

STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

Hon. Tracy E. Green
Third Circuit Court
Detroit, Michigan

Formal Complaint No. 103
Volume 7

P R O C E E D I N G S

held before the Special Master Hon. Betty R. Widgeon (P32596)
via Zoom, in Michigan, on Friday, September 24, 2021,
commencing at or about 9:26 a.m.

APPEARANCES:

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ALSO PRESENT: Hon. Tracy E. Green;
Ms. Cassandra Drysdale-Crown, Assistant
Attorney General

T A B L E O F C O N T E N T S

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WITNESSES: JTC

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SEPARATE RECORD

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1 S E P A R A T E R E C O R D

2 (At 10:53 a.m., beginning of separate record,
3 not livestreamed.)

4 THE MASTER: All right. I believe we are all
5 here who need to be here, Counsel and Ms. Jorgensen,
6 Ms. Apple, and Ms. Cassandra Drysdale-Crown. Thank you.
7 All right. We are ready to begin, then.

8 MS. WEINGARDEN: Judge, I just heard something
9 say "recording in progress." I want to make sure the
10 recording is not in progress.

11 THE MASTER: That is a recording that is
12 available for anyone who is looking at the transcript
13 later on. It is not from the main room.

14 MS. WEINGARDEN: Okay.

15 THE MASTER: So, again, it is not being
16 livestreamed.

17 MS. WEINGARDEN: Okay.

18 THE MASTER: Anyone else have anything that
19 you want to say with respect to that? There used to be,
20 in Zoom, that you were not able to record in a breakout
21 room, and I didn't know if that was so or not, but then
22 I saw that I was able to do that, but it is not being
23 livestreamed. All right?

24 MS. WEINGARDEN: Okay. I'm satisfied.

25 THE MASTER: Mr. Ashcraft, any concerns?

1245

1 MR. ASHCRAFT: No concerns, Your Honor. Thank
2 you.

3 THE MASTER: All right. Thank you. Let's
4 proceed.

5 LESLIE APPLE,
6 at 10:55 a.m., after having been first duly sworn, was
7 examined and testified as follows:

8 D I R E C T E X A M I N A T I O N

9 BY MS. WEINGARDEN:

10 Q. Good morning, Ms. Apple.

11 A. Good morning.

12 Q. Is it true that you and I have never verbally or orally
13 communicated with one another except --

14 A. Outside of this, correct, yes.

15 Q. And any questions that you've answered about your
16 testimony today --

17 THE MASTER: All right. Just one moment. You
18 were both talking at the same time, and it just broke up
19 a little bit. So just start all over, please,
20 Ms. Weingarden.

21 BY MS. WEINGARDEN:

22 Q. Except for our communication on Zoom, have you and I
23 ever spoken about this case?

24 A. No, ma'am.

25 Q. Have you communicated to me through Attorney General

1 Cassandra Drysdale-Crown?

2 A. Yes.

3 Q. And have you had any communication with Mr. Ashcraft
4 other than on this record on Zoom?

5 A. No.

6 Q. Have you communicated with him through
7 Ms. Drysdale-Crown?

8 A. Yes.

9 Q. When you last testified you told us you were accused of
10 bias. How did you learn this?

11 A. I was informed from my section manager, Tiffany
12 McDougle.

13 Q. Were you told what the basis of the claim of bias was?

14 A. I was told -- no, not -- not necessarily the basis.
15 Just that Judge Green did not feel that I was properly
16 investigating the case.

17 Q. Do you believe you were biased?

18 A. No.

19 Q. Were you disciplined in any way for being biased or
20 incompetent based on your work in this case?

21 A. No.

22 Q. Was anything done, to your knowledge, whether it
23 constituted discipline or not, as a result of this claim
24 of bias?

25 A. No.

1 Q. Was this case at some point transferred away from you
2 and given to someone else?

3 A. Yes.

4 Q. Are you familiar with the term "The Governor's Coin"?

5 A. Yes.

6 Q. What is it?

7 MR. ASHCRAFT: I'm sorry. I didn't hear what
8 that was.

9 MS. WEINGARDEN: Governor's Coin.

10 THE MASTER: Spell that second part.

11 MS. WEINGARDEN: C-O-I-N.

12 THE MASTER: All right. Thank you.

13 MR. ASHCRAFT: I'm sorry. Governor's?

14 MS. WEINGARDEN: C-O-I-N.

15 MR. ASHCRAFT: Governor's Coin?

16 MS. WEINGARDEN: Yes.

17 MR. ASHCRAFT: Thank you.

18 BY MS. WEINGARDEN:

19 Q. Ms. Apple, are you familiar with that term?

20 A. Yes.

21 Q. What is it?

22 A. It's an award presented to employees for exceptional
23 work.

24 Q. Who presents it to the employee?

25 A. It's usually presented in district-wide meetings. So it

1 may be the district manager or the section manager, or
2 the section manager, district manager, and supervisor.
3 It just depends.

4 Q. Were you given this award in connection with your work
5 on this case?

6 A. Yes.

7 Q. What is your understanding of why you were given this
8 award?

9 A. The notice -- I don't have it in front of me. But it
10 said for -- if I can remember -- being enthusiastic and
11 empathetic while dealing with difficult media cases.

12 Q. Okay. Now, you told us you were removed from this case
13 as the investigator; is that right?

14 A. Yes.

15 Q. Who removed you?

16 A. My super -- not my supervisor, but my section manager,
17 Tiffany McDougle. I'm not sure if it was Tiffany and
18 Adam Baker, but I know that we all had a meeting
19 regarding the case being transferred.

20 Q. What is your understanding of why you were removed from
21 the case?

22 A. I was told that the department wanted a fresh pair of
23 eyes on the case due to Judge Green claiming that --
24 that the case was biased and that myself and my
25 supervisor were incompetent.

1 Q. Do you know to whom the case was transferred?

2 A. Yes. The case was transferred to Investigator Juliette
3 Robinson-Todd.

4 Q. And do you know who her -- go ahead.

5 A. And her supervisor was Franchesca Vega at the time.

6 Q. Do you know when the case was transferred?

7 A. I don't remember the exact date, but I do remember that
8 we had a meeting regarding the case being transferred
9 like October -- I don't know -- 24th, maybe 25th. I'm
10 not sure. So it would have happened a few days after us
11 having the meeting.

12 Q. Would that be in the year 2018?

13 A. Yes, ma'am.

14 Q. Did the person who replaced you ever ask you why you
15 left something out of a report that she thought was
16 important?

17 A. No.

18 Q. How many different times did you speak with Tracy Green
19 about this case?

20 A. Let me see. Maybe three or four times.

21 Q. Did you speak with her at the scene of her son's house
22 on June 24th of 2018?

23 A. Yes.

24 Q. Did you speak with her at a Family Team Meeting on
25 June 26th of 2018?

1 A. I spoke with her just when she came into the room as an
2 introduction. There may have been some conversation
3 during the team meeting, but I spoke with her after the
4 team meeting.

5 Q. After the team meeting did you and she have a phone
6 call?

7 A. Yes, ma'am.

8 Q. Did you have a phone call with her on June 28th of 2018?

9 A. I don't know what June 28th -- I don't know the
10 relevance of June 28th.

11 Q. Okay. If you contact someone, a witness, do you
12 document it in a report? I didn't hear an answer.

13 THE MASTER: Would you repeat the question,
14 please?

15 BY MS. WEINGARDEN:

16 Q. If you make contact with a witness, do you document that
17 in a report?

18 A. Yes.

19 Q. Did you have any of the CPS reports with you that I've
20 forwarded to Attorney General Drysdale-Crown?

21 A. Yes.

22 MS. WEINGARDEN: Judge, could she have
23 permission to go get those reports?

24 THE MASTER: Yes. Which ones are you asking
25 her to get?

1 MS. WEINGARDEN: I eventually might get into
2 several, but the one I'm referring to right now is
3 Number 16, Exhibit 16, which is complaint date June 24th
4 of 2018.

5 THE MASTER: My understanding is that there
6 are only going to be four exhibits that are -- that she
7 will be testifying about today; is that correct?

8 MS. WEINGARDEN: Yes.

9 THE MASTER: So if you give her those four
10 exhibit numbers, she could retrieve them all at the same
11 time.

12 MS. WEINGARDEN: Okay. So she doesn't know
13 what exhibit numbers I've associated with each report,
14 but she has four reports, the same four that we've had
15 marked or what I will mark.

16 THE MASTER: All right. So I don't know --
17 how far do you have to go to get those reports,
18 Ms. Apple?

19 THE WITNESS: So if I roll my chair back a
20 little more, there is a stand over there that I can grab
21 two of the reports that I have. I don't have the other
22 two readily available in front -- in reach. They were
23 e-mailed to me.

24 THE MASTER: All right. And so I'm not sure
25 which ones you're going to ask about first, but we might

1 have to give a few minutes for Ms. Apple to retrieve the
2 second two. I don't know exactly how you're going to be
3 asking questions.

4 MS. WEINGARDEN: So let me do this. Could I
5 rephrase the question and try to get through this
6 quicker?

7 THE WITNESS: Okay.

8 THE MASTER: Certainly.

9 MS. WEINGARDEN: Okay.

10 BY MS. WEINGARDEN:

11 Q. Do you recall having a conversation with Ms. Green on or
12 about August 9th of 2018 when she responded from a phone
13 message you had left because she had been out of town?

14 A. Yes.

15 Q. All right. And did you see her at the juvenile court
16 building when this case was in trial?

17 A. Yes.

18 Q. Did you talk with her at the juvenile court building?

19 A. Yes.

20 Q. Besides those times that you've seen her or talked to
21 her, were there any other times you and she have
22 communicated?

23 A. Let's see. After the FTM when I called about the second
24 complaint, we talked via -- well, not spoke, but we
25 communicated via text I believe one time. And then when

1 I saw her at court and handed her the letter for Central
2 Registry.

3 Q. Okay. So is it fair to say you've had multiple
4 conversations and text conversations with Judge Green?

5 A. It's fair to say that, yes.

6 Q. Now, before you were removed from the case, would anyone
7 besides you have communicated with Judge Green about
8 this case?

9 A. I don't know.

10 Q. So let me ask it this way. If you're the assigned
11 investigator, does anyone else at CPS interview
12 witnesses for you?

13 A. No.

14 Q. Do you have any reason to believe that any of your
15 coworkers interviewed Judge Green about this case before
16 you were removed from the case?

17 A. No.

18 Q. Would she have been interviewed by your supervisors
19 before you were removed from the case?

20 A. No.

21 Q. Now, would it be a big deal or a little deal for a
22 grandmother to tell you that she covered a handprint she
23 knew to be inflicted by her son on a child? Would that
24 be a big deal or a little deal?

25 A. It depends. It depends on who the grandmother is.

1 Q. Let's assume the grandmother is Tracy Green, who is a
2 lawyer, who is a lawyer who practices family law and has
3 been a guardian ad litem and has been a foster care
4 worker and is in the child protection field.

5 A. It would be a big deal.

6 Q. Explain to us why that would be a big deal.

7 A. It would be a big deal because any form of abuse that
8 would leave a mark, injury, bruise, that should be
9 reported. So one would assume -- I would assume. I
10 can't say one. I would assume that Judge Green would
11 handle it that way.

12 Q. If under those circumstances Judge Green put makeup on
13 the injury or the mark, would you have expected her to
14 report that to you?

15 A. Yes.

16 Q. Why would you have expected that?

17 A. Because it -- I mean, it's relevant.

18 Q. What is it relevant to?

19 A. That would be concealing abuse and a mark or an injury.

20 Q. Is it standard procedure for a grandmother of children
21 who are removed from their home to speak directly to the
22 district manager?

23 A. No.

24 Q. Have you seen that happen in any other cases?

25 A. No.

1 Q. Did you see it happen in this case?

2 A. Yes.

3 Q. So I have provided you with four different CPS
4 investigative reports; is that true?

5 A. Yes.

6 Q. Are those also called 154?

7 A. Yes.

8 Q. If you can do this from your recollection without
9 referring to them, say so. If you need to see the
10 report, say so. Okay?

11 A. Okay.

12 Q. Were two of them dates of complaint June 24th of '18?

13 A. So I'm not sure. I know definitely one of the reports
14 was complaint date June 24th of 2018.

15 Q. Is there something in your office you can access that
16 would help you decide if there was another report with
17 the complaint date?

18 A. Yes. You sent them to me in e-mail.

19 Q. Okay. So if you needed to refer to it right now, how
20 would you do that?

21 A. I would just turn to the monitor that's over to my left
22 and click on the e-mail from Cassandra Drysdale-Crown
23 and click on it.

24 MS. WEINGARDEN: Judge, could she have
25 permission to do so?

1 THE MASTER: Any objections, Mr. Ashcraft?

2 MR. ASHCRAFT: Judge, I'm not entirely sure I
3 understand what the function will be. Looking --

4 MS. WEINGARDEN: I'm trying to --

5 THE WITNESS: I'm going to turn to my left and
6 use my mouse and open my e-mail from Cassandra
7 Drysdale-Crown, and there are four reports that were
8 provided to me for this case and I will click on the
9 report.

10 MR. ASHCRAFT: Thank you. And, Your Honor, if
11 I could just get clarification. Those four reports were
12 the ones that Ms. Weingarden sent to Ms. Drysdale-Crown
13 and the ones that we have confirmed this morning are
14 Exhibits 16, 17, 18, and 42, please?

15 MS. WEINGARDEN: Yes, that's confirmed.

16 MR. ASHCRAFT: Thank you, Judge. No
17 objection.

18 THE MASTER: All right. You may do that,
19 Ms. Apple.

20 THE WITNESS: Okay.

21 Okay. I have the e-mail up.

22 BY MS. WEINGARDEN:

23 Q. All right. So I'm going to ask you if two of those
24 reports have the complaint date of June 24th of '18.

25 A. Okay. Should I click on it and open it?

1 Q. Yes, please.

2 A. Okay. That's 8/6. One moment. Let me click on the
3 next one. That's 8/6, okay. The next one. So,
4 actually, I have two reports -- there are three
5 documents here. Two of them are dated 8/6 of 2018, and
6 one of them is dated June 24th of 2018.

7 Q. Did you also receive another report in a separate e-mail
8 of another date?

9 A. I received one this morning, yes, ma'am.

10 Q. Can you tell us --

11 A. The date on that one is -- it says 8/6 of 2018.

12 Q. So is it fair to say you have two reports with the
13 complaint date of June 24th of '18 and two reports of
14 the date of August 6th of '18?

15 A. No. It's fair to say that I have three reports with the
16 date of 8/6 of 2018 and one report with the complaint
17 date of June 24th, 2018.

18 Q. Can you tell us on the June 24th report how many pages
19 long it is?

20 A. Yes, ma'am. One moment. Twenty-five pages, ma'am.

21 Q. Okay. So for the record, that is marked Exhibit 16.
22 All right.

23 Now, the fact that there are multiple reports
24 for the August 6th date, can you explain to us why there
25 are multiple reports relating to the same date of

1 complaint?

2 A. I cannot.

3 MR. ASHCRAFT: Foundation. Speculation.

4 THE MASTER: Response, Ms. Weingarden?

5 MS. WEINGARDEN: I think she answered the
6 question that she cannot.

7 THE MASTER: The witness had started to
8 answer, and her answer was "I cannot." Based on that,
9 Mr. Ashcraft, do you have an objection to that question?

10 MR. ASHCRAFT: No, I do not. Thank you,
11 Judge.

12 THE MASTER: Thank you. Continue,
13 Ms. Weingarden. And I'll ask the witness to remember if
14 you hear that there is an objection or it sounds like
15 someone else is talking, it probably is an objection.
16 Just wait and then I'll resolve that, and then we will
17 continue.

18 Go ahead, Ms. Weingarden.

19 THE WITNESS: Yes, ma'am.

20 BY MS. WEINGARDEN:

21 Q. Is it unusual to have more than one complaint with the
22 same complaint date?

23 A. Yes.

24 Q. What if there are different allegations in each of the
25 two complaints? Then is it unusual?

1 A. So I'm a little confused. Could you repeat the
2 question?

3 Q. All right. So let me start over.

4 So on June 24th of '18, CPS got a complaint
5 involving these children in this case; right?

6 A. Yes.

7 Q. Generally speaking, what was the allegation?

8 A. There were allegations of physical abuse.

9 Q. Do you intend to authorize or deny a complaint in that
10 case?

11 A. I don't understand what you mean when you say "authorize
12 or deny."

13 Q. Okay. So was there an allegation of physical abuse that
14 occurred with these children that a petition was going
15 to be denied or your investigation was going to find
16 that there was not a preponderance of evidence?

17 A. No.

18 Q. When the complaint came in, did you determine that there
19 was a preponderance of evidence?

20 A. Initially when the complaint came in I had not yet
21 determined there was a preponderance of evidence until I
22 finished investigating, which resulted in a
23 preponderance of evidence.

24 Q. And then did you write the report that I've referred to
25 as Exhibit 16, which is the 25-page document you just

1 accessed on your e-mail?

2 A. Yes, ma'am.

3 Q. Is there anything in that report that you think is
4 inaccurate?

5 A. No.

6 Q. Now, relating to the August 6th complaint date, you said
7 that there were three reports. Is that fair to say?

8 A. Yes, ma'am. Yes.

9 Q. And did you author all of them?

10 A. No.

11 Q. How many of the three did you author?

12 A. I would have to go back and look and see. I know for
13 sure one of them I didn't author. I would have to take
14 a look at the first two.

15 Q. Would accessing them by your e-mail give you that
16 answer?

17 A. Yes, ma'am.

18 MS. WEINGARDEN: Judge, can she do that?

19 THE MASTER: Any objections?

20 MR. ASHCRAFT: No, Your Honor, as long as it's
21 the same thing that we talked about last time, that
22 those were reports that were sent by Ms. Weingarden to
23 Ms. Drysdale-Crown.

24 MS. WEINGARDEN: Yes. Yes, they were.

25 THE WITNESS: These are the same reports.

1 THE MASTER: All right. So that is confirmed,
2 and I will allow you to access those three to find out
3 the answer to Ms. Weingarden's question.

4 THE WITNESS: Okay. One of them was authored
5 by me that I can see, and I'm looking at the next one
6 now. One moment.

7 BY MS. WEINGARDEN:

8 Q. Wait. Hold on a minute. Before you go to the next one,
9 can you tell us how many pages long that one is that
10 you're referring to?

11 A. Yes. That one is ten pages long.

12 Q. Okay. The next one, please?

13 A. Okay. One moment. This one is ten pages long also.

14 Q. Can you tell us whether the two are duplicates of each
15 other?

16 A. They are duplicate reports.

17 Q. What about the third report?

18 A. One moment.

19 MR. ASHCRAFT: Just so we're clear so I know
20 what we're looking at, are those two one -- are they
21 both signed or neither one of them signed, or what?

22 THE MASTER: Just a second. Ms. Weingarden,
23 would you inquire of the witness, please?

24 MS. WEINGARDEN: Yes. Well, her copy might be
25 different than our copy. So whether they're signed or

1 not is not helpful.

2 THE MASTER: Let's hear the answer, though.

3 MS. WEINGARDEN: Actually -- okay.

4 BY MS. WEINGARDEN:

5 Q. So can you check those ten-page reports and tell us
6 whether there is a signature at the bottom of either one
7 of them?

8 A. There is not a signature at the bottom.

9 Q. Can you tell us what dates are at the bottom where the
10 signature would be?

11 A. One moment. Worker signature date 9/18/2018.
12 Supervisor signature date 10/4/2018.

13 Q. And is that the same for both reports?

14 A. One second. Let me look at the next one. Yes, ma'am,
15 it's the same for both reports.

16 Q. Okay.

17 MR. ASHCRAFT: And, Your Honor, just for
18 clarification, neither one of those two is signed?

19 THE MASTER: Is that correct, Ms. Apple,
20 neither of those two reports is signed?

21 THE WITNESS: That is correct, Your Honor.

22 THE MASTER: Thank you. Mr. Ashcraft -- just
23 a second. Mr. Ashcraft, additional question?

24 MR. ASHCRAFT: No. Thank you very much,
25 Judge.

1 THE MASTER: All right. Go ahead.

2 BY MS. WEINGARDEN:

3 Q. Could you look at the third report of complaint date
4 August 6th?

5 A. One moment. I'm looking at it.

6 Q. And can you tell us how many pages long it is?

7 A. Thirty-four.

8 Q. Can you tell us what date is at the bottom of the last
9 page?

10 A. Yes. Worker signature 9/18 of 2018, and supervisor
11 signature 4/15 of 2019.

12 Q. Okay.

13 MS. WEINGARDEN: For the record, I just want
14 it to be noted that that is Exhibit Number 18, and the
15 ten-page report that Ms. Apple just referred to a moment
16 ago is Exhibit 17.

17 THE MASTER: All right. Thank you.

18 BY MS. WEINGARDEN:

19 Q. Ms. Apple, did you author the 34-page report that you're
20 looking at now?

21 A. No, I did not.

22 Q. Now, if there are different versions of reports with the
23 same complaint date, are you aware of whether one report
24 might repeat information that was in an earlier report?

25 A. I'm not aware.

1 Q. Have you reviewed the reports that were sent to you?

2 A. Yes, ma'am.

3 Q. Did you see some duplicate information across the
4 reports?

5 A. Well, the two reports that had -- that was a duplicate
6 report, obviously those two. And then I just received
7 the third 8/6 report for me this morning, and I have not
8 reviewed that whole 34-page document.

9 Q. Is it within your expertise to explain to us why some
10 versions would repeat things said in other reports?

11 MR. ASHCRAFT: Your Honor, objection.
12 Foundation for the question.

13 THE MASTER: Ms. Weingarden, the objection is
14 to foundation. Is there anything else you want to add
15 to that question or --

16 MS. WEINGARDEN: Can I lay a foundation?

17 THE MASTER: Yes, go ahead.

18 BY MS. WEINGARDEN:

19 Q. Ms. Apple, in other cases that you've worked on have you
20 had multiple reports for the same complaint date?

21 A. No.

22 Q. Have you --

23 THE MASTER: I'm sorry. Just a second. Your
24 answer was?

25 THE WITNESS: No, ma'am.

1 THE MASTER: Thank you.

2 BY MS. WEINGARDEN:

3 Q. Do you know why there are multiple reports for the
4 complaint dates in this case?

5 A. I believe due to my case being signed --

6 MR. ASHCRAFT: Your Honor?

7 THE WITNESS: -- approved.

8 THE MASTER: Just a second. There is an
9 objection. Yes?

10 MR. ASHCRAFT: Objection. Foundation and
11 speculation.

12 THE MASTER: Response?

13 MS. WEINGARDEN: May I ask her if she's
14 speculating?

15 THE MASTER: Certainly.

16 MR. ASHCRAFT: Your Honor?

17 THE MASTER: Go ahead, Mr. Ashcraft.

18 MR. ASHCRAFT: Thank you, Your Honor. She
19 started her answer with "I believe."

20 THE MASTER: All right. I will allow
21 Ms. Weingarden to ask that question of "Are you
22 speculating?" Go ahead.

23 BY MS. WEINGARDEN:

24 Q. Ms. Apple --

25 THE MASTER: And I'm sorry. Ms. Apple, don't

1 answer the question yet. I'll see if there is a
2 continuing objection.

3 BY MS. WEINGARDEN:

4 Q. Ms. Apple, are you guessing or speculating at an answer,
5 or do you know why there are multiple reports that
6 repeat information?

7 THE MASTER: Don't answer yet. Mr. Ashcraft,
8 to that question?

9 MR. ASHCRAFT: Judge, I have no objection to
10 that question.

11 THE MASTER: Thank you.

12 You may answer, Ms. Apple.

13 THE WITNESS: Not speculating. I know why.

14 THE MASTER: Say that answer again. The first
15 part of it was broken up.

16 THE WITNESS: I am not speculating. I know
17 why.

18 THE MASTER: All right. Ms. Weingarden,
19 continue with your question. But, Ms. Apple, don't
20 answer until I see if there is an objection.

21 BY MS. WEINGARDEN:

22 Q. Tell us why.

23 THE MASTER: You may proceed with your answer.

24 THE WITNESS: The answer is because the case
25 was reinvestigated by another worker, and the

1 information that she would have put in that case is in
2 that report.

3 THE MASTER: When we say "in that report,"
4 you're referring to the report of what page, of how many
5 pages?

6 THE WITNESS: The report that's 34 pages long.

7 THE MASTER: Thank you.

8 BY MS. WEINGARDEN:

9 Q. So are you saying that the author of the 34-page report
10 would repeat information that you had written in one of
11 your reports?

12 A. I'm saying that the author of the 34-page report put
13 information in from her own investigation.

14 Q. Do you know if when one reinvestigates a case, whether
15 they go back and review your work or whether they just
16 take it from that date forward?

17 A. I don't know how this case was reinvestigated.

18 Q. Okay. Do you know a woman by the name of Choree
19 Bressler?

20 A. Yes.

21 Q. Who is she?

22 A. She's the mother of Gary Davis-Headd Jr. and Russell
23 Davis-Headd.

24 Q. Did she present you with a circuit court order granting
25 her custody of the boys after they were removed from

1 their father's house?

2 A. She presented me with a court order while the children
3 were in a safety plan from their father's house.

4 Q. All right. So let's go back for a minute.

5 When a child is removed from the home, the
6 first thing that happens is there's a safety plan?

7 A. Yes, ma'am.

8 Q. And that's temporary?

9 A. Yes, ma'am.

10 Q. While the children were in a safety plan, did
11 Ms. Bressler present you with a court order granting her
12 custody?

13 A. Yes, ma'am.

14 Q. Did you honor the circuit court order?

15 A. Yes.

16 Q. Do you have the authority to contradict a circuit court
17 order?

18 A. No.

19 Q. Whose job was it to tell Gary Sr., the father, that the
20 mother got a circuit court order granting her custody?

21 A. Mine.

22 Q. Did you do so?

23 A. Yes.

24 Q. Did you ever tell -- Tracy Green?

25 THE MASTER: Repeat that. It was breaking up
 1269

1 just a little bit.

