

ARIZONA GAME AND FISH DEPARTMENT
5000 WEST CAREFREE HIGHWAY
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
MICHELLE CRABB
JULY 10, 2009
VOLUME I

Individuals present at the Interview on 7/10/09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department, Ombudsman,
Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Michelle Crabb, Employee

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1 PROCEEDINGS

2 MR. HOVATTER: Michelle, we are going to talk
3 about the jaguar capture/recapture. The thing I wanted to
4 talk to you, or what I have been explaining to everybody,
5 you are one of a numbers of folks we have talked to. I know
6 you have already had some conversations on the Federal
7 investigation aspects of this.

8 Here is where we are at and what we are doing,
9 what we are trying to accomplish with this. Back when all
10 this got started, I think you were, hopefully, mostly in the
11 field so you didn't have to deal with a lot of the other
12 things that were going on in reference to this back in the
13 February and March time frame, but we approached this at
14 that time as exactly what it was reported, that it was an
15 unintentional take.

16 Frankly, we remain of the belief that our original
17 characterization of this is the most likely one. We then
18 got -- there were some allegations that emerged through
19 notes to the Daily Star by folks outside of the Department,
20 that there was some -- that there were other aspects of this
21 thing that were unknown to us, and that it changed the
22 characterization of this capture of this jaguar.

23 And, of course, in the aftermath of the
24 unfortunate demise of the animal made this all that much
25 more sensitive to everybody involved. Now, as we had

1 started some initial sort of after-action looking at what we
2 began to learn about the process as we have gone through
3 trying to form process changes and improvements in the way
4 we do things, we looked at such things as the fact the
5 satellite phones didn't work down there and other things
6 that we were trying to deal with.

7 When these outside allegations occurred, we
8 requested a formal investigation by an outside agency. It
9 was our assessment that no internal investigation, no
10 internal look we were going to do, was going to be
11 considered credible by the many different constituencies
12 that were energized about this issue. And so we almost
13 instantly got that investigation, and as a part of that, we
14 stopped any internal review of the processes and any
15 internal review about the actual details of the original
16 capture and recapture.

17 So as a result, we really hadn't dug into this,
18 and at the executive level of the Department, we had not
19 really driven the ground to what really happened, and that
20 is something we would have done if we had not gotten into
21 this self-muzzling because we could not -- we agreed as a
22 part of the Federal investigation that we would not create a
23 situation where we were having potential interview subjects
24 cross-talking in such a way that it might taint the
25 investigation.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
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11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 It is going to be very hard to do that well if we
17 don't know more about what actually happened than we know
18 right now. So we coordinated with the Fish and Wildlife
19 Service. They know we are conducting our own internal look,
20 and this is an administrative investigation as opposed to
21 the potentially criminal investigation that the Fish and
22 Wildlife Service has been conducting.

23 So as part of that, we are doing this under
24 Garrity Warning. I don't know, I think you are still
25 relatively new in the Department.

1 MS. CRABB: About three and a half years.

2 MR. HOVATTER: So I don't know if you have
3 ever gone through the Garrity Warning process
4 before, but the Garrity Warning, and it is kind of
5 self-explanatory, but I am going to read the Garrity Warning
6 to you. The reason we are doing that is because we think it
7 is the best way for us to preserve the rights of our
8 employees while still giving us the opportunity to gather
9 the facts we need in order to know more about what happened
10 back in that January, February time frame.

11 So I am going to read this to you, and we will
12 answer any questions you have got on it, and you will get a
13 copy of this. I am going to sign it. You are going to sign
14 it. And then you will get a copy of that for your records
15 so that you have got that available to you.

16 The employee is Michelle Crabb. Date 7-10-09.
17 Interviewer Gary Hovatter, Marty Fabritz, and Craig
18 McMullen. We are conducting an internal investigation
19 involving matters that will be discussed shortly. This is
20 an administrative investigation.

21 You do not have the right to have legal counsel
22 present during the interview, nor will you be advised to the
23 Constitutional rights. You are ordered to cooperate fully
24 with this investigation. You are ordered to respond
25 completely and truthfully to all questions posed to you

1 during the investigation. Failure to respond completely and
2 truthfully to all questions will be considered misconduct.

3 As set forth in Garrity versus New Jersey 385 U.S.
4 493, and the line of cases which follow: Any responses
5 given during this administrative investigation cannot be
6 used against you in a subsequent criminal investigation.
7 You are instructed not to discuss your interview or this
8 investigation with any Arizona Game and Fish Department
9 employees while the investigation is pending.

10 And the statement you and I are going to sign says
11 I have read the above statements and I understand the orders
12 given to me about this investigation. I understand my
13 obligation to cooperate fully with the investigation. I
14 understand my obligation to completely and truthfully answer
15 every question. I further understand that I have been
16 ordered not to discuss this investigation with any Arizona
17 Game and Fish Department employees while the investigation
18 is pending.

19 Do you have any questions about that?

20 MS. CRABB: No.

21 MR. HOVATTER: Okay. Great. Michelle, if you
22 want to make notes or anything of your own while you go
23 through this, you are perfectly welcome to do that, by the
24 way, so --

25 Let me start this by -- oh, I was also going to

1 tell you that we understand one of the challenges of doing
2 this is everybody here is bringing kind of a lot of
3 hindsight to bear on events that have now happened some
4 months ago. We still will try and -- or ask questions
5 that -- we will ask you to at least try to kind of
6 put yourself in the mindset you may have been at the time
7 some of these things occurred, but understanding that that
8 is complicated by all the things that have happened since.

9 There is also a number of the questions that
10 I will ask that you probably recognize that they are really
11 more focused on process and procedure improvements that we
12 might seek in the future to the way we approach situations
13 that might have things like this or similar things in
14 situations like this that arise.

15 I really do -- really, one of the things we did,
16 also, we kind of got short stopped, by muzzling ourselves
17 the way we did, was our opportunity to already start making
18 some changes in the process on the things that might be
19 helpful for us right now.

20 MICHELLE CRABB,
21 pursuant to Garrity Warning, was examined and testified as
22 follows:

23 EXAMINATION

24 BY MR. HOVATTER:

25 Q. Can you give me your -- if we look at the capture,

1 the original capture of Macho B on 18 February, can you --
2 could you kind of walk me through when you first became, and
3 I am going to use the term -- you said the term bear and
4 lion study has kind of become the Department's shorthand. I
5 think it is in the stuff we presented to the Commissioner,
6 it was called the Large Carnivore Habitat Conductivity
7 Studies. I am going to continue to call it the bear and
8 lion because the other one doesn't roll off the tongue very
9 well.

10 So the bear and lion study, can you kind of walk
11 me back to your first -- how you were first assigned to work
12 that project and how you got involved in that and kind of
13 walk us forward to the capture on the 18th.

14 A. Well, I first got involved -- well, during the
15 summer, I had been working on the tortoise project up by
16 Bullhead. So I first started down here in like November.
17 We caught that first lion was my first day out or something
18 like that.

19 Q. Had you ever done lion trapping before --

20 A. No.

21 Q. -- been involved in that before?

22 A. So that was nice. And we did that, and then I
23 helped out a few other projects right away. We had a
24 Pronghorn capture, a sheep capture that I did. And during
25 some of the time that I was doing other things, I caught the

1 other animals, then we pretty much ran out of collars. So
2 then we were just kind of waiting around to get more collars
3 and stuff.

4 Q. Yeah. So, now, we get some more collars. I guess
5 when we recovered the collar, we had that first -- was that
6 first lion, then that was Lion No. 1; right?

7 A. Yeah.

8 Q. Is that the one that was subsequently being
9 harvested by a hunter?

10 A. Yeah.

11 Q. Okay. Okay. And let me ask you, and we will kind
12 of work our way forward to the original capture or the
13 capture of the jaguar. Now, that was -- my understanding is
14 that the snare that Macho B got caught in was that same
15 snare that we caught that Lion No. 1 in or was it the same
16 snare line?

17 A. It was the same line, about the same exact
18 setting.

19 Q. So we will stick -- now, what was the -- who were
20 the folks, because I know that there was also simultaneous
21 with this, there was still a bear hair part of the thing
22 going on, I think, in the Huachucas or that may have ended,
23 but there was still other folks, but who were the folks who
24 were actually involved in that November, December time frame
25 in the bear and lion trapping part of this?

1 A. I was down there, thorry was down there, and Emil
2 was down there.

3 Q. Did Kirby come out with you guys much or come out
4 with you at all?

5 A. He didn't check any of the traps, but he did come
6 out and show me like where some of the hair snags were,
7 because we were kind of removing those, kind of what we did
8 in-between. We didn't have any collars. We wanted to
9 remove the barbed wire.

10 Q. How did you guys operate on that? Did you do
11 that -- did you operate usually in ones or did you usually
12 operate in pairs? I am just interested in the methodology.

13 A. Like for the trap lines?

14 Q. Yeah, for the trap lines.

15 A. Well, I was definitely always going out with
16 someone because I am new to doing all of that, but I know
17 the lines were checked individually sometimes. I am not
18 sure if Thorry caught those bears by himself or whatever,
19 but --

20 Q. Now, I would presume -- presumably, maybe both
21 Thorry, and, I think, Emil had pretty extensive large
22 carnivore experience with use of the drugs and the
23 techniques and all. I would imagine that they sometimes
24 operated individually on that. Again, you were still kind
25 of getting your journeyman collar on, on how to do this sort

1 of thing, so --

2 A. Oh, yeah.

3 Q. Let's see, so when you were working those -- now,
4 I know that Emil was under contract. So he was kind of
5 day-to-day during that time frame. I know that he also wore
6 his Borderlands Jaguar hat, Borderlands Jaguar Detection
7 Project hat, and sometimes worked on checking camera sets
8 and all, too.

9 Did you ever -- were you aware of the camera set
10 in the Borderlands Jaguar Detection Program or did that come
11 up during the part of work you were doing?

12 A. I know they had cameras out. I know there was at
13 least one that was somewhere in the -- there was one by, I
14 think, right where we caught that one lion.

15 Q. Right by it was about how far away, just out of
16 curiosity?

17 A. The one lion, it was, I don't know, I would say
18 less than 20 meters or something.

19 Q. And did you know -- had you heard of the
20 Borderlands Jaguar Detection Project?

21 A. A little bit. I mean, I knew they had cameras up,
22 and they were getting, you know, monitoring what was moving
23 through the area. I think I had seen a talk on it at the
24 Wildlife Society Meeting in Tucson back whenever that was.

25 Q. Did you guys get the opportunity, because my

1 understanding is that that camera set was a part of the
2 project out of the Jaguar Conservation Team for monitoring
3 activities so that they could alert stakeholders in the area
4 and livestock raisers and things like that was kind of its
5 original genesis. I wouldn't expect you to know that. That
6 is back in the '90s before you had ever come to the
7 Department.

8 The question I would have is it would seem logical
9 to me that data, that pictures of lions and bears that we
10 might get on those cameras would be useful for getting some
11 sense of what type of activity you had.

12 Did you guys share any data or did Emil ever share
13 any data about what he was finding on those cameras that you
14 guys could feed into, factor into your trapping efforts for
15 bear and lion?

16 A. Well, I mean, the trap line, I think he kind of
17 helped set that up. I assume he based that on what he had
18 seen and we had seen, you know, saw in the area. We were
19 checking them, so it was more that. I never saw any
20 pictures of any of the stuff or never saw --

21 Q. Did you ever go and check, I mean, just if for no
22 other reason than just for professional curiosity work on
23 any of the cameras or check any of the camera stuff?

24 A. No.

25 Q. How did you guys -- what was your normal practice

1 for -- now, let me -- when you got involved in this, were
2 you involved in the actual selection and installation of
3 trap sets or had they already been selected when you got
4 involved in the project?

5 A. The general line had been set up and stuff. I
6 think we added a few, but that was, I mean, within the same
7 lines, it wasn't --

8 Q. Were there any other volunteers or any other
9 folks, other than the Department folks, and I am
10 counting Emil in that as the Department, in that he was
11 working under contract for us at the time, was there any
12 other volunteers or other folks who would come out there,
13 ever help you guys out on this?

