow?

7 MR. SHOUDY: No. You need to treat --

8 MS. GORDON: Could you read my question
9 -- we're going to be here till seven with this.

10 MR. SHOUDY: You need to treat witnesses
11 with respect.

12 MS. GORDON: You need to stop lecturing
13 me and I'm just going to do what I'm going to do.

14 I'm really sorry, Trish. Could you go
15 back to my last question?

16 MR. SHOUDY: You are, so I'm going to
17 have to go to the court.

18 MS. GORDON: Go ahead. Would you read
19 back the last question?

20 (Reporter read last question)

21 BY MS. GORDON, CONTINUING:

22 Q Why? Why not? It's a very significant mistake and
23 you're now here in a federal court proceeding. Why
24 would you not go back to her and say, hey, there was
25 never a document there? What do you -- why is this in

1 here?

2 A I didn't realize that until you brought it up just now.
3 I knew that this document was mislabeled as a
4 disciplinary hearing, so I had the opportunity to ask
5 her about that several days ago. And like I said, she
6 didn't even realize she had done that.

7 Q But you never asked her about why she's referencing a
8 document that you say doesn't exist.

9 A Right, I just now see that. I didn't realize that was
10 in there.

11 Q Well, let's go through this. Both Jones and Sellers
12 looked over the document closely. See that? The same
13 document that Officer Blair is -- is she a police
14 officer?

15 A No.

16 Q The same document that Ms. Blair is referencing. Now
17 she goes on to say, they looked over the document
18 closely. What were they looking over, as you recall it?

19 A The separation document.

20 Q And Sellers wanted to know if this would be reported to
21 MCOLES; is that correct?

22 A Yes.

23 Q And you had an opportunity at this meeting to tell him
24 you were going to go ahead and make findings anyway;
25 correct, and you didn't do so; correct?

1 A I hadn't made findings yet because I hadn't completed
2 that report.

3 Q I knew that. I said you had an opportunity to tell him
4 you were going to go ahead and make findings based on
5 what you already knew. You had an opportunity to tell
6 him this at this meeting on the 14th, but you did not
7 say that; correct?

8 A Correct.

9 Q Okay. Okay. Am I correct that my client never received
10 oral or written notice of charges against him prior to
11 you starting your investigation? I don't see anything
12 in the record.

13 A We didn't have any charges against him, though.

14 Q Well, you were doing an investigation, so there were
15 some allegations.

16 A There was a written -- there was an e-mail sent to him
17 stating that there was an internal investigation being
18 opened.

19 Q But it didn't say what it was for; correct?

20 A No, that's not correct.

21 Q Okay. You say, I've been instructed by -- this is the
22 e-mail dated December 23, 2013 (sic). I've been
23 instructed by the sheriff to open an internal
24 investigation.

25 A November 23, I'm sorry.

1 Q I'm sorry?

2 A November 23.

3 Q Yeah. I've been instructed by the sheriff to open an
4 internal investigation into those involved in the arrest
5 to determine if any violations exist in their standard
6 of conduct or loyalty towards this department.

7 Does that sound familiar?

8 A Yes.

9 Q Did this go to anybody other than Scott Jones?

10 A Yes, it did.

11 Q I see a cc of Scott Braun and Steve Rickard?

12 A Those are the in-house union representatives for the
13 command staff.

14 Q Okay.

15 A There should be a copy of every deputy that this was
16 sent to --

17 Q Okay.

18 A -- as well as their union representation.

19 Q Okay.

20 (Reporter asked for clarification)

21 MS. GORDON: It's November 23, 2022.

22 Thank you.

23 BY MS. GORDON, CONTINUING:

24 Q Okay. So now that you've testified that you did make
25 conclusions and findings about my client, I've already

1 asked you about the truthfulness policy you say he
2 violated. What did he violate in the loyalty policy? I
3 think we went over that. In fact, I read it to you.

4 Let's go to 6.9, standard of conduct.

5 What did he violate in the standard of conduct policy.

6 A I believe he was referencing that, you know, the actions
7 that would put the department in disrepute or affect the
8 efficient operation of the agency, as well as a fellow
9 deputy or officer.

10 Q Okay. You're just giving me the policy. I want to know
11 what he did that violated that policy?

12 A Well, it was my belief that the information that went
13 from him to Josh Goodrich to Kevin Lindke, that
14 information being posted on social media was to attack
15 the -- not only the sheriff personally but the
16 department, as well, and paint it in a bad light.

17 Q You thought that was my client's goal?

18 A I'm not saying that's what his goal was. That's what
19 perhaps Kevin Lindke's goal was, but had that
20 information not been released that it wouldn't have been
21 posed.

22 Q Then certainly Chad Cronkright did the exact same thing.

23 A I believe Chad when he said he only told him that --
24 Josh that Marc was arrested for drunk driving and that
25 he was super drunk.