2 BY MS. WEINGARDEN:

3 Q. Did you ever tell Tracy Green that Choree Bressler got a
4 circuit court order granting her custody?

5 A. No.

6 Q. Did you do anything to assist Ms. Bressler in going to
7 the circuit court to get a court order?

8 A. I gave her the DHS 1450 document --

9 Q. Go ahead.

10 A. -- which we give to all parents in a CPS complaint or
11 investigation, during investigation.

12 THE MASTER: One moment. Ms. Jorgensen, were
13 you able to get the full answer?

14 THE COURT REPORTER: I believe so. Should I
15 read it back, Your Honor?

16 THE MASTER: Yes, please.

17 (The record was read back as follows:

18 "ANSWER: I gave her the DHS 1450
19 document which we give to all parents in
20 a CPS complaint or investigation, during
21 investigation.")

22 THE MASTER: All right. Thank you. Go ahead,
23 Ms. Weingarden.

24 BY MS. WEINGARDEN:

25 Q. So is the DHS 1450 a form that can be filled out?

1 A. No. It's -- no.

2 Q. What is it?

3 A. It's a form that details how a parent can contact the
4 Friend of the Court if they have any concerns regarding
5 child custody.

6 Q. So it's basically an informational sheet of paper?

7 A. Yes, ma'am.

8 Q. And are you required to give it to every parent whose
9 child has been removed from a home?

10 A. I'm required to give it to every parent during an
11 investigation.

12 Q. So you followed policy in giving that to Ms. Bressler?

13 A. Yes.

14 Q. Besides that, did you do anything to assist her in
15 getting a court order for custody of her children?

16 A. No.

17 Q. Did you provide her with a lawyer or give her a referral
18 for a lawyer?

19 A. No.

20 Q. Did you appear in court with her?

21 A. No.

22 Q. Did you contact the circuit Judge Adel, that's A-D-E-L,
23 Harb, H-A-R-B, and communicate with him about custody?

24 A. No.

25 Q. Did Judge Adel Harb contact you and ask you for

1 information?

2 A. No.

3 Q. Did you communicate with Choree Bressler while she was
4 in the process of getting custody of her children from
5 Judge Harb?

6 A. Briefly via text message.

7 Q. And did you copy the text message into your CPS
8 investigative report?

9 A. Yes.

10 Q. In your text message, did you offer to talk to
11 Judge Harb if Judge Harb wanted to talk to you?

12 A. Yes.

13 Q. Did you have any other communication with Ms. Bressler
14 other than what you -- the text message -- I'm sorry?

15 THE MASTER: Yes, it's breaking up, the first
16 part, so just start that question again, please.

17 BY MS. WEINGARDEN:

18 Q. Did you have any other communication with Ms. Bressler,
19 while she was attempting to get a court order, that was
20 not described in your report?

21 A. No.

22 Q. Did you text miss lawyer -- I'm sorry.

23 Did you text Ms. Bressler the following words:
24 Please have your lawyer provide DHHS with a copy of the
25 current order as the children cannot be moved from the

1 safety plan without a current order?

2 A. Yes.

3 MR. ASHCRAFT: Objection, Judge.

4 THE MASTER: All right. What is the
5 objection?

6 MR. ASHCRAFT: The only way we're going to be
7 able to keep this separate is if there's something
8 that's being asked if it's in a report or there is a
9 quotation being taken from the report, I need to know
10 what the exhibit number is.

11 MS. WEINGARDEN: Okay.

12 THE MASTER: All right.

13 MS. WEINGARDEN: The exhibit --

14 THE MASTER: Just a second. Let's back up and
15 get that exhibit number and then ask the question again.
16 If you need Ms. Jorgensen to read the question, we can
17 do that.

18 MS. WEINGARDEN: I do not. Exhibit Number 16,
19 page 14.

20 MR. ASHCRAFT: Thank you.

21 THE MASTER: And so that question has been
22 answered. What was the answer, Ms. Jorgensen? If you
23 would read that back, please.

24 THE COURT REPORTER: One moment, Your Honor.
25 The answer was "yes."

1 MS. WEINGARDEN: Judge, I think I cited --
2 wait. Hold on. I think I cited the wrong page.

3 THE MASTER: All right. Let's just wait a
4 moment.

5 MS. WEINGARDEN: I'm sorry, Your Honor. I
6 need a minute to find this. I documented the wrong
7 page.

8 THE MASTER: Not a problem.

9 MS. WEINGARDEN: Let me do it this way, Judge.
10 I can't find it quickly, so let me just ask Ms. Apple.

11 BY MS. WEINGARDEN:

12 Q. Did you text the entire conversation into your report
13 that you had by text with Ms. Bressler?

14 A. I did type the entire conversation that I had with
15 Ms. Bressler via text into my report.

16 Q. Do you know which report it was in?

17 A. It would have been in the report -- 6/24 report 2018.

18 Q. So that would be Exhibit 16 --

19 A. Yes, ma'am.

20 THE COURT REPORTER: I'm sorry. There was a
21 little bit of over-speaking.

22 BY MS. WEINGARDEN:

23 Q. So I'll ask the question again.

24 Is that Exhibit 16 that we talked about
25 previously?

1 A. Yes.

2 Q. Do you believe you colluded with Choree Bressler to help
3 her get her children?

4 A. No.

5 THE MASTER: Before you ask the next question,
6 let's just go back and make sure with Exhibit 16.
7 Ms. Apple, how many pages is that?

8 THE WITNESS: That report was 25 pages, if I
9 remember correctly.

10 THE MASTER: All right. Thank you.
11 Ms. Weingarden, you may continue with your questions.

12 MS. WEINGARDEN: Okay.

13 BY MS. WEINGARDEN:

14 Q. Is there anything in your review of the reports in this
15 case that makes you question the legitimacy of the
16 reports or the information contained in them?

17 A. No.

18 Q. Do you recall having a phone conversation from Tracy
19 Green where she asked you to get ahold of Judge Kevin
20 Cox's opinion in the divorce case between Ms. Choree
21 Bressler and Gary Davis-Headd Sr.?

22 A. Yes.

23 Q. Did you get ahold of that order or opinion from
24 Judge Cox?

25 A. Yes.

1 Q. How did you obtain it?

2 A. If I remember correctly, Ms. Bressler sent it over via
3 telephone.

4 Q. Are you sure about that, or are you not sure?

5 A. I don't remember how she -- how she, Choree Bressler,
6 got me the report, but she did give me the report.

7 Q. Okay. So were you provided with multiple reports from
8 multiple people?

9 A. No.

10 MR. ASHCRAFT: Judge, the objection is
11 foundation. I don't know -- are we talking about
12 reports or -- so which -- again, if we're talking about
13 reports, the only way we can track this on the record is
14 if we have references to exhibit numbers.

15 MS. WEINGARDEN: Okay. So I'm trying to lay a
16 foundation, because I think we are not communicating
17 well.

18 THE MASTER: So the question that I heard was,
19 were you provided multiple reports from, I think you
20 said, multiple people.

21 MS. WEINGARDEN: Yes.

22 THE MASTER: That was the question. Is there
23 an objection to that question, Mr. Ashcraft?

24 MR. ASHCRAFT: No, Judge. As long as we're --
25 it does not hang out in the ether there, we understand

1 if there are reports, which ones those are. Thank you.

2 THE MASTER: You're welcome. Continue.

3 BY MS. WEINGARDEN:

4 Q. Ms. Apple, do you know the difference between a Friend
5 of the Court report and a transcript from a court
6 hearing?

7 A. Yes.

8 Q. So I'm referring now --

9 THE MASTER: Before you go on, did we get an
10 answer to -- from Ms. Apple when you asked the question,
11 Did you get multiple reports from multiple people? Do
12 we have an answer for that, Ms. Jorgensen?

13 (The question was read back as follows:

14 "QUESTION: So were you provided with
15 multiple reports from multiple people?

16 "ANSWER: No.")

17 THE MASTER: You may continue. I just didn't
18 remember if that had been answered before we got the
19 objection and we had to sort that out. Go ahead.

20 BY MS. WEINGARDEN:

21 Q. So, Ms. Apple, did you just testify that you know the
22 difference between a court transcript and a Friend of
23 the Court report?

24 A. Yes.

25 Q. Were you given a court transcript from a Judge Kevin Cox

1 relating to a divorce and custody case between Choree
2 Bressler and Gary Davis-Headd Sr.?

3 A. I don't remember which one it was. It was a document
4 from Kevin Cox's court.

5 Q. One moment.

6 Were you still the worker on August 9th of
7 2018?

8 A. Yes.

9 Q. I'm referring to Exhibit Number 18, page 6. Would you
10 have entered something into your notes on that date,
11 August 9 of 2018, about a conversation you had with --

12 THE MASTER: You're going to have to ask that
13 question again. The last part of it was completely
14 unheard.

15 MS. WEINGARDEN: Okay.

16 BY MS. WEINGARDEN:

17 Q. Ms. Apple, did you make an entry into the report on
18 August 9th of 2018 about a discussion that you had with
19 Judge Tracy Green?

20 MR. ASHCRAFT: Objection.

21 THE WITNESS: Yes.

22 MR. ASHCRAFT: Foundation.

23 MS. WEINGARDEN: Well, I'm citing the exhibit
24 number and the page number, and it's clear as day.

25 MR. ASHCRAFT: This is Exhibit 18, the 34-page

1 document, August 6 of '18?

2 MS. WEINGARDEN: Yes.

3 MR. ASHCRAFT: And it's not signed?

4 MS. WEINGARDEN: Correct.

5 MR. ASHCRAFT: There is no foundation for the
6 question, Judge.

7 THE MASTER: Ms. Weingarden, do you have some
8 preliminary questions to give more of a foundation?

9 BY MS. WEINGARDEN:

10 Q. Ms. Apple, did you read a report that had a cover letter
11 addressed to Judge Green --

12 THE COURT REPORTER: I'm sorry. That's
13 breaking up.

14 BY MS. WEINGARDEN:

15 Q. Ms. Apple, did you review a report with a cover letter
16 to Judge Green dated June 15th that had a protective
17 services investigation report attached?

18 A. I received that document this morning. I have not
19 reviewed it in its entirety.

20 Q. Okay. I'm going to ask the judge --

21 MS. WEINGARDEN: Judge, may we take a
22 five-minute break for her to review page 6 of that
23 report?

24 THE MASTER: Mr. Ashcraft, do you have any
25 comment before I make -- because I have a question with

1 respect to that too. Any comments from you,
2 Mr. Ashcraft?

3 MR. ASHCRAFT: I do, Judge. I'm just not sure
4 the relevance of it because Ms. Apple has testified that
5 she authored the June 24 reports, Exhibits 16 and 42,
6 but that she did not the August 6, '18, report.

7 THE MASTER: All right. Let me see if you
8 have another question, Ms. Weingarden, to clarify what
9 you're asking before I make a ruling.

10 And, Ms. Apple, don't answer until I see if
11 there is still an objection.

12 BY MS. WEINGARDEN:

13 Q. Ms. Apple, can you explain why a summary of your
14 conversation with Judge Green appears in Exhibit
15 Number 34, which you did not -- I mean I'm sorry --
16 Exhibit 18, which you did not author, why it would be in
17 that report if you didn't author the report?

18 THE MASTER: And no answer yet. Objection, if
19 any?

20 MR. ASHCRAFT: So the objection still is
21 foundation and speculation. She's already acknowledged
22 that she didn't author the report.

23 THE MASTER: So the witness stated that she
24 hadn't reviewed it, and I am going to take a -- well,
25 let's just put ourselves on mute. I'm not even going to

1 go out of the room, and ask Ms. Apple to review -- which
2 pages are you asking her to read?

3 MS. WEINGARDEN: Page 6.

4 THE MASTER: All right. Just page 6. So when
5 you have read that, then put your microphone back on.

6 (At 11:43 a.m., pause in proceedings.)

7 (At 11:44 a.m., proceedings resume.)

8 THE MASTER: I see that Ms. Apple's microphone
9 is back on. Ms. Apple, you've had a chance to read that
10 page?

11 THE WITNESS: I scanned that page, Your Honor,
12 yes.

13 THE MASTER: All right. Let's hear the
14 question from Ms. Weingarden, and we'll see at this
15 point if there is an objection. If so, I'll resolve
16 that before we go on.

17 BY MS. WEINGARDEN:

18 Q. Ms. Apple, can you explain why there is a paragraph
19 citing your notes and your conversation with Judge Green
20 if you were not the person that authored that report?

21 THE MASTER: One moment. Mr. Ashcraft, any
22 objection?

23 MR. ASHCRAFT: Yes, Judge, the same,
24 foundation and speculation.

25 THE MASTER: Ms. Weingarden, response?

1 MS. WEINGARDEN: Well, can I have her lay a
2 foundation?

3 THE MASTER: You may lay a foundation.

4 BY MS. WEINGARDEN:

5 Q. Ms. Apple, this is just a yes or no. Do you know why
6 that report contains information about your conversation
7 with Judge Green?

8 A. Yes.

9 MR. ASHCRAFT: Objection.

10 THE MASTER: And the objection is?

11 MR. ASHCRAFT: The objection is foundation and
12 speculation. She's already testified that she did not
13 author this report, so whatever is contained in the
14 report she can't opine or indicate whether or not she
15 understands anything about that. There's no foundation
16 for that, and it's speculation.

17 THE MASTER: All right. Ms. Weingarden,
18 anything further?

19 MS. WEINGARDEN: I think my question did away
20 with the speculation argument. Now I'd like to lay a
21 foundation.

22 THE MASTER: All right. We'll deal with that.

23 MS. WEINGARDEN: Ms. Apple has something she
24 wants to say. Her hand is up.

25 THE MASTER: She -- unless you need to have a

1 break or something right now, Ms. Apple, then I can't
2 communicate with you directly with something that you
3 might want to say. If you need to talk with
4 Ms. Cassandra Drysdale-Crown, you certainly may do that
5 also, but -- is that what you are hoping to do?

6 THE WITNESS: Yes.

7 THE MASTER: All right. Objections, if any,
8 from Mr. Ashcraft, Ms. Weingarden?

9 MS. WEINGARDEN: No.

10 MR. ASHCRAFT: No objection, Your Honor.

11 THE MASTER: So I have a breakout room, and
12 I'm going to send the two of you into that breakout
13 room. And when you are -- and it's just called
14 Extra One room. So when you are done with your
15 conversations, do you both know how to go down to the
16 corner of your screen and just leave that room? All
17 right. And if you do, it's possible that you may go
18 back into the main room. So let me just ask you this.
19 I will give you three minutes. Will that be enough time
20 for you to have this discussion, Ms. Apple?

21 THE WITNESS: Yes.

22 THE MASTER: All right. So I'll give you
23 three minutes and then I'll bring you back into this
24 room. That will be cleaner. One moment.

25 (At 11:47 a.m., off the record.)

1 (At 11:50 a.m., on the record.)

2 THE MASTER: Ms. Apple, did that give you
3 sufficient time?

4 THE WITNESS: Yes. Yes, Your Honor.

5 THE MASTER: All right. Thank you.

6 Ms. Jorgensen, remind me where we were, the last
7 interchange, please.

8 (The question was read back as follows:

9 "QUESTION: Ms. Apple, this is just a yes
10 or no. Do you know why that report
11 contains information about your
12 conversation with Judge Green?")

13 THE MASTER: All right. And I believe there
14 was an answer that Ms. Apple gave, which was yes, but
15 there was an objection at the same time or thereabouts;
16 correct?

17 THE COURT REPORTER: Yes.

18 THE MASTER: All right. So, Mr. Ashcraft,
19 voice your objection again, please, if you still have
20 it.

21 MR. ASHCRAFT: Yes, Judge, I do still have it.
22 She's not author -- she did not author the report,
23 Exhibit Number 18, and she's speculating as to what is
24 contained in the report if she didn't author the report.

25 She may have her own opinion, but the opinion

1 is not what is important here. It's the fact in terms
2 of what she knows and doesn't know.

3 And this is a report that she did not author.
4 She's already testified she did not author it. She
5 authored the June 24, 2018, reports. And now she's
6 being asked to speculate as to why information is in a
7 report that she did not author. How can she do that?
8 She didn't author the report.

9 THE MASTER: All right. Thank you. Is there
10 a response before I rule on this?

11 MS. WEINGARDEN: Yes. The context of the
12 report makes it very clear that the report is repeating
13 something that Ms. Apple wrote, and so it is her words,
14 even though it appears in a report that someone else
15 authored.

16 THE MASTER: All right. So I'm going to just
17 cut this short. I'm going to allow that. We are in a
18 separate record. It does not mean that that is
19 something that I will be making any findings of fact on,
20 but we are in the separate record and, therefore, it
21 will be preserved. Go ahead.

22 BY MS. WEINGARDEN:

23 Q. Ms. Apple, did you author an entry into the computer
24 system, SACWIS I think you call it, for August 9th of
25 2018 at 11:35 a.m. which is on page --

1 THE MASTER: Sorry. You'll have to say that
2 again, Ms. Weingarden. It was breaking up.

3 MS. WEINGARDEN: Okay.

4 BY MS. WEINGARDEN:

5 Q. Ms. Apple, did you author a note in a report dated
6 August 9th of 2018 at 11:35 a.m. in the report that
7 appears to be the 34-page report, Exhibit Number 18?

8 MR. ASHCRAFT: Judge, the objection is she
9 didn't author the report. I'm sorry, maybe I'm not
10 understanding something. Judge, Ms. Weingarden asked if
11 she authored something that is contained in the report
12 that she's admitted she hasn't authored.

13 THE MASTER: All right. Ms. Weingarden?

14 MS. WEINGARDEN: Judge, to cut to the chase,
15 clearly someone's repeating something Ms. Apple wrote on
16 a different date and is including that in her report.
17 That's what the report indicates. It talks about a
18 successful case contact between herself and Tracy Green
19 on a specific date and time, and it's three paragraphs
20 or four paragraphs long.

21 So I think I have a right to ask her if she
22 knows how that got into this other author's report and
23 whether she's the one who drafted those paragraphs.

24 THE MASTER: Well, those are two separate
25 questions. And the question, I believe, that

1 Mr. Ashcraft is asking for foundation on is you haven't
2 set forth how or why the witness would know how her
3 statements got into someone else's report.

4 So one is about are these her statements,
5 which you said that that's one of the things that you
6 believe it shows, and you were going to ask her that
7 question, I think, or maybe you already have. But the
8 other one, as far as how she knows how they got into
9 that report, I think that was the objection. Is that
10 right, Mr. Ashcraft?

11 MR. ASHCRAFT: That is correct, Your Honor.

12 THE MASTER: So back up first, please, and ask
13 about the words that you are asking about or the
14 paragraphs, and then let's take it slowly and go on from
15 there.

16 BY MS. WEINGARDEN:

17 Q. Ms. Apple, have you had a chance to read page 6 of that
18 exhibit?

19 A. Yes.

20 Q. And did you see on page 6 an entry of August 9th of 2018
21 at 11:35 a.m.?

22 A. Yes.

23 Q. And does it say: Successful case contact from Leslie
24 Apple, Tracy Green, and Andre Green?

25 A. Yes.

1 Q. The following four paragraphs, did you draft those?

2 THE MASTER: Just a second. Did you read the
3 following four paragraphs also, Ms. Apple?

4 THE WITNESS: I scanned over them through the
5 previous question. If I could have two minutes, I can
6 read the paragraphs in entirety.

7 THE MASTER: All right. Any objection,
8 Mr. Ashcraft?

9 MR. ASHCRAFT: No objection, Your Honor.

10 THE MASTER: Go ahead and take your time to
11 read it.

12 THE WITNESS: Okay.

13 (At 11:57 a.m., pause in proceedings.)

14 (At 11:58 a.m., proceedings resume.)

15 THE MASTER: Thank you. Ms. Apple, have you
16 read those other paragraphs, then?

17 THE WITNESS: Yes, Your Honor.

18 THE MASTER: Thank you. Ms. Weingarden, go
19 ahead and ask your question.

20 BY MS. WEINGARDEN:

21 Q. Ms. Apple, did you author those paragraphs on that page?

22 A. Yes.

23 THE MASTER: And, to be sure, the paragraphs
24 that we are talking about are on the 34-page document,
25 and identify the paragraphs a little further,

1 Ms. Weingarden.

2 MS. WEINGARDEN: It's page 6 under the entry
3 dated August 9th, 2018, at 11:35 a.m., successful case
4 contact, phone, Leslie Apple, Tracy Green, Andre Green.

5 THE MASTER: And how many paragraphs are
6 there?

7 MS. WEINGARDEN: Four.

8 THE MASTER: All right. And so you've asked
9 the question with respect to those four paragraphs;
10 correct?

11 MS. WEINGARDEN: I think I asked about three,
12 but I can make it four. Ms. Apple --

13 THE MASTER: Go ahead.

14 BY MS. WEINGARDEN:

15 Q. Ms. Apple, did you read all four paragraphs on that
16 page?

17 A. Yes, ma'am.

18 Q. Did you author all four paragraphs on that page?

19 A. Yes, ma'am.

20 Q. Were those paragraphs put into a report that you
21 authored?

22 A. Yes.

23 Q. Do you know which report?

24 A. I don't know the date of the report specifically, but it
25 was the Category Two complaint.

1 Q. So we have a ten-page report marked Exhibit 17 that you
2 have previously identified as one that you authored. Is
3 that true?

4 A. Yes, ma'am.

5 MR. ASHCRAFT: Your Honor, if I could get to
6 that, please?

7 THE MASTER: Okay.

8 MR. ASHCRAFT: Thank you.

9 THE MASTER: And which exhibit number is that?

10 MS. WEINGARDEN: Well, 17, but my next
11 question will clarify this.

12 THE MASTER: Go ahead.

13 BY MS. WEINGARDEN:

14 Q. Ms. Apple, the report dated August 6th of 2018 is a
15 ten-page report and I reviewed it and looked for the
16 paragraphs that are written in Exhibit 18 that we
17 previously discussed and they do not appear there. So I
18 think you're mistaken as to what report it was put into.

19 A. Okay. Then that's my mistake.

20 MR. ASHCRAFT: Your Honor, Ms. Weingarden is
21 testifying now. I'm confused by this. Maybe we could
22 ask the question: Who authored Exhibits 17 and 18?

23 THE MASTER: All right. So I understand the
24 objection, and that, again, is in the separate record.
25 But Mr. Ashcraft's objection is an appropriate one with

1 respect to the way you stated that, Ms. Weingarden. So
2 rephrase your question, please.

3 BY MS. WEINGARDEN:

4 Q. Ms. Apple, did you type into a report that you authored
5 the four paragraphs that you reviewed just now?

6 A. Yes.

7 Q. And you believe, you said, it would be in your
8 Category Two report?

9 A. I don't know which report it's in. I just know that I
10 did author it, and it is in one of my reports.

11 Q. And is what you have written accurate?

12 A. Yes.

13 Q. Do you know why it is written into the 34-page report
14 that you did not author?

15 MR. ASHCRAFT: That's the same objections.
16 Foundation and speculation as to that question.

17 MS. WEINGARDEN: And I think she answered --

18 THE MASTER: You may answer yes or no.

19 THE WITNESS: Yes.

20 THE MASTER: What would be your next question?

21 BY MS. WEINGARDEN:

22 Q. Can you explain to us why a report that someone else
23 authored would contain information that you previously
24 wrote into a different report?

25 THE MASTER: Mr. Ashcraft, same objection?

1 MR. ASHCRAFT: Same objections, and in
2 addition to that, Judge, hearsay as well. If she's
3 aware of how her words got into somebody else's report,
4 she was obviously told, and that would be hearsay.

5 THE MASTER: So the objection is sustained.

6 MR. ASHCRAFT: Thank you.

7 THE MASTER: We are in a separate record, so
8 you may ask the question.

9 BY MS. WEINGARDEN:

10 Q. Ms. Apple, how -- explain to us how your words got
11 written into somebody else's report.

12 A. After my investigation was closed out, the investigation
13 was then requested to be reopened. And once it was
14 reopened, the case was assigned to Juliette
15 Robinson-Todd and her supervisor, and they took over.

16 Q. Do you know when your case was closed?

17 MR. ASHCRAFT: Same objections.

18 THE MASTER: Objection is overruled. You may
19 answer the question.

20 THE WITNESS: I would have to look at the date
21 on the report.

22 BY MS. WEINGARDEN:

23 Q. Do you have it accessible to you?

24 A. Yes, ma'am.

25 MS. WEINGARDEN: Judge, could she look?

1 THE MASTER: Which report is that we're
2 talking about? Is it one that's already one of the four
3 exhibits, Ms. Weingarden?

4 MS. WEINGARDEN: I don't know what she would
5 say to that question. Could we ask her?

6 THE MASTER: Please ask that question.

7 BY MS. WEINGARDEN:

8 Q. Is the report you'd like to refer to to determine when
9 you closed your case one of four exhibits we've
10 discussed today?

11 A. Yes, ma'am.

12 THE MASTER: Which one is it by exhibit
13 number, if you have the exhibit number or the complaint
14 date?

15 BY MS. WEINGARDEN:

16 Q. Do you know, Ms. Apple, what exhibit number or what
17 complaint date it would be?

18 A. I do have the complaint date. And forgive me. Can you
19 just remind me what I'm looking in this report for?

20 Q. To find out what date you closed your case.

21 A. Yes, ma'am.

22 THE MASTER: What is the complaint date, then,
23 that we're talking about, so everybody knows what you're
24 looking at?

25 THE WITNESS: Can I just reach back and get

1 it? It's on the --

2 THE MASTER: Certainly, yes.

3 THE WITNESS: The date on this report is
4 8/6/2018. It is ten pages long. I signed the report --

5 THE MASTER: Just a moment before you
6 continue. So 8/6/2018, ten pages long. That's been
7 previously identified by disciplinary counsel as which
8 exhibit?

9 MS. WEINGARDEN: 17.

10 THE MASTER: And, Mr. Ashcraft, you have that
11 also?

12 MR. ASHCRAFT: I do, Your Honor. Thank you.

13 THE MASTER: All right. You may go ahead and
14 continue with your answer about the date you -- was that
15 the date that you signed it? Is that what you were
16 getting ready to say?

17 THE WITNESS: Yes. Yes, Your Honor. The date
18 I signed --

19 THE MASTER: All right. Mr. Ashcraft?

20 MR. ASHCRAFT: Thank you, Judge. I thought
21 the question was when she was reassigned.

22 THE WITNESS: That wasn't the question.

23 MR. ASHCRAFT: I'm sorry. When she concluded
24 her investigation.

25 MS. WEINGARDEN: Well, the question was when

1 she closed her case.