14 A. Well, Will, who was a Department employee intern,
15 he came out with us.

16 Q. Yeah.

17 A. I think the guy that stays at Ruby, Sun Dog or
18 whatever, I think he may have come out there.

19 Q. Is he one of the cowboys or is he one of ours? I
20 saw Sun Dog in the field notes. I just, I don't know him.

21 A. He is a caretaker at Ruby. I know that is what
22 everybody calls him.

23 Q. Sun Dog?

24 A. He's an interesting fella.

25 Q. Well, with a name like that, I would imagine.

1 What was the basic methodology you guys used for a lion
2 scent?

3 A. Like the trap itself?

4 Q. Yeah.

5 A. You want like all the details?

6 Q. Well, yeah. I mean, one, I just have a
7 professional curiosity on it.

8 A. Well, they dig like a hole in the ground like on
9 an actual trail. They are all trail sets. We usually use
10 like a flower pot or something like that to hold the soil
11 in, and some people don't, but that seemed to help with the
12 soil in the wash and stuff.

13 And, then, if you had your hole and stuff, you
14 would get the actual physical part of the snare, throw it in
15 there and stuff, set it up, and you would put measuring tape
16 pieces, like the metal ones, that it is like your weight
17 support rather than a sponge or something underneath the
18 travel pan --

19 Q. Yeah.

20 A. -- and then you put a piece of cloth over it to
21 hold -- keep dirt and stuff out of there, and sprinkle a
22 little bit on there to make it look like the surrounding
23 soil, make sure it was nice and smooth and stuff. Then you
24 would put your loop over that. You kind of put rocks to
25 help support it, then rocks around it, so you could put it

1 up or put it down in that area.

2 Q. You are trying to set it up so that you would more
3 likely create a higher likelihood that it would put the foot
4 where you wanted it to go?

5 A. You could actually get like the foot you wanted,
6 because you don't want to catch his right one if it is
7 coming that way. So you would set it up so you can get the
8 correct foot and stuff, and then we would anchor it to a
9 tree.

10 Q. Now, I know -- when you anchor to a tree, I know
11 that it does make a difference as to how you anchor it to a
12 tree as to the possibility of the lion getting hung up over
13 a limb or something like that. How did you -- did you get
14 into any discussion in that in the way that that was set up?
15 Did you -- how did that get factored into which tree you
16 selected, for example, or which part of the tree you
17 selected?

18 A. Well, I had done it with Thorry. I think it was,
19 if I remember, it was after the capture, because we were
20 looking in other areas, you know, to put traps in other
21 areas. So we had been looking at trees and stuff. I was
22 trying to get something that was close enough to the trail
23 so you didn't have a real long lead so they wouldn't get
24 further away from the tree and stuff and making sure it
25 didn't have a low fork or a big branch that you couldn't

1 move so it wouldn't get up hung. Then there was swivels on
2 the cables and stuff.

3 Q. So when they spun off --

4 A. So they wouldn't isolate.

5 Q. Now, for your lion and bear sets, did you guys --
6 what kind of bait did you use for -- I know for the bear
7 sets, what kind of bait did you normally use for those? Did
8 you work on the bear sets? I am making an assumption and I
9 shouldn't. Did you work on the bear sets, too?

10 A. Like the trail sets worked for both.

11 Q. Okay.

12 A. And like in the Huachucas, we had specific bear
13 ones, but those were the buckets.

14 Q. The buckets. So that snare was expected to
15 potentially do double-duty, the snare set you described, so
16 we weren't using bucket sets in that particular area then?

17 A. Yes. We didn't have any at the time, but the --

18 Q. So that would have done double-duty for both?

19 A. Yeah.

20 Q. So I shouldn't make the assumption then. Did you
21 guys routinely bait those snares for making the trap?

22 A. No, they were just trail sets.

23 Q. Again, you weren't working the cameras, but with
24 that one camera in close proximity, did you get any
25 information or notice anything about -- was there any

1 baiting or lures being used for that, for those camera sets?

2 A. No.

3 Q. Is that the only camera set you know that you ever
4 were near was that one by that trap?

5 A. There was one by the lion and then there was one
6 by Ruby, and then I think Emil once pointed one out, you
7 know, you go down by that saddle over there, that kind of
8 thing, that was it. I mean, I knew there were more around,
9 but --

10 Q. When you got to that -- when you started with that
11 in November of '08, were you aware that you were working in
12 the area that there was some history of jaguars in the area?

13 A. Yeah, I guess. I don't remember what I learned,
14 you know, if that had been the area at all.

15 Q. But you are not sure what the source of that
16 awareness was, but you --

17 A. Right.

18 Q. -- had an awareness, or your memory is that you
19 had an awareness at that time that there had been jaguar
20 activity in that area?

21 A. Okay.

22 Q. Did Emil ever talk about that? Most of his
23 history down there had been on the jaguar project, so --

24 A. Not much, no. I mean, I have been in his house
25 once. He had a bunch of pictures up at his house and stuff,

1 but not much specifically.

2 Q. Okay. Did you ever work with Ron Thompson as part
3 of this study?

4 A. Not really. He was on the recapture.

5 Q. Yeah, on the recapture?

6 A. He was there.

7 Q. Okay. So, then, I know we kind of had the shut
8 down. We actually -- I think you only had three lion snares
9 is what I understand for the early part of that. So we
10 ran -- not three lion snares, three lion collars. And so we
11 ran out of collars before we ran out of lions?

12 A. Yes, we got some bear and stuff, too.

13 Q. So when did you guys -- essentially, when did you
14 shut down then? When did you put the -- approximately, what
15 is your memory of when you collared that last lion in that
16 November, December time frame?

17 A. I know I wasn't there on any of the other
18 captures. I don't think it took very long. Probably before
19 the end of the month, I would think.

20 Q. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A. I know -- I don't remember if it was -- when I
25 came in November, I only checked traps like a week or

1 something like that. So I don't think at that time I knew
2 very much. We started retrapping --

3 Q. Let me ask, so you don't have any memory of having
4 gotten anything specific in guidance about how we were going
5 to conduct that study in an area where there was some
6 history of jaguar activity?

7 A. Certainly not in November.

8 Q. So, now, when did you get restarted on that study
9 personally? I mean, when did you get personally back on the
10 job and stuff?

11 A. For just the trapping part?

12 Q. Well, for any part of it. I mean, when did you
13 get --

14 A. Well, I was taking hair snags down in January.

15 Q. Okay. And that was -- was that -- where was --
16 was that the Huachucas or --

17 A. Yeah, and the Canal Hills and stuff in there,
18 Patagonia.

19 Q. Yeah.

20 MR. MCMULLEN: You did that with Kirby?

21 THE WITNESS: Kirby came out sometimes. Sometimes
22 I was out there by myself.

23 Q. BY MR. HOVATTER: Now, those were baited, weren't
24 they?

25 A. They had been, but they hadn't been. They were

1 scent baited.

2 Q. Was that some scent? I know fish are sometimes
3 used.

4 A. Fish oil and stuff like that. They didn't
5 actually use like a food. It was just a scent. First time
6 I knew anything about checking the traps was the 5th of
7 February.

8 Q. So the 5th of February, you had been -- so about
9 that day, that day was when you got back into the actual
10 snaring part of this thing in that area?

11 A. Correct.

12 Q. Okay. Who were you working with then?

13 A. Thorry was down there. Emil may have been down
14 there for part of the day. He was going on vacation. He
15 was going to Spain.

16 Q. Yes, he was heading to Spain. Do you know if Emil
17 was actually out there when you and Thorry were working?

18 A. I know Thorry had gotten down there before I did.

19 Q. Uh-huh.

20 A. Yeah, he was probably there on the 5th.

21 Q. Yeah, because I think he got down there -- Thorry
22 got down there on the 4th. Now, I noticed in Thorry's field
23 notes -- yeah, he got out there on the 5th. What is your
24 memory of getting started again? What sort -- what was --
25 kind of walk me through getting back down, getting back into

1 the area. You hadn't been there in a couple of months.
2 What sort of process did you go through getting back on
3 the -- getting your feet back on the ground in that area
4 that day?

5 A. Well, when I went down on the 5th, it was to
6 check. So they had already been set.

7 Q. Uh-huh.

8 A. They must have set them on Wednesday or something.

9 MR. FABRITZ: I am sorry. What day was the 5th?

10 THE WITNESS: Thursday.

11 Q. BY MR. HOVATTER: Michelle, you had set those what
12 time of day? Did you set those in the evening or morning or
13 was there a particular time of day you tried to have those
14 things set by? I am just trying to get kind of a rhythm you
15 guys would go through on getting them set, and
16 then when you would come back to recheck those.

17 A. Well, we always check them in the morning, you
18 know, kind of late enough that everything is kind of -- the
19 tail end of things stopping moving, but before it would get
20 too hot.

21 Q. They set up then during the day, and then you
22 would check them again the next morning?

23 A. Yeah.

24 Q. All right. So on the 5th, were there -- so you
25 are checking snares. Now, did you -- was there any

1 discussion then about any heightened sensitivity to jaguar
2 activity in this area when you came back into the project
3 then?

4 A. There was -- we did find -- I don't remember
5 what day it was, if it was that week or not. I guess that
6 is when we had some tracks in the wash.

7 Q. Now, were the -- I know there's some -- there's
8 always some difficulty with large cats making the
9 distinction between a jaguar and a lion track. Is your
10 memory of that, that was the -- that you are pretty -- that
11 you or Thorry, because I presume still your experience is
12 pretty fresh on doing this kind of work then. Was it your
13 sense that there was some conviction that these were, in
14 fact, jaguar tracks or was it more a possibility that they
15 were jaguar tracks? I am just wondering what your sense of
16 that was?

17 A. Well, I mean, personally, other than being vague,
18 I wouldn't necessarily --

19 Q. I am trying to factor that in. So I am really
20 asking kind of what your sense would be with the more
21 experienced individual like Thorry. Did you have any sense
22 of what his level of conviction about whether those were
23 jaguar tracks or not?

24 A. Well, Emil had been there, too. He thought they
25 were. He had the most experience.

1 MR. FABRITZ: Did they indicate how recent it had
2 been or --

3 THE WITNESS: They said they certainly weren't
4 that fresh. I think they had stepped in them when they had
5 gone out to set the snares the night before or something
6 like that, hadn't noticed them or it was dark, and they
7 couldn't see them or something.

8 Q. BY MR. HOVATTER: Because of the lightness of the
9 day, they stepped in those tracks earlier?

10 MR. FABRITZ: So did you guys make an effort, I
11 mean, was it, hey, let's go check those tracks,
12 just what we saw last night? It was that kind of deal?

13 THE WITNESS: No. I think that was -- that
14 morning was the first.

15 MR. MCMULLEN: Was Emil with you guys when you saw
16 those tracks?

17 THE WITNESS: Yeah.

18 MR. MCMULLEN: Okay. So he was there.

19 Q. BY MR. HOVATTER: Was there any discussion at that
20 time about any camera or jaguar photos from the January time
21 frame? Did those get discussed then? I mean, those photos
22 were reported up the through the Jaguar Conservation Team
23 process, but did you have any memory of any discussion of
24 those photographs while you were there?

25 A. No, I didn't know of any recent photographs of

1 them at all.

2 Q. Because that would have been something Emil would
3 have checked? This was not something, then, that you have
4 any memory of any discussion of those photographs at that
5 time?

6 A. Huh-uh.

7 MR. HOVATTER: Okay. I am sorry. What were you
8 going to --

9 MR. MCMULLEN: On the day that you
10 guys discovered the tracks or you were there when they saw
11 the tracks and were somewhat convinced that they might have
12 been a jaguar, it says on that same day that a snare was
13 added on that day near the Donvel Ranch(Ph.), and I was
14 wondering, was it in the same canyon that you saw the tracks
15 being questioned, near the canyon, near the tracks? Do you
16 remember adding a snare that day and it was --

17 THE WITNESS: I don't know what day. I know we
18 added, sometime during that week or that pay period, we
19 added, I think, two. We added two or three.

20 Q. BY MR. HOVATTER: Do you know what prompted adding
21 the tracks on that -- or adding the traps, what prompted
22 adding them to that existing snare line?

23 A. Well, we had a lot of people that were -- illegals
24 or whoever, we had people messing with the traps or
25 coatimundis or something ripping out the cloth and stuff

1 like that. So if half your traps or more don't work, you
2 are not going to catch anything. So we figured maybe adding
3 a few new more because we had lion and bear tracks in the
4 area, so --

5 MR. FABRITZ: No. Go ahead, I am sorry.

6 MR. MCMULLEN: Well, I guess what I am trying to
7 get a feel for is just a feeling of when you guys were
8 there, it seems like from the field notes that it was kind
9 of exciting that you and Thorry were -- may have been some
10 of the first Game and Fish people to have seen the jaguar
11 tracks. It seems to me to be a bit of an event. Is that
12 accurate or not?