1 Q Okay. And what is your position about what you think my
2 client told Josh Goodrich?

3 A I believe your client knew about the bachelorette party.

4 Q Wait. I didn't ask you what he knew about. I want to
5 know specifically what you think -- what your findings
6 are that my client told Josh Goodrich that he should not
7 have?

8 A About the bachelorette party.

9 Q What else?

10 A The conversation he had with the sheriff about ordering
11 -- the being ordered to get Marc King out of Lapeer
12 County Jail.

13 Q That was already posted on the 8th, but okay.

14 A And then the .18 BAC being released.

15 Q Which is public information.

16 A It would have been public information but at that point
17 --

18 Q It is public.

19 A Yeah, at that point --

20 Q Yeah, we've covered this.

21 A Yes.

22 Q Okay. So that's what --

23 MR. SHOUDY: But you're not -- like,
24 you're asking him questions and you don't want him to
25 answer. You want to shoot in with your counter, so let

1 him answer the question.

2 MS. GORDON: You know what, I'm going to
3 the court about you --

4 MR. SHOUDY: Please do.

5 MS. GORDON: -- because you just keep
6 interrupting. It's really inappropriate and very
7 unprofessional of you, Todd. And I really think, you
8 know, after all these years you show really know better
9 and not to interrupt me and make your own personal
10 comments.

11 MR. SHOUDY: I need you to let my client
12 answer the question.

13 MS. GORDON: That was -- for the record
14 that was -- I was being facetious and teasing Todd.

15 MR. SHOUDY: Yes, you -- I get what
16 you're doing but --

17 MS. GORDON: Good.

18 MR. SHOUDY: -- I do want you to let him
19 answer the question.

20 MS. GORDON: I did.

21 MR. SHOUDY: No, you cut him off.

22 MS. TAYLOR: I heard the answer. It's on
23 the record. Go ahead.

24 MR. SHOUDY: You started asking a
25 question --

CONFIDENTIAL

Page 275

1 MS. GORDON: Again, you don't need to
2 tell us. We're just trying to get out of here.

3 MR. SHOUDY: I want to get out of here,
4 too, but I want --

5 MS. GORDON: Well, the record is here.
6 You don't have to worry about telling us about what's
7 already happened.

8 MR. SHOUDY: Please let him finish his
9 answers. It's not an unreasonable request.

10 THE WITNESS: That BAC wasn't made public
11 at that point.

12 BY MS. GORDON, CONTINUING:

13 Q We've covered that. What evidence do you have that my
14 client told Goodrich any of these things?

15 A I don't know the specific --

16 Q What evidence do you have that my client told Goodrich
17 any of what you just listed? What evidence do you have?

18 A I don't.

19 Q Thank you. That's all the questions I have for you.

20 MS. GORDON: Do you guys have copies of
21 everything you need?

22 MR. SHOUDY: Wait one second. I do have
23 one question.

24 MS. GORDON: Okay.

25 MR. SHOUDY: I'm not going to do long.

1 But I do want to go back to Exhibit 5, just on that last
2 question you had.

3 EXAMINATION

4 BY MR. SHOUDY:

5 Q So do you have 5 in front of you, by chance?

6 A Yes.

7 Q All right. And then in his statement there's a
8 reference to, I have had conversations by TX with Josh
9 as we talk daily about a variety of things, comma, in
10 conversations he did say he got his information from
11 Jones as he is friends with Jones and he does talk to
12 him.

13 And what did you understand that to be a
14 reference to?

15 A I take that as he got his information regarding the
16 arrest from Scott Jones.

17 Q And what about the arrest?

18 A These details that were leaked on social media.

19 Q That's all I have. Thank you, sir.

20 RE-EXAMINATION

21 BY MS. GORDON:

22 Q What details that were leaked on social media? What are
23 you referring to now?

24 A I'm referring to the -- the blood alcohol content. I'm
25 referring to getting him out of the Lapeer County Jail.

Page 277

1 I'm referring to the bachelorette party. I'm referring
2 to he was supposed to have a trainee at 10 a.m.

3 Q Okay.

4 A And also referring to that he worked overtime shift that
5 Monday.

6 Q Those are all things you just said to me you have no
7 evidence that he said any of that; correct? We just
8 went through that. You have no evidence that that
9 occurred?

10 A Correct.

11 Q Okay. Thank you.

12 (Deposition concluded at 5:09 p.m.)

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CERTIFICATE

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, Patricia A. Everett, a Notary Public
in and for the above county and state, do hereby certify
that this deposition, consisting of 278 pages, was taken
before me at the time and place hereinbefore set forth;
that the witness was 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.



Patricia A. Everett, CSR-4602

Notary Public

Oakland County, Michigan

My commission expires September 24, 2030