2 MR. ASHCRAFT: When she closed her case.

3 THE MASTER: Ms. Apple, just answer yes or no.
4 The date that you're getting ready to give us, is that
5 the date that you closed your case, if you can answer
6 yes or no?

7 THE WITNESS: Yes. Yes.

8 THE MASTER: All right. Mr. Ashcraft, are we
9 ready to go on? Any other objections?

10 MR. ASHCRAFT: I would just like to know where
11 she is reading from, because, again, the objections
12 earlier were that it's not her report. So I'd just like
13 to know where she's reading from so I can follow along.

14 THE MASTER: All right. Now, let me ask you
15 this question, Ms. Apple. You said you were going to go
16 and reach for that report. I think you identified that
17 as being the August 6, 2018, report that has ten pages;
18 is that correct?

19 THE WITNESS: Yes, Your Honor.

20 THE MASTER: And, Ms. Weingarden, you
21 identified that as Exhibit Number 17. Am I remembering
22 that correct?

23 MS. WEINGARDEN: Yes.

24 THE MASTER: All right. So, Mr. Ashcraft, do
25 you have the one they're talking about?

1 MR. ASHCRAFT: I do, Judge. Thank you.

2 THE MASTER: All right. Thank you. So you
3 may answer that question. Ms. Jorgensen, please read
4 that question again.

5 (The question was read back as follows:

6 "QUESTION: The date you closed your
7 case.")

8 THE MASTER: All right. And then Ms. Apple
9 was going on to read that date, and I think the question
10 that I or somebody asked is: Is the date that you're
11 getting ready to read the date that you closed your
12 case? And you said yes to that answer. Is that
13 correct, Ms. Apple? To that question.

14 THE WITNESS: Yes.

15 THE MASTER: All right. Let me see if
16 Ms. Weingarden has any follow-up questions. It seems
17 like there might need to be some clarification. I'm not
18 sure, but I'll leave that up to Ms. Weingarden.

19 BY MS. WEINGARDEN:

20 Q. Okay. So the report you have in front of you is ten
21 pages long, Exhibit 17; is that right?

22 A. Yes, ma'am.

23 Q. And that was written before you closed your case?

24 A. Yes, ma'am.

25 Q. Okay.

1 MS. WEINGARDEN: So I just want to put on the
2 record, Judge, I owe all of you an apology. I erred
3 when I skimmed the ten-page report and said that
4 Ms. Apple's words were not on there. So I would like to
5 direct her to those paragraphs that were previously in
6 Exhibit 18, but it's also in Exhibit 17. So may I
7 direct her attention to that? Because she did author
8 that report.

9 THE MASTER: Let me find out if Mr. Ashcraft
10 has any questions or if there is the need for any
11 further clarification before you ask that question.

12 MR. ASHCRAFT: Yes, Judge. Ms. Apple has
13 testified that she didn't author Exhibits 17 and 18.

14 THE MASTER: All right. My recollection --
15 well, go ahead. Ms. Weingarden, what is your response
16 to Mr. Ashcraft's understanding?

17 MS. WEINGARDEN: I think she did testify that
18 she authored the ten-page report which is Exhibit 17.

19 THE MASTER: Anything further, Mr. Ashcraft?

20 MR. ASHCRAFT: Nothing further, Judge.

21 THE MASTER: All right. So trying to stay
22 clear with the reports and what we're calling them as
23 far as the exhibits. Exhibit 17 is what we're referring
24 to. And let's get an answer to that question.

25 Ms. Apple, did you author the Exhibit 17, which is the

1 ten-page report that has the complaint date of August 6,
2 2017?

3 MS. WEINGARDEN: 2018. Wait. Judge, it's
4 2018.

5 THE MASTER: 2018. Thank you very much.
6 2018.

7 THE WITNESS: Yes, Your Honor.

8 THE MASTER: All right. Thank you. Ask your
9 next question, Ms. Weingarden. And, Ms. Apple, don't
10 answer yet. Let me see if there's an objection. Go
11 ahead.

12 BY MS. WEINGARDEN:

13 Q. I'm referring to page 7 of that report, and it's also
14 got the date of August 9th of 2018.

15 THE MASTER: August what? August what?

16 MS. WEINGARDEN: 9th of 2018. Did you hear
17 that, Judge?

18 THE MASTER: I did, but I thought we were
19 looking at August 6.

20 MS. WEINGARDEN: Okay. I understand the
21 problem.

22 BY MS. WEINGARDEN:

23 Q. So, Ms. Apple, the complaint date of August 6th of 2018
24 is the ten-page report that you say you authored; is
25 that right?

1 A. Yes.

2 Q. And that's what we have marked Exhibit 17.

3 A. Yes.

4 Q. I'm going to ask you to look at page 7 of that document
5 and tell me if there is an entry dated August 9th of
6 2018 where you had a successful case contact with Tracy
7 Green.

8 THE MASTER: All right. One moment.
9 Mr. Ashcraft, are you there?

10 MR. ASHCRAFT: I'm here, Judge, but I'm sorry.
11 I was speaking with Judge Green. Could I kindly hear
12 the question again, please?

13 MS. WEINGARDEN: Yes. We're referring to
14 Exhibit 17 which has a complaint date of August 6th of
15 2018 that Ms. Apple said she authored, and I'm asking
16 her to look at page 7, the entry on August 9th, 2018, at
17 11:35 a.m. where she had a successful case contact with
18 Tracy Green.

19 MR. ASHCRAFT: I'm there, Judge. Thank you.

20 THE MASTER: All right. Go ahead.

21 BY MS. WEINGARDEN:

22 Q. Ms. Apple, did you author those four paragraphs on that
23 page?

24 A. Yes.

25 Q. Did you have a phone call with Ms. Green -- Judge Green

1 about -- that you've now documented in those four
2 paragraphs?

3 A. Yes.

4 Q. Is one of the things that she -- should obtain a copy of
5 the opinion given by Judge Kevin Cox in the --

6 THE MASTER: One moment. There was a break up
7 early on. One of the things that somebody told you, but
8 we didn't hear all of that so if you'll start over with
9 that question or statement.

10 BY MS. WEINGARDEN:

11 Q. Is one of the things Judge Green told you was that you
12 should obtain a copy of the opinion given by Judge Kevin
13 Cox in the divorce proceedings in regard to her son,
14 Gary Davis-Headd, and his former wife, Choree Ann
15 Bressler?

16 THE MASTER: You may answer.

17 THE WITNESS: Yes.

18 BY MS. WEINGARDEN:

19 Q. Did you obtain the opinion, which is a transcript, by
20 Judge Cox?

21 A. Yes.

22 Q. How did you obtain it?

23 A. Ms. Choree Ann Bressler provided it to CPS.

24 Q. Did you read it?

25 A. Yes.

1 Q. Were you aware that the order said that neither parent
2 could use corporal punishment on their children?

3 A. Yes.

4 Q. Did you ever confront Judge Green with that page in the
5 transcript?

6 A. No.

7 Q. Did you ever consult -- confront Gary Davis-Headd Sr.
8 about that page in the transcript?

9 A. No.

10 Q. Did any police agency, specifically the FBI, contact you
11 about this case?

12 A. Yes.

13 Q. Did you cooperate --

14 A. Yes.

15 THE COURT REPORTER: I'm sorry. I need the
16 question again, please, Judge Widgeon.

17 THE MASTER: Yes. Go ahead, Ms. Weingarden.

18 BY MS. WEINGARDEN:

19 Q. Did you cooperate with them?

20 A. Yes.

21 THE MASTER: Did you say, "Did you cooperate
22 with them?"

23 MS. WEINGARDEN: Correct.

24 THE MASTER: All right. And the answer?

25 THE WITNESS: Yes.

1301

1 BY MS. WEINGARDEN:

2 Q. Do you know what they were investigating?

3 A. Yes.

4 Q. Tell us what they were investigating.

5 MR. ASHCRAFT: Judge, the objection is
6 hearsay, foundation, and speculation. The only way she
7 would know what they're investigating is if someone told
8 her about that.

9 THE MASTER: All right. Thank you. Any
10 response?

11 MS. WEINGARDEN: Well, she cooperated with the
12 investigation, so she had to know what it was about.

13 THE MASTER: All right. The objection to
14 hearsay is sustained. We are in the separate record.
15 You may answer the question.

16 THE WITNESS: Yes. I was contacted by two FBI
17 agents, and they wanted to know if Judge Green used her
18 authority as a judge to impede on the CPS invest -- on
19 my CPS investigation.

20 BY MS. WEINGARDEN:

21 Q. And what was your response to them?

22 A. I answered the information -- the questions that they
23 asked me. I answered the questions that they asked me.

24 Q. Next --

25 THE MASTER: You need to start all over on
1302

1 that one. You said "next" something, and we didn't
2 hear.

3 MS. WEINGARDEN: I'm changing topics now.

4 BY MS. WEINGARDEN:

5 Q. Ms. Apple, you told us earlier today that you authored a
6 report with a complaint date of June 24th of '18, 25
7 pages long, which I have marked Exhibit 16. Do you
8 recall that?

9 A. Yes.

10 Q. I'm going to refer you to page 13 of that report. And
11 if you don't remember what's on that -- moment to read
12 it, you can.

13 THE MASTER: All right. I think we understand
14 generally what you were saying, but it was breaking up.
15 So please say that again.

16 MR. ASHCRAFT: Judge, in addition, if we could
17 just get the exhibit number, maybe that was what part of
18 it broke up.

19 MS. WEINGARDEN: Exhibit 16, which is a
20 complaint date of 6/24 of '18. It's a 25-page report.
21 And I'm asking Ms. Apple to look at page 13, and I'm
22 asking her if she needs time to --

23 THE MASTER: If she needs time to read it?

24 MS. WEINGARDEN: Yes.

25 THE MASTER: All right. Do you need time to

1 read that report, Ms. Apple?

2 THE WITNESS: If I could just reach for it and
3 turn to page 13, I would know whether I need to read it
4 or not.

5 THE MASTER: You may reach for it. It's the
6 one behind you also?

7 THE WITNESS: I grabbed them both at the same
8 time, so it's right here.

9 THE MASTER: Very good.

10 MS. WEINGARDEN: And I should also say page 12
11 is the first line of what I want her to review, the last
12 line on page 12.

13 THE WITNESS: I've reviewed it.

14 BY MS. WEINGARDEN:

15 Q. On June 26th of 2018 did you have a successful phone
16 contact with Judge Tracy Green?

17 A. Yes.

18 Q. And, by the way, she wasn't a judge yet at that point;
19 right?

20 A. Yes. She was not.

21 Q. All right. Did this call between the two of you occur
22 after a Family Team Meeting?

23 A. Yes.

24 Q. What was the reason you placed the call to her?

25 A. Initially, honestly, it was to check on Judge Green and

1 to see if she had any additional questions. The Family
2 Team Meeting was over three hours long, and it was -- it
3 was emotional.

4 Q. All right. During your phone conversation with her on
5 June the 26th did she tell you that she knows that her
6 son is a very strong disciplinarian?

7 A. Yes.

8 Q. Did you document that in your report?

9 A. Yes.

10 Q. Did she tell you that she knew her son was a very strong
11 disciplinarian and she never thought that it was this
12 bad?

13 A. Yes.

14 Q. Do you -- did you understand what she meant by "it"?

15 MR. ASHCRAFT: Speculation.

16 THE MASTER: Ms. Weingarden, would you clarify
17 what you're talking about?

18 BY MS. WEINGARDEN:

19 Q. In the context of the conversation, can you tell us
20 what -- if you know, what she was referring to when she
21 said she didn't know it was this bad?

22 MR. ASHCRAFT: Same objection.

23 THE MASTER: All right. So the objection is
24 overruled. You may answer the question.

25 THE WITNESS: We were previously speaking

1 about the physical abuse, so it would have been the
2 physical abuse.

3 BY MS. WEINGARDEN:

4 Q. Of Gary and Russell?

5 A. Yes, ma'am.

6 Q. Did she explain to you what she meant by "this bad"?

7 MR. ASHCRAFT: Same objections.

8 THE MASTER: Thank you. Anything further
9 before I respond, Ms. Weingarden?

10 MS. WEINGARDEN: It's again in the context of
11 the conversation. Can she tell us what they were
12 referring to when she said "this bad"?

13 THE MASTER: The objection is overruled. You
14 may answer the question.

15 THE WITNESS: So, again, this bad, I was
16 understand -- I understood her to still be speaking
17 about the physical abuse to her grandchildren.

18 BY MS. WEINGARDEN:

19 Q. Did you document in your report what she told you?

20 A. Yes.

21 Q. And independent of your report and your review of the
22 report, do you remember her telling you this?

23 A. Absolutely, yes.

24 Q. Did you further talk on the phone and did she tell you
25 that one time she was going to pick up her grandchildren

1 from their father's home and she could hear her son
2 yelling from upstairs in the house and she heard what
3 sounded like a slap and, when she went upstairs, she
4 could see a handprint on Gary Jr.'s face?

5 A. Yes, that's what she said to me.

6 Q. Did you document that in your report?

7 A. Yes.

8 Q. Independent of your report and your review of the
9 report, do you remember her telling you that?

10 A. Yes.

11 Q. Did she also report to you that the children had told
12 her in the past that they would get, quote, spankings
13 but she never asked what a spanking was?

14 A. Yes.

15 Q. Did you document that in your report?

16 A. Yes.

17 Q. Besides documenting it in your report and reviewing your
18 report, do you have an independent recollection of her
19 having said that to you?

20 A. Yes.

21 Q. Did you ever ask her if she witnessed any abuse other
22 than that?

23 A. No.

24 MR. ASHCRAFT: Excuse me.

25 Q. Did you ever ask her --

1 MR. ASHCRAFT: Excuse me. Objection.

2 Foundation.

3 THE MASTER: Foundation to the question of did
4 the witness ever ask, that particular question that
5 Ms. Weingarden was asking?

6 MR. ASHCRAFT: She asked "other abuse." There
7 hasn't been a foundation laid that this was abuse that's
8 made note of in here. And "other abuse" contemplates
9 that there was abuse and notation of abuse, and there is
10 no such notation in this report. There is no
11 foundation.

12 THE MASTER: Thank you. Ms. Weingarden?

13 MS. WEINGARDEN: I can simply rephrase the
14 question.

15 THE MASTER: Thank you.

16 BY MS. WEINGARDEN:

17 Q. Did you ever ask Miss -- Judge Green whether she saw
18 abuse occur?

19 A. No.

20 Q. Did you ever ask her whether she saw any injuries on the
21 children?

22 A. She volunteered that information.

23 Q. What did she volunteer?

24 A. She volunteered going into the family home and seeing a
25 handprint on Gary Jr.'s face.

1 Q. Now, I just read to you a statement about Tracy Green
2 telling you the children told her in the past that they
3 would get spankings. Do you recall me reading that to
4 you?

5 A. Yes.

6 Q. Did you ask her what she meant by the word "spankings"?

7 A. No.

8 Q. Did she tell you that she never inquired what a spanking
9 was?

10 A. Yes.

11 Q. Did you document that in your report?

12 A. Yes.

13 Q. And do you have an independent recollection of her
14 having said that to you?

15 A. Yes.

16 Q. Did Tracy Green ever tell you she put makeup on the
17 handprint that --

18 THE MASTER: Just a second. You are going to
19 have to reask that question because it was breaking up.

20 BY MS. WEINGARDEN:

21 Q. Did Judge Green tell you that she put makeup on the
22 handprint on Gary Jr.'s face?

23 A. No.

24 Q. Would you remember this if she had told you that?

25 A. Yes.

1 Q. Would it have been a big deal for her to tell you that?

2 A. Yes.

3 Q. In the context of your conversation with Tracy Green in
4 which she told -- am I breaking up again?

5 THE MASTER: Yes, you are.

6 BY MS. WEINGARDEN:

7 Q. In the context of your conversation with Tracy Green in
8 which she told you about her son leaving a handprint on
9 her grandson, would you have expected her to also tell
10 you that she put makeup on the handprint?

11 MR. ASHCRAFT: Foundation. Speculation.

12 THE MASTER: All right. One moment. Let's
13 take one at a time. Ms. Jorgensen, were you able to
14 hear that question?

15 THE COURT REPORTER: I was, Your Honor.

16 THE MASTER: All right. Thank you. So the
17 objection is to foundation and speculation. Response?

18 MS. WEINGARDEN: Okay. So it's not
19 speculation because she's the investigator in the case
20 and she has expectations of what people would tell her
21 or not tell her. And foundation, I guess my argument is
22 the same, that she's directing the investigation.

23 THE MASTER: All right. Thank you. Anything
24 further, Mr. Ashcraft, before I rule?

25 MR. ASHCRAFT: Judge, the question was whether

1 Ms. Apple would have expected Judge Green to say a
2 particular thing. That is something that she is, in
3 essence, getting in the mind of Judge Green as to what
4 she would expect Judge Green to do and Judge Green would
5 do what she would expect her to do. So I think that's
6 speculative to ask a question like that.

7 THE MASTER: All right. Anything further,
8 Ms. Weingarden?

9 MS. WEINGARDEN: Well, it's not just asking a
10 vague question. Was I breaking up? It's not just
11 asking a vague question about what she would have
12 expected Judge Green to do. What I'm asking is
13 specifically would she have expected Judge Green to tell
14 her that she put makeup on an injury.

15 THE MASTER: All right. Thank you.
16 Mr. Ashcraft, anything further before I rule?

17 MR. ASHCRAFT: Nothing further, Your Honor.

18 THE MASTER: Thank you. Objection is
19 overruled. You may answer the question.

20 THE WITNESS: Yes. I would have expected her
21 to tell me.

22 BY MS. WEINGARDEN:

23 Q. Why would you have expected that?

24 A. Because she volunteered the information. I didn't even
25 ask her about it. She -- she offered it to me. So I

1 would have expected her to tell me.

2 Q. So she offered to you the fact that she heard and saw a
3 slap mark on Gary Jr.'s face, so you would have expected
4 her to tell you that she covered it with makeup?

5 A. Yes.

6 Q. Why would you have that --

7 THE COURT REPORTER: I couldn't hear that,
8 please.

9 BY MS. WEINGARDEN:

10 Q. Why would you have that expectation of her?

11 A. I don't -- I don't know.

12 Q. Did her position as a grandmother or a lawyer or someone
13 who practiced family and juvenile law and was a
14 guardian ad litem and a foster care worker affect
15 whether you would have expected her to tell you this
16 information?

17 A. Yes.

18 Q. Explain to us why that's important to you.

19 A. It's important to me for several reasons, and I hope I'm
20 not cut off when I'm trying to explain this. When I met
21 Judge Green, I had never met her before. And it was
22 almost like, wow, she used to be a foster care worker.
23 She works in the court system now. She's running for
24 judge. That was a big deal to me.

25 And she's a child advocate. And I could be

1 misspeaking, but her platform was child welfare and
2 family advocacy. That's what she was running and
3 presenting as. So she knows that that type of
4 discipline is inappropriate.

5 MR. ASHCRAFT: Judge, objection.

6 THE WITNESS: That's why I would have expected
7 it.

8 THE MASTER: One moment.

9 MR. ASHCRAFT: This is going far afield of
10 what the question was, number one. And, number two,
11 it's now going into opinion testimony about what she
12 would expect that the judge would expect at any given
13 time. There's no foundation for it. It's now turned
14 into opinion testimony. This is not something contained
15 in any report even.

16 THE MASTER: Anything in response before I
17 rule on this?

18 MS. WEINGARDEN: Yes. I asked her what her
19 expectation would be of a judge and a lawyer and an
20 advocate and why she had that expectation, and she's
21 answered the question. She's directing the
22 investigation and she would expect a person in
23 Judge Green's position to share that she covered a mark
24 that was an injury to a child's face. So I think it's a
25 fair question and a fair answer for her to explain why

1 she had that expectation.

2 MR. ASHCRAFT: Judge, now we're changing words
3 around that are not even in the report in terms of
4 injury and the like. First of all, the question is not
5 relevant and the answer is not relevant to the charges
6 that are pending in this particular case. And I realize
7 that this isn't even admitted testimony at this point
8 and it's a separate record, but it's certainly not
9 relevant.

10 Number two, it's now going into opinion
11 testimony in terms of what she would expect from someone
12 in these particular categories with these particular
13 credentials and the like.

14 I don't understand that Ms. Apple has the same
15 sort of credentials to be able to opine as to what she
16 would expect a lawyer in the child welfare space to do
17 and the like. It's opinion testimony from a fact
18 witness.

19 THE WITNESS: Credentials.

20 THE MASTER: All right. Thank you. I will --
21 I'm going to overrule the objection, and so I'll hear
22 the rest of that answer that the witness had. We might
23 have to have Ms. Jorgensen reread the answer. And then
24 after that, Ms. Weingarden, do you have additional
25 questions in this area? Because I did overrule the

1 objection, but it seems that we are starting to get into
2 some of the areas that Mr. Ashcraft is complaining
3 about. So how much farther are you planning to go?

4 MS. WEINGARDEN: I can move on.

5 THE MASTER: All right. Let us have the
6 answer read back as far as it went, and then, if there
7 was something else you were saying to finish that, I
8 will allow that and then Ms. Weingarden is going to move
9 on.

10 (The answer was read back as follows:

11 "ANSWER: It's important to me for
12 several reasons, and I hope I'm not cut
13 off when I'm trying to explain this.
14 When I met Judge Green, I had never met
15 her before. And it was almost like,
16 wow, she used to be a foster care
17 worker. She works in the court system
18 now. She's running for judge. That was
19 a big deal to me.

20 "And she's a child advocate. And
21 I could be misspeaking, but her platform
22 was child welfare and family advocacy.
23 That's what she was running and
24 presenting as. So she knows that that
25 type of discipline is inappropriate.")

1 THE MASTER: All right. Thank you.

2 Ms. Apple, did you have anything else to finish that, or
3 were you done with your answer?

4 THE WITNESS: I was done.

5 THE MASTER: All right. Thank you. Let's
6 move on.

7 BY MS. WEINGARDEN:

8 Q. Did Tracy Green ever tell you that she concealed
9 injuries on Gary Jr.'s face to prevent teasing by his
10 younger brother Russell?

11 A. No.

12 Q. Would you remember this if she had told you that?

13 A. Yes.

14 Q. Would it have been a big deal for her to tell you that?

15 A. Yes.

16 Q. Would you have expected her to tell you that?

17 A. Yes.

18 Q. Did she ever tell you that the boys teased each other
19 about anything in connection to their father's abuse?

20 A. No.

21 Q. Would you have expected her to tell you that if that
22 had, in fact, happened?

23 A. Yes.

24 MS. WEINGARDEN: One moment, please. I'm just
25 reviewing my notes.

1 THE MASTER: Certainly.

2 BY MS. WEINGARDEN:

3 Q. Ms. Apple, were photographs taken of the boys' injuries
4 after June 24th of 2018?

5 A. Yes.

6 Q. Did you see those photographs?

7 A. Yes.

8 Q. On a scale of one to ten, how bad would you say were the
9 injuries?

10 MR. ASHCRAFT: Objection.

11 THE WITNESS: Eleven.

12 THE MASTER: Excuse me. There is an
13 objection. Mr. Ashcraft, go ahead.

14 MR. ASHCRAFT: Foundation, relevance,
15 speculation, opinion testimony.

16 THE MASTER: Ms. Weingarden?

17 MS. WEINGARDEN: Okay. So she's not
18 speculating, because she saw pictures with her own eyes.
19 She's an experienced CPS investigator who, presumably,
20 has seen a lot of abuse in her seven years as a CPS
21 investigator. And that's my response.

22 THE MASTER: All right. I'm going to sustain
23 the objection. And this is the separate record, so you
24 may answer that, but I do find that the objections that
25 Mr. Ashcraft has placed are appropriate. Go ahead.

1 BY MS. WEINGARDEN:

2 Q. Ms. Apple, on a scale of one to ten, how bad would you
3 say were the injuries on the boys?

4 A. Eleven.

5 Q. So over the top?

6 A. Yes.

7 Q. Is that why you filed the petition?

8 A. Yes.

9 Q. Can you describe for us what you saw in the photos?

10 A. Yes.

11 MR. ASHCRAFT: Objection, Your Honor.

12 THE MASTER: Yes. The objection is heard and
13 is sustained. And you may answer the question.

14 MR. ASHCRAFT: Thank you.

15 THE COURT REPORTER: I'm sorry, Judge. I
16 didn't hear what the objection was.

17 THE MASTER: It was same objection, the
18 continuing objection that Mr. Ashcraft had to the first
19 question, and I sustained both of those. Go ahead.

20 THE WITNESS: Those boys were covered in
21 purple, burgundy, black bruises all over their bodies.

22 It's something I'll never forget. And once they were
23 able to show the bruises, they just didn't stop.

24 Anybody that came around them they showed them. I don't
25 have anything else to say. I will never forget those

1 boys and those bruises.

2 BY MS. WEINGARDEN:

3 Q. Are you getting emotional right now?

4 A. I am.

5 Q. Explain to us why this is so upsetting to you.

6 A. I feel like this case is being tried all over again.
7 Those boys were tortured. The way I was treated during
8 this case was horrible, and I was doing my job to
9 protect those children.

10 It's a lot. Some of this stuff, I don't
11 even -- I didn't want to review it because I didn't
12 forget it.

13 Q. Who was treating you horrible during your investigation
14 of this case?

15 A. Coworkers, during the court proceedings, Gary
16 Davis-Headd Jr [sic]. It was a lot. This case was a
17 big deal, and a lot of people had opinions about it.

18 Q. Okay. I have one last area of inquiry.

19 When you were at the scene of the home on
20 June 24th of 2018, did you go inside the home and talk
21 to the boys?

22 A. I did go inside the home, yes.

23 Q. Did you ever talk with Gary Jr. about where he wanted to
24 be placed in a safety plan?

25 A. I didn't -- I don't recall asking him specifically where

1 he wanted to go. I recall him telling me where he
2 didn't want to go.

3 MR. ASHCRAFT: Judge, if it's going beyond
4 this, obviously it's a hearsay objection.

5 MS. WEINGARDEN: Well, I think I can establish
6 an excited utterance exception.

7 THE MASTER: All right. Anything further,
8 Mr. Ashcraft?

9 MR. ASHCRAFT: Yes, Judge. There is no
10 foundation laid for an excited utterance, and this is
11 also a notation that apparently is not even in the CPS
12 report. So the idea as to when it was made and how it
13 was recorded and what the circumstances were aren't
14 recorded anywhere in the report, as I understand it.