13 THE WITNESS: Yeah. I mean, I thought it was
14 pretty neat.

15 MR. MCMULLEN: It would be for me, I know that.
16 So given the fact that it might have been a little bit of an
17 exciting event, do you recall where in relation to the
18 tracks you guys added the snares, the tracks that you saw?

19 THE WITNESS: Well, the tracks were on -- were
20 kind of in the area of the snare line and stuff. So they
21 weren't like in the vicinity and stuff.

22 MR. FABRITZ: Like what does that mean?

23 MR. HOVATTER: Quarter mile, half mile, hundred
24 yards, any memory of that, Michelle?

25 THE WITNESS: Do you have a map at all?

1 MR. FABRITZ: Yeah, right here.

2 MR. HOVATTER: These are just for approximate,
3 just to kind of -- because there's Bear Valley Ranch.
4 There's Horse Pasture Spring and there's Manzanita Mountain,
5 Willow Canyon, Penasco Canyon.

6 THE WITNESS: We added snares here and somewhere
7 up in here.

8 Q. BY MR. HOVATTER: So the existing snare would have
9 been -- okay. And so the ones that you added, the ones that
10 were added were in this same area. Can you approximately --
11 you were saying that you added a snare about here, here, and
12 then somewhere up in here?

13 A. Yeah.

14 Q. Were those existing snares or does that include
15 the ones that were added?

16 A. Those were the ones that were added. The existing
17 snares were in here.

18 Q. Okay.

19 MR. FABRITZ: Where is the wash where the tracks
20 were originally?

21 THE WITNESS: The wash was kind of in here.
22 I think it is where the road actually continues, yeah.

23 Q. BY MR. HOVATTER: There is, I mean, there is a
24 steep wash that goes here. This one comes down here. It
25 comes around like this, and --

1 A. It makes a little saddle.

2 Q. Were you aware of any camera sets in that range
3 that Emil worked?

4 A. I think there was one up here where we caught the
5 lion.

6 Q. So that's the one that was about 20 feet away from
7 where that lion was caught?

8 A. Yeah.

9 Q. So Macho B, the snare that he got caught in, was
10 where about? Approximately, I understand.

11 MR. MCMULLEN: How far was that away from where
12 the trap was?

13 THE WITNESS: It is the same wash.

14 MR. MCMULLEN: Now, was that a snare that you
15 added or one that was already there?

16 Q. BY MR. HOVATTER: Already an existing snare?

17 A. Yeah.

18 Q. I am pretty sure I know the answer to this, but I
19 need to ask, because I want -- I don't want to assume. Were
20 you guys using any -- had there been any change in your
21 methodology to add any lures or trap in setting your snare
22 line since you had been working there in that November
23 timeline?

24 A. No, we never addressed that. It was always just
25 trail sets.

1 Q. Yeah. So the only camera set you were aware of in
2 that close proximity was that one you talked about over
3 where that trap that you caught the lion in was. If there
4 were other ones there, that is not something you had any
5 awareness of?

6 A. Not really. I mean, I know there were further
7 away. That was the only one I remember seeing.

8 Q. So, now, you got back out there on the 5th. Were
9 you out there -- now, Macho B got captured on the 18th.
10 Were you out there pretty much continuously from the 5th
11 through the 18th or were going back and forth on other
12 projects?

13 A. I was out there from the 5th through the 9th.

14 Q. And then you came back when?

15 A. It looks like I checked traps on the 16th. On the
16 17th, I had a Pronghorn flag. Then I was back on the 18th.

17 Q. Is that in the northern part? Where was that --

18 A. I drove to Phoenix and then flipped to Chino.

19 Q. So can you walk me through the 18th. That is the
20 day we got Macho B ending up in that snare. Can you walk me
21 through that day, your memory of it?

22 A. Well, since I had that Pronghorn, I spent the
23 night at home. So I went down there. I was going to meet
24 Thorry at the ranch down there. And I had gotten down there
25 early, he wasn't there yet, so I went to just kind of that

1 one snare that is farther away. So I went and checked that.
2 There was nothing in there. I went back to the truck, and
3 then he got there around the same time, I think.

4 Q. About what time was early to be there? What time
5 was it?

6 A. I think --

7 Q. Michelle, I am just interested in kind of
8 approximately. I am not, you know, I am not trying to pin
9 this down. I am not building a time frame on this. Just
10 pre-sunrise, sunrise?

11 A. Right around sunrise-ish, 7:00, maybe 7:30,
12 something like that.

13 Q. Go let me backtrack a little bit. So the time you
14 were down there, the 5th through the 9th, was there any
15 discussion of a possibility that there was, because of those
16 tracks, that there might have been an increased likelihood
17 of catching the jaguar, an incidental capture of the jaguar?

18 A. It wasn't really discussed in relation to the
19 trapping. I mean, I know that sometimes, you know, what I
20 knew of the cameras is that, you know, for them, it would
21 have been like a two-year time frame that he hadn't been
22 seen or whatever, so I don't know. Personally, I didn't
23 think it made us really any more likely. Maybe in
24 hindsight, that sounds kind of dumb, but, you know, if he
25 gets seen sometimes, and then he isn't seen for two years,

1 and he is walking away, and Emil had been kind of excited
2 because somebody was checking one of the cameras that was
3 farther away, he's like, oh, sometimes he heads up that way.
4 We should probably have a picture of him. So he was excited
5 we may have a picture. So I was like, oh, if he's here, he
6 goes over there.

7 Q. Do you have any sense of or memory of where
8 that -- did you have any discussion about where that camera
9 was that Emil thought might have gotten an image of Macho B?

10 A. Besides maybe kind of further to the northeast, he
11 gave some vague description of the field, but there is no
12 way I can really point it out on a map or anything.

13 Q. Of course, he wasn't there. Emil wasn't there on
14 the 16th and the 18th. Now, I know you and Thorry were
15 there. Was there anyone else -- did anybody else come out
16 that day on the 18th?

17 A. No.

18 MR. MCMULLEN: I just wanted to clarify something.
19 I am having a difficult time. It is probably
20 due to my obtusity, but that is probably not
21 even a word, but I am just trying to get a feel for the
22 conversations. Because earlier, I think we asked you if you
23 knew about or if you talked about any of the pictures from
24 January of Macho B in Tumacacoris and Sofree(Ph.) Ranch, and
25 Emil was excited enough about it to send an e-mail to Terry

1 Johnson and Bill Mandell and four or five people from the
2 Fish and Wildlife Service about those sightings on February
3 3rd, which is before you went in the field with him.

4 But the whole time you were in the field with him
5 checking snares, he never once mentioned or Thorry never
6 once mentioned or nobody ever once mentioned that there had
7 been a jaguar photograph even in light of the fact that you
8 guys found tracks on the 4th that he never thought to
9 mention to you guys that?

10 THE WITNESS: I never -- no, I never heard any of
11 that.

12 Q. BY MR. HOVATTER: Okay. By the 18th --
13 well, I mean, what was your understanding of
14 the research branch supervisory chain between you and say,
15 Chasa O'Brien for this project?

16 A. Well, me to Kirby, and then Kirby, in this
17 instance, Richard was gone, then it went from Kirby up to
18 Chasa.

19 Q. Now, we move forward to February. You are back
20 out there again. We are restarting the traps. Same
21 supervisory chain?

22 A. Uh-huh.

23 Q. Once you captured -- give me -- this is really
24 more of a curiosity question, but maybe it is just my desire
25 to experience something I will never experience myself

1 vicariously, but what did you think when you first saw that
2 jaguar in the trap?

3 A. Holy shit.

4 Q. How did he react when he saw you guys?

5 A. Not much, which was, you know, a bit -- I didn't
6 think he reacted. I had heard stories that they were
7 aggressive or whatever. He wasn't, so --

8 Q. I have read the -- I have looked at the notes from
9 the capture sheet, but that can never capture the actual
10 physical presence of being there. What was your sense of
11 how -- I mean, from looking at the ground and everything,
12 did he -- how did he -- had he responded to being trapped?
13 I mean, lions respond one way. I am told that jaguars
14 respond quite differently. Was that your sense?

15 A. Well, I had only seen that one lion captured.

16 Q. Yeah.

17 A. I don't have much knowledge to base it on. It
18 doesn't seem unusual.

19 Q. Was the ground torn up? Was there some obvious
20 signs that he had really fought that or was it -- did it
21 seem -- did you have a sense of that?

22 A. The tree was a bit scratched up. And, certainly,
23 like the snare and stuff, all that was disturbed. The
24 ground was disturbed around all that. That would seem -- I
25 would think that would be typical, but --

1 Q. Walk me through. So you come, there is a jaguar.
2 How did you get, and I am presuming Thorry took the lead on
3 processing the animal and everything. Walk me through that,
4 if you would. How, you know, from -- if you could, I am not
5 looking at excruciating detail, but I mean, kind of just
6 sort of your main steps in the process to the time that you
7 released that animal back to roaming?

8 A. After we saw him, we kind of looked at him for
9 just a little bit and stayed far enough away and took out
10 all our capturing gear, and Thorry kind of really did the
11 drugs, drew the drugs. You know, had it been a lion, I
12 probably would have been doing more of that to learn, but
13 since it is a major situation, I wanted to keep my hands out
14 of that stuff.

15 And Thorry darted him. When he darted him, that
16 is kind of when he got a little bit of a growl and stuff.
17 He kind of looked at us. Before then, he hadn't paid much
18 attention to us. But after he got darted, he seemed very
19 displeased with us.

20 Q. I certainly would be.

21 A. And, then, we backed off around the corner and out
22 of view, so we wouldn't get him stressed out. And we waited
23 like ten minutes or something like that and came out and
24 approached him to see if he was out all the way. He
25 appeared to be completely out, you know. We gave him a

1 quick poke, checked his eyes and stuff, to feel secure that
2 he is out. Then we put the mask over his eyes and took the
3 snare off.

4 Obviously, we were taking a ton of pictures. I am
5 sure you have seen them. And after he was out, we checked
6 his body temperature, or Thorry did, found out it was kind
7 of low, so we moved him in the sun. I kind of stuck my
8 sweatshirt underneath him for a while.

9 Q. That is an old tried and true technique, Game and
10 Fish technique, we were doing 30 years ago in the Three Bar
11 Study on bears and stuff back then. It must have looked
12 really wild from a distance, like some sort of strange rite,
13 waving things over him or holding him down or covering him
14 up to make him warm.

15 A. Then we kind of played flip the kitty, if you
16 will, throughout the day to kind of help warm him equally.

17 Q. How long was the process part of this thing? From
18 the time you came up to the time that you guys let him go,
19 about how long was that?

20 A. Before we like let him go or before he left?

21 Q. Well, before you let him go, because I know he was
22 still groggy for some time after that. I presume so, unless
23 you are a lot heartier than I am about letting him out of
24 the trap?

25 A. We let him out of the trap when we were processing

1 him. I don't imagine it took too long, maybe 45 minutes or
2 something.

3 Q. How long before he actually wandered off?

4 A. Like five or six hours.

5 Q. Did you guys follow him for a while just to kind
6 of monitor him to see how he was, because I know they will
7 move off -- animals will tend to move off before they are
8 really fully mobile to do that?

9 A. We watched him kind of stumble and stuff like
10 that, you know, we both got in one an area that we could see
11 down the wash quite a ways. When he left our view, he
12 seemed to be walking fairly well.

13 Q. On that broken canine that he had, did you look at
14 that? What did it look like to you?

15 A. We kind of debated that he had bit his lip in that
16 area, so it was a little bloody in there. So it was kind of
17 hard to tell what was going on. But it seemed a little bit
18 worn. So, you know, we weren't convinced that it was fresh.

19 Q. Did you look around to see if you could
20 potentially find that canine in case he had broken it in the
21 struggle?

22 A. The snare had been right, obviously, in that area.
23 So when we were taking that, he chewed apart the bungee
24 cords and stuff. So when you are looking for pieces, you
25 know, you had to keep your eye out for that when you are

1 trying to find pieces.

2 Q. Now, the vets that were treating him when he was
3 recovered had noticed he had this really large infection in
4 that one leg. Did you notice anything about a possible
5 infection on that one leg while you guys were working on
6 him?

7 A. No. I mean, he had some abrasions or small cuts
8 on one of the legs, you know, whatever, I think in the paper
9 it said the left one. I don't remember offhand which leg it
10 was at all. We did -- you know, Thorry did spray antiseptic
11 stuff and put iodine on it.

12 Q. On the abrasions?

13 A. On whatever cuts or --

14 Q. On whatever you saw. That is just standard
15 procedure, I am sure?

16 A. Yeah. Yeah.

17 Q. Yeah, I know, I mean -- I knew that when we
18 recaptured the animal, I was told about that, that they had
19 to unfortunately euthanize him, that they had found that
20 infection and all.

21 A. I don't remember. Nothing that stood out.

22 Q. Any other memories or thoughts from that -- from
23 that day about -- any other memories kind of stick out?

24 A. He growled at us before he left.

25 Q. Yeah, I saw that, and towards -- that had to be

1 impressive.

2 A. Yeah, we weren't all that close, and he wasn't,
3 you know, he just woke up enough to lift his head up, so he
4 just turned around because we were behind him, and he just
5 let out this growl. It is enough to make you back up
6 further even though he couldn't even get up yet.

7 Q. You are really engrossed. You have got a lot of
8 things to do while you are working on him. What was your
9 sense of -- how did you feel about it? Did you have a sense
10 of accomplishment or just a sense of just, you know, work to
11 do or what is your memory of that?

12 A. Well, it was, of course, really exciting, but it
13 is also stressful. I mean, any capture is stressful. You
14 are always concerned about the animal. And, obviously, you
15 know it is a lot more important when it is something like
16 that. Since he had been kind of cold, that was, you know, a
17 little extra.

18 Q. The collar that you put on him, that was made for
19 a jaguar. And had that collar, did you guys have that
20 collar earlier in the -- do you remember if that collar
21 was -- if you guys were carrying that collar to the field
22 back in February 5th and back in November?

23 A. I know we didn't have it in November. I am not
24 sure when we got it. I know we had it for at least a little
25 while.

1 Q. Do you have any memory of it from that earlier
2 February time frame?

3 A. I really don't recall.

4 Q. So you put the collar on. Now, my memory is --
5 did you have any communications from that site
6 at that point?

7 A. No.

8 Q. Because I think Thorry had a satellite phone. I
9 don't think it worked. I know your cell phones didn't work.
10 Do you remember that satellite phone?

11 A. I don't remember it at all.

12 Q. Okay. Let's see, that collar also has, I think, a
13 UHS signal?

14 A. VHF.

15 Q. VHF signal. Did you have any -- when you tabbed
16 collars, when you were out there collaring, did you guys
17 also carry your VHF equipment in case you decided you needed
18 to monitor that animal shortly after you --

19 A. They had -- Emil and Thorry had talked and stuff.
20 They took off the VHF off the jaguar collar.

21 Q. Oh, okay. Okay. Yeah. Yeah, they had, because
22 we had that concern. That was out of what, the concern
23 about --

24 A. About the hunters and stuff like that, because
25 there had been reports of, you know, of other suspicious

1 things. People had assumed that people may have been
2 tracking animals.

3 Q. We have had that concern about lions. When did
4 they take that off, the VHF piece?

5 A. It was done -- I mean, it wasn't the day of the
6 capture or anything.

7 Q. Emil wasn't there then.

8 A. I don't know. I don't know. It must have been
9 before he left, so --

10 Q. And, Michelle, I mean, because I know it makes
11 perfect sense to take it off. How did you -- how were you
12 aware of them having to remove that from him?

13 A. I guess they were -- they had been talking about,
14 you know, the lions and that kind of being weird, and they
15 didn't want to risk it.

16 Q. Was that -- when would that have been? Was that
17 earlier?

18 A. Probably. I don't really remember the time frame.

19 Q. I mean, though, was that before the capture of
20 Macho B, before the jaguar was captured or after?

21 A. Oh, it would have been before.

22 MR. HOVATTER: Before, okay. Why don't we take a
23 little break for a second.

24 MR. FABRITZ: I need to use the rest room. Why
25 don't we come back in five or ten minutes.

1 MR. HOVATTER: Ten minutes. Let me shut this off.

2 (Recess ensued.)

3 Q. BY MR. HOVATTER: Okay. So backing up to where I
4 think we left off. Emil and Thorry removed that VHF
5 transmitter. Now, how did you know that they had done that?

6 A. I can remember them talking about wanting to take
7 it off, you know, discussing whether or not they should.

8 Q. I am trying to -- let me -- because I need to
9 resolve something in my mind. Emil and Thorry -- of course,
10 Emil left for Spain back around that 5th through the 9th
11 time frame, sometime in that time frame in February because
12 he was already gone by the time Macho B was captured
13 originally?

14 A. Correct.

15 Q. I think I had asked if you had seen that collar
16 before, and I think you had told me no. So what I am trying
17 to resolve is that conversation about that collar would had
18 to have been back in that February or maybe in November,
19 because you were all working together in November. And I am
20 just trying to figure out how -- did you have knowledge of
21 that collar prior to its use on Macho B on the 18th?

22 A. Well, I didn't know about it in November. I don't
23 know that we had it then. I did know about it, you know, at
24 some point in time before the capture. I knew about it
25 before that day. I don't think they physically took it off

1 together. I think they talked about it, and it looked like
2 it would come off easy.

3 Q. So that is a conversation you overheard then, and
4 because -- okay. So what I am trying to -- I am just trying
5 to pin this down. I think the times that you guys, the
6 three of you would have been in a position to have had that
7 conversation would have been in the November time frame,
8 that week you worked there in November, or maybe that one-
9 or two-day overlap in February. Do you have any memory as
10 to when that was?

11 A. More likely in February. I don't remember
12 anything about the collar back in November.

13 Q. Okay. And were there any other times of overlap
14 between the three of you prior to that capture other than
15 the November and February time frame, I mean, being
16 physically in the same spot?

17 A. I don't think so.

18 MR. FABRITZ: I am confused. You said you were
19 aware of it in November? So you were aware of it?

20 Q. BY MR. HOVATTER: I didn't hear that. I heard
21 that you weren't aware of it in November. What I heard was
22 that it must be February is what you are saying then?

23 A. Yeah, I don't remember anything about the collar
24 back in November.

25 MR. MCMULLEN: You mentioned something just a

1 second ago. You said it looked like it would come off easy,
2 referring to the VHF. What did you mean by that?

3 THE WITNESS: Well, like the Telonics collar, it
4 is all built in. There is no way to take it off or disable
5 it. Where the North Star, everything is like bolted on
6 separately, so you can just remove the bolts and pull it off
7 as opposed to any other kind of collar that I have ever
8 seen, that looked impossible.

9 Q. BY MR. HOVATTER: So it was already off the collar
10 on the 18th when it was used? And you hadn't
11 seen that collar -- you hadn't physically seen
12 that collar before that time?

13 A. I am trying to remember when we were carrying it
14 around. We had it in the field with us. That is when we
15 put it on. So I don't remember.

16 MR. FABRITZ: In February? In early February you
17 mean?

18 THE WITNESS: Yeah, I don't remember what day it
19 appeared or anything.

20 MR. FABRITZ: Is it that 5th through the 9th time
21 frame that you talked about? Is that what you are referring
22 to?

23 Q. BY MR. HOVATTER: Because we got you -- we have
24 got you -- you were only there for, like, that
25 week in November on this. The next time you

1 picked it up again was in February. So it had to be one of
2 those other times. I am just trying to make sure I have got
3 it clear in my mind when you first knew about that collar.

4 A. It wasn't November.

5 Q. Because I don't want to put words in your mouth,
6 so then it would have been February? There is no other
7 alternative. Is there an alternative time to that?

8 A. Yeah.

9 Q. And you would have been aware of it, then, being
10 carried around --

11 A. Uh-huh.

12 Q. -- with you from that same time frame then --

13 A. Yeah.

14 Q. -- from February?

15 MR. FABRITZ: So did you actually see it in that
16 first go-around in February or were you just
17 sort of talking about it, do you recall?

18 THE WITNESS: I don't really recall. I mean, I
19 assume we had it. I mean, it looked like all the other
20 ones. There wasn't anything special about it, I guess.

21 MR. MCMULLEN: You said that it looked like the
22 VHF was easy to take off. So did you have -- how did you
23 know that? I mean, did someone go through the
24 collar and say this is this, this is that, this is the
25 other, or what?

1 THE WITNESS: I mean, I know they had a separate
2 bag number on the VHF. I don't know -- I don't know how I
3 learned. I mean, it is kind of obvious when you look at it,
4 I think. It just looks like different, but --

5 Q. BY MR. HOVATTER: I guess, I know that you were
6 using other North Star collars?

7 A. Right, the same ones we were putting on the lions
8 and bears were about the same.

9 Q. I think what we are trying to get at is -- trying
10 not to be overly -- parse this out too tightly, but to say
11 that it looked like it was easy to take off kind of carries
12 within, you know, that statement feels like that you had
13 actually seen that collar as a part of what would had to
14 have been that February time frame when Emil and Thorry was
15 together as opposed to just talking about it. I guess
16 that's what we are overhearing you talk about. I think that
17 is what we are trying to make sure we understand how you
18 have described that.

19 A. I don't really remember when the first time I saw
20 it. I don't know if it the was first week in February or if
21 it was, you know, because we had had those two trapping
22 sessions or whatnot. I don't really remember which one it
23 was. I assume it was probably the first one, but --

24 MR. MCMULLEN: Was it when they took the VHF off?

25 THE WITNESS: I don't think they were together

1 when they took it off. They just talked about it or
2 something.

3 MR. MCMULLEN: Were you there when they took the
4 VHF off?

5 THE WITNESS: I don't think so. The collar was
6 the same ones as all the other ones we were carrying, so --

7 MR. MCMULLEN: Did they take the VHF
8 off any of the other ones that you know of?

9 Q. BY MR. HOVATTER: Did they take them
10 off the lions?

11 A. (No audible response.)

12 Q. And, again, it is just -- it is kind of -- we are
13 just -- this is kind of an important part of this thing we
14 are trying to figure out here, but when you say it looked
15 like all the others, is that in context of seeing it on the
16 18th or seeing it earlier than that, prior to that?

17 A. I am sure I had seen it before the 18th, but --

18 MR. FABRITZ: Okay. So just to be clear, I am
19 still not sure if I have got this on the whole VHF thing.
20 Earlier before we took the break, I think you said that we
21 asked how you were aware of the VHF thing, and you related
22 that jaguar collar to that, and then how they were worried
23 about the sensitivity of the VHF frequencies being out. You
24 related that to the lion, kind of the same experience with
25 the lion collars?

1 THE WITNESS: Well, they were -- people have --
2 were being suspected that someone is hunting the lions off
3 the VHF signals, and then so --

4 MR. FABRITZ: But you never removed the --

5 MR. HOVATTER: No, that part -- we had some --
6 there's some previous conversation that we had had about
7 that. Well, they had that concern that we hadn't been
8 removing those VHF transmitters off those lion collars. We
9 had a concern about it up around Prescott and all, too.

10 MR. FABRITZ: But they didn't actually remove
11 them?

12 MR. HOVATTER: Yeah, but we hadn't been removing
13 those. Because part of it is just we have been having some
14 of the failure rate on the GPS, if you don't have the VHF,
15 you are dead. You are just dead in the water. There is
16 nothing you can do.

17 Q. BY MR. HOVATTER: Okay. And, Michelle, I know and
18 apologize for this, because I know that it has been almost
19 five months since all of this, so that is a lot -- a lot of
20 time has gone past on this. So we are asking for a lot of
21 detail that there's a lot of time that has gone past since
22 then, and details tend to erode a little. I just need to
23 ask this probably one more time in a bit different way.

24 Before we took that break, when the collar came
25 up, I had asked if you had -- we talked about the collar

1 being applied on the 18th. I had asked if you had seen it
2 prior to that. And my memory from my notes is that you said
3 no, and we kind of got to a point where it seems that you
4 are less certain of that, and that you were trying --
5 because I had segued from that to asking if you had seen the
6 collar in November, and it was pretty clear that you said
7 you hadn't, and whether you had seen it -- had seen the
8 collar in that 5 through 9 February time frame, and my
9 memory -- my notes are that you said you had not.

10 So I am trying to -- you made a couple of comments
11 the effect that you were aware of it being carried around,
12 which is you don't need to see it, of course, to know that.
13 So I am just trying to make sure I understand to the best of
14 your memory how that -- how you became -- first became aware
15 of that collar being available for use should we capture it,
16 should there be.

17 The only reason to have it is, of course, because
18 there's the possibility of a jaguar being caught, and I am
19 just trying to make sure I understand when you first became
20 aware of that, that that collar existed and that we were, in
21 fact, had that available to us in the field should we need
22 it.