15 THE MASTER: Anything further?

16 MS. WEINGARDEN: May I lay --

17 THE MASTER: May you lay a foundation?

18 MS. WEINGARDEN: Yes.

19 THE MASTER: You may. And don't answer the
20 question until after I see if there is an objection
21 after Ms. Weingarden lays the foundation. Go ahead.

22 BY MS. WEINGARDEN:

23 Q. When you talked with Gary Davis-Headd Jr. -- Gary Jr.
24 we'll call him -- do you recall if he -- how he was
25 acting?

1 A. Yes.

2 MS. WEINGARDEN: Judge, can she answer the
3 question?

4 THE MASTER: She said yes.

5 MS. WEINGARDEN: Can I ask how was he acting?

6 THE MASTER: Yes, you may ask that question.

7 THE WITNESS: He was -- he was frightened, he
8 was scared, and he looked a little relieved.

9 BY MS. WEINGARDEN:

10 Q. Was it at that time that you saw the injuries on his
11 body?

12 A. I only saw one injury at that time.

13 Q. What part of his body was that injury on?

14 A. I believe it was on -- I don't know if it was on his
15 left or his right leg, like the calf area.

16 Q. Did it appear to you to be a fresh injury?

17 A. I can't determine what's fresh or not, but it was black.
18 It was purple, bluish purple.

19 Q. Did it look to you to be painful?

20 A. Yes.

21 Q. Was he crying?

22 A. Yes.

23 Q. Did you ask him where he wanted to be placed?

24 A. I don't remember asking him specifically where he wanted
25 to be placed.

1 Q. Did he volunteer to you where he did not want to be
2 placed?

3 A. Yes.

4 Q. Did he do it while he appeared to be frightened and
5 scared and crying?

6 A. Yes.

7 MS. WEINGARDEN: Judge, I think I have
8 established the foundation for an excited utterance.

9 THE MASTER: Mr. Ashcraft, response, if any?

10 MR. ASHCRAFT: Judge, I'll just maintain the
11 objection.

12 THE MASTER: The objection is overruled. You
13 may ask the question.

14 BY MS. WEINGARDEN:

15 Q. You can tell us where Gary Jr. told you he did not want
16 to be placed.

17 A. He said that he didn't want to go -- he didn't call
18 Tracy Green -- well, Judge Green he didn't call her
19 Grandma. He just called her Tracy, and he said he did
20 not want to go to Tracy's house.

21 Q. Did he say why?

22 A. Yes.

23 Q. What did he tell you?

24 A. He said that being at her house was just as bad as being
25 at home with his dad because he feared that his dad

1 would be able to get to him at his grandmother's. At
2 Tracy's house, rather.

3 Q. Did he give you any other reasons?

4 A. No.

5 Q. Did he ever tell you whether or not Tracy Green knew
6 that the boys were being abused and did nothing about
7 it?

8 A. He said that she knew. He said that they told her and
9 she didn't do anything about it.

10 Q. Did he make -- in the same discussion -- about whether
11 or not he wanted to go to her home?

12 THE MASTER: You're breaking up, so you'll
13 have to start all over with that question.

14 BY MS. WEINGARDEN:

15 Q. Did he make the statements that Tracy Green knew and
16 that they told her, at the same time that he made the
17 statement to you that he didn't want to go to Tracy
18 Green's house?

19 A. He made the -- I don't know if it was exactly at the
20 same time. It was not only myself. There were several
21 other CPS workers in the small room and he was speaking
22 to all of us and the police, so it wasn't just me
23 specifically.

24 Q. Do you remember a female police officer named Melissa
25 Adams being at the scene?

1 A. I do.

2 Q. Was she one of the people you're referring to when you
3 said police officers were there too?

4 A. Yes.

5 Q. In the end were Gary Davis-Headd Sr.'s parental rights
6 terminated?

7 A. Yes.

8 Q. Do you know if he was convicted by a jury or by a judge
9 of child abuse?

10 A. I never confirmed it, but I was told.

11 Q. Okay.

12 THE MASTER: Before you -- were you going to
13 say you don't have any additional questions?

14 MS. WEINGARDEN: Yes.

15 THE MASTER: All right. I'd like to hear that
16 last question that Ms. Weingarden asked, please.

17 (The record was read back as follows:

18 "QUESTION: Do you know if he was
19 convicted by a jury or by a judge of
20 child abuse?

21 "ANSWER: I never confirmed it, but I was
22 told.")

23 THE MASTER: So I'm thinking, then, about the
24 question before that. Would you read the question
25 before that?

1 (The record was read back as follows:

2 "QUESTION: In the end were Gary
3 Davis-Headd Sr.'s parental rights
4 terminated?

5 "ANSWER: Yes.")

6 THE MASTER: Thank you. That's fine. It
7 sounded as if I heard "junior," and I wanted to make
8 sure of that. And there was another question that was
9 asked earlier, and the answer -- I'd like to hear the
10 answer again. That answer was from Ms. Apple, and it
11 was the question having to do with who are the
12 individuals who had treated you horribly. I'd like to
13 hear that question and that answer because there was
14 something on it that made me put a question mark as to
15 what I actually heard.

16 (The record was read back as follows:

17 "QUESTION: Who was treating you horrible
18 during your investigation of this case?

19 "ANSWER: Coworkers, during the court
20 proceedings, Gary Davis-Headd Jr. It
21 was a lot. This case was a big deal,
22 and a lot of people had opinions about
23 it.")

24 THE MASTER: Thank you. And, Ms. Apple, was
25 that your answer, Gary Davis-Headd Jr.?

1325

1 THE WITNESS: That's incorrect. I misspoke.
2 It's Gary Davis-Headd Sr., Your Honor.

3 THE MASTER: All right. I thought I heard
4 "junior," and I didn't know if you meant junior or
5 senior, so I wanted to just make sure what I heard
6 was -- what I thought I heard was what you said.

7 THE WITNESS: Okay.

8 THE MASTER: Thank you. Ms. Weingarden, you
9 were done with your questions?

10 MS. WEINGARDEN: I am.

11 THE MASTER: All right. Let us take a break,
12 a ten-minute break, before we come back for the
13 cross-examination in the separate record. And would you
14 like to talk with Ms. Cassandra Drysdale-Crown? Is that
15 what you were --

16 THE WITNESS: I think, yes, I'll talk to her
17 had just for one second before we leave.

18 THE MASTER: I'm just -- I'm not sure what
19 question you have to ask. You may go ahead and ask it.
20 I may not be able to answer it.

21 THE WITNESS: I don't really have a question.
22 I just misspoke in one of my last answers, and I wanted
23 to correct that.

24 THE MASTER: All right. Thank you.

25 Ms. Weingarden, I will allow you to ask the witness, if

1 you want, if there is something that needs to be
2 clarified in answer to a question that you asked.

3 THE WITNESS: Her last question.

4 THE MASTER: Let us hear the last question
5 again. Don't answer it yet. Let me see if there is any
6 objection to anything. Ms. Jorgensen, please, the last
7 question.

8 (The record was read back as follows:

9 "QUESTION: Do you know if he was
10 convicted by a jury or by a judge of
11 child abuse?

12 "ANSWER: I never confirmed it, but I was
13 told.")

14 THE MASTER: So that is the question that you
15 are saying that you misspoke with respect to?

16 THE WITNESS: Yes, Your Honor. Yes,
17 Your Honor.

18 THE MASTER: All right. Thank you. What is
19 your answer, then?

20 THE WITNESS: I was aware that he was
21 convicted of the charges that Ms. Weingarden asked me
22 about.

23 THE MASTER: Ms. Weingarden, any follow-up?

24 MS. WEINGARDEN: No. But before we go off the
25 record, I need to move to admit a few exhibits.

1 THE MASTER: All right. Thank you. What are
2 those exhibits?

3 MS. WEINGARDEN: Exhibit 16 and 17, which are
4 the two reports that Ms. Apple said she authored.

5 THE MASTER: And those are both how many
6 pages?

7 MS. WEINGARDEN: So Exhibit 16 is the one with
8 complaint date of June 24th of '18. It's 25 pages long.
9 And Exhibit 17 is ten pages long. It's complaint date
10 August 6th of 2018.

11 THE MASTER: All right. Thank you.
12 Objections, Mr. Ashcraft?

13 MR. ASHCRAFT: No objections, Your Honor.

14 THE MASTER: Thank you. They are admitted.

15 (Exhibit 16 admitted.)

16 (Exhibit 17 admitted.)

17 THE MASTER: We were going to take a
18 ten-minute break, and I was trying to anticipate what
19 your hand was up for, Ms. Apple, when I said, Do you
20 need to talk to Ms. Cassandra Drysdale-Crown? But there
21 wasn't any particular need on your part. Is that
22 correct?

23 THE WITNESS: That's correct.

24 THE MASTER: All right. Thank you. Let's
25 take a ten-minute break where we are and then come back.

1 It's 12:52. We've been going -- well, we've been --
2 counsel and I have been in here since 9:30 this morning.

3 Counsel, what do you want to do with respect
4 to taking a lunch break before or after Mr. Ashcraft
5 does his cross-examination?

6 MS. WEINGARDEN: I would prefer after.

7 THE MASTER: Mr. Ashcraft? We are going to
8 take a ten-minute break no matter what, but --

9 MR. ASHCRAFT: Judge, just so we're clear,
10 though, Ms. Weingarden went for two hours with
11 Ms. Apple. My cross-examination is going to be
12 extensive. So if the idea is take a lunch break after
13 I'm done with my cross, it's not going to be something
14 that's going to be done in 30 minutes. That's for sure.
15 But I'm happy to move forward. Not a problem at all.

16 THE MASTER: All right. Thank you.
17 Ms. Weingarden, your reason for wanting to do it after
18 the cross-examination, was that just to be as
19 expeditious as possible or what was that reason?

20 MS. WEINGARDEN: Unfortunately, it was for
21 selfish reasons. I'm not hungry yet.

22 THE MASTER: All right. Well, I am going to
23 make a decision on this that it is seven minutes until
24 1:00. Let's come back by 1:30. If you get back before
25 1:30, turn your video on and I will turn mine on as soon

1 as I get back, but we'll take our lunch break right now.
2 I think we -- even though it hasn't been consistent,
3 we've been taking a few little breaks, but we've still
4 been here since at least 9:30. All right. Thank you.

5 MR. ASHCRAFT: Thank you, Judge.

6 THE MASTER: And during this time of the break
7 of course, Ms. Apple, you are still under those orders
8 that I had with respect to sequestration and witness
9 protocol and hearing. Thank you.

10 MR. ASHCRAFT: Thank you.

11 THE MASTER: See you back at 1:30.

12 THE WITNESS: Thank you.

13 THE MASTER: You're welcome.

14 (At 12:54 p.m., off the record.)

15 (At 1:31 p.m., on the record.)

16 THE MASTER: Thank you. Everyone is back.
17 And, Counsel, are we ready to proceed with
18 cross-examination by Mr. Ashcraft in this separate
19 record?

20 MS. WEINGARDEN: Yes.

21 MR. ASHCRAFT: Ready to proceed, Your Honor.

22 THE MASTER: All right. Thank you.

23 Ms. Apple, you are still under oath. We'll now have
24 cross-examination by Mr. Ashcraft. Proceed.

25 MR. ASHCRAFT: Thank you, Judge.

C R O S S - E X A M I N A T I O N

BY MR. ASHCRAFT:

Q. Good afternoon, Ms. Apple.

A. Good afternoon.

Q. Earlier today you testified that you were told of a conviction of Gary Davis-Headd but you never confirmed that, and then you asked for an opportunity to clarify your answer and then you said that you were aware; right?

A. That is correct.

Q. And, in fact, you were at the sentencing, were you not?

A. Yes.

Q. And you told Brenda Richard that you actually took a day off to attend the sentencing because you were not going to miss it; right?

A. That's incorrect.

Q. Okay.

THE MASTER: One moment, please. What is that name, Mr. Ashcraft?

MR. ASHCRAFT: Brenda Richard.

THE MASTER: Richard. All right. Thank you. Continue.

MR. ASHCRAFT: Thank you.

BY MR. ASHCRAFT:

Q. Now, you were actually removed from the case by your

1 manager, McDougale or Baker; is that right?

2 A. I was reassigned.

3 Q. Well, I want to make sure that I understand that. You
4 were removed from any continued work on the underlying
5 matter; right?

6 A. I was reassigned.

7 Q. Well, were you allowed to do additional work on the
8 underlying matter?

9 A. It was no longer my case.

10 Q. Were you allowed to do additional work on the underlying
11 matter?

12 A. I'm not allowed to do work on cases that I'm not
13 assigned to.

14 Q. So you were reassigned from the case, and that
15 prohibited you from doing any additional work on that
16 matter; correct?

17 A. Yes.

18 Q. Now, you testified earlier that you spoke with
19 Judge Green three or four times, and you listed a number
20 of different places. You talked about at the house and
21 at the FTM, which is the Family Team Meeting; right?
22 Right?

23 A. Yes.

24 Q. And you spoke with her during a telephone call and at
25 the juvenile court hearing; correct?

1 A. Yes.

2 Q. And then you had a text with her?

3 A. Yes.

4 Q. Okay. And all of these communications with her were in
5 furtherance of your investigation; correct?

6 A. They were during my investigation.

7 Q. And Judge Green was a witness; correct?

8 A. She was a witness. Correct.

9 Q. And you document all your witness contacts in your
10 report, as you testified to this morning; correct?

11 A. Yes.

12 Q. Now, I'd like to direct your attention to Exhibits 16
13 and 17 before we move on to additional exhibits. Do you
14 still have those with you?

15 A. I do.

16 Q. Now, Exhibit 16 is your report, complaint date June 24,
17 2018, and it's 25 pages long; correct?

18 A. Correct.

19 Q. Now, it's signed September 13 of 2018 by you; correct?

20 A. Yes.

21 Q. And it's also signed September 28, 2018, by
22 Ms. Cavanaugh; correct?

23 A. Yes.

24 Q. Now, it's 25 pages long so I would like to, if you
25 would, please, go down to page number 21. I'm sorry.

1 It's page number 23 of Exhibit 16, and let me know when
2 you are with me.

3 A. I'm with you.

4 Q. Okay. Bear with me for one moment, please.

5 MR. ASHCRAFT: Your Honor, may I share the
6 screen?

7 THE MASTER: You may.

8 MR. ASHCRAFT: Thank you.

9 BY MR. ASHCRAFT:

10 Q. I want to make sure that we're together here. So this
11 is the report we're looking at, Exhibit 16; correct?

12 A. Correct.

13 Q. So let's go up to page 23. And when you do your report
14 or prepare your report, you put materials in seriatim,
15 meaning you put them in chronologically, as you do the
16 work; correct?

17 A. In most instances, correct.

18 Q. Okay. So looking at page 23 of your June 24, 2018,
19 report, we are on page 23 and there is an e-mail that
20 you copied -- or maybe it was from a text or something
21 that you copied and pasted from August 3rd. Do you see
22 that?

23 A. Yes.

24 Q. And then we go down, and the next entry is August 6 at
25 9:05 a.m., right, and that's talking about people with

1 whom you spoke; correct?

2 A. Correct.

3 Q. And then the next entry is August 9, 2018, at 1:39 p.m.
4 Do you see that?

5 A. I see it.

6 Q. And that is an entry where you had successful case
7 contact with Judge Green; right? Is that right?

8 A. Yes, that's correct.

9 Q. Okay. Thank you. Thank you. And here you recorded
10 that Judge Green contacted you, requesting that she
11 receive a call back when you had a moment, and she
12 stated that she's been racking her brain and then ended
13 the conversation by stating that she would just like to
14 receive a call back; right?

15 A. Yes.

16 Q. So that was the contact that you had with a witness and
17 you included in your report; right?

18 A. Yes.

19 Q. And then your next entry is August 16 and the entry
20 after that is August 22, and we keep going forward from
21 there; correct?

22 A. That is correct.

23 Q. Okay. Thank you. Now, let's take a look at Exhibit 17
24 now. Okay?

25 A. Okay.

1 Q. Do you have that there?

2 A. I have in it in front of me now.

3 Q. Thank you. And August -- I'm sorry.

4 Exhibit 17 was your ten-page report with a
5 complaint date of August 6 of 2018; right?

6 A. Correct.

7 Q. All right. And let's scroll down, first of all, to the
8 bottom. It's only ten pages long, but to the bottom.
9 This is not signed; correct?

10 A. Correct.

11 Q. But it has a different date on it in terms -- it has the
12 same date on it -- strike that.

13 In Exhibit 16, your June 24 report, you signed
14 it on September 13th that we just saw. And on
15 Exhibit 17, your August 6 report, it has a date for your
16 signature of September 18, five days later; right?

17 A. Yes.

18 Q. But you didn't sign it, and then there is a space for
19 your supervisor's signature and this one is dated
20 October 4, 2018; correct?

21 A. Correct.

22 Q. And when we looked at the Exhibit 16, your supervisor,
23 Ms. Cavanaugh's, signature was dated September 28, about
24 six days earlier; right?

25 A. Which report are you referring to?

1 Q. Exhibit 16, the first one that we just looked at.

2 A. Okay. So Exhibit 16. Now, what's the question about my

3 supervisor's signature?

4 Q. Exhibit 16, your June 24 report, her signature is dated

5 September 28; correct?

6 A. Correct.

7 Q. Now, in this report August 6, her signature space is

8 dated October 4 of 2018; right?

9 A. Correct.

10 Q. So these two dates are clearly dates after the dates of

11 your signatures in your first report; right?

12 A. The two dates in Exhibit 16 are prior to the dates in

13 Exhibit 17.

14 Q. That's correct, yes. That's what I would like you to

15 confirm. What we're looking at now is Exhibit 17, and

16 the two signature spaces are typed out to be signed days

17 after the first report; correct?

18 A. So I don't think you understand the signature. Just

19 because --

20 Q. Excuse me. I didn't ask you about the signature. I'm

21 just asking you about the dates.

22 A. That's fine.

23 Q. I just want you to confirm --

24 A. That's correct.

25 Q. Okay. Thank you. All right. So the dates for your

1 report, Exhibit 17, the ten-page report, those signature
2 dates are dated after, by a few days, the signatures
3 from your first report; correct?

4 A. Correct.

5 Q. Thank you. Now, if you will, please, turn up, scroll up
6 with me to page number 7.

7 A. In which exhibit?

8 Q. I'm sorry. Exhibit 17.

9 A. Okay. I'm there.

10 Q. Thank you. So the top of page 7, Ms. Weingarden asked
11 you a question about this. You see an entry for
12 August 9, 2018, at 11:25 a.m.; correct?

13 A. Correct.

14 Q. And that's where you placed a call to Tracy Green;
15 right?

16 A. If that's what it says.

17 Q. Okay. And going back now to Exhibit 16, that's not
18 there, is it?

19 A. In what page are you on Exhibit 16?

20 Q. On page 23. We're going to go back and forth between
21 these two exhibits.

22 A. Okay. So Exhibit 16, and what time are you referring
23 to?

24 Q. Exhibit 16.

25 A. Uh-huh.

1 Q. 11:25 a.m. Let me take you back to Exhibit 16 --

2 A. Okay.

3 Q. -- the first report, that entry is not there, is it?

4 A. No, it's not.

5 Q. So let's go back to your second report, Exhibit
6 Number 17.

7 THE MASTER: Mr. Ashcraft?

8 MR. ASHCRAFT: Yes, Judge.

9 THE MASTER: Before you ask your next
10 question, since both of you have those exhibits open, do
11 you still need to share your screen?

12 MR. ASHCRAFT: Well, that's -- no. I just
13 wanted to make sure Your Honor was with me in terms of
14 my questioning. That's all.

15 THE MASTER: Certainly. I would like to see
16 the rest of the screen, because I need to know when
17 Ms. Jorgensen, for instance, can't hear a question or
18 whatever, and right now I just see you and Ms. Apple.
19 So if you all have those and if Ms. Weingarden also is
20 following along with you, then I'd like to see the rest
21 of the individuals.

22 MR. ASHCRAFT: Understood.

23 THE MASTER: Thank you.

24 MR. ASHCRAFT: Certainly. Thank you, Judge.

25 ///

1 BY MR. ASHCRAFT:

2 Q. So let me go back, Ms. Apple. And we talked about the
3 August 9, 11:25 a.m. entry is in your second report,
4 Exhibit 17, but is not in your original report,
5 Exhibit 16; correct?

6 A. Correct.

7 Q. And then let's look in Exhibit 17 to the next entry.
8 The next entry is also August 9 of 2018, and this one is
9 11:35 a.m.; correct?

10 A. And I'm looking at Exhibit 16; correct?

11 Q. No. Exhibit 17.

12 A. Okay. Exhibit 17. What page are we on?

13 Q. Same page, page number 7.

14 A. Okay.

15 Q. Exhibit 17, your second report, has an entry August 9 of
16 2018 at 11:35 a.m.; correct?

17 A. Correct.

18 Q. And that's another contact that you had with Judge Green
19 and this time her husband, Andre Green; right?

20 A. That's what it says.

21 Q. Okay. Well, it's your note, is it not?

22 A. It is my note, yes.

23 Q. Thank you. Now, let's go back to Exhibit 16, which was
24 your first report from days earlier. We're still on
25 page 21.

1 A. Okay.

2 Q. Can you agree with me that that August 9, 2018, at
3 11:35 a.m. entry is not in Exhibit 16?

4 A. I can agree.

5 Q. Thank you. Now, let's stay with Exhibit 16 for a
6 second.

7 A. Uh-huh.

8 Q. The next entry on Exhibit 16 is August 9th, 2018, at
9 1:39 p.m.; correct?

10 A. Correct.

11 Q. And that is a phone call that you have recorded it as
12 yourself and Judge Green; correct?

13 A. Correct.

14 Q. All right. That's 1:39. That's your first report. Now
15 let's look back at Exhibit Number 17 still at page
16 number 7. Are you with me?

17 A. I'm with you.

18 Q. Let's scroll down. The next report, the next entry is
19 not till August 15th, is it?

20 A. You're correct.

21 Q. So the August 9, 2018, entry of 1:39 p.m. somehow was
22 removed from your first report and added to your second
23 report -- I'm sorry -- was in your first report but then
24 was somehow removed and not included in your second
25 report; right?

1 A. Correct.

2 Q. And we know that your first report did not have the
3 other two August 9, 2018, entries in it, but they were
4 included in your second report; right?

5 A. Correct.

6 Q. Okay. Now, we received today another copy of your
7 June 24, 2018, report, and that's what was provided to
8 you as Exhibit Number 42. So can you please bring that
9 up?

10 A. I have it up.

11 Q. Thank you. Now, your Exhibit 42 report has -- if you
12 would go down to the bottom of it with me.

13 A. How far down am I going?

14 Q. We'll go all the way down to the bottom.

15 A. Okay.

16 Q. Now, your Exhibit 16 report, which was your first report
17 that you just testified about, June 24 of 2018, has
18 signature date for yourself of September 13 of '18, and
19 it's 25 pages. Now, looking at Exhibit 42, which is
20 another version of your first report, this one is 27
21 pages, isn't it?

22 A. So the report that -- maybe I'm looking at the wrong
23 report, because this one says -- I'm looking at the one
24 that's 34 pages.

25 Q. No, that's Exhibit 18. I'd like you to look at

1 Exhibit 42.

2 A. So I'm not -- I don't know if I have Exhibit 42.

3 Q. Well, that was one of the ones that Ms. Weingarden sent
4 you. That would have been the one that she sent you
5 this morning that she said you hadn't had an opportunity
6 to look at.

7 A. The one that I received this morning was the report
8 for -- with the letter on it addressed to Judge Green.
9 That's what I received this morning.

10 MS. WEINGARDEN: Mr. Ashcraft, can I say
11 something that might be helpful and speed things up?
12 Exhibit 42 is the one --

13 THE MASTER: You are breaking up.

14 MS. WEINGARDEN: Okay. Mr. Ashcraft,
15 Exhibit 42 was the one that was password-protected.

16 MR. ASHCRAFT: Correct.

17 THE WITNESS: I wasn't able to pull that
18 report up. I don't have it.

19 MR. ASHCRAFT: Okay. Well, I do. And,
20 Your Honor, with your permission, I know that you're not
21 keen on this. Is it okay if I share the screen so she
22 can see this?

23 THE MASTER: Yes. One moment. Let me see if
24 I can see everybody on my iPad. Just a second. All
25 right. Go ahead.

1 MR. ASHCRAFT: Thank you, Your Honor.

2 BY MR. ASHCRAFT:

3 Q. Ms. Apple, I'm showing you what's been marked as Exhibit
4 Number 42, which is another version of your original
5 report, and I'm scrolling to the bottom here. And
6 you'll see that this one is 27 pages long; right?

7 A. It is, correct.

8 Q. And the first version of your report that we marked as
9 Exhibit 16 is 25 pages; right?

10 A. Right.

11 Q. And this version of your report, likewise, does not have
12 those two August 9, 2018, entries in it, does it? Let
13 me move it up --

14 A. I don't know -- go ahead.

15 Q. I'll move it up to page 21 so you can see it. So here
16 is the August 3 entry on page 20.

17 A. Okay.

18 Q. And the top of page 21 is an August 3 entry.

19 A. Okay.

20 Q. And then we go to August 6. Then we go to August 9 at
21 1:39 p.m. Right?

22 A. Right.

23 Q. So the two earlier in the day August 9, 2018, entries
24 are not in this report either, are they?

25 A. Doesn't appear to be.

1 Q. Okay. Thank you.

2 MR. ASHCRAFT: Your Honor, I'll move to
3 admit -- subject to the separate record, I'll move to
4 admit Exhibit Number 42.

5 MS. WEINGARDEN: Judge, I don't think it's
6 been authenticated.

7 MR. ASHCRAFT: It hasn't been authenticated
8 because it's not signed?

9 MS. WEINGARDEN: Because nobody has said it's
10 their report and they're the author of it.

11 BY MR. ASHCRAFT:

12 Q. Ms. Apple, is Exhibit Number 42 your report?

13 A. I don't know. I haven't looked at it in its entirety.

14 Q. So are there more -- when you do an investigation and
15 you author your report, do you send out multiple
16 different versions of the same report?