23 A. I don't remember anything in November about it. I
24 would assume that it would be around when we started
25 trapping in the beginning of February. I think Emil had

1 gotten it. So we had gotten it from him. So I knew that
2 North Star donated the collar.

3 MR. FABRITZ: Do you know when?

4 THE WITNESS: I don't know when.

5 MR. FABRITZ: Just generally you were aware of it?

6 THE WITNESS: Yeah.

7 Q. BY MR. HOVATTER: You would have been made aware
8 or you would have become aware of that when?

9 A. Probably that trapping session because I don't
10 know when I would have heard about it before then.

11 Q. The February one, January or February trapping
12 session?

13 A. (No audible response.)

14 MR. MCMULLEN: In the context of you became aware
15 of the jaguar collar in the trapping session in early
16 February, that was around the time the pictures of Macho B
17 were retrieved from -- by Emil from these camera loop sets,
18 the camera traps, and also around the time that you guys
19 discovered what was believed to be a jaguar track and also
20 around the time you added new sets in and around or near; is
21 that accurate to say, the jaguar tracks?

22 THE WITNESS: (No audible response.)

23 MR. MCMULLEN: And during all these events that
24 occurred near each other in time, all around early February,
25 there was no discussion, you never heard any discussion

1 about pictures that might have been taken of Macho B in
2 places other than where the tracks were that were retrieved
3 by Emil anywhere on Tom Canyon or anything, that discussion
4 never came up ever?

5 THE WITNESS: I never heard about any of the
6 pictures at all.

7 MR. MCMULLEN: There was no discussion of the fact
8 that the jaguar was around at all?

9 THE WITNESS: The tracks we saw in the wash,
10 but -- and Emil pointing out vaguely, you know, the
11 direction of another camera that he thought was going to be
12 checked that day.

13 MR. MCMULLEN: When he talked about another
14 camera, did he say anything about his hopes
15 that the jaguar might be photographed on that?

16 THE WITNESS: Well, yeah, he thought maybe the
17 tracks that we had seen, because they were going that
18 direction, sounded like they might be caught in the next
19 camera, and he was pointing over to a saddle or something
20 like that.

21 MR. MCMULLEN: I am just trying to --

22 THE WITNESS: Somebody was going to check that
23 camera that day, so he thought --

24 MR. MCMULLEN: Earlier in the interview, you
25 mentioned that the last jaguar sign that you guys were aware

1 of prior to the capture of Macho B was in 2000 -- or two
2 years ago previous?

3 THE WITNESS: Yeah, I know there had been like a
4 two-year time that span he hadn't been seen.

5 MR. HOVATTER: You guys, just a second. I
6 apologize.

7 MR. MCMULLEN: I am just trying to get it fleshed
8 out.

9 (An off-the-record discussion ensued.)

10 MR. HOVATTER: Michelle, I am really sorry I need
11 to ask you this. What is your schedule like next
12 week? Are you up here next week?

13 THE WITNESS: No. We are going out in the field.

14 MR. HOVATTER: When?

15 THE WITNESS: Tuesday we leave.

16 Q. BY MR. HOVATTER: Yeah, I am really
17 sorry, but we are going to have to -- we are going to have
18 to finish this interview next week. We are going to have
19 finish this interview next week. We have got to take care
20 of this. And, now, where are you officing from? From here
21 or from Tucson?

22 A. Well, I live down in Tucson. We were going to
23 head down to White Water. But one of our guys has to come
24 in from the field on Thursday, so maybe Friday.

25 Q. Yeah, it may be that I am going to have to -- have

1 to have you come back Monday.

2 A. Okay.

3 Q. Right now, let's tentatively, if we change this,
4 we could set it up tentatively for you to be here at 1:00
5 o'clock on Monday. And, then, Monday morning, we can call
6 to let you know one way or the other before you would have
7 to head this way whether or not we really do need to
8 continue then or we just will hold off and catch up with you
9 later in the week. Will that work for you?

10 A. Sure.

11 MR. HOVATTER: Super. Okay. And I apologize for
12 having you run all this way up here and having to do this,
13 but it is just -- unfortunately, it is just some of the
14 other species are vying for my attention right now, and I
15 have to be a part of this. So thanks for coming. Right
16 now, we will plan on seeing you again at 1:00 o'clock on
17 Monday. We will call you Monday morning to confirm that one
18 way or the other.

19 THE WITNESS: Okay.

20 MR. HOVATTER: Have a safe trip. You are driving
21 back to Tucson tonight?

22 THE WITNESS: Yeah.

23 MR. HOVATTER: Have a safe trip back, and we will
24 talk to you Monday morning.

25 THE WITNESS: Okay. Okay.

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CERTIFICATE

I, Tammy Gillett, do hereby certify that the foregoing 51 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona, this 27th day of July, 2009.

TAMMY GILLETT
Certified Reporter
No. 50430

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TRANSCRIPT OF INTERVIEW
MICHELLE CRABB
JULY 13, 2009
VOLUME II

Individuals present at the Interview on 7/13/09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department, Ombudsman,
Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Michelle Crabb, Employee

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(ORIGINAL)

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PROCEEDINGS

1
2 MR. HOVATTER: You made it through the drive and
3 everything. I think, I am sure you understand, I mean, what
4 we are doing on this, and the reason we are doing it the way
5 we are is that, you know, there's the potential in something
6 like this, of course, for it to have a permanent effect on
7 the agency and even have a permanent effect on the
8 professional reputations of folks for the rest of their
9 lives in the way that these things occur.

10 So we are, again, treating this, it is really
11 important that we get -- start pinning down some of the
12 detail that we hadn't had until now. I want to go ahead and
13 I was just going to go ahead and reread to you your Garrity
14 Warning or Garrity Warnings.

15 And it is Employee Michelle Crabb, date 7/10/09 --
16 MR. FABRITZ: 7/13/09.

17 MR. HOVATTER: 7/13/09, pardon me, today. The
18 originally signing said 7/10/09. Interviewer, Gary
19 Hovatter, Marty Fabritz, Gary McMullen. We are conducting
20 an internal investigation involving matters to be discussed
21 shortly. This is an administrative investigation. You do
22 not have the right to have legal counsel present for the
23 interview, nor will you be advised of your constitutional
24 rights.

25 You are ordered to cooperate fully with this

1 investigation. You are ordered to respond completely and
2 truthfully to all the questions posed to you during the
3 investigation. Failure to respond completely and truthfully
4 to all the questions will be considered misconduct.

5 As set forth in Garrity v. New Jersey 385 U.S.
6 493, the line of cases which follow: Any responses given
7 during this administrative investigation cannot be used
8 against you in a subsequent criminal investigation. You are
9 instructed not to discuss your interview or this
10 investigation with any Arizona Game and Fish Department
11 employees while the investigation is pending.

12 And the statement you and I both sign, I have read
13 the above statement. I understand the orders given to me
14 about this investigation. I understand my obligations to
15 cooperate fully with the investigation. I understand my
16 obligation to completely and truthfully answer every
17 question. I further understand that I have been ordered not
18 to discuss this investigation with any Arizona Game and Fish
19 Department employee while this investigation is pending.

20 Do you have any questions on any of that?

21 THE WITNESS: (No audible response.)

22

23

MICHELLE CRABB,

24 pursuant to Garrity Warning, was examined and testified as
25 follows:

EXAMINATION

1

2 BY MR. HOVATTER:

3 Q. I was going to ask you about this last week. I
4 presume you took field notes. You are a trained biologist,
5 so I assume you took field notes during this. Is that a
6 good assumption on my part?

7 A. I don't have field notes from that week or
8 anything.

9 Q. But that is not what I asked. Did you take field
10 notes while you were out there?

11 A. No, just what is on the capture sheet, but nothing
12 separately.

13 Q. The capture sheet, given how you and Thorry were
14 working in a team, were you the one actually filling in the
15 capture sheet?

16 A. I think we both wound up writing stuff down on it.

17 Q. It is not especially germane. I just started
18 thinking about that from a perspective of it has the look of
19 a sheet that you are kind of trying to write on your knee
20 and everything as you are doing it. And, then, later on
21 that gets transcribed to, I guess, an electronic sheet.

22 Were you -- did you actually participate in that
23 process? If not now, then on another -- it was mentioned in
24 another interview how that gets done, because there are some
25 entries that get filled out when they get transferred. I

1 was just wondering if you were -- knew who did that transfer
2 from the written sheet to the --

3 A. I don't. I know they had us -- I think they had
4 us fax in the data sheet right away. So I don't know. I am
5 not sure.

6 Q. Do you know who did that? Was that Thorry or you
7 that did the fax?

8 A. I think Thorry faxed it.

9 Q. Do you have any idea who Thorry sent it to?

10 A. No, I don't.

11 Q. Again, factoring in the hindsight and the fact
12 that it has been quite a few months since these events, one
13 of the things we are going to work through is trying to
14 work -- we are going to work on a map. We are also going to
15 work on the timeline. And so I am hoping that by doing
16 that, we can make all of this line up so that we can get a
17 feel for what that couple of weeks actually looked like and
18 felt like as you were going through that. So that is what
19 we are going to try and do. So with that, I think we wanted
20 to go to the map.

21 MR. MCMULLEN: Yeah. Here is some tabs, and I
22 would just like to have you place the tabs on the following
23 different places, and each tab has got a little arrow on it
24 at the tip. And we would just ask you to put the tip as
25 close as you can to what your recollection is on the

1 following things we are going to ask you to identify.

2 THE WITNESS: Do you guys have any more green ones
3 or --

4 MR. HOVATTER: No, that is good as we are going to
5 get right now.

6 MR. MCMULLEN: We would like to have you place at
7 the location a yellow tab where the Macho B track was found
8 on February 5th.

9 MR. HOVATTER: You said track; right?

10 MR. MCMULLEN: The track.

11 MR. HOVATTER: Yes, the track.

12 THE WITNESS: You had the road on there?

13 MR. MCMULLEN: Yeah, I think you pointed it out
14 where you thought the road was. And then the red one on the
15 location where Macho B was captured. Then blue on the
16 locations of snares that existed prior to the finding of the
17 jaguar track on February 5th.

18 MR. HOVATTER: I should have asked you, I guess,
19 to put a scale on that, but I didn't think about that.

20 MR. MCMULLEN: Now, the blue were the ones that
21 were existing prior to the ones that you had.

22 Okay. And, then, the green location of the snares
23 added between when -- and all of them added between when you
24 guys discovered the track that you believe to be Macho B's
25 or the jaguar and when he was snared, when he was captured.

1 MR. FABRITZ: Which one was the capture? Was it
2 one of the pre-set ones, the blue ones or the green ones?

3 THE WITNESS: He was caught in the blue ones.

4 MR. FABRITZ: So it was this blue one?

5 THE WITNESS: Yeah.

6 MR. FABRITZ: Can you note that at the top of
7 that, Gary, just so I won't forget.

8 MR. HOVATTER: Oh, yeah, yeah.

9 MR. MCMULLEN: And, then, can you just use the pen
10 Marty has got there, it is just a regular black ball point
11 pen, to mark the locations that you are aware of where any
12 camera traps were.

13 THE WITNESS: On the map or on the little tags?

14 MR. MCMULLEN: Wherever they are, just write them
15 in. If they are on the tags, just write them in.

16 THE WITNESS: Do you want me to put the ones, the
17 snares that were by Ruby in, too?

18 MR. MCMULLEN: Well, we can get to that. Let's
19 just finish the camera spots.

20 MR. FABRITZ: You just wrote dots.

21 THE WITNESS: I just wrote camera because it was
22 right by this. It was right by that snare.

23 MR. FABRITZ: Oh, okay.

24 THE WITNESS: 20 meters or whatever.

25 MR. MCMULLEN: That was where that Lion No. 1 was

1 caught in.

2 THE WITNESS: The only other camera I know of was
3 the one by Ruby's. I know the one that was back by where we
4 caught the lion, then there is one over --

5 MR. FABRITZ: What about the one -- what about the
6 one that you referred to that was up over the saddle or
7 something?

8 THE WITNESS: I have no idea where that is. That
9 was just Emil.

10 MR. FABRITZ: But it was in that general area
11 somewhere?

12 THE WITNESS: I think it was more over here
13 somewhere.

14 MR. MCMULLEN: Yesterday, you said that he pointed
15 to one that just starts in the saddle.

16 THE WITNESS: Well, he was talking about -- I
17 think he was talking about this main ridge. You know, he
18 was, like, oh, it is up here. There was nothing like within
19 100 feet or 200 meters or any of that stuff. It was further
20 away, but I don't --

21 MR. MCMULLEN: I wanted to ask you one thing. The
22 way that I recollect, when you said you located the location
23 where Macho B was snared, then you pointed to it on the map
24 on Friday. Was it Friday?

25 THE WITNESS: Yeah.

1 MR. MCMULLEN: Was up higher on the map. Where
2 you located where he was captured today on the map is a
3 different spot?

4 THE WITNESS: Yes, I was -- well, the road that I
5 am referring to that is on my map that I look at isn't on
6 this one. So that is where I was little confused. I was
7 looking at that. You kind of go over a saddle, I guess, you
8 can't walk around, so this goes like you can walk through
9 and go over.

10 MR. HOVATTER: Were you using regular USGS maps?

11 THE WITNESS: Most of the time, we didn't even
12 look maps. The first time I ever looked at a map of the
13 area was for the criminal investigation, and the road is
14 further on there.

15 MR. MCMULLEN: Super. Okay. Thank you.

16 Q. BY MR. HOVATTER: I want to ask this next one. I
17 will probably ask it two different ways. And, again, this
18 is one of those I am asking you to try to put yourself back
19 in the mindset of being on the ground then. From your
20 perspective there on the ground, when you ended up with that
21 jaguar in that trap, was that an intentional or
22 unintentional take?

23 A. I thought it was unintentional.

24 Q. As you look back on it in hindsight with what you
25 have since learned or think you discovered about it, do you

1 still believe that that was an incidental take?

2 A. I mean, there are a lot of things that don't look
3 good. But, I mean, I don't know if I can speak for other
4 people.

5 Q. Just for you. It is for your opinion.

6 A. No, I still think it was -- I think, you know, I
7 think we were being prepared, but -- and some of the stuff I
8 didn't learn about until afterwards, but I mean, if you --
9 if you do things, it looks like you are trying to catch
10 something, and if you don't do it, then you look stupid if
11 you do wind up catching one. So it's kind of, you know, if
12 you catch one and you haven't looked up the drug doses and
13 you know it was a remote possibility, then you look stupid
14 and corrupt and everything else. So there is kind of a
15 balance there, I guess.

16 Q. From the standpoint of things, you referred to
17 things that you hadn't known at the time and subsequently
18 learned later. What are those things that you have since
19 learned about then?

20 A. I guess that there was more looking into the drug
21 dosages and stuff. I thought that was just kind of, you
22 know, we took whatever the jaguar team or whoever came up
23 with. I hadn't realized that people were asking that kind
24 of stuff.

25 Q. We had some cross talk on that.

1 A. Right, I have been aware of that. I asked if we
2 knew, you know, what to do with it if we did catch one. And
3 they said, yeah, we have got drug dosages and we know what
4 to do.

5 MR. FABRITZ: That was before?

6 THE WITNESS: Yeah. But I have been curious about
7 catching deer and cows, and I was just asking in general
8 because I am new to tracking, and I wanted to know if we
9 caught something, what do you do if you catch these
10 non-target species and stuff?

11 Q. BY MR. HOVATTER: Are there any other things you
12 inquired about at that time that you weren't aware of at the
13 time that caused you to have some question in your mind?

14 A. I guess some of the camera pictures and stuff.
15 Although, I don't know when those people knew of it either.
16 I know I had asked, I think, at some point in time, I don't
17 know if it was back in November or later on, since we were
18 out there checking and Emil is not always out there, if he
19 wanted us to check the cameras at any time, and he said that
20 he doesn't really check them very regularly, that they can
21 go for a couple months, that the batteries and the CF cards
22 are fine. So he doesn't check them every week or every
23 other week. So I don't know at what point in time -- I
24 don't really know often he exactly does check them or when
25 those people even knew of those pictures, so --

1 Q. You referred to when you were working your way to
2 what your current opinion about that capture was, you said
3 there were some things that were -- that don't look good.
4 Understanding the difference, you know, looking good doesn't
5 make it not good. I mean, there is the perception, but what
6 sort of things do you think make this thing not look as good
7 as you would like it to?

8 A. I guess asking a lot about the drug dosages so
9 close to it. What else? The pictures, maybe going and
10 getting that other dart rifle, that kind of stuff.

11 Q. On the dart rifle, let's see, did you have two out
12 there the day of the capture or --

13 A. We had the rifle and a pistol.

14 Q. Did you usually carry both?

15 A. We hadn't really been.

16 Q. What did you normally carry?

17 A. Just a pistol.

18 Q. How did it -- what is your memory of how that came
19 about to get the -- to decide to bring the dart rifle out?

20 A. Thorry was calling around trying to figure out who
21 had an extra one and stuff. He said he was going to go get
22 it. I kind of asked why, because we hadn't been having it.
23 He basically said he would feel more comfortable if we had
24 it. I can't argue with that. So, you know, if you feel
25 more comfortable with it, then you feel more comfortable

1 with it, and you should have it. So I didn't take it any
2 further beyond that.

3 MR. FABRITZ: When was Thorry checking on that?

4 THE WITNESS: I don't really remember exactly when
5 he was doing that. I remember him asking. I think he went
6 to go get it. I am not sure if he drove to Phoenix or
7 whatever, but --

8 Q. BY MR. HOVATTER: Tell me -- one of the reasons I
9 wanted to do this is because I think part of this is that if
10 we build this timeline, you know, working off of your
11 memories, I think that there is the opportunity for us to
12 maybe be able to say, well, if this was when this was
13 happening, this was when this was happening, maybe do a
14 little bit more inference about how some of those things
15 went more likely plus or minus a day or so to have had some
16 of these events occur.

17 So the first thing I'd like, there is a pen up
18 there, and so, Michelle, if you just -- I'd like to just
19 start, if you would just put the date when you first got out
20 to this site, and we are talking about the January, February
21 time frame. I am not really reaching back into that
22 October, November time frame now.

23 You can have any color you want as long as it is
24 blue. Okay. And if you want to move that thing closer to
25 you or move the chair closer because you are probably going

1 to be over there. Would you just draw a line underneath
2 that, we will start dealing with February 5th on this, so
3 for the morning. Now, you came out there from where? Where
4 were you the night before?

5 A. Tucson, my house.

6 Q. You were in Tucson at your home. So you launched
7 out to get to the site. About what time did you leave
8 Tucson?

9 A. I am trying to think how many hours it takes to
10 get down there.

11 Q. That is another way I was going to get at that,
12 just go backwards. Well, what time did you arrive out
13 there?

14 A. Probably around 7:00, maybe a little after.

15 Q. So light wise that time of year, would 7:00 be
16 right around sunrise or --

17 A. I think it was right around sunrise.

18 Q. Why don't we just put up there, then, arrive, just
19 put about 7:00, about 7:00. How is the road back in
20 there to get to where you go?

21 A. It takes forever.

22 Q. Pretty miserable road?

23 A. It is really windy and slow.

24 Q. So where did you park your vehicle at?

25 A. At the ranch.

1 Q. At the Bear Valley Ranch. Now, when you got
2 there, who else was there that morning when you got there
3 that you remember?

4 A. Well, Thorry was there.

5 Q. Just go ahead -- just put in, write Thorry. Write
6 Thorry down there.

7 MR. MCMULLEN: I don't think she was done.

8 Q. BY MR. HOVATTER: Oh, I am sorry.

9 A. Well, I think Emil was there. I was just trying
10 to think, because I've met them a bunch of times out there.
11 So I was trying to think if we actually met at the Ranch or
12 if we met at the junction of the road that is a mile from
13 the ranch. Sometimes we met there.

14 Q. Well, what I meant is who you met out there that
15 day, whether they were at the ranch or not, that morning,
16 when you arrived, who was there when you got there?

17 A. I forgot how you spell his name.

18 Q. It looks good to me. Any of the ranch staff
19 there?

20 A. I don't think so.

21 Q. Did that ranch -- now, is that actually the
22 headquarters for that ranch or is that just one of their
23 outlying buildings?

24 A. I think it used to be the ranch house, but it not
25 anymore.

1 Q. Is there anybody from the ranch staff permanently
2 there?

3 A. No. I think Emil had actually lived in that house
4 for a while at one point.

5 Q. Was there anybody living there, any of our folks
6 or anybody that was living there at the time of the 5th?

7 A. No.

8 Q. So Thorry and Emil were there when you got there?

9 A. I think so, or at least around the same time
10 anyways. They would have been staying at Ruby's probably,
11 so --

12 Q. So you arrive right around sunrise. Thorry and
13 Emil are there or shortly thereafter. You are all together.
14 Now, had you talked about it before the 5th?

15 A. No.

16 Q. What determined that you guys were going to start
17 this thing going on the 5th?

18 A. We had the collars back. For a while, we were out
19 of collars. So we finally got our shipment of collars, so
20 we could proceed with trapping again. That is why we had
21 been taking such a long time off.

22 Q. Whose call was it to get started on the 5th?

23 A. I guess Kirby, but I think it was more that, I
24 mean, we were just waiting for the collars. As soon as we
25 had the collars, we started.

1 MR. MCMULLEN: Was the jaguar collar part of that
2 shipment?

3 THE WITNESS: No.

4 MR. MCMULLEN: When did the jaguar collar come
5 in?

6 THE WITNESS: I don't know. Emil had gotten that
7 donated to the Jaguar Project. North Star donated it. I
8 don't know who actually wound up asking for it or how that
9 came about but, I know that it was donated from North Star.
10 I am not sure when that would have arrived or what time
11 frame or whatever.

12 Q. BY MR. HOVATTER: Do you remember when the
13 other -- the North Star collars, were those lion and bear
14 collars?

15 A. Yes. Every collar looked the same. That is why
16 like when you guys were asking when I first seen it or if I
17 had seen the jaguar collar, it is unremarkable to any of the
18 other ones. So I wouldn't have thought anything about
19 physically seeing it because it wouldn't have been any
20 different. There is no way to recognize it.

21 Q. When did the collars show up, do you know? I
22 mean, did they come to Tucson or where did those things --
23 where were they actually sent when we got them?

24 A. I would imagine to here, to the Phoenix office.

25 Q. Okay. Who actually took the collars out to the

1 site?

2 A. I think I had them.

3 Q. So you would have gotten them here?

4 A. Or Kirby would have picked them up or something.

5 Either I would have picked them up from the office or Kirby
6 picked them up from the office and gave them to me.

7 Q. But you actually brought them out to the site that
8 morning?

9 A. I think so, yes.

10 Q. That's your memory anyway. And so do you remember
11 about how long before the 5th that those collars arrived?

12 A. That was the first time we had them out in the
13 field. Probably a day or two, I mean, it wasn't long. I
14 know we had gotten them, because we had been waiting for
15 them, so we got on the ball right away.

16 Q. Why don't you just, before that, just put February
17 then 3rd or 4th is when those collars would have -- they
18 arrived at the Department or that is when you got them?

19 A. Yeah, I probably got them around the 3rd or the
20 4th or something. I didn't go out in the field on the 4th
21 because I had class.

22 Q. Why don't you just above, just put February 3rd or
23 4th, collars arrive.

24 MR. FABRITZ: Are you sure that was --

25 Q. BY MR. HOVATTER: If that is correct.

1 MR. FABRITZ: To the best of your recollection.

2 THE WITNESS: That is when I know when I got them.
3 I know we hadn't had them at the office for long. I know we
4 were trying to get them. I don't know what day they
5 actually showed up in the mail here, because they would have
6 had to get down to Tucson.

7 Q. BY MR. HOVATTER: Maybe it would be better if you
8 would just write the date when your memory is that you got
9 the collars, that you received them. Because when they may
10 have got to the Department, that is probably something you
11 very easily -- there's no real reason for you to have known
12 that. They may have gotten here a week before that.

13 A. Yeah, I don't think it was even that long. I
14 think it was pretty close to around then.

15 Q. It sounds like you are driving to Phoenix a lot.
16 So you collect the collars. Was Kirby -- how did Kirby work
17 into that? Now, Kirby was -- what was the supervisory chain
18 as you understood at this project?

19 A. Kirby is my direct supervisor.

20 Q. And so how did, you know, getting -- were you and
21 Thorry, was it kind of your decision as to how you worked
22 your time on this project or did Kirby direct that or was
23 that sort of a collaboration amongst you to decide?
24 Clearly, you have been waiting for these collars for quite a
25 while, so you were probably chomping at the bit to get back

1 on the job?