17 A. Absolutely not.

18 Q. So do you have an explanation as to why Exhibit
19 Number 42 has two more pages than your original report
20 does?

21 A. I can't tell you that. I would be speculating.

22 Q. Well, what do you have to do to confirm that this, in
23 fact, is your report?

24 A. I would have to actually sit down and go -- and read it.

25 Q. Why don't you do that. And please compare Exhibit

1 Number 16, which is your June 24, 2018, report signed
2 and dated September 13 of 2018 and September 28 of '18,
3 and compare that to Exhibit 42, which also is the
4 June 24, '18, report, also signature line dated the
5 exact same days, just not signed.

6 A. Well, I would need the report in front of me to compare
7 it. And also I would like to sidebar with
8 Ms. Drysdale-Crown.

9 THE MASTER: All right. So two things. One,
10 with respect to this report that we're calling
11 Exhibit 42, who has a copy of it that's not -- you said
12 it was write-protected or something like that,
13 Ms. Weingarden? Is that what you were saying?

14 MS. WEINGARDEN: Password-protected, but I
15 have a hard copy that I could scan and e-mail, if that
16 would be faster.

17 MR. ASHCRAFT: I have a copy as a PDF, Judge.
18 I can e-mail it to whomever needs to have it. I mean,
19 these are not my exhibits. These were exhibits that we
20 were told today were going to be admitted by
21 Ms. Weingarden, 16, 17, 18, and 42.

22 THE MASTER: All right. So at this point I'll
23 ask -- it sounds like it will be more efficient if
24 Mr. Ashcraft, if you will -- I don't know if you have
25 the e-mail information for Ms. Apple or if that would be

1 for Ms. Drysdale-Crown or just what, or if it would be
2 better, easier to get to Ms. Weingarden.

3 At any rate, the witness needs to have a copy
4 on her e-mail so that she can look at it, if she needs
5 to print it out first, and be able to compare them so
6 that we know -- so that she can answer your question.

7 Counsel, which way is going to be more
8 efficient?

9 MR. ASHCRAFT: Judge, if Ms. Apple provides me
10 with her e-mail address, I will send it to her right now
11 and with a copy to Ms. Drysdale-Crown and
12 Ms. Weingarden.

13 THE MASTER: Ms. Weingarden and -- well, I
14 should say, is there any -- Ms. Drysdale-Crown, are we
15 able to get that to you and then you can share with that
16 with Ms. Apple?

17 MS. DRYSDALE-CROWN: Yes, Your Honor. That's
18 what I was going to suggest. I believe Mr. Ashcraft
19 does have my e-mail. So if he sends that to me, I will
20 forward it right on to my client.

21 THE MASTER: All right. Mr. Ashcraft, if you
22 will do that and also cc Ms. Weingarden and also cc me
23 on that, please.

24 MR. ASHCRAFT: Judge, you're coming up as
25 having two e-mail addresses in my queue. One is a Gmail

1 account.

2 THE MASTER: Then the one with just the Gmail.
3 That will get to me quickest. Thank you.

4 MR. ASHCRAFT: You're welcome.

5 THE MASTER: And Ms. Apple had requested to be
6 in a breakout room with Ms. Drysdale-Crown; is that
7 correct? Do you still --

8 THE WITNESS: Yes.

9 THE MASTER: All right. So while we're
10 sending that, getting that information, if there are no
11 other comments or objections, I will allow that to
12 occur.

13 MR. ASHCRAFT: Thank you, Judge, and it has
14 been sent.

15 THE MASTER: All right. Thank you.

16 MS. WEINGARDEN: No objection.

17 THE MASTER: All right. Thank you. Let me do
18 this, then. Thank you, Mr. Ashcraft. The record
19 reflects that I have received your e-mail. I have not
20 opened it up yet, but I see that it's in my box.

21 MR. ASHCRAFT: Thank you.

22 THE MASTER: And I will -- in ten minutes I
23 will bring you back into this main room. If you need
24 additional time you just let me know, and I'll send you
25 back in there. But just so I can control how long

1 you're there and when you come back, and I don't have to
2 have you go into the main room. So at this time we can
3 take a ten-minute break also.

4 (At 2:00 p.m., off the record.)

5 (At 2:10 p.m., on the record.)

6 THE MASTER: I am going to send a note that I
7 am closing that breakout room or bringing the witness
8 and Ms. Drysdale-Crown back in.

9 MS. DRYSDALE-CROWN: Thank you, Your Honor,
10 for allowing us the breakout. I just wanted to let the
11 Court know that I haven't received Mr. Ashcraft's
12 e-mail. It appears my Microsoft is not working. So can
13 I give an alternative e-mail address, my legal
14 assistant, who will take care of it for us?

15 THE MASTER: That would be fine. Did
16 Ms. Apple receive -- no. No, she wouldn't have received
17 it.

18 MS. DRYSDALE-CROWN: Right.

19 THE MASTER: You were going to receive it.
20 All right.

21 (Zoom audio issue.)

22 MS. WEINGARDEN: Judge, I did receive it.

23 THE MASTER: And I also did and made a copy of
24 it. I didn't hear any reverberation at that point. It
25 might be coming, Ms. Drysdale-Crown, from your end. I'm

1 not sure. But, Mr. Ashcraft, will you send it to the
2 second e-mail address and Miss --

3 (Zoom audio issue.)

4 THE MASTER: Well, now I'm getting a yellow
5 light around Judge Green's picture, and I know you are
6 here in the same room, so I don't know if anything has
7 changed.

8 MR. ASHCRAFT: It's not coming from us.

9 THE MASTER: All right. What is that -- do
10 you want to put that in the chat or --

11 MS. DRYSDALE-CROWN: Yes, I'll do that.

12 THE MASTER: All right.

13 MR. ASHCRAFT: Yeah. Ms. Drysdale-Crown, if
14 you want to tell me, I'll literally type it fat-fingered
15 right now.

16 THE MASTER: That works if you want to. If
17 you'd rather do it in the chat, that's fine too. I
18 don't think we need to put this on the record, just
19 giving the e-mail address.

20 (At 2:13 p.m., off the record.)

21 (At 2:16 p.m., on the record.)

22 THE MASTER: We can go back on the record now.
23 Mr. Ashcraft is copying that e-mail address for the
24 legal assistant for Ms. Drysdale-Crown, and he will be
25 sending that.

1 MR. ASHCRAFT: It has been sent, Your Honor.

2 THE MASTER: All right. Thank you.

3 Ms. Drysdale-Crown, if you will let me know when you get
4 it. I see that I have gotten a second copy, so just let
5 me know.

6 MS. DRYSDALE-CROWN: Thank you, Your Honor.
7 My legal assistant has received it. She has forwarded
8 it on to Ms. Apple.

9 THE MASTER: Thank you. And then, Ms. Apple,
10 we will give you an opportunity to review that, since
11 you didn't have it before when we took that break.

12 This is the 34-page document, correct,
13 Mr. Ashcraft and Ms. Weingarden?

14 MR. ASHCRAFT: Judge, Exhibit 42 is a 27-page
15 document.

16 THE MASTER: 27-page. Okay. Thank you.

17 THE WITNESS: I just received the e-mail. I'm
18 going to open it up and review it.

19 THE MASTER: All right. Thank you. You may
20 put your microphone on mute. And when you have read it,
21 if you will you open that up, please. Your microphone,
22 that is.

23 THE WITNESS: Okay.

24 (At 2:19 p.m., pause in proceedings.)

25 (At 2:29 p.m., proceedings resume.)

1 THE MASTER: All right. Ms. Apple, your
2 microphone is on, so I believe that means you have
3 reviewed the document; is that correct?

4 THE WITNESS: Correct.

5 THE MASTER: All right. Thank you.
6 Mr. Ashcraft, you may proceed.

7 MR. ASHCRAFT: Thank you, Your Honor.

8 BY MR. ASHCRAFT:

9 Q. Ms. Apple, have you had an opportunity now to review
10 Exhibit 16, your 25-page report of June 24, '18, and
11 Exhibit 42, the 27-page report of June 24, 2018?

12 A. Yes.

13 Q. And can you confirm for us those are both your reports?

14 A. Yes.

15 Q. Thank you. And if you would look at Exhibit Number 42
16 and confirm for me, please, that the August 9, 2018,
17 entries that we went and looked at that were in
18 Exhibit 17 your August 6, 2018, report, those are not in
19 Exhibit 42; correct?

20 A. Let me go back to August. September. Yes, that's
21 correct.

22 Q. Now, in Exhibit Number 17, one of the August 19 -- I'm
23 sorry -- August 9, 2018, entries is in, correct, and
24 that's the one that you reviewed at 11:35 a.m., that's
25 the one you testified about this morning with

1 Ms. Weingarden; right?

2 A. Could you repeat the question? I'm looking at the
3 report.

4 Q. It wasn't a very good one, so let me rephrase it for
5 you.

6 A. Okay.

7 Q. In Exhibit Number 17, the August 6, 2018, report that
8 you testified about this morning was, in fact, your
9 report, the August 9, 2018, at 11:35 a.m. entry was in
10 that report; right?

11 A. So Exhibit 17 is part of my report.

12 Q. Okay. Well, did you not testify a couple of hours ago
13 that Exhibit 17 was your report?

14 A. The information in Exhibit 17 is in my report. However,
15 this is part of the report.

16 Q. The August 9, 2018, at 11:35 a.m. entry is not found
17 anywhere in your first two reports, Exhibits 16 and 42;
18 correct?

19 A. That August 9th contact is not found in either of those
20 reports because it took place after the August 6th case
21 came in. So it would be in the August 6 report and
22 beyond.

23 Q. Ms. Apple, are you saying that a telephone discussion
24 you had with Tracy Green on August 9th, 2018, at
25 11:35 a.m. occurred after the time you signed off your

1 first report?

2 A. What I'm telling you is I didn't sign off on the reports
3 on the date that it says signature. That's just a date
4 that it's submitted to the supervisor. The case wasn't
5 closed yet, hasn't been completed.

6 Q. Ms. Apple, look at Exhibit 16, if you would, for me. Is
7 that not your signature?

8 A. I have Exhibit 16. Yes, this is my signature.

9 Q. And your signature is dated September 13 of 2018, is it
10 not?

11 A. That's the date on the report, yes.

12 Q. Do we agree that August 9 of 2018 is more than a month
13 before?

14 A. We can agree that, yes.

15 Q. Your discussion with Tracy Green on August 9 of 2018 at
16 11:35 a.m. is not included in your original reports,
17 even though they were signed and dated afterward; right?

18 A. So that discussion --

19 Q. Excuse me.

20 A. -- was included in the investigation, so it happened.

21 Q. Excuse me.

22 A. You want me to answer, or no?

23 THE MASTER: So this is --

24 MR. ASHCRAFT: Yeah, I do, actually.

25 THE MASTER: One moment.

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1 MR. ASHCRAFT: Is that correct?

2 THE MASTER: One moment. I want to have
3 Mr. Ashcraft ask his question again, and most likely
4 he'll be asking for a yes or a no answer and that's what
5 I would like you to give him, if you are able to give a
6 yes or a no answer. Now, if you think that it needs
7 more explanation, there will be a chance that
8 Ms. Weingarden will be able to go over this again in
9 redirect.

10 But, Mr. Ashcraft, please ask your question.

11 MR. ASHCRAFT: Thank you, Judge.

12 BY MR. ASHCRAFT:

13 Q. Your August 9, 2018, at 11:35 a.m. conversation with
14 Tracy Green was not included in your first report, even
15 though your first report was signed and dated more than
16 a month after the conversation; correct?

17 A. That's correct.

18 Q. And Exhibit Number 42, which is another version of your
19 first report that is two pages longer than the first
20 version, which was Exhibit 16, the August 9, 2018, at
21 11:35 a.m. conversation with Judge Green also is not in
22 that one either, is it?

23 A. No.

24 Q. That's correct?

25 A. That's correct. It's not in there.

1 Q. Thank you. Now, looking at Exhibit 17, the entry
2 August 9, 2018, at 11:35 a.m. is in Exhibit 17, the
3 August 6, 2018, complaint report; right?

4 A. Correct, because it was relative to that complaint.

5 Q. Now, the August 9, 2018, at 11:35 a.m. conversation that
6 you had with Judge Green was actually a conversation
7 that you had with Judge Green and her husband, Andre
8 Green; correct?

9 A. No. It was a conversation I had with Judge Green, and
10 her husband was sitting in the background next to her.
11 I had the conversation with Judge Green. She said her
12 husband was sitting next to her.

13 Q. But you indicate in your note that it's a successful
14 case contact, phone, Leslie Apple, Tracy Green, and
15 Andre Green, did you not?

16 A. I did, because he was sitting right there next to her.

17 Q. Understood. Thank you.

18 Now, it was during this conversation on
19 August 9, 2018, where Judge Green told you things about
20 Choree Bressler that she felt needed to be investigated,
21 things such as you needed to get her psychiatric
22 hospitalization records and her mental health records
23 and that she has had a problem with perjury in the
24 custody case and Judge Cox found that she had, in fact,
25 committed perjury on the record and that she had a

1 tendency for violence. Was that not exactly what
2 Judge Green talked about with you related to Choree
3 Bressler on August 9 of 2018?

4 A. Whatever I have documented in my report is exactly what
5 Judge Green said to me in reference to Choree Bressler.
6 What's in that report is what I put in there.

7 Q. Thank you very much.

8 Now, what you did not do, however, Ms. Apple,
9 is investigate those things about Choree Bressler;
10 right?

11 A. That's incorrect.

12 Q. Well, let's take a look at Exhibit 16. So pull that one
13 up for me, if you would.

14 A. I have it.

15 Q. Thank you. This is your 25-page report that is signed,
16 and if we scroll up to page number 21, if you would go
17 there with me, please.

18 A. I'm there.

19 Q. Thank you. Page number 21 -- hold on a minute, please.
20 We see at the bottom August 2, that's your entry. And
21 then let's scroll down to the top of page 22, and we see
22 an e-mail exchange August 2. And we keep scrolling
23 forward, we see an e-mail exchange August 1. And we
24 keep going forward. Now we're at the bottom of page 22,
25 we see your next entry August 3rd. Then at the top of

1 page 23 your next entry August 3rd and then your next
2 entry August 6. And then your next entry August 9.

3 And then what's not there is the August 9,
4 2018, at 11:35 a.m. discussion, which is more than half
5 a page long. That's not there. And then your next
6 entry is August 16. And do you see any entry there on
7 August 16 that talks about an investigation of any of
8 those issues related to Choree Bressler?

9 A. Do I see what?

10 Q. Do you see anything in your August 16th entry in Exhibit
11 Number 16 that talks about your investigating the
12 concerns that Judge Green expressed to you during your
13 telephone conference on August 9 about Choree Bressler?

14 A. No, not in that contact.

15 Q. Thank you. And then the next entry you have in your
16 report is August 22. You agree you don't see anything
17 in there about investigating those issues raised by
18 Judge Green during her August 9 conversation with you?

19 A. No, it's not in that contact either.

20 Q. So let's go down to Number 10, dispositional findings,
21 and then you can scroll down through the balance of your
22 report and just confirm for me, there is no entry by you
23 in your report of having investigated any of those
24 issues that were raised to you by Judge Green during
25 your August 9, 2018, telephone discussion, and, in fact,

1 that telephone discussion is not even noted in your
2 record; correct?

3 A. That's incorrect, because the telephone -- it's
4 incorrect.

5 Q. Okay, it's incorrect. So if you would, please, take a
6 look at Exhibit 16 and show me where your investigation
7 notes are found, please.

8 A. It's not in Exhibit 16. There were two investigations
9 taking place at the same time, so there are two
10 different reports taking place at the same exact time,
11 so.

12 Q. Okay. Thank you.

13 So Exhibit 16 doesn't contain any record of
14 you investigating the complaints and concerns raised by
15 Judge Green; correct?

16 A. No, it doesn't.

17 Q. Thank you. Now, look at Exhibit 42 for me, if you
18 would. And just so that we're clear and so you're aware
19 of this, this copy of your June 24, 2018, investigator's
20 report was received on August 19 of this year.

21 A. So we're clear -- what are we clarifying?

22 Q. Yes, ma'am. If you would kindly look at Exhibit 42.

23 A. I'm looking at it.

24 Q. All right. Now let's go, if you would, turn with me to
25 page number 21. These are your investigator's notes

beginning with August 6 of 2018. Let me know when you're with me.

A. All right. I'm on page 21.

Q. Thank you. So you have an August 6 entry, 2018. The entry of your August 9, 2018, discussion with Judge Green is not there. Right?

A. Right.

Q. Okay. And then your next entry is August 9 at 1:39 p.m., which we already talked about, and then your next entry is August 16. That has nothing to do with you investigating any of the issues raised by Judge Green; correct?

A. Correct.

Q. And your next entry is August 22. That has nothing to do with you investigating the concerns raised by Judge Green about Choree Bressler; right?

A. Correct.

Q. And then if you go down after that, you come to Number 4, Safety Assessment Narrative. Do you see that?

A. I see it.

Q. Okay. If you would, scroll down to the balance of the document, your report, this one we received August 19 of this year, and let me know if you have any investigator's note indicating that you investigated any of the matters that were brought to your attention by

1 Judge Green.

2 A. It doesn't appear there, but that doesn't mean it didn't
3 happen, sir.

4 Q. I see. It doesn't appear there, but it doesn't mean it
5 didn't happen. Is that what you said?

6 A. That's exactly what I said.

7 Q. Okay. Just making sure I was clear on that.

8 Now, let's jump over to your August -- I'm
9 sorry -- to Exhibit Number 17. So now this was the
10 second report that you were talking about the
11 investigation going on; right?

12 A. Correct.

13 Q. Thank you. So let's look at Exhibit Number 17.

14 A. Okay. I'm looking at it.

15 Q. Now, here, Exhibit 17, if you would kindly turn to page
16 number 7.

17 A. Okay.

18 Q. Now, page number 7 is your report. You have already
19 admitted that. And here is your entry for August 9 of
20 2018 at 11:35 a.m., and this was the one that
21 Ms. Weingarden reviewed with you this morning where
22 Ms. -- Judge Green is telling you about all these
23 concerns she has with Choree Bressler, mental health,
24 perjury, violence, et cetera; right?

25 A. Right.

1 Q. Okay. So let's scroll forward now. Your next entry in
2 your report is August 15; correct?

3 A. Yes.

4 Q. And that entry doesn't have anything to do with you
5 investigating any of the concerns raised by Judge Green
6 about Choree Bressler; correct?

7 A. No, it doesn't.

8 Q. Thank you. So let's scroll down to your next
9 investigative entry, August 16 at 9:00 a.m. This entry
10 has nothing to do with the concerns that were raised by
11 Judge Green about Choree Bressler; right?

12 A. Right.

13 Q. Let's go to your next entry, August 16th at 11:39 a.m.
14 Same question. This has nothing to do with your
15 investigation of the concerns raised by Judge Green
16 about Choree Bressler; right?

17 A. Correct.

18 Q. Let's go forward to your next entry 11:45 a.m., this one
19 of August 16. This one has nothing to do with
20 investigating Choree Bressler; right?

21 A. Correct.

22 Q. Now, scroll forward with me. Now we're going to
23 dispositional findings. Is that not the end of the
24 investigative notes that you have in this report?

25 A. That's not the end of my investigation. This is not a

1 complete version of my report. It does not even have my
2 signature on it. This is what was provided to me today.
3 So if we're going to discuss what I wrote, then we
4 should get a version with my signature on it. Thank
5 you.

6 Q. I see, okay. Well, it's not in your report where you do
7 have a signature, and you acknowledged that Exhibit 17,
8 in fact, is your report and you have also
9 acknowledged --

10 A. It's part of my report.

11 Q. You've also acknowledged as are Exhibits 16 and 42. So
12 there is another document that you say has the rest of
13 your report in it?

14 A. So if I'm allowed to answer this question.

15 Q. Excuse me.

16 A. No. You just asked me a question. Do you want me to
17 answer it?

18 Q. Yeah, I do. Just tell me if it's a yes or no.

19 A. It's a yes.

20 Q. Okay.

21 A. One document -- one of the documents that has been
22 presented to the Court already, so it's nothing new.

23 Q. I'm sorry?

24 A. One of the documents that has been presented to the
25 Court already.

1 Q. Yes?

2 A. Is part of Exhibit 17. Exhibit 17 is part of that
3 document. Exhibit 17 is not a complete version of my
4 report. What's in Exhibit 17 is what I did author.
5 However, it's not finished. There is other information
6 that was not included in Exhibit 17.

7 Q. So there was other information where you did additional
8 investigation?

9 A. What I said is Exhibit 17 is not a complete version of
10 my Category Two investigative report.

11 Q. I understand that, ma'am. But my question was, you did
12 additional investigation?

13 A. Not additional investigation, but there -- well, yes,
14 additional investigation. There is more information to
15 this report.

16 Q. Ms. Apple, maybe we can do it this way, and, if not, we
17 can go to the next report.

18 But do you agree with me, ma'am, that you
19 never investigated any of the complaints and concerns
20 raised by Judge Green --

21 A. I disagree.

22 Q. -- concerning Choree Bressler?

23 A. I disagree.

24 Q. You disagree, okay. Well, where would we find your
25 investigative notes? Because you testified that when

1 you speak with witnesses and you do your investigation,
2 you document all of these contacts and information --

3 A. I don't know where you would find them, Mr. Ashcraft. I
4 don't where you would find them, because I don't know
5 why there are so many different versions of these case
6 reports either.

7 THE MASTER: One moment before we continue on.
8 There is a problem of talking over, and I'm concerned
9 that Ms. Jorgensen is not able to get the entire record.
10 Ms. Jorgensen, do you need anything repeated?

11 THE COURT REPORTER: Well, I didn't get the
12 full question. It was cut off. I was just going to ask
13 you to address the over-speaking.

14 THE MASTER: So which part of the question did
15 you get? And we'll go back to that.

16 (The record was read back as follows:

17 "QUESTION: You disagree, okay. Well,
18 where would we find your investigative
19 notes? Because you testified that when
20 you speak with witnesses and you do your
21 investigation, you document all of these
22 contacts and information --")

23 THE MASTER: Mr. Ashcraft, would you reask
24 that question and we'll make sure that you're finished
25 before the witness starts to answer.

1 MR. ASHCRAFT: Thank you, Your Honor. And I
2 apologize, Ms. Jorgensen.

3 BY MR. ASHCRAFT:

4 Q. Ms. Apple, where is it, then, that we would find your
5 investigator's notes, and you have testified that when
6 you speak with people and have contacts and gather
7 information during your investigation, all of that gets
8 noted and recorded in your investigator's report?

9 A. I don't know where you're going to locate it. And,
10 again, like I said, just because you don't see it in the
11 report does not mean it did not happen.

12 Q. I see. But if it did happen, it would be recorded in
13 your report; correct?

14 A. If it did happen, which it did, it should be recorded in
15 my report. Again, I don't know why there are so many
16 different versions of the report.

17 Q. Ms. Apple, you were removed -- I believe the word you
18 used was you were reassigned from the case in October of
19 2018; correct?

20 A. Correct.

21 Q. And you were reassigned from -- off of the case by
22 Ms. McDougle and Ms. Vega, and Juliette Todd-Robinson
23 was assigned to take your place; correct?

24 A. Incorrect. I was not removed by Ms. McDougle and
25 Ms. Vega. I was reassigned by Ms. McDougle, and the

case was reassigned to Ms. Juliette Todd-Robinson and
her supervisor, Ms. Franchesca Vega.

Q. Understood. Thank you.

Isn't it true, Ms. Apple, that you never
investigated the complaints and concerns expressed by
Judge Green on August 9 of 2018 --

A. That's not -- are you done? I'll wait.

Q. -- during the time that you were the investigator on the
file, but an investigation --

A. That's false.

Q. -- but an investigation was conducted after you were
reassigned off of the file?

A. That's false.

Q. Okay. So let's take a look at Exhibit Number 18,
please.

MR. ASHCRAFT: First of all, Your Honor, if I
could just do a housekeeping matter just to make sure
that I asked to admit Exhibit Number 42.

THE MASTER: Any objection?

MS. WEINGARDEN: No objection.

THE MASTER: Exhibit 42 is admitted. Thank
you.

MR. ASHCRAFT: Thank you, Your Honor.

(Exhibit 42 admitted.)

///

1 BY MR. ASHCRAFT:

2 Q. So, Ms. Apple, if you would kindly get for me Exhibit
3 Number 18 that Ms. Weingarden provided you.

4 A. Which is Exhibit 18?

5 Q. Exhibit Number 18 is the longest of the reports. It's
6 34 pages long, and it's the one also dated August 6,
7 2018. At least that's the complaint date.

8 A. I have it in front of me.

9 Q. Thank you. Now, if you would, please, go with me to
10 page number 6. This is where Ms. Weingarden was having
11 you read earlier today.

12 A. Okay. That's where I'm at.

13 Q. Thank you. Now, the first entry on page number 6 is the
14 August 9, 2018, at 11:35 a.m. telephone discussion with
15 Judge Green with at least her husband, Andre Green,
16 present in the background or something; right?

17 A. Not or something. That's where he was, and that's
18 correct.

19 Q. Okay. Thank you. Now, this is three-quarters of a
20 page, single-spaced; right?

21 A. Yes.

22 Q. And this is where Judge Green is expressing to you the
23 concerns that we've already talked about; right?

24 A. Yes.

25 Q. Thank you. Now, your next entry is August 15; is that

1 right?

2 A. That's what's on the report, yes.

3 Q. And that has nothing to do with you investigating those
4 concerns; correct?

5 A. Correct.

6 Q. Your next entry on page 7 is August 16. That has
7 nothing to do with you investigating those concerns;
8 correct?

9 A. Correct.

10 Q. Your next entry, also on page 7, is August 16, and that
11 has nothing to do with you investigating those concerns;
12 correct?

13 A. Correct.

14 Q. Then your next entry is on page number 11 at the top.
15 That's August 16, 2018, and that has nothing to do with
16 you investigating the concerns of Judge Green; correct?

17 A. Correct.

18 Q. Your next entry is August 16, and that has nothing to do
19 with you investigating the concerns of Judge Green;
20 correct?

21 A. Correct.

22 Q. And your next entry is August 23rd, 2018, and that has
23 nothing to do with you investigating the concerns;
24 correct?