2 A. Well, it kind of depended on everyone's schedule
3 when we could be out there because I can't be out there by
4 myself checking any of the traps. So it kind of mattered
5 when people were available. And Thorry's schedule kind of
6 depended on his wife's schedule, so it depended a little bit
7 on that as to exactly when we were out there, whenever he
8 could be available.

9 Q. So you have -- what is your memory of Kirby's
10 guidance at this time to you guys?

11 A. Well, we had the collars. He wanted us out in the
12 field and starting to trap and stuff.

13 Q. Do you have any memory of having had a
14 conversation with him about your getting ready to go or
15 anything? I am just trying to figure out how the
16 supervisory role fed in to how you guys were trying to
17 operate?

18 A. Well, I mean, he wasn't out in the field with us
19 that week or anything, but yeah, I mean, certainly we were
20 in communication with him.

21 Q. So was he, to the best of your knowledge, was he
22 aware that you were going to be out there starting that time
23 frame?

24 A. Yeah.

25 Q. Do you know how he was made aware of that? Would

1 that have been telephone, e-mail?

2 A. Probably the phone.

3 Q. You, Thorry, both?

4 A. Probably both I would think.

5 Q. So is it, then, your memory that you either did or
6 probably had a conversation with Kirby related to letting
7 him know you were going to be in the field or having a
8 conversation about in that time frame?

9 A. Yeah.

10 Q. When you were operating down there, you know,
11 being that close to the border with the security situation
12 and all, did Kirby have a habit of going over things with
13 you guys or reminding you about some of the things you had
14 to be careful of doing while you were out there? How did
15 those conversations work?

16 A. Like strictly with the illegals and all that
17 stuff?

18 Q. Yeah, smugglers, the whole sort of stuff. Also,
19 if there's -- I would think that if he had awareness of some
20 new information about, you know, bears that have been
21 spotted in the area or had information about sightings or
22 other things that might feed into your decision about how
23 you are going to do your job in the field since he is not
24 there.

25 I am just wondering how -- there is a thing, the

1 leader or supervisor doesn't have to be physically present
2 to be present on the site if he's present in the minds of
3 the people that he's supervising. So I am just trying to
4 get a sense of in what way to how was Kirby present with you
5 guys in that sense from the standpoint of the supervision he
6 was exercising?

7 A. A week, you know, we give him updates, you know,
8 if we caught stuff, we let him know. I think we talked
9 about some of the border issues before. Emil had lived down
10 in that area so he was -- and he spoke Spanish, so he was
11 definitely helpful in dealing with the illegals or what
12 would be best to do when you encountered them and that kind
13 of thing because he had done that quite regularly.

14 Q. Okay. If you could, can you -- now, do you know
15 if Thorry also got out there on the 5th or was he out there
16 earlier?

17 A. I think he had been out there on the 4th.

18 Q. What about Emil, do you know?

19 A. I am not sure. I mean, I think -- no, they were
20 both down there on the 4th.

21 Q. Okay. In between that when you got the collars
22 and the morning of the 5th, would you just put your memory
23 of when -- what your understanding is of when Emil and
24 Thorry arrived out there, just the day. So on the 5th, can
25 you kind of walk me through that day?

1 A. We started heading down, like we usually would, to
2 check the snares. We walked from the ranch, walked down
3 that road. We started going down the wash, and that's
4 when -- pretty much as soon as we entered the wash is when
5 we saw the tracks.

6 Q. Who saw the tracks first?

7 A. Probably Emil.

8 Q. What is your memory of when he saw them what he
9 said? How did that -- how did that work?

10 A. I think he noticed them when he saw Thorry looking
11 down. Thorry was just looking at the tracks, and I think
12 Emil had said something about, yeah, those are what you are
13 thinking they might be or something like that. He thought
14 they were jaguar tracks.

15 Q. So Emil thought -- was he the first one to say
16 that he thought that they may be jaguar tracks?

17 A. Yes.

18 Q. Now, had you ever seen jaguar tracks before?

19 A. No.

20 Q. So I understand, we are kind of asking you for the
21 by play because you are not bringing any particular personal
22 knowledge about what jaguar tracks might have looked like in
23 the field, I don't believe?

24 A. Right. Thorry hadn't seen any before, you know.

25 Q. So Thorry hadn't seen any. Your memory is Thorry

1 had not seen them before either?

2 A. Right.

3 Q. Did Emil go over and kind of explain how he would
4 make the distinction between seeing -- obviously, he has a
5 lot of experience with jaguars, but how he would make
6 distinction between a jaguar track and a mountain lion
7 track?

8 A. Yeah, I think he talked about how they might be
9 different.

10 Q. Do you remember any of the sort of, you know, sort
11 of the field diagnostic sort of approach he took?

12 A. There might have been like a bigger gap between
13 the main pad and the toe pad or something like that. The
14 space would be bigger. Of course, the track would just be
15 bigger period, and still cat like with all those
16 characteristics.

17 Q. Now, did you look at the tracks yourself?

18 A. Yeah, I had taken some pictures of them.

19 Q. As he was describing them, were you able to see
20 the -- that he was describing as far as field diagnostic
21 marks?

22 A. I mean, it seemed to make sense. I haven't seen a
23 lot of cougar tracks, you know. I have tracked lynx and
24 stuff, but I haven't seen that many cougar tracks.

25 Q. Were the tracks very clear from your perspective?

1 A. Pretty decent. They didn't look super fresh, but
2 I mean, they were pretty decent.

3 Q. What kind of matrix were they in?

4 A. They were just in a sandy wash.

5 Q. Sandy wash?

6 A. Generally, not a great substrate.

7 Q. I am sorry, I should have asked you this. Before
8 you -- when you headed out, you are loading up the trucks to
9 head out, did you carry day packs? You had a lot of
10 equipment and things, too, that went along, so how did you
11 load up?

12 A. Yeah, since the snares, they had set the snares,
13 so we were checking the snares. So we had all our tracking
14 equipment and the collars. So, yeah, we each would have had
15 day packs and water and all that kind of stuff with us.

16 Q. Now, were you aware at that time when you left
17 that one of those guys had a collar with them that was
18 specific for jaguar?

19 A. I am trying to remember when I first learned that.
20 I really don't remember exactly when I learned about it. I
21 mean, I know definitely before the capture and before the
22 week of the capture that I knew that we had it.

23 Q. We will come back to that. I think as we go
24 through this and we flow this, it may kind of pin down how
25 that sequence worked. I wanted to ask, though, did we --

1 were the VHF transmitters, did we disable those on the lion
2 and the bear?

3 A. No, we hadn't.

4 Q. I didn't think so. So now you are down, you see
5 these tracks. About how far into the walk was it time wise
6 before you --

7 A. Just a few minutes.

8 Q. Just a few minutes.

9 MR. MCMULLEN: I think she said as soon as she hit
10 that wash.

11 Q. BY MR. HOVATTER: Who estimated -- how old were
12 they estimated them to be and do you remember who made the
13 estimate? Did anybody estimate how old they thought they
14 were?

15 A. In general terms, I mean, there were footprints in
16 them. So you don't want to assume that they were so fresh.
17 I think they said their tracks were actually in them or
18 thought maybe that they were their tracks.

19 Q. From the day before?

20 A. Right. I think they had wound up setting them in
21 the dark or something like that, so they hadn't noticed
22 them.

23 Q. So the day before, they weren't there in good
24 light; is that your understanding?

25 A. Yeah. I think that is what they said.

1 Q. You would have expected, otherwise they probably
2 would have seen those tracks the day before?

3 MR. MCMULLEN: Was it standard practice to set
4 snares at night? Do you know why they chose to set snares
5 at night the night before?

6 THE WITNESS: I assume because they just got there
7 later or something like that. There is no reason to set
8 them in the morning. Nothing is going to be moving around
9 during the day, I guess, so that's probably what happened,
10 to drive all the way down from Payson or whatever would be
11 my assumption.

12 MR. FABRITZ: Can I ask a question? When you guys
13 left the truck and you are getting ready to go, you start
14 walking down the wash, was there any mention of the tracks
15 before you walked down or did you guys just randomly walk
16 down the wash and Emil noticed the tracks? How did that go?

17 THE WITNESS: Yeah, there was no mention of
18 anything until we were -- I think, you know, we were walking
19 and kind of stopped, and Emil and Thorry were, I think,
20 ahead of me, and he was looking at them. Emil was looking
21 at them, and that is when he said something about, yeah.

22 MR. MCMULLEN: You mentioned you guys left the
23 truck, did you have extra snare sets with you, or if you
24 decided to set more snares, did you guys have to go back and
25 get more snare sets and then come back?

1 THE WITNESS: I know the extra snares we put out
2 weren't all put in on the same day. I am trying to think.
3 I don't think we had any with us.

4 MR. MCMULLEN: Do you know when you added the
5 snare that was closest, like you have got one right there in
6 the green that shows right where you added a snare,
7 essentially right on top of where the track was found, do
8 you know which day you added that one?

9 THE WITNESS: (No audible response.)

10 MR. MCMULLEN: Did you guys detect any other
11 jaguar tracks between the one that was noted on February 5th
12 and the subsequent after he was captured, anywhere else?

13 THE WITNESS: Huh-uh.

14 Q. BY MR. HOVATTER: Okay. When you start -- when
15 you got to those tracks, who was leading the three of you?
16 Not leading in the sense of leading the group, I mean, who
17 was out ahead? Who was the first person in the line?

18 A. Maybe Emil. I am not sure. I know they were both
19 ahead of me because they stopped and were looking at
20 something.

21 Q. Was there an estimate of how old those tracks that
22 you -- do you recall anybody estimating how old those tracks
23 were and how old that was?

24 A. For some reason, I think like a couple weeks, but
25 I don't really remember who would have said that.

1 Q. But your memory is that there was -- that somebody
2 in the midst of all that made an estimate that they were --
3 that those tracks were a couple weeks old?

4 A. (No audible response.)

5 Q. Okay. After you found those tracks, now you shot
6 pictures of them?

7 A. I think they were is --

8 Q. Is that this stuff? Is that these photos?

9 A. They have taken photos. Yes, I think that's it.

10 Q. That one photo there, since I am a compulsive nail
11 biter, I notice fingernails, and those look like a girl's
12 fingernails. Is that your hand?

13 A. Yes.

14 MR. MCMULLEN: You said there were tracks in the
15 jaguar tracks. How many tracks did you guys detect, because
16 looking at those pictures, there are no footprints in the
17 jaguar track?

18 THE WITNESS: They were visible on a couple little
19 spots.

20 Q. BY MR. HOVATTER: The jaguar tracks?

21 A. Yeah, there was like a section here, and there may
22 have been one or two here.

23 MR. MCMULLEN: Got you. Okay. I am with you.

24 THE WITNESS: So we had taken these were the best
25 ones. That's what we were taking pictures of. I think that

1 road that I was talking about ends like right here that we
2 walk down. So we would have walked from around, you know,
3 about this little plateau coming down that wash.

4 Q. BY MR. HOVATTER: So about how much time did you
5 spend looking over those tracks?

6 A. I don't know, maybe like ten minutes or something.

7 Q. So you finish with the tracks. What did you do
8 then? What next?

9 A. Continued down the wash checking the snares that
10 were out.

11 Q. How far is the first snare from about where those
12 tracks were time wise or distance wise?

13 A. Well, the first snare after the tracks would have
14 been the one he was caught in, just a couple minutes
15 probably.

16 Q. Couple minutes?

17 A. Yeah, not too long.

18 Q. So any estimate based on the kind of load you are
19 carrying and how you normally walk? It is morning, so you
20 are probably a little springier than you probably were by
21 that evening. So a couple minutes worth of walking, and
22 that would have been what?

23 A. I don't know, a couple hundred meters.

24 Q. Couple hundred meters. Let's see, because I am
25 not as up on the -- here is where -- the green is what

1 again?

2 MR. MCMULLEN: Green is snares that were added
3 after the track was found.

4 Q. BY MR. HOVATTER: So you guys stopped here. The
5 road you were in is probably --

6 A. That is what I was trying to figure out the last
7 time. I think this might be that little bench that we are
8 looking at.

9 Q. So you guys would have walked what, down here
10 probably?

11 A. Yeah. There is a road that goes that way.

12 Q. You can see where there's a -- does it stay down
13 in the gully most of the way or is it up in the -- that is
14 pretty flat right there?

15 A. Yeah, there is the wash part that goes over this
16 little saddle and comes back down. It is probably this
17 saddle.