25 A. Correct.

1 Q. And your next entry is September 15, 2018, and that has
2 nothing to do with you investigating the concerns;
3 correct?

4 A. Correct.

5 Q. And your next entry also is September 15. That has
6 nothing to do with your investigating the concerns;
7 right?

8 A. Correct.

9 Q. Your next entry is another September 15, and that one
10 has nothing to do with you investigating the concerns;
11 right?

12 A. Right.

13 Q. And your next entry is September 24, 2018, and that has
14 nothing to do with you investigating the concerns;
15 right?

16 A. That's correct as well.

17 Q. And your next entry is also from September 24th, and
18 that has nothing to do with it; right?

19 A. Right.

20 Q. And your next note is dated September 27, and that has
21 nothing to do with it; right?

22 A. Right.

23 Q. And your next entry is September 27th, and that has
24 nothing to do with it; right?

25 A. Right.

1 Q. And then the next entry in the report is dated
2 October 25 of 2018; right?

3 A. Correct.

4 Q. At 2:00 in the afternoon, and this indicates that it was
5 a face-to-face meeting with you, Ms. Cavanaugh,
6 Ms. Vega, Ms. McDougale, and Ms. Todd-Robinson; right?

7 A. Right.

8 Q. And the next entry is October 28 of 2018 at 6:54 p.m.,
9 and that entry says: Successful case contact
10 documentation Franchesca Vega, Juliette Todd-Robinson,
11 case assigned to J. Todd-Robinson and F. Vega; right?

12 A. Correct.

13 Q. So this Exhibit 18 that has all of your entries in it
14 doesn't reflect a single entry where you investigated
15 any of the concerns raised by Judge Green --

16 A. I never -- I'm sorry. Go ahead.

17 Q. Exhibit Number 18 which contains all of your entries for
18 your investigation through September 27 of 2018 doesn't
19 contain any reference to you investigating any of the
20 concerns expressed by Judge Green; correct?

21 A. That's not my full report, and you don't see my
22 signature on that report. So that's incorrect.

23 Q. So we're clear then, Exhibit 17, which we spent a lot of
24 time looking at, the ten-page report, that's not your
25 full report. And now we've looked at Exhibit 18, and

1 this one is 34 pages long and includes you being
2 reassigned off of the case, and you're saying that
3 doesn't include all your work either. Is that what
4 you're saying?

5 A. That's exactly what I'm saying.

6 Q. And can you point us, please, to the real report that
7 has this information in it?

8 A. I can't point you in that direction. That would be a
9 conversation that you would need to ask my district
10 manager about. Said things disappeared after a meeting
11 that happened in our office.

12 Q. Things disappeared -- things disappeared from your
13 investigation file?

14 A. Things were taken out of the report and I did not sign
15 off on them, because I didn't do it. So that's what I'm
16 telling you.

17 Q. So are you saying that someone in your office, CPS
18 worker or representative, removed things from the
19 investigation file and as a result you didn't sign off
20 on it?

21 A. I'm telling you that that's not the report that I signed
22 off on and I'm telling you that I put things in that
23 report and they do not appear to be there. That's what
24 I'm telling you.

25 Q. But what --

1 A. I can't allude to who did what.

2 Q. But what you're saying, then, though, is that your work
3 product, at least some of it, was removed from a report
4 without your permission?

5 A. That's exactly what I'm telling you. I didn't take it
6 out.

7 Q. But you just don't know who at CPS did. Is that what
8 you're saying?

9 A. I don't know who. I don't, no.

10 Q. I see. And was this something that you expressed inside
11 the ranks of CPS or MDHHS, that your work product as an
12 investigator has been removed from the investigation
13 file without your permission and you don't know by whom?

14 A. So I expressed my dismay with how things were being
15 handled, and I was advised that this was not my case
16 anymore and I should not be concerned about it.

17 Q. Now, this occurred after Judge Green specifically
18 contacted your superiors, indicating she had concerns of
19 bias; right?

20 A. This did happen after that, correct.

21 Q. Right. And the report that we have seen already that is
22 not dated until -- signed and dated by you until
23 September 13th of 2018 doesn't have any of those things
24 that you talked about with Judge Green on August 9 of
25 2018 in the report; correct?

1 A. That's incorrect, because it wasn't signed and dated by
2 me. That date on the report is the date that it was
3 submitted to the supervisor. It does not mean the
4 report is complete and it has been signed off on.
5 Again, that's not my complete report.

6 Q. Okay. Let's look at Exhibit 16 because maybe I missed
7 something. I thought you told me that that was your
8 signature.

9 A. On Exhibit 16, the Category One, yes, that is my report.

10 Q. Okay. And that's your report from Category One that's
11 not signed and dated until September 13. Do we agree on
12 that?

13 A. We do not agree on it. That's the date that it was
14 submitted.

15 Q. So you signed your name above a date that confirms your
16 signature that you disagree with?

17 A. We can agree that that report was print-generated on
18 9/13, and, yes, I did sign this report.

19 Q. So what you're saying to me, to the extent I understand
20 it, is that it has your signature on it, it was
21 generated on September 13th, which is the date under
22 your signature, but you're saying it may have, in fact,
23 been signed by you after the 13th?

24 A. That's exactly what I'm saying.

25 Q. Okay. So even longer after you had the August 9, 2018,

1 at 11:35 a.m. interview with Judge Green with her
2 husband sitting in the background?

3 A. That contact went into the case investigation in which
4 it was tied to, which was the Category Two complaint.
5 I'm not going to repeat myself because I've already
6 stated it.

7 Q. I see, okay.

8 Now, after the claim of bias was raised by
9 Judge Green, you were reassigned off of the case; right?

10 A. Yes.

11 Q. And then do you know whether or not the investigation
12 continued?

13 A. The invest -- I don't know what happened. I gave my
14 case files up and I was told not to discuss the case
15 anymore. However, I was the one that sat in court and
16 had to testify for it.

17 Q. Okay. Well, we'll talk about that in a minute.

18 MR. ASHCRAFT: But, Your Honor, I move to
19 admit Exhibit Number 18.

20 THE MASTER: Any objection?

21 MS. WEINGARDEN: Yes. I don't think he's
22 established the foundation, the authentication.

23 THE MASTER: Response?

24 MR. ASHCRAFT: Yes, Judge. Exhibits 16, 17,
25 18, and 42 were presented today by Ms. Weingarden as

1 exhibits that were going to be admitted during the
2 course of her examination of Ms. Apple, and Ms. Apple
3 has testified to all of the reports to this point.

4 She says some are complete, some are
5 incomplete. But as to 18 in particular, she
6 acknowledges that at least through October of 20 --
7 October 28 of 2018 when she was reassigned that it is
8 her work product.

9 THE MASTER: Thank you.

10 MR. ASHCRAFT: So the report as a whole -- I
11 mean, that's the report and that was a report,
12 interestingly enough, that was generated by MDHHS, so I
13 don't know how we can possibly get a more detailed or
14 accurate report.

15 THE MASTER: Thank you. Any further objection
16 or continuing objection, Ms. Weingarden?

17 MS. WEINGARDEN: Continuing objection.

18 THE MASTER: I'm sorry. I didn't hear that.

19 MS. WEINGARDEN: Continuing objection.

20 THE MASTER: All right. Objection is
21 overruled. You may -- I will admit that Exhibit 18, I
22 believe it is --

23 MR. ASHCRAFT: It is 18, Your Honor. Thank
24 you.

25 THE MASTER: -- as a part of the separate

1 record. Continue.

2 MR. ASHCRAFT: Thank you. Thank you, Judge.

3 (Exhibit 18 admitted.)

4 BY MR. ASHCRAFT:

5 Q. Now, Ms. Apple, after you were reassigned from the case
6 did anyone speak with you with regard to additional
7 investigation that was conducted by the person that
8 replaced you?

9 A. No.

10 Q. Have you spoken with Ms. Todd-Robinson with regard to
11 her work after she replaced you?

12 A. No.

13 Q. Do you have any information about the investigation
14 after you were reassigned off of the case?

15 A. The information that I have about the investigation is
16 what was presented to me today in Exhibit, I don't know,
17 42.

18 Q. Okay. That's -- I'm sorry. You're saying that that's
19 all you received after being reassigned is what
20 Ms. Weingarden sent you?

21 A. Today, yes.

22 Q. Today, okay. So you don't have any idea what happened.

23 Now, you said earlier that when you were
24 done -- when you were reassigned off of the file that
25 you were no longer involved in the case or the

1 complaint. I forget the language you used. Is that
2 right?

3 A. I said I was no longer involved in the investigation.

4 Q. Okay. But you were, in fact, still involved in the
5 case, were you not?

6 A. I was involved in the legal proceedings, yes.

7 Q. Okay. So you were involved in the legal proceedings.
8 Now, if I recall, that was during the March 2019
9 juvenile court trial; right?

10 A. Yes.

11 Q. In fact, you sat at counsel's table during the
12 March 2019 juvenile court trial; right?

13 A. Yes.

14 Q. And you sat at counsel's table in March of 2019, and did
15 you provide the attorney general or the prosecutor with
16 your investigative report?

17 A. Yes.

18 Q. And which of the exhibits that we marked today was the
19 exhibit that you provided to -- by the way, was it the
20 prosecutor or assistant attorney general?

21 A. It's the assistant attorney general.

22 Q. Thank you very much.

23 Which of these reports that we marked today,
24 16, 17, 18, or 42, was what you provided to the
25 assistant attorney general?

1 A. So the Category One dated for 6/24 of 2018 appears to be
2 the most similar of what I provided to the assistant
3 attorney general.

4 Q. Thank you. That would be Exhibit 16, then?

5 A. Yes.

6 Q. Now, Exhibit 16 doesn't have a reference even to your
7 August 9, 2018, conversation with Judge Green when she
8 raised with you the concerns she had about Choree
9 Bressler being a custodial parent of her grandsons;
10 right?

11 A. What's the question?

12 Q. Exhibit Number 16 we've confirmed, the one you gave to
13 the assistant attorney general, does not even include
14 notes regarding your August 9, 2018, interview with
15 Judge Green with her husband sitting in the background,
16 during which she told you she had concerns about Choree
17 Bressler being a custodial parent because of the reasons
18 I noted earlier, psychiatric hospital records, perjury,
19 et cetera; correct?

20 MS. DRYSDALE-CROWN: Judge?

21 THE WITNESS: Choree Bressler wasn't on
22 trial --

23 MS. DRYSDALE-CROWN: Judge, this is --

24 THE MASTER: One moment. Yes?

25 MS. DRYSDALE-CROWN: This is Assistant

1 Attorney General Cassandra Drysdale-Crown, and, I'm
2 sorry, I'm not aware of the formalities of whether or
3 not I can object. But I am going to place an objection
4 and advise my client not to answer any questions that
5 may divulge into attorney-client privilege between
6 herself and an assistant attorney general during the
7 preparation or in anticipation of the litigation to
8 which he is referring.

9 THE MASTER: All right. Thank you.

10 Mr. Ashcraft and Ms. Weingarden, if either of you have
11 comments before I respond?

12 MR. ASHCRAFT: I do, Judge, and --

13 MS. WEINGARDEN: No.

14 THE MASTER: All right. So let's start with
15 Mr. Ashcraft.

16 MR. ASHCRAFT: Thank you, Your Honor. I
17 didn't ask any question that would be within the scope
18 of the attorney-client privilege, and I think -- I'm not
19 sure -- I don't think Ms. Drysdale-Crown said that I
20 did. I think she was just cautioning her client to be
21 careful.

22 But my question was specific as to what was
23 provided to the attorney general as far as the reports
24 that we have marked here today, and I'm confirming that
25 information. And, of course, what is provided in paper

1 form as far as the investigative report goes, that
2 certainly is not within the scope of the attorney-client
3 privilege.

4 MS. DRYSDALE-CROWN: Your Honor, I'm sorry.
5 I'm going to address that, that she may have given
6 documents that weren't produced as exhibits in the
7 trial, and I would say that is attorney work product.

8 And then Mr. Ashcraft is very right. I'm just
9 cautioning my client and Mr. Ashcraft and even
10 Ms. Weingarden that if it starts piercing the
11 attorney-client veil, I will place an objection. Thank
12 you.

13 THE MASTER: All right. Thank you.
14 Ms. Weingarden, any comments?

15 MS. WEINGARDEN: No.

16 THE MASTER: All right. Thank you. So I am
17 understanding that if there is a question that is
18 calling for an answer that Ms. Drysdale-Crown believes
19 is piercing that veil of the attorney-client privilege,
20 that I will hear an objection. So I will be cautioning
21 everyone, if you hear an objection wait until I can
22 resolve that, please.

23 MS. DRYSDALE-CROWN: Thank you, Your Honor.

24 THE MASTER: Now, Ms. Jorgensen, please reread
25 the last question that you have and if there was an

1 answer. Reread the last question first and then we'll
2 see if there is an objection. And then if there's not,
3 then I'll ask you to reread the last answer and then I
4 think we'll be where we need to be.

5 (The question was read back as follows:

6 "QUESTION: Exhibit Number 16 we have
7 confirmed, the one you gave to the
8 assistant attorney general, does not
9 even include notes regarding your
10 August 9, 2018, interview with
11 Judge Green with her husband sitting in
12 the background, during which she told
13 you she had concerns about Choree
14 Bressler being a custodial parent
15 because of the reasons I noted earlier,
16 psychiatric hospital records, perjury,
17 et cetera; correct?")

18 THE MASTER: All right. So that was the
19 question. Ms. Drysdale-Crown, do you have any objection
20 to your client answering that question?

21 MS. DRYSDALE-CROWN: Not that one, Your Honor.
22 Thank you.

23 THE MASTER: All right. Thank you. Was there
24 an answer that was also given, Ms. Jorgensen?

25 THE COURT REPORTER: Your Honor, that was when

1 Ms. Drysdale-Crown spoke.

2 THE MASTER: All right. Thank you. So let's
3 hear that question one more time, and the witness may
4 answer. Would you read that back one more time, please,
5 Ms. Jorgensen?

6 (The question was read back as follows:

7 "QUESTION: Exhibit Number 16 we have
8 confirmed, the one you gave to the
9 assistant attorney general, does not
10 even include notes regarding your
11 August 9, 2018, interview with
12 Judge Green with her husband sitting in
13 the background, during which she told
14 you she had concerns about Choree
15 Bressler being a custodial parent
16 because of the reasons I noted earlier,
17 psychiatric hospital records, perjury,
18 et cetera; correct?")

19 THE MASTER: You may answer that, Ms. Apple.

20 THE WITNESS: Correct, that report did not.

21 MR. ASHCRAFT: Thank you.

22 BY MR. ASHCRAFT:

23 Q. Ms. Apple, you have never seen a copy of a written
24 report that includes any investigative notes and entries
25 by you where you were investigating the concerns raised

1 by Judge Green during that August 9, 2018, telephone
2 conference; correct?

3 A. Incorrect.

4 Q. Where -- when did you last see a written report that had
5 that information?

6 A. I last saw -- I last saw the information when I handed
7 my case files over.

8 Q. Was it in the form of an investigative report?

9 A. I documented notes in my case, and I had documents on
10 legal pads. When the case was reassigned, I handed
11 everything over.

12 Q. My question was specific, whether or not those notes
13 where you say you investigated the concerns expressed by
14 Judge Green were contained in your investigative report?

15 A. They were.

16 Q. So someone in your office, then, removed your
17 investigative notes?

18 A. I don't know who did what. I can't say if they were in
19 my office. A lot of things happened on this case that
20 were way above my head.

21 Q. So is the answer to my question, yes, that's correct?

22 A. What's the question?

23 Q. That someone in the CPS offices removed from your
24 investigative report your notes detailing your
25 investigation of the concerns raised by Judge Green

1 concerning Choree Bressler as custodial parent during
2 her conversation with you on August 9, 2018, beginning
3 at 11:35 a.m.?

4 A. I don't know.

5 Q. Do you have any explanation as to where they are?

6 A. No, I don't.

7 Q. Do you have a -- strike that.

8 Now, Mr. Baker during the time you were
9 assigned to the underlying matter -- underlying case,
10 Mr. Baker was your supervisor?

11 A. No.

12 Q. What was Mr. Baker's role during the time you did your
13 work between June of '18 and October of '18?

14 A. He was the district manager.

15 Q. Okay. And did you report to him in any way?

16 A. I met with him occasionally.

17 Q. Did you meet with him with regard to this case?

18 A. Yes.

19 Q. And during this case, did you -- strike that.

20 At any time did you indicate to Mr. Baker that
21 your notes had been removed from the file and your
22 investigative report?

23 A. During my meeting with Mr. Baker I wasn't aware at that
24 time that things were missing out of my report.

25 Q. When did you become aware?

1 A. Today. Because I haven't had access to the report until
2 today.

3 Q. Has Mr. Baker ever come to you and indicated that there
4 was a problem with your investigative work and that
5 something needed to be removed from your file?

6 A. No.

7 Q. Did he ever come to you and say that there was a problem
8 with your investigative work?

9 A. No.

10 Q. Who is Ms. Ferguson in relation to her title when you
11 were doing your work in the underlying case between June
12 of '18 and August -- I'm sorry -- October of '18?

13 A. She is a section manager, so she holds the same position
14 that Tiffany McDougale held.

15 Q. Did Ms. Ferguson ever come to you and indicate that
16 there was problems with your investigative work?

17 A. No.

18 Q. Did anyone at CPS ever come to you and tell you that?

19 A. No.

20 Q. And you learned today that things are missing from your
21 file; correct?

22 A. Correct.

23 Q. Did you keep a copy of your file when you were
24 reassigned off of it?

25 A. No. I had to turn it over.

1 Q. So when you turned it over, to whom did you give it?

2 A. I don't know if I gave it to Franchesca and Juliette
3 or -- I believe I turned it over in our meeting when we
4 transitioned the case, so I don't -- I don't know who I
5 specifically handed it to.

6 Q. With whom did you speak -- and I don't want you to tell
7 me any details of your discussion.

8 But with whom did you speak in preparation for
9 your testimony either the first time you testified or
10 today?

11 A. My testimony in which hearing?

12 Q. In this matter involving Judge Green.

13 A. I spoke to Ms. Drysdale.

14 Q. Anyone else?

15 A. No.

16 Q. When is the last time you discussed the
17 underlying -- strike that.

18 When is the last time that you had any
19 discussion involving or related to Judge Green, with any
20 other CPS representative?

21 A. I don't recall.

22 Q. Do you believe that you were improperly reassigned off
23 of the underlying case?

24 A. Do I believe I was improperly reassigned?

25 Q. Yes.

1 A. I do.

2 Q. And did you express that to anyone within the ranks of
3 CPS?

4 A. I did.

5 Q. To whom?

6 A. My section manager and my supervisor.

7 Q. They being?

8 A. Ms. Mary Ann Cavanaugh and Tiffany McDougle.

9 Q. And did they respond to you?

10 A. Yes.

11 Q. Was there ever an adjudication of your complaint that
12 you had been improperly reassigned off the case?

13 A. I don't understand the question.

14 Q. Was a resolution ever issued or an answer ever issued
15 with regard to your complaint that you were improperly
16 reassigned off of the case?

17 A. It wasn't an official complaint. I voiced my concern,
18 and that was it.

19 Q. Did you ever --

20 THE MASTER: One moment, Mr. Ashcraft,
21 Ms. Jorgensen, were you able to get all of
22 Mr. Ashcraft's last question? It was breaking up just a
23 little bit, but you may have been able to catch it.

24 THE COURT REPORTER: I believe I did.

25 (The question was read back as follows:

1 "QUESTION: Was a resolution ever issued
2 or an answer ever issued with regard to
3 your complaint that you were improperly
4 reassigned off of the case?")

5 THE MASTER: Thank you. And the answer,
6 please? Ms. Jorgensen, you got an answer on that also?

7 THE COURT REPORTER: I did.

8 THE MASTER: All right. If you'll read that,
9 and then, Mr. Ashcraft, you were just getting ready to
10 go into your next question, so I'm trying to catch back
11 up to where I interrupted. Go ahead.

12 (The answer was read back as follows:

13 "ANSWER: It wasn't an official
14 complaint. I voiced my concern, and
15 that was it.")

16 THE MASTER: Thank you. Mr. Ashcraft?

17 MR. ASHCRAFT: Thank you, Judge.

18 BY MR. ASHCRAFT:

19 Q. Unofficially, Ms. Apple, did you ever receive a
20 response?

21 A. Yes. I was told that the case was being reassigned, and
22 that was the end of the discussion.

23 Q. So there was nothing else discussed about it then?

24 A. No.

25 Q. Thank you. Now, earlier today you testified in response

1 to a question of Ms. Weingarden that makeup on a
2 handprint would have been a big deal if mentioned by
3 Tracy Green because any form of abuse leaving a mark,
4 you would have expected that it would have been
5 reported. Do you recall that?

6 A. I recall it.

7 Q. Is a pink handprint left on the cheek of a child who's
8 been slapped by a parent child abuse?

9 A. If a child is hit and it results in a mark or a bruise,
10 that is considered child abuse.

11 Q. I didn't ask about a bruise. I asked about a pink
12 handprint left on the cheek of a boy who had been
13 slapped by his father.

14 A. Who said the handprint was pink? I'm confused. I don't
15 understand.

16 Q. I will tell you that in this trial, in this formal
17 hearing, Gary Davis-Headd Jr. testified that the mark
18 that was covered up by Tracy Green was a light pink
19 handprint.

20 MS. WEINGARDEN: Judge, I object. That may
21 have happened, but I don't recall him saying that.

22 THE MASTER: Mr. Ashcraft, response?

23 MR. ASHCRAFT: Yes, Judge. Yes. And if there
24 is any question about it, I'm happy to bring up the
25 transcript, which I should be able to do quite swiftly,

1 and I'll read it verbatim.

2 THE MASTER: All right. Ms. Weingarden, you
3 had a question with respect to that?

4 MS. WEINGARDEN: I would just ask Mr. Ashcraft
5 to find that in the transcript and tell us if it's in
6 there.

7 THE MASTER: All right. Mr. Ashcraft?

8 MR. ASHCRAFT: Yes. I will tell -- if the
9 question is whether I'm going to make a representation
10 that it is, I will tell you right now that it is in the
11 transcript. If you would like me to grab it and read it
12 verbatim, I'm certainly willing to do that.

13 MS. WEINGARDEN: Or just tell us what date and
14 page it's on.

15 THE MASTER: Do you need a few minutes to pull
16 that up, Mr. Ashcraft?

17 MR. ASHCRAFT: Judge, thank you very much.
18 I'm scurrying, but it should only take me two or three
19 minutes, but I can definitely bring it up.

20 THE MASTER: All right. Let's do that. I
21 don't remember the last time we actually did take a
22 break. Are we needing a break at this time from anyone?
23 All right. Let's just go on mute on the microphone.
24 Stay right here and see if we can get that transcript
25 section pulled up. Thank you.

1 MR. ASHCRAFT: Thank you, Judge.

2 (At 3:24 p.m., pause in proceedings.)

3 (At 3:30 p.m., proceedings resume.)

4 THE MASTER: Mr. Ashcraft?

5 MR. ASHCRAFT: Yes, Judge.

6 THE MASTER: Were you ready?

7 MR. ASHCRAFT: Ready when you are, Judge.

8 THE MASTER: Yes, okay. So you are going to
9 identify that information for Ms. Weingarden?

10 MR. ASHCRAFT: Yes. So the answer was given
11 in response to a question by Ms. Weingarden in
12 transcript Volume 3, July 21st, page 652, line 24. And
13 then during my cross-examination it was explored, that
14 is, Volume 5, August 23rd, page 1046, beginning at
15 line 22. And if you would like me to read it verbatim,
16 I'm happy to do that. The Volume 3 question and
17 answer --

18 THE MASTER: Just a moment. Let me give
19 Ms. Weingarden a chance to read that if she has it.

20 MS. WEINGARDEN: I don't have it with me, but
21 I take Mr. Ashcraft's word as an officer of the court
22 that it says what it says.

23 THE MASTER: All right. And so, Mr. Ashcraft,
24 you were going to go ahead and read it. I think you
25 were.

1 MR. ASHCRAFT: I'm happy to do that, Judge.

2 THE MASTER: All right.

3 MR. ASHCRAFT: Question -- line 24.

4 "QUESTION: What color was the handprint?

5 "ANSWER: I guess it was like pinkish. I
6 don't know. It looked like a hand.

7 Everybody in my class knew that I got
8 slapped."

9 THE MASTER: All right. And then you said you
10 followed up on Volume 5, August 23td, line 1046 or so --
11 or not line. Page 1046 probably.

12 MR. ASHCRAFT: Beginning at line 22.

13 THE MASTER: Okay.

14 MR. ASHCRAFT: That was one of those moments
15 where there was a little bit of a break there. But,
16 yes, that's where I followed up on it when he came back.

17 THE MASTER: All right. And do you have --
18 could you read those lines where you followed up on it
19 and the answers?

20 MR. ASHCRAFT: I could. I only found my
21 question, and then there was -- Your Honor, you remember
22 how there was some emotional moments.

23 THE MASTER: Right.

24 MR. ASHCRAFT: And so I asked, question,
25 page 1046:

1 "QUESTION: You did, however, show your
2 Grammy a pink handprint that was left on
3 your cheek after your dad slapped you;
4 right?"

5 And then there are many, many pages of
6 colloquy and sidebar. Judge, I can't even find where it
7 picks back up, actually. It's many pages later.

8 THE MASTER: All right. Thank you.
9 Ms. Weingarden, do you have a continuing objection?

10 MS. WEINGARDEN: Yes. Only in that the
11 question was a leading question by Mr. Ashcraft. He's
12 the one who suggested it was pink. He did not ask Gary
13 what color it was. And when Gary answered my question
14 about that on direct examination, he said I guess. He
15 didn't say he was sure.

16 THE MASTER: All right. So at this point I
17 will allow -- well, Mr. Ashcraft, I'm going to have to
18 hear your question again, but I believe that my ruling
19 is going to be that I will allow that, in this separate
20 record, you to go ahead and ask that question. But,
21 Ms. Jorgensen, we're depending on you again to read his
22 last question, please.

23 (The question was read back as follows:

24 "QUESTION: I will tell you that in this
25 trial, in this formal hearing, Gary

1 Davis-Headd Jr. testified that the mark
2 that was covered up by Tracy Green was a
3 light pink handprint.")

4 THE MASTER: All right. Thank you.

5 Mr. Ashcraft, I'll allow you to continue. I think that
6 was your preface, and then you were going to ask a
7 question.

8 MR. ASHCRAFT: Yes. Thank you, Judge.

9 THE MASTER: Go ahead.

10 BY MR. ASHCRAFT:

11 Q. And my question just before that was whether a handprint
12 that is left from a slap on the cheek of a child at the
13 hand of his father that is like pinkish is child abuse.

14 THE MASTER: And you got an answer to that
15 question?

16 MR. ASHCRAFT: I did not, because the question
17 I got in response was about the handprint.

18 THE MASTER: Ms. Jorgensen, what answer do you
19 give to the previous question -- do you have?

20 (The question and answer were read back as
21 follows:

22 "QUESTION: Is a pink handprint left on
23 the cheek of a child who's been slapped
24 by a parent child abuse?

25 "ANSWER: If a child is hit and it

1 results in a mark or a bruise, that is
2 considered child abuse.")

3 MR. ASHCRAFT: If we could continue, Judge,
4 and I'll be able to pick back up after those questions
5 and answers are read?

6 THE MASTER: When you said if we can continue,
7 Mr. Ashcraft, do you want Ms. Jorgensen to continue with
8 what was said next?

9 MR. ASHCRAFT: Yes, please.

10 THE MASTER: All right. Go ahead,
11 Ms. Jorgensen. Thank you.

12 (The question was read back as follows:

13 "QUESTION: I didn't ask about a bruise.

14 I asked about a pink handprint left on
15 the cheek of a boy who had been slapped
16 by his father.

17 "ANSWER: Who said the handprint was
18 pink? I'm confused. I don't
19 understand.")

20 THE MASTER: I think that's where we were,
21 then, and that was when we had the objection. And we've
22 gotten that information. I'm overruling the objection,
23 and you may continue.

24 MR. ASHCRAFT: Thank you, Judge.

25 ///

1 BY MR. ASHCRAFT:

2 Q. Ms. Apple, is a pinkish handprint left on the cheek of a
3 boy who has been slapped by his father child abuse?

4 A. Yes.

5 Q. What authority do you have to support that?

6 A. A handprint left -- imprint left on the face would
7 indicate that blood vessels have been disturbed, and it
8 possibly -- I don't -- if it leaves a mark or a bruise,
9 then that is considered child abuse.

10 Q. Are you saying any mark?

11 A. I'm saying if a hand swats a face and leaves a mark by a
12 parent on a child, that is considered abuse.

13 Q. Child abuse. Is that what you're saying?

14 A. If it's against a child.

15 Q. Is corporal punishment against the law?

16 A. No.

17 Q. So you're allowed to physically discipline your child?

18 A. Yes.

19 Q. Physical discipline --

20 A. Without leaving -- I'm sorry. Go ahead.

21 Q. Physical discipline contemplates that there is some
22 physical contact between a parent and a child; right?

23 A. Correct.

24 Q. So if you were to slap the back of a thigh, with an open
25 hand, of a child and it leaves a red mark, that's child

1 abuse?

2 A. It's up for interpretation.

3 Q. You're not aware of any case, as a CPS worker, that
4 supports your statement that a pinkish handprint left
5 from a slap on the face is child abuse; correct?

6 A. I have not dealt with any case addressing a pinkish
7 handprint being considered a form of child abuse.

8 Q. But you have been a CPS worker for many years. My
9 question was not whether you worked on a case. My
10 question is, in your vast knowledge you're not aware of
11 a single -- of anything that supports your statement
12 that a pink -- pinkish mark left on a cheek after a slap
13 is child abuse; correct?

14 A. I'm aware that if a child is hit and there is a mark or
15 bruise left after being hit, then that is considered
16 child abuse.

17 Q. According to what?

18 A. According to policies in which we go by. You can --

19 Q. What policy, please?

20 A. You can spank your child with an open hand on the
21 buttocks, not severely abuse your child with a belt and
22 leave several marks and bruises. There is a difference.

23 Q. I didn't ask --

24 A. I was just elaborating. I was elaborating. I was
25 giving additional.

1 Q. I know you were, but I didn't ask you any questions
2 about that at all. I asked --

3 A. Well, I was just sharing -- I was just sharing. You
4 were asking, and I was sharing.

5 THE MASTER: And, again, we are talking over
6 each other and we're going to have to slow down and get
7 that information on the record. Ms. Jorgensen, what is
8 the last question and answer that you got a response to?

9 (The record was read back as follows:

10 "QUESTION: But I didn't ask you any
11 questions about that at all.)

12 THE MASTER: Go ahead, Mr. Ashcraft, with your
13 next or follow-up question.

14 MR. ASHCRAFT: Thank you, Your Honor.

15 BY MR. ASHCRAFT:

16 Q. Ms. Apple, I didn't ask anything about what you just
17 responded. I asked what policy supports your statement.

18 A. I'm not aware of the exact policy.

19 Q. Well, what codification or what bound material, what
20 book? How do I look and confirm?

21 A. How do you look and confirm what?

22 Q. Your statement. I asked you for what authority
23 supported your statement, and you said: Our policies.
24 And my follow-up question was: What policies? And you
25 said you don't know for sure --

1 A. I don't know --

2 Q. So now I'm expanding the scope of my question to ask,
3 where would I find the policies?

4 A. And, again, I said I don't know the specific policy that
5 would address that, but I do know that any mark or
6 bruise that is left on a child during discipline is
7 considered abuse.

8 Q. And let's be clear. You believe the policy says any
9 mark or bruise?

10 A. Mr. Ashcraft, I don't know what the policy says. And
11 I'm getting ready to tell Ms. Weingardener [sic],
12 Ms. Drysdale, and Your Honor I'm done. I did not abuse
13 those children, and I should not be on trial about this.
14 I did not lie to the Judicial Tenure Committee. I
15 didn't do that. This happened three years ago. I
16 didn't do this. I helped save those children from being
17 abused, and it's not fair that I am being cross-examined
18 about this.

19 THE MASTER: All right. I'm going to stop
20 everyone now. We're going to take a ten-minute break.
21 I'm going to open up the breakout room so that
22 individuals can -- Mr. Ashcraft and Judge Green and
23 Ms. Drysdale-Crown and Ms. Apple may be able to take a
24 break, and then we're going to come back and continue
25 with the cross-examination.

1400

1 THE WITNESS: I'm not answering no more
2 questions.

3 MR. ASHCRAFT: Thank you, Your Honor.

4 THE MASTER: So I'm going to open the breakout
5 rooms.

6 THE WITNESS: I'm done.

7 (At 3:44 p.m., off the record.)

8 (At 3:57 p.m., on the record.)

9 THE MASTER: All right. I think we are all
10 here at this time. Ms. Drysdale-Crown, are we ready to
11 continue?

12 MS. DRYSDALE-CROWN: Yes. Before we go on the
13 record, Your Honor, I just want to say that I am
14 feeling -- my client is feeling very personally attacked
15 and that the documents do speak for themselves and I
16 have, you know, not objected to anything because I don't
17 have standing to do so.

18 But I am concerned that these questions are
19 going towards more of a liability threshold and that I
20 am concerned about that and that I will object,
21 Your Honor, if I feel that in any way either counsel is
22 trying to impugn my client with any sort of negligence.
23 I just really feel like we're skirting that a little
24 bit.

25 THE MASTER: All right. Thank you.

1401

1 MS. DRYSDALE-CROWN: Thank you.

2 THE MASTER: Ms. Weingarden, is there anything
3 you would like to place on the record? You are muted.

4 MS. WEINGARDEN: Okay. I should have objected
5 to the relevance of Mr. Ashcraft's question, because
6 we're not here to decide whether CPS should have gotten
7 involved in this situation or not. It's not the issue
8 on the table.

9 THE MASTER: All right. Thank you.
10 Mr. Ashcraft, do you have any comments that you would
11 like to place on the record? I'm not saying that you
12 have to or that you have to respond. If there anything
13 that you would like to place on the record?

14 MR. ASHCRAFT: There is, Judge, and that is
15 allegations have been made against my client, Tracy
16 Green, and they are very, very serious and they allege
17 that, in essence, she was aware of child abuse of her
18 grandsons at the hand of her son and did nothing. And
19 she has categorically denied that since day one, and she
20 was the one that even told CPS of a handprint in the
21 first instance.

22 And allegations have been made, and we have to
23 defend them to the best of our ability. And whether or
24 not something is child abuse is a completely fair
25 question to ask since this is the investigative report

1 that included all the information -- allegedly included
2 all the information that was provided by my client and
3 also with regard to my client's concerns about the
4 custodial parenting arrangement with Choree Bressler.

5 So these are all absolutely relevant matters.
6 I wasn't the one that even asked for CPS investigators
7 to come into this case and testify to fact-specific
8 information. To the contrary, I filed a motion and
9 objected to it and that was, in fact, granted and this
10 is not coming in.

11 Instead, disciplinary counsel asked for a
12 separate record. Well, they asked for a separate record
13 and has only gone as far as to introduce the things that
14 they thought were most helpful for them. But the scope
15 of the investigation and all the work that was done or
16 not done is most certainly fair game and appropriate for
17 me to explore.

18 I have not made a single personal attack
19 against anyone. I have not stated nor have I intimated
20 that I think someone broke some sort of standard of
21 care. I have not and I will not do that.

22 The questions that I have asked are absolutely
23 fair and, interestingly enough, they are only follow-up
24 cross-examination questions to statements that were
25 received on direct examination by disciplinary counsel.

1 So the idea that it's no longer relevant just because
2 I'm asking cross-examination questions, I respectfully
3 submit is inappropriate.

4 Thank you, Judge.

5 THE MASTER: Thank you. Is there anything
6 else from Ms. Drysdale-Crown, Ms. Weingarden? And then,
7 Mr. Ashcraft, you would get a chance to say a final
8 word. Anything further at this time?

9 MS. DRYSDALE-CROWN: No, Your Honor. I wasn't
10 intimating that there was -- I wasn't intimating that
11 Mr. Ashcraft was, you know, trying to build a case
12 against my client. I was just saying that if it, to me
13 in my professional opinion, felt like it was becoming a
14 negligence issue.

15 I understand that MCR 9.263 provides immunity
16 to my client. I understand that, and I just wanted to
17 put my -- my -- I don't want to call it an objection.
18 Just an objection on the record. Thank you.

19 THE MASTER: Thank you. Anything further,
20 Ms. Weingarden?

21 MS. WEINGARDEN: No.

22 THE MASTER: Anything further, Mr. Ashcraft?

23 MR. ASHCRAFT: Nothing further, Your Honor.

24 Thank you.

25 THE MASTER: Thank you. We'll continue at

1404

1 this time. If I hear an objection, I will ask the
2 witness to, please, pause -- in fact, I've already done
3 that -- to just pause and let me clear up the objection,
4 let me resolve that before we continue on.

5 Ms. Jorgensen, please read to us the last
6 question and answer.

7 (The question was read back as follows:

8 "QUESTION: And let's be clear. You
9 believe the policy says any mark or
10 bruise?

11 "ANSWER: Mr. Ashcraft, I don't know what
12 the policy says. And I'm getting ready
13 to tell Ms. Weingardener, Ms. Drysdale,
14 and Your Honor I'm done. I did not
15 abuse those children, and I should not
16 be on trial about this. I did not lie
17 to the Judicial Tenure Committee. I
18 didn't do that. This happened three
19 years ago. I didn't do this. I helped
20 save those children from being abused,
21 and it's not fair that I am being
22 cross-examined about this.")

23 THE MASTER: Mr. Ashcraft, I'm going to ask
24 you to move along, please.

25 MR. ASHCRAFT: Move along, meaning not to

1 follow up?

2 THE MASTER: I don't -- you may ask your
3 question. If it sounds to me like it's a question that
4 was just asked, I will ask you to move along. So I
5 don't know where your next question is. It might be
6 that you were already going there, so please continue.

7 MR. ASHCRAFT: Understood. Thank you, Judge.

8 BY MR. ASHCRAFT:

9 Q. Ms. Apple, what was the date of the order that you
10 testified about earlier, in response to Ms. Weingarden's
11 questions, that gave custody to Choree Bressler?

12 A. I don't know. I would have to refer back to the report.

13 Q. If you would, please, refer back to any of your reports,
14 16, 17, 18, or 42.

15 A. Well, only 16 has been authenticated as mine by me, but
16 okay.

17 MS. WEINGARDEN: Judge, may I offer
18 Mr. Ashcraft the option of me stipulating to the date,
19 or do you want Ms. Apple to answer that?

20 BY MR. ASHCRAFT:

21 Q. No. I would like an answer to the question, please, and
22 a citation to the report.

23 A. It appears Wednesday, June 27th.

24 Q. And the page number of Exhibit 16, please?

25 A. 14.

1 Q. And can you direct me, please, to where that is?

2 A. Actually, I was looking on page 14 through a text
3 message at 3:01 from Ms. Bressler. However, if you go
4 to page 15, I receive -- CPS received the e-mail on
5 6/27/2018 at 3:15 p.m.

6 Q. Okay. Thank you. That's what I was looking for.

7 So, first of all, on page number 14 where were
8 you citing specifically?

9 A. One, two, three, four, five, six, seven, eight, nine,
10 ten, eleven -- twelve lines up from the bottom.

11 Q. Okay. Can you tell me how the sentence starts, please?

12 A. CB at 3:01 p.m., the judge has granted me temporary
13 custody.

14 Q. So this is something that you received from Ms. Bressler
15 by way of text message?

16 A. That is the text message conversation, correct.

17 Q. And you had established a texting relationship with
18 Ms. Bressler?

19 A. There was no texting relationship. That's how she
20 communicated with me at that time of day. Everyone in
21 this case has sent me a text message, including your
22 client.

23 Q. But that wasn't my question. Did you establish a
24 texting relationship with Ms. Bressler where you texted
25 back and forth?

1 A. There was no text relationship. We were texting in
2 regards to the court hearing that day.

3 Q. Okay. And then on page number 15, you made reference
4 to -- the line again, please?

5 A. I never made reference on 15, but I'll read it you.

6 Q. Well, we --

7 A. 6/27 --

8 Q. Excuse me for one second, please. You did say June 27,
9 3:15 p.m. so I'll just read it --

10 A. Oh, so then you know.

11 Q. I'll just read it for you. CPS received --

12 A. Well, great. Go ahead.

13 THE MASTER: Just a moment, now. We're doing
14 it again, talking over, and I think that the court
15 reporter is having trouble. I know everybody is trying
16 to make sure that you are clear, but, unlike being in
17 person, it's very hard to hear what's being said.
18 Mr. Ashcraft -- and just pause when you're done with
19 your question and then the witness will know that she
20 can go ahead and respond. Go ahead.

21 MR. ASHCRAFT: Thank you, Your Honor.

22 BY MR. ASHCRAFT:

23 Q. Looking at your entry in Exhibit 16 for June 27, 2018,
24 at 3:15 p.m., you note: CPS received an e-mail from
25 Matthew Schultz with the attached temporary custody

order for the minor children Gary Davis-Headd Jr. and Russell Davis-Headd; correct?

A. Correct.

Q. And that wasn't a permanent placement. It was only for purposes of temporary custody. Right?

A. Correct.

Q. Because an investigation was still continuing; right?

A. I can't answer that. I don't know.

Q. Well, as of the date of -- well, it's your note, Ms. Apple. As of June 27 of 2018, was the investigation not continuing?

A. I didn't understand your question. That's why I said I don't know. So could you repeat your question?

Q. Sure. On June 27 of 2018 was the investigation still continuing?

A. Yes.

Q. And you were aware that Ms. Bressler had received temporary custody of the two boys; correct?

A. Correct.

Q. And subsequent to that, on August 9 of 2018, you had a conversation with Judge Green during which she expressed to you all the concerns that we've talked about at length here today; correct?

A. Correct.

Q. And you indicated that you did investigate them, though

1 it's not found in your notes; right?

2 A. Correct.

3 Q. And did you obtain the psychiatric and mental health
4 records for Choree Bressler?

5 A. I don't recall.

6 Q. You didn't obtain them, did you?

7 A. I said I don't recall.

8 Q. In fact, Ms. Apple, didn't you assist Ms. Bressler in
9 objecting to a subpoena for the production of those
10 records?

11 A. No, I did not.

12 Q. You don't recall being involved in the juvenile court
13 trial proceeding when those mental health and
14 psychiatric records were sought to be admitted?

15 A. I didn't object to that.

16 Q. You didn't object to those records being admitted?

17 A. How can I? I didn't object because I'm not counsel. I
18 didn't object.

19 Q. Okay. Thank you.

20 Did you give Choree Bressler a copy of your
21 CPS report?

22 A. No, I did not.

23 Q. Did she receive a copy, to your knowledge, from anyone
24 at CPS?

25 A. I believe she did.

1 Q. Did you give a copy of your CPS report to M.L. Elrick?

2 A. No.

3 Q. Do you know who M.L. Elrick is?

4 A. I do.

5 Q. At what point did you decide during your investigation
6 to remove the children and place Gary and Russell with
7 their mother?

8 A. I didn't make the decision to place Gary and Russell
9 with their mother.

10 Q. Did you make a recommendation?

11 A. No, I did not.

12 Q. Did you investigate whether or not Ms. Bressler had a
13 relationship with the boys between 2015 and 2018 when
14 the boys were placed with her?

15 A. I did.

16 Q. And what did you find?

17 A. That she didn't have a relationship with them.

18 Q. Is that something that was of concern to you as a CPS
19 investigator?

20 A. Not during this investigation.

21 Q. So if a parent leaves, doesn't have custody of a child,
22 and is gone for three years and doesn't have a
23 relationship in those three years and returns, are you
24 saying that it's okay for them to be placed with that
25 parent as custodial parent?

1 A. I'm stating that during this investigation those
2 children were placed with their mother, per the court.
3 I didn't make that decision, and I could not object to
4 that decision. I can't overrule that.

5 Q. Did you think that was a good idea?

6 MS. WEINGARDEN: Objection. Relevance. She
7 doesn't get to --

8 THE MASTER: All right. I didn't hear that
9 last part of your objection.

10 MS. WEINGARDEN: She doesn't get to overrule a
11 circuit court judge.

12 THE MASTER: All right. Thank you. The
13 witness may answer the question if she had any thoughts
14 about that. Go ahead.

15 THE WITNESS: I had a lot of thoughts about
16 placement of the children. However, my opinion at that
17 juncture didn't matter.

18 BY MR. ASHCRAFT:

19 Q. At what juncture?

20 A. When Ms. Bressler obtained temporary custody of the
21 children.

22 Q. And did she eventually obtain full custody of the
23 children?

24 A. I'm not sure. I don't know.

25 Q. What was the juvenile court proceeding that you were

involved in related to?

A. It wasn't -- the juvenile court proceeding was related to the severe physical abuse of the minor children at the hands of their father, Gary Davis-Headd Sr.

Q. And did you testify during that case?

A. I did.

Q. When you receive an allegation of abuse, of child abuse or neglect, during your investigation, are you obligated to investigate that?

A. Yes.

Q. Now, you talked about today the June 24, 2018, report and the August 6, 2018, report. Were those two separate investigations?

A. Yes.

Q. But they were all under the same case number; correct?

A. I don't -- no. They were two separate investigations. They would have had two separate case numbers.

Q. Now, the second investigation, the one that we see as the August 6, 2018, complaint date, that was something that was filed by whom?

A. You said -- I'm sorry. Could you repeat the question?

Q. Yes.

You said they were two separate investigations, the first one was June of '18, the second was August of '18. My question for you is, how

1 was it that the August of '18 investigation started?

2 A. That started as the result of a new complaint coming in.

3 Q. From whom?

4 A. I can't reveal the reporting source.

5 Q. You can't reveal the reporting source?

6 A. I cannot reveal the reporting source.

7 Q. Okay. But that complaint came in after the boys were

8 back in the custody of their mother, Choree Bressler;

9 correct?

10 A. Correct.

11 MR. ASHCRAFT: Your Honor, may I take a short

12 break, please, to review my notes and speak with my

13 client and then come back on?

14 THE MASTER: Yes, you may. Do you need more

15 than five minutes?

16 MR. ASHCRAFT: I do not.

17 THE MASTER: All right. Let's just go on mute

18 now, then. Let me say before we go on mute right now,

19 if anyone else needs a longer break, facilities or

20 whatever, we can do that at this time too. Hearing that

21 from anyone? All right. Let's take a ten-minute break,

22 then, and then we'll be back. Does that give enough

23 time? All right. Everyone seems to be nodding yes.

24 Thank you. We'll be back in ten minutes.

25 MR. ASHCRAFT: Thank you, Your Honor.

1 THE MASTER: Mr. Ashcraft, before you leave
2 and, Ms. Weingarden, are you still there? I was going
3 to ask if Ms. Drysdale-Crown and Ms. Apple needed to go
4 into their room, but no one has given me any information
5 regarding that, so --

6 MS. DRYSDALE-CROWN: We're fine. We're fine,
7 Your Honor. Thank you.

8 THE MASTER: All right. Ten minutes. Thank
9 you.

10 MR. ASHCRAFT: Thank you, Judge.

11 (At 4:19 p.m., off the record.)

12 (At 4:30 p.m., on the record.)

13 THE MASTER: I think we're all back at this
14 point. Mr. Ashcraft, you needed a few minutes?

15 MR. ASHCRAFT: Yes, Judge, and I just have a
16 few more questions.

17 THE MASTER: All right. Thank you. Proceed,
18 please.

19 MR. ASHCRAFT: Thank you.

20 BY MR. ASHCRAFT:

21 Q. Ms. Apple, just a couple of follow-ups.

22 When you, as a CPS investigator, learned that
23 there are -- there has been a psychiatric
24 hospitalization of a custodial parent or a potential
25 custodial parent, you are obligated to obtain those

1 records during your investigation; correct?

2 A. If the records are released.

3 Q. And did you ever give a release to Choree Bressler to
4 obtain those records?

5 A. Choree Bressler was given a release, and she refused.

6 Q. Now, in the event a custodial parent or a potential
7 custodial parent refuses, then there is a process that
8 allows you to circumvent that in order to gain access to
9 those records; correct?

10 A. Correct.

11 Q. Did you take that process after Choree Bressler refused?

12 A. I didn't have a chance.

13 Q. You didn't have a chance?

14 A. No.

15 Q. And is that because you were reassigned off the case?

16 A. That's because Choree Bressler ultimately provided CPS
17 with her medical records.

18 Q. Did Choree Bressler ultimately provide CPS with her
19 psychiatric records?

20 A. Choree Bressler provided CPS with the medical records
21 that are in question.

22 Q. I'm sorry. I have to be clear. The psychiatric mental
23 health records were provided?

24 A. Choree Bressler provided CPS with medical records that
25 addressed her mental health.

1 Q. That wasn't my question, Ms. Apple. My question is
2 about a psychiatric hospital admission.

3 A. No. Your question was not about a psychiatric hospital
4 admission.

5 THE MASTER: All right. Just a second. Thank
6 you, Mr. Ashcraft, please reframe.

7 MR. ASHCRAFT: Thank you.

8 BY MR. ASHCRAFT:

9 Q. I'll rephrase the question, Ms. Apple.

10 Did Choree Bressler ever provide CPS with the
11 records from her psychiatric hospitalization?

12 A. No.

13 Q. Did you take the steps to circumvent her consent request
14 and gain access to those records?

15 A. I did take steps. The department did gain access to
16 those records.

17 Q. Maybe I'm confused, then.

18 Did CPS get the psychiatric hospitalization
19 records?

20 A. CPS obtained records regarding Ms. Bressler's mental
21 health.

22 Q. I understand that, and we talked about that already.

23 But my question was specific as to
24 hospitalization records, the psychiatric hospitalization
25 records.

1 A. I personally did not get psychiatric records for
2 Ms. Bressler.

3 Q. Are you aware -- thank you.

4 Are you aware whether or not CPS did?

5 A. It is my understanding that CPS obtained medical records
6 concerning Ms. Bressler's mental health.

7 Q. Right. But that's not what I was asking about.

8 My request of you is to tell me whether or not
9 you know CPS obtained the records from Choree Bressler's
10 psychiatric hospitalization.

11 A. I'm not aware of that.

12 Q. Thank you. And the other question I wanted to just
13 close the loop on with you, Ms. Apple, is the issue
14 regarding the abandonment, that we talked about a little
15 bit ago, from 2015 to 2018.

16 Does CPS have an obligation to do something in
17 particular when they learn of the aggravated
18 circumstances of abandonment?

19 A. What's the -- what are you asking?

20 Q. My question was if CPS is obligated to take any
21 particular steps when they learn of aggravated
22 circumstances of abandonment?

23 A. Could you give me the definition of "aggravated
24 circumstances of abandonment"?

25 Q. Sure. We'll just do it this way.

1 When they learn that from 2015 until 2018 a
2 custodial parent or a potential custodial parent had
3 abandoned her children?

4 A. CPS would take steps if a parent was not trying to make
5 contact with their children.

6 Q. So are you saying that a mandatory petition is not
7 required?

8 A. Not in this case, it wasn't.

9 Q. My question was, are you saying that a mandatory
10 petition is not required if a parent has no contact for
11 three years with her child but tried to?

12 A. I'm stating that in this case a mandatory petition was
13 not required for abandonment in regards to mother,
14 Choree Bressler.

15 Q. Why not?

16 A. I wasn't supposed to file it.

17 Q. Why not?

18 A. I wasn't advised by her counsel to file the petition due
19 to Ms. Bressler attempting to make contact with her
20 children.

21 Q. So "counsel," does that mean the attorney general's
22 office decides whether or not a mandatory petition
23 should be filed?

24 A. Not necessarily. I was not advised by my supervisors or
25 my superiors to file a petition due to Ms. Bressler's

1 abandonment of the minor children.

2 Q. Did you bring that to the attention of your supervisor?

3 A. Everything on this case was brought to the attention of
4 my supervisor and her supervisor and her supervisor.

5 Q. So is the answer to my question, yes, that you brought
6 the abandonment issue of three years to your supervisor
7 to decide whether or not a mandatory petition had to be
8 filed?

9 A. During case conference, this was discussed with my
10 supervisor, her supervisor, and the other supervisor,
11 yes.

12 Q. Thank you. Do you know whether or not there is a
13 requirement to file a mandatory petition in the event of
14 abandonment?

15 A. There is. Well, I don't know if it's required. But you
16 can file a petition if a child has been abandoned more
17 than -- I believe it's 90 days.

18 Q. Is it a question of discretion as to whether or not a
19 petition is filed, or is it required in the event of
20 abandonment for more than 90 days?

21 A. I don't know.

22 Q. Is there something in the regulations or the policies
23 regarding aggravated circumstances regarding abandonment
24 of young children?

25 A. I don't know.

1 Q. Thank you.

2 MR. ASHCRAFT: I have nothing further. Thank
3 you.

4 THE MASTER: Thank you. Anything from you,
5 Ms. Weingarden?

6 MS. WEINGARDEN: Yes.

7 R E D I R E C T E X A M I N A T I O N

8 BY MS. WEINGARDEN:

9 Q. Ms. Apple, I only have about ten or fifteen minutes
10 left, so you're almost done.

11 A. Okay.

12 Q. Does the fact that Choree Bressler reported to CPS that
13 she was physically abused by Gary Davis-Headd and that's
14 why she didn't try to get custody or visitation of her
15 children, did that come into play in your decision of
16 whether to file for abandonment?

17 A. That was discussed, yes.

18 Q. Did your supervisors know that that was Choree
19 Bressler's explanation for why she abandoned her
20 children for three years?

21 A. Yes.

22 Q. Once the circuit court places a child with a biological
23 parent, does CPS continue to supervise the family?

24 A. No. But, in this case, workers did go out to
25 Ms. Bressler's home.

1 Q. Was there a new allegation of abuse that caused them to
2 go out?

3 A. No.

4 Q. Do you know why they went out?

5 A. No.

6 Q. Is there a time when a biological parent's hospital --
7 psychiatric hospitalization was so long ago that it's no
8 longer relevant for CPS to get the records?

9 A. I'm not aware.

10 Q. Would you explain to us the significance of the
11 typewritten dates that are at the bottom of the reports
12 that we've gone over?

13 A. Yes. At the bottom of the reports, the worker could
14 work on a report and then submit it to the supervisor,
15 let's say, today, 9/24. The report can be submitted to
16 the supervisor. The supervisor may review it and go
17 over it. Their supervisor may send it back on 9/30 and
18 say, hey, I want you to address additional information.
19 Worker will then continue to work on the report and then
20 resubmit it back to the supervisor.

21 Q. So what dates get put on the bottom of the report in
22 that situation?

23 A. In that situation the original date that it's submitted
24 to the supervisor is already timestamped on it, so it
25 would be the original date of 9/24.

1 Q. Even though nobody was ready to sign off on the report
2 till much later?

3 A. Correct.

4 Q. Did Andre Green, Tracy Green's husband, provide you with
5 information that you attributed to Tracy Green in any of
6 your reports?

7 A. I don't recall Andre Green telling me anything about
8 Judge Green.

9 Q. So when your report says you had a conversation with
10 Tracy Green and Andre Green was in the background, did
11 you communicate with Andre Green about the case?

12 A. No. So during that conversation, I called Judge Green
13 to discuss the current allegations. Actually, I left a
14 voice mail. She called me back. And when she called me
15 back -- no.

16 I sent a text message, and she responded. I
17 don't know, you know, word for word what she said, but
18 she was trying to get an understanding of what I was
19 sending her in text message. And I don't -- I believe
20 she called me back.

21 I would have to look at the report to
22 double-check. But while we were on the phone I told
23 her -- informed her that there was a new complaint
24 received with allegations that alleged both she and her
25 husband were perpetrators.

1 And because I had already spoken to
2 Judge Green previously, I didn't need to verify her
3 identity in order to review the allegations with her.
4 So at that time I asked her could I go over them over
5 the phone. She said yes. And that's when I began
6 reading the allegations off.

7 I think I was stopped a couple sentences
8 through. She was totally thrown off by the allegations.
9 She did permit me to finish. And then I asked her -- I
10 believe I asked her for Andre Green's telephone number
11 so I could make him aware of the allegations. And she
12 was like: He's sitting right next to me. He heard the
13 allegations. He heard them.

14 And I said okay.

15 So that's how I ended up clicking Andre Green
16 on that contact as well, because she identified him as
17 sitting directly next to her.

18 Q. Did you ever directly talk to Andre Green on that phone
19 call?

20 A. No.

21 Q. Okay. What efforts did you make to follow up on Tracy
22 Green's concerns about Choree Bressler getting custody
23 of the children?

24 A. I requested medical records from Ms. Bressler. I met
25 with my supervisor and section manager regarding her

1 refusal to initially provide medical records to the
2 department.

3 And I was advised that we cannot overrule a
4 court order that a judge has placed the children. So I
5 continued to proceed with the most recent investigation,
6 and that was the allegations with the sexual abuse and
7 whatnot.

8 Q. And who was the alleged perpetrator of the sexual abuse?

9 A. Mr. Davis-Headd, Gary Davis-Headd Sr.

10 Q. Can your supervisor -- I think you already said this.
11 Your supervisor can tell you that she wants you to do
12 more work on an investigation?

13 A. Yes.

14 Q. And is that something common that supervisors in your
15 office do?

16 A. Yes.

17 Q. Explain to us the difference between a Category One and
18 a Category Two case.

19 A. A Category Two case, it means that the department has
20 some concerns, enough concerns that would result in the
21 parents being placed on the child abuse registry, but it
22 also does not constitute removal of a child from the
23 family home, which is initially what we were doing --
24 going to do with this case.

25 Q. What is a Category One case?

1 A. Category One case means the case requires court
2 intervention and services. You get services in a
3 Category Two also, but court intervention in a
4 Category One.

5 Q. And who makes the decision about whether it's a
6 Category One or Category Two?

7 A. There is a scoring system, risk assessments and safety
8 assessments. And depending on how you answer the
9 questions will determine whether or not the case is a
10 Category One or Category Two.

11 Q. And can reasonable minds differ about the points that
12 you score?

13 A. Yes.

14 Q. Now, you testified that Tracy Green had a meeting with
15 Adam Baker who is the district manager; is that right?

16 A. Yes. Adam Baker and a few other people.

17 Q. Can you tell me everyone who was present at that
18 meeting?

19 A. Yes. Adam Baker, my super -- my section manager Tiffany
20 McDougale, Lynette Wright, and I believe she was the
21 deputy director at that time, and then Annie Ray. She
22 was the director of Wayne County Children's Family
23 Services.

24 Q. Has Annie Ray retired?

25 A. Yes.

1 Q. Who is now the deputy -- the director?
2 A. Ms. Lynette Wright.
3 Q. And is Tiffany -- what did you say her last name was?
4 A. McDougale.
5 Q. Is she still employed in that office?
6 A. No.
7 Q. Where is she?
8 A. She got a promotion. She's working somewhere else with
9 the state.
10 Q. Is Adam Baker still the district manager of that office?
11 A. Yes.
12 Q. Do you know how many times Tracy Green met with that
13 group of people?
14 A. To my knowledge, it was only once.
15 Q. Were you told what transpired as a result of that
16 meeting?
17 A. Yes.
18 Q. Was that when you -- the case was removed -- you were
19 removed from the case?
20 A. Yes. I was told that --
21 MR. ASHCRAFT: Objection. Hearsay.
22 THE WITNESS: Oh, okay.
23 THE MASTER: Response, Ms. Weingarden?
24 MS. WEINGARDEN: I think he's right. It's
25 hearsay.

1 THE MASTER: Objection is sustained.

2 BY MS. WEINGARDEN:

3 Q. Did somebody give you -- this is yes or no. Did
4 somebody give you an explanation for why you were being
5 reassigned or removed?

6 A. Yes.

7 Q. Who gave you the explanation?

8 A. Ms. McDougale.

9 Q. You testified that some things disappeared from the
10 reports you had written involving your investigation.
11 Is that fair to say?

12 A. Yes.

13 Q. Does that raise suspicions in your mind that there was
14 funny business going on behind the scenes?

15 A. Absolutely, yes.

16 Q. Who do you believe to have been involved in the funny
17 business?

18 MR. ASHCRAFT: Foundation, speculation.

19 THE MASTER: Ms. Weingarden?

20 MS. WEINGARDEN: May I lay a foundation?

21 THE MASTER: Certainly.

22 BY MS. WEINGARDEN:

23 Q. Have you ever had another case where information you
24 documented disappeared from reports?

25 A. No.

1 Q. Have you ever heard of that happening in any other cases
2 in your district?

3 A. I have. Computer glitches with the MiSACWIS system. So
4 I have heard of that.

5 Q. Do you have any reason to believe that the disappearance
6 of the statements you wrote in the report were because
7 of a computer glitch?

8 A. No.

9 Q. How do you know that it's not a computer glitch and it's
10 some other reason?

11 A. I don't know.

12 Q. So this is just a suspicion on your part?

13 A. That's my feeling, yes.

14 Q. So you told us that Tiffany McDougale got promoted; is
15 that right?

16 A. Yes.

17 Q. Did Ms. Lynette Wright get promoted?

18 A. Yes.

19 Q. What position is she now?

20 A. She's now the director of Wayne County Child and Family
21 Services.

22 Q. So she took Annie Ray's job?

23 A. Yes.

24 Q. Do you know what Tracy Green's relationship was or is
25 with Annie Ray?

1 A. I know that she knew Annie Ray personal enough to be
2 able to contact her.

3 MR. ASHCRAFT: Objection, Your Honor.

4 THE MASTER: What's the objection?

5 MR. ASHCRAFT: The question was whether or not
6 she knew Judge Green knew this individual. Now she's
7 going on and answering the question. The objection is
8 foundation, speculation, hearsay.

9 MS. WEINGARDEN: Can I lay a foundation,
10 Your Honor?

11 THE MASTER: Yes, you may.

12 BY MS. WEINGARDEN:

13 Q. Have you ever seen Judge Green and Annie Ray together?

14 A. I'm not sure. I know they've both been in the court
15 together, the court building together, but I don't know
16 if I remember actually seeing them together.

17 Q. This is just a yes-or-no question. Do you know whether
18 they have a friendship outside of a working
19 relationship?

20 MR. ASHCRAFT: Foundation, speculation.

21 MS. WEINGARDEN: Well, that's why I'm asking
22 her a yes-or-no question, Your Honor.

23 THE MASTER: Any continued objection?

24 MR. ASHCRAFT: Foundation.

25 THE MASTER: I'm going to allow the witness to

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1 answer yes or no.

2 THE WITNESS: Yes.

3 BY MS. WEINGARDEN:

4 Q. Okay. So the question is a little unclear. You do know
5 whether or not they have a friendship outside of a
6 working relationship?

7 A. Yes.

8 Q. How do you know this information?

9 A. I was told that.

10 Q. Okay. Do you know if Mr. Adam Baker has a personal
11 relationship with Judge Green?

12 A. I don't know.

13 Q. Do you know if Lynette Wright has a personal
14 relationship with Judge Green?

15 A. I don't know.

16 Q. Did -- this funny business that you believe occurred
17 behind the scenes, was that something you discussed with
18 the FBI when they interviewed you?

19 MR. ASHCRAFT: Foundation.

20 THE MASTER: Response, Ms. Weingarden?

21 MS. WEINGARDEN: She's already testified that
22 the FBI interviewed her, and I'm asking if this is
23 something she shared with them.

24 THE MASTER: Continuing objection, if any?

25 MR. ASHCRAFT: Yes, Judge, I have a continuing

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1 objection. First of all, "funny business," there hasn't
2 been any foundation for what that even means.

3 THE MASTER: All right. Request a few more
4 details, please, with respect to that definition.

5 MS. WEINGARDEN: Okay.

6 BY MS. WEINGARDEN:

7 Q. So, Ms. Apple, as I refer to "funny business," I'm
8 talking about the unexplainable disappearance of the
9 statements you made in reports that you've testified
10 have disappeared. Okay? That's what I'm referring to
11 as "funny business."

12 So given that, did you share that with the FBI
13 when they interviewed you?

14 THE MASTER: One moment.

15 THE WITNESS: No.

16 THE MASTER: One moment.

17 THE WITNESS: Sorry.

18 THE MASTER: Is there a continuing objection
19 to that now that the foundation was laid?

20 MR. ASHCRAFT: There is no continuing
21 objection, Your Honor.

22 THE MASTER: All right. Thank you. And the
23 answer was no?

24 THE WITNESS: No.

25 THE MASTER: All right.

1432

1 BY MS. WEINGARDEN:

2 Q. What did you share with the FBI?

3 A. I shared what happened with the police on the scene on
4 the day of the removal with the children. I shared what
5 happened with Detroit police when the first warrant was
6 requested for Gary Davis-Headd. I shared -- I shared
7 the -- the -- the concern that Judge Green was at the
8 time running for judge and there was a possibility that
9 her colleagues or one of her maybe friends, peers, would
10 possibly be hearing the case.

11 I shared that we were going to be having a
12 hearing in the same building that Judge Green would
13 potentially be a judge in. I shared all of the strange
14 coincidences that occurred during this case, when they
15 asked.

16 Q. In your experience, when children are abused and the
17 abusive parent is at the scene, do the Detroit police
18 arrest the suspect?

19 A. Yes.

20 Q. Did the Detroit police arrest Gary Davis-Headd on
21 June 24th of 2018?

22 A. They attempted to.

23 Q. What do you mean when you say "attempted to"?

24 MR. ASHCRAFT: Relevance.

25 THE MASTER: One moment. Response?

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1 MS. WEINGARDEN: So let me go back. I'll
2 withdraw the question, but let me ask a different
3 question.

4 BY MS. WEINGARDEN:

5 Q. Do you believe that Tracy Green used any influence
6 involving the Detroit police or the lack of the arrest
7 of her son?

8 MR. ASHCRAFT: Relevance.

9 THE WITNESS: Yes.

10 THE MASTER: The objection is relevance.

11 MS. WEINGARDEN: So it's relevant --

12 THE MASTER: Just a second. Let me make sure
13 that's the objection.

14 MR. ASHCRAFT: Yes, Judge, the objection is
15 relevance. This has absolutely nothing to do with the
16 charges pending against Judge Green.

17 THE WITNESS: Choree's mental health.

18 THE MASTER: Thank you. So the objection is
19 overruled. You may ask the question and the question
20 may be answered.

21 BY MS. WEINGARDEN:

22 Q. Do you believe that Judge Green used her influence in
23 making it so that the Detroit police did not arrest her
24 son that day?

25 A. Yes.

1 Q. What makes you say that?

2 A. Because Gary Davis-Headd was in handcuffs for about, I
3 don't know, maybe 45 minutes to an hour. We -- when I
4 say "we," myself, the other CPS workers, Officer Adams,
5 maybe her partner were inside the family home with the
6 kids because they were terrified to go outside and for
7 their father to see them.

8 So they were waiting for him to be arrested --
9 him to be taken away from the scene. We kept the
10 children away from the window so they could not look out
11 the window. And then I heard Officer Adams say a few
12 harsh words on the telephone to someone, and then she
13 told me that brass --

14 MR. ASHCRAFT: Hearsay.

15 THE MASTER: There is an objection to hearsay.
16 Ms. Weingarden, any response before I rule?

17 MS. WEINGARDEN: Yes. It doesn't go to the
18 truth of the matter asserted.

19 THE MASTER: Mr. Ashcraft, any continuing
20 objection?

21 MR. ASHCRAFT: Yes, Judge. It's still
22 hearsay.

23 THE MASTER: All right. What is the question?
24 What are you offering the answer for, Ms. Weingarden?
25 You said it's not for the truth of the matter asserted.

1 MS. WEINGARDEN: So I'm getting to whether
2 Judge Green had any influence over the Detroit police
3 decision not to arrest Gary Davis-Headd that day.

4 THE MASTER: I'm going to sustain the
5 objection. We are in the separate record. You may ask
6 the question, but the objection is sustained to hearsay.

7 BY MS. WEINGARDEN:

8 Q. You can tell us what Officer Adams told you.

9 A. She said that brass received a call from higher up and
10 said to release Gary Davis-Headd and that he could come
11 in on a walk-in warrant. I asked her -- I believe I
12 placed a call to the child abuse unit, and I didn't
13 receive an answer back.

14 And I asked her to contact her supervisor.
15 She was already contacting her supervisor. And she said
16 that's what they said. That's the final answer. And
17 they took the handcuffs off of him.

18 Q. When you say "they took the handcuffs off him," who are
19 you referring to?

20 A. The officers that were outside of the home. There were
21 five patrol cars there, so I don't know which officer
22 specifically took the handcuffs off of Mr. Davis-Headd.

23 Q. So because of this unusual situation you believe it's
24 possible Judge Green had something to do with that
25 decision?

1 MR. ASHCRAFT: Foundation, speculation,
2 relevance.

3 THE MASTER: Any response, Ms. Weingarden?

4 MS. WEINGARDEN: Well, she previously said
5 that she believes Judge Green may have interfered with
6 the police investigation, so I'm asking her follow-up
7 questions about that.

8 THE MASTER: Anything further, Mr. Ashcraft?

9 MR. ASHCRAFT: Nothing further, Your Honor.

10 THE MASTER: I'm going to allow the answer.
11 Continue.

12 BY MS. WEINGARDEN:

13 Q. Do you -- did you believe that Judge Green had something
14 to do with influencing the police department not to
15 arrest Mr. Gary Davis-Headd?

16 A. I did a little bit.

17 THE MASTER: I'm sorry. You're going to have
18 to answer that again. I just couldn't hear it.

19 THE WITNESS: I said I did a little bit.

20 BY MS. WEINGARDEN:

21 Q. Do you have any reason to believe anyone else influenced
22 the police to do anything or not do anything?

23 A. I don't -- is this a yes-or-no question?

24 Q. No. If you can explain.

25 A. Oh, okay. I don't -- I don't know who. I just know

1 that a lot of strange things in the favor of Gary
2 Davis-Headd happened on this case that I've never seen
3 happen on any other case.

4 Q. You testified that if a child is slapped across the face
5 such that it leaves a mark, that's considered child
6 abuse in your mind. Is that fair to say?

7 A. Yes.

8 Q. Were you trained to know that to be child abuse?

9 A. Yes.

10 Q. So other workers who investigate the same allegation
11 involving a different child, would they also believe
12 that a slap across the face is child abuse?

13 MR. ASHCRAFT: Foundation, speculation.

14 THE MASTER: Sustained.

15 BY MS. WEINGARDEN:

16 Q. Let me ask it this way.

17 Is it something all CPS investigators are
18 trained to know, that a slap across the face is child
19 abuse?

20 MR. ASHCRAFT: Same objection.

21 THE MASTER: All right. So you're asking if
22 this is something that all are trained to know?

23 MS. WEINGARDEN: Yes.

24 THE MASTER: Objection is sustained.

25 MR. ASHCRAFT: Thank you, Judge.

1 BY MS. WEINGARDEN:

2 Q. Ms. Apple, do you take training classes before you
3 become a CPS worker?

4 A. Yes.

5 Q. And does everyone who becomes a CPS worker take the same
6 classes and trainings?

7 A. Yes.

8 Q. Do they discuss policy at these trainings?

9 A. Yes.

10 Q. Do they tell you what is abuse and what isn't abuse at
11 these trainings?

12 A. Yes.

13 Q. At the trainings do they tell you if there is a slap
14 across the face of a child that leaves a mark --

15 THE MASTER: I didn't hear that last part,
16 Ms. Weingarden.

17 MS. WEINGARDEN: You should consider it to be
18 child abuse.

19 MR. ASHCRAFT: Judge, I didn't hear the full
20 question, actually.

21 THE MASTER: All right. Do you want to repeat
22 that question? Or, Ms. Jorgensen, if you got the entire
23 question, I could have you read it.

24 MS. WEINGARDEN: I can repeat it.

25 THE MASTER: All right. Please repeat it.

1 BY MS. WEINGARDEN:

2 Q. Do they train you CPS investigators that a slap across
3 the face on a child that leaves a mark is considered to
4 be child abuses?

5 A. I don't think it's specific to a slap across the face.
6 It's specific to physical abuse resulting in a bruise or
7 injury.

8 Q. Does the fact that in this case the mark happened on a
9 child's face, rather than on his buttocks, play into
10 your decision about whether it's child abuse?

11 A. The decision on this case had nothing to do with the
12 handprint. We found out about that after the children
13 were put into a safety plan.

14 Q. Okay. I'm moving on to a different topic.

15 If a case goes to trial in the juvenile court,
16 who gets copies of the CPS reports?

17 A. The attorney general and the LGAL possibly. I'm not
18 sure, but I believe so. And the plaintiff's attorney,
19 if that's correct to call them. Yeah, I think they're
20 called plaintiff.

21 Q. All right. So when you refer to plaintiff's attorney,
22 do you mean the parents or the guardian or custodian of
23 the child?

24 A. Correct.

25 Q. And are there rules about whether those people who have

1 the report are allowed to share them --

2 THE MASTER: I'm sorry. Are allowed to?

3 BY MS. WEINGARDEN:

4 Q. -- share them with strangers or anybody?

5 A. To my understanding, those reports are confidential.
6 They can't be shared.

7 Q. Do you know whether or not the Child Protection Law
8 requires them to be confidential?

9 A. Yes.

10 THE MASTER: Yes, you do know or, yes, the law
11 requires that?

12 THE WITNESS: Yes -- yes to both. Yes.

13 BY MS. WEINGARDEN:

14 Q. Is that something that is commonly known amongst people
15 who work and practice law in juvenile court?

16 A. Yes.

17 MS. WEINGARDEN: Thank you. I have no other
18 questions.

19 THE MASTER: All right. Thank you.

20 Mr. Ashcraft, do you have questions on recross?

21 MR. ASHCRAFT: I do. Thank you, Judge.

22 THE MASTER: Counsel, let me mention this. In
23 about 20 minutes, which is not yet 5:30, I may have to
24 take a telephone call. If so we'll take a ten-minute
25 break at that time and then continue, try to finish up.

1 Mr. Ashcraft may be finished before then, but I just
2 wanted to mention it before you got started so as not to
3 interrupt you, Mr. Ashcraft.

4 MR. ASHCRAFT: Thank you, Your Honor.

5 R E C R O S S - E X A M I N A T I O N

6 BY MR. ASHCRAFT:

7 Q. Ms. Apple, at any time while you were working on the
8 underlying Gary Davis-Headd Sr. case, was a final
9 custody order ever entered awarding sole custody to
10 Choree Bressler?

11 A. I don't know.

12 Q. You're not aware of one being entered while you were on
13 the case; correct?

14 A. I said I don't know.

15 Q. You were aware of a temporary custody order; right?

16 A. Correct.

17 Q. Did you ask your supervisor when you were told that you
18 could not over -- or you were told that you could not
19 override a court order that there was a temporary
20 custody order in place?

21 A. My supervisor was aware that that was a temporary court
22 order.

23 Q. Thank you. You have testified this afternoon that there
24 were, quote, strange things, close quote, happening in
25 this case. You also testified that you thought that

1 Judge Green had used her, quote, influence, close quote,
2 to, I guess, get Gary Davis Sr. out of handcuffs so he
3 could turn himself in by walking in; is that right?

4 A. I don't know if I used those exact words, but it's
5 close.

6 Q. You're not aware of any finding at any time that
7 Judge Green used influence for the sake of her son, are
8 you?

9 A. I said no. Just strange coincidences.

10 Q. You're not aware of any information or reports that that
11 occurred; correct?

12 A. Correct.

13 Q. None of that is found in any of the CPS reports that you
14 authored or that you're aware of; correct?

15 A. That may be incorrect.

16 Q. Well, if you could, kindly direct us to the attention of
17 where you're talking about.

18 A. It may be documented by my colleagues in the 6/24
19 complaint about when Gary Davis-Headd Sr. was going to
20 be arrested. And I'm trying to look and see -- and in
21 the Category Two. Give me one moment.

22 Q. Let me ask you a different question, if it speeds it up.

23 You're not aware of any finding that influence
24 was used by Judge Green in any circumstance related to
25 her son; correct?

1 A. Correct. Correct.

2 Q. Now, you testified a little bit ago that you were,
3 quote, trained, close quote, to understand that a slap
4 on the cheek leaving a mark was child abuse. Trained by
5 whom?

6 A. I didn't say that.

7 Q. That wasn't your testimony?

8 A. I didn't say that.

9 Q. Were you trained to find or understand that a handprint
10 on the cheek is child abuse?

11 A. No.

12 Q. Were you trained to understand that a slap on the cheek
13 is child abuse?

14 A. Are you asking me the same question twice, or were you
15 reading something?

16 Q. No, it wasn't the same question.

17 A. Could you repeat the question?

18 Q. Sure. Were you trained to understand that a slap on the
19 cheek by a parent on the child is child abuse?

20 A. No.

21 MR. ASHCRAFT: Thank you. I have no further
22 questions.

23 THE MASTER: Anything further, Ms. Weingarden?

24 MS. WEINGARDEN: No.

25 THE MASTER: All right. Thank you. May this

1 witness be excused?

2 MS. WEINGARDEN: Yes.

3 THE MASTER: Thank you. Anything, comments
4 otherwise, Mr. Ashcraft, with respect to this witness?

5 MR. ASHCRAFT: Nothing further with respect to
6 this witness, Judge. Thank you.

7 THE MASTER: All right. Thank you. Thank
8 you, Ms. Apple. Thank you, Ms. Drysdale-Crown.

9 THE WITNESS: Thank you.

10 MS. WEINGARDEN: Judge, before we end, I want
11 to talk about scheduling and Ms. Drysdale-Crown has an
12 issue with Monday that I want to also inform you of.

13 THE MASTER: All right. So, Ms. Apple, if you
14 would like to leave now, you certainly may.

15 THE WITNESS: Thank you. Thank you, everyone.

16 MS. WEINGARDEN: Thank you.

17 MR. ASHCRAFT: Thank you.

18 (At 5:13 p.m., witness excused.)

19 THE MASTER: So let's talk about the issue
20 that we have with the scheduling.

21 MS. WEINGARDEN: So my next witnesses will be
22 Ms. Ferguson and Mr. Baker, and as much as we say we
23 will move quickly, we know that that doesn't happen.
24 Ms. Drysdale-Clark -- Crown -- I'm sorry -- has informed
25 me that she is not available after 1:00 on Monday. So