18 Q. Yeah, that would be the line. So you are walking.
19 You catch that little saddle, come down here, there is a
20 gully right there. I think it is down in here. So then
21 tracks would be about where?

22 A. That was the yellow.

23 Q. That was the yellow. Green was another snare that
24 was -- and so about where -- the red is about where your
25 memory would be that the jaguar later, this is days later

1 obviously?

2 A. The red.

3 Q. And the blue are the existing trap sets. So did
4 we for that snare line, then, was it 7, that was the number
5 for that snare line, the number of snares ultimately you
6 added, the ones that you put in there, too?

7 A. Yeah.

8 Q. Okay. So you are heading on down. You are here.
9 You are heading down. So what was the first -- would this
10 have been the first snare you would be heading into?

11 A. Yeah.

12 Q. Now, this is your first time out there with all of
13 these, so it is kind of hard to ask you if you had a normal
14 way of doing this. How did you -- what sequence did you hit
15 these traps in that day, on the 5th, can you remember?

16 A. Yeah. I think we would have gotten this one
17 first. So then walk up this little wash to that one and
18 that one, come down, walk up the saddle, got that one,
19 walked back.

20 Q. So that first day about how long total,
21 understanding that if something has been messed with or
22 other things have happened, about how long total to run that
23 line would it normally take, assuming things worked about
24 the way you expected them to, nothing really surprising
25 happens?

1 A. No captures or anything?

2 Q. Yeah.

3 A. Probably a couple hours.

4 Q. Couple hours. As you approached a trap, a snare
5 site, was there any kind of change? I mean, did you just
6 walk up to it or was there kind of a normal way you
7 approached a site?

8 A. No, you would try to slow down or whatever and get
9 a look because you don't want to just come busting in on
10 something.

11 Q. Yeah. I would imagine --

12 A. When you got to like where that was coming into
13 sight for the first time, you would slow down and make sure
14 that -- you know, see what was in there.

15 Q. So that day, would that have been about a normal
16 day, a couple hours to do it?

17 A. Yeah, something like that.

18 Q. Now, were there any -- and those sets, the way
19 they were set up, were those kind of intended to be for bear
20 or lion, either one?

21 A. Yeah, because we had had -- I am thinking the day
22 we had the jaguar track, there were, within that wash
23 system, there were mountain lion and bear tracks.

24 Q. So that's what I was going to ask you. So that
25 day, you did notice other large carnivore signs that day.

1 Any sense of how fresh? Was there a discussion of how fresh
2 the sign was?

3 A. Not specifically that I recall. I think at that
4 time, Emil had mentioned that he had -- or he thought there
5 were a couple bears hanging out in the area because he had
6 seen tracks somewhere else that were a different size or
7 something. So he thought there were a couple bears. I
8 think he said based off cameras and tracks, you know, from
9 knowing the area, he thought there may be mountain lions in
10 the area.

11 Q. Now, was that during the course of walking up on
12 that day or is this a conversation you may have had back at
13 the trucks or do you have a memory about that?

14 A. Yeah. I mean, it wouldn't have been, oh, here is
15 jaguar tracks and there is two bears and a mountain lion.
16 No, it was just somewhere, you know --

17 Q. As you were going through the day?

18 A. Right. I think we had seen the bear tracks or
19 something. Oh, yeah, you know, we think there is two of
20 them or something like that.

21 Q. Now, did you install any of those new traps that
22 day?

23 A. (No audible response.)

24 Q. Some days it will buzz. Some days it rings. Some
25 days it doesn't do anything.

1 A. I think we did do one and I think we did --

2 Q. Do you have any memory of why you decided you
3 wanted to put in -- what made it seem a good idea to put in
4 that snare there?

5 A. I guess because kind of a little bit, you know, I
6 guess it is part of kind of the same wash. It is a little
7 bit further away, but you can still get to it in a day. It
8 is kind of the widest area you can still do, you know,
9 because you don't want to get too far away, then you have to
10 drive and spend too much extra time, I guess.

11 MR. MCMULLEN: I think I remember somebody talking
12 about a camera loop that had been up there, a camera set,
13 and saying something about it up there. Yeah, you pointed
14 already to that. Is that where a camera set was? And,
15 also, I thought I remembered someone referring to a jaguar
16 picture that they had gotten, had been taken somewhere up in
17 that wash or vicinity. Do you remember anything about that?

18 THE WITNESS: Huh-uh. I don't know anything about
19 that at all.

20 MR. MCMULLEN: Was there a camera set out there?

21 THE WITNESS: Not that I saw.

22 MR. FABRITZ: That's the upper right green arrow,
23 just for the record, and I think, didn't Dave say something
24 the other day about -- I think it was in reference to the
25 saddle. Is that what you are talking about, the saddle?

1 MR. MCMULLEN: Yeah, maybe. It was somebody else,
2 I think, that made a reference to it.

3 MR. FABRITZ: Did somebody else saw a picture of
4 the jaguar?

5 MR. MCMULLEN: I don't remember. I just was
6 asking to clarify in my own mind. I don't have a clear
7 memory of what -- of who might have said that or whatever.

8 Q. BY MR. HOVATTER: Now, had you ever met Janay
9 Brun?

10 A. I think so.

11 Q. Was there any -- now, she was out there at that
12 site the day before. She was out there on the 4th. Was
13 there any conversation about the work that they did on the
14 4th between Thorry and Emil?

15 I am sorry, I will probably do this from time to
16 time, and I keep forgetting it. Sometimes I may ask you to
17 translate your head nod. It is like nodding your head for
18 radio. It does not translate well with the recorder. I
19 forgot about that the other day.

20 A. You are trying to transcribe it, and it is just a
21 blank space.

22 Q. At this point, she nodded her head here at the
23 table.

24 MR. FABRITZ: That was a no, then?

25 MR. MCMULLEN: That was a no, then, for that about

1 the work?

2 THE WITNESS: Right. I don't remember, yeah, they
3 didn't specifically talk about anything except I knew that
4 they had set the snares.

5 Q. BY MR. HOVATTER: Now, I know from Thorry's field
6 notes, he said he walked the camera loop with Janay and Emil
7 that day on the 4th. And I guess the question is, since
8 there were digital cameras, and apparently, they could be
9 looked at, at the scene, do you recall any conversation on
10 the 5th about anything that they may have seen on the
11 cameras specifically?

12 It sounds like there was some discussion about
13 Emil's knowledge of critters in the area based on tracks and
14 probably some camera stuff because we know there were some
15 cameras out there, but was there any sort of general
16 discussion of that on the 5th or any sort of specific
17 discussion on the 5th? And that is a no?

18 A. Sorry.

19 Q. It is going to take us a while to get a rhythm on
20 that because I forget about it. So you finished up on the
21 5th. You ran those snares. Do you remember, did you get
22 back -- go back to the trucks before you then went and put
23 out that new snare or was that something that you might have
24 been carrying with you? Because it fits, this Bear Valley
25 Ranch, of course, from looking at the loop you described, it

1 looks like you probably walked right past that or right
2 through that?

3 A. Yeah, you would have walked past the trucks.

4 Q. Did you stop there and then go set up the snare or
5 how did that part of the day go? When did you get back to
6 Bear Valley Ranch, I guess?

7 A. Well, I think we finished that loop, got back to
8 the ranch, then I think we stopped at the trucks then.

9 Q. About what time would you have gotten back to the
10 ranch on a usual day?

11 A. I don't know, 9:00, 9:30, I guess.

12 Q. Okay. And so you got back to the trucks, and then
13 that day is when you -- then later that day is when you set
14 up the snares. Now, did you do an evening -- routinely when
15 you are out in the field, do you do an evening check? You
16 checked them in the morning. You are not expecting a lot of
17 behavior, but do you do an evening check?

18 A. We hadn't been, no.

19 Q. What did you do with the rest of that day, to the
20 best of your memory, the rest of that day?

21 A. I know it took us a while to put in the snare
22 because you are looking for tracks all the way up and trying
23 to find the best trees and what is near the walking path and
24 that stuff. So it takes a bit of time to do that.

25 Q. How much -- about -- I understand different

1 walking distances, different situations for each snare, but
2 about how long would that be to put in a snare set in a
3 normal sort of time frame?

4 A. I guess, if you don't have any kind of site picked
5 out at all, the whole thing probably took an hour, maybe an
6 hour and a half, by the time you looked at the tracks on the
7 way up and that kind of stuff.

8 Q. Is your memory of that snare that -- that that was
9 what kind of happened, having to figure out the site, or did
10 Emil or Thorry already have kind of an idea of where they
11 might want to do that?

12 A. I don't remember them having any preconceived, you
13 know, we are going to this tree kind of thing.

14 Q. So you get done with that. Was that kind of the
15 end of the day from that standpoint for the work activity
16 for that?

17 A. Yeah, probably.

18 Q. So are there any other sort of things that you
19 would normally have looked at doing, any other type of work?

20 A. Sometimes you look around for other snaring areas
21 that you fill your collars. You don't want put every single
22 collar on the same line. So some days, I don't remember
23 exactly which days, we would go to other areas and look
24 where we might put snares in. I think at some point in time
25 during that week Thorry and I were looking in another area

1 that Kirby had mentioned, another road to start putting
2 potential snares in, so --

3 Q. So, now, you are kind of closing out the day.
4 About what time would you normally be trying to get shut
5 down and get ready for the night?

6 A. It kind of varied a lot. Sometimes we would take
7 a long lunch and go back out in the afternoon to look for --
8 usually we come back after we were done snaring, have lunch.

9 Q. Do you have any memory of how the 5th went?

10 A. I am trying to think of what days of the week. I
11 know it had rained a few days down there, too. I am not
12 sure if that was one of the days we were kind of rained in
13 and not doing much or playing with my dog or something.

14 Q. Did you bring your dog with you?

15 A. Yeah.

16 Q. What kind of dog do you have?

17 A. She's a mutt, Shepherd, Lab, Border Collie,
18 whatever.

19 Q. Does she walk around with you?

20 A. We don't check snares with her, no.

21 Q. Yeah, I guess, that could add to the excitement
22 level.

23 A. Sometimes if we are just scouting a new area, she
24 will come with us and stuff, or if we are setting one and
25 there is no active snares, we will let her come along.

1 MR. FABRITZ: Just to clarify, the day that you
2 all found the tracks was the 5th?

3 THE WITNESS: Yes.

4 MR. FABRITZ: So we are talking about the next
5 day; right?

6 MR. HOVATTER: No, I am still on the --

7 MR. FABRITZ: Still on the 5th?

8 Q. BY MR. HOVATTER: So when you were operating out
9 of that area, did you guys bunk in one of the buildings
10 or --

11 A. At Ruby you mean?

12 Q. Oh, you went all the way back to Ruby then?

13 A. Correct.

14 Q. You didn't bunk at Bear Valley at the ranch? Is
15 there a reason why you didn't use Bear Valley?

16 A. I guess, you know, it's a private rancher and
17 stuff. I don't --

18 MR. MCMULLEN: Ruby is where Emil was; right?

19 THE WITNESS: Yeah, he kind of lived there.
20 That's where Sun Dog lives. He is the caretaker. Emil
21 spent time there. It is an old mining town.

22 Q. BY MR. HOVATTER: How many residents?

23 A. One.

24 Q. Sun Dog?

25 A. Yeah. It is not a normal -- you know, there isn't

1 a -- aside from some interesting piping, there is not
2 regular indoor plumbing and stuff like that.

3 Q. So you guys would have gone back to Ruby and
4 enjoyed the night life of Ruby. It sounds like that was not
5 very extensive. Field camp, you bunk out then in some of
6 the buildings there, whatever?

7 A. Yeah.

8 Q. How did the evening go? I mean, how did you guys
9 work dinner and that sort of thing?

10 A. We just each cooked our own with a little camp
11 stove and stuff. Sometimes Sun Dog would cook dinner for
12 us.

13 Q. It doesn't sound like that's real --

14 A. No, he just has interesting sanitary standards.

15 Q. Yeah. I can believe that. So that evening, I
16 mean, what did you guys -- is there electricity up there at
17 Ruby?

18 A. No, not really. One of the houses has some, sort
19 of, but his house doesn't.

20 Q. So it is not like you sit around and read or
21 anything in the evening?

22 A. We have got head lamps.

23 Q. Do you talk shop a lot? I mean, most of the camps
24 I have been on, there's a lot of shop talk.

25 A. We are usually just sitting around chatting with

1 Sun Dog, and occasionally, he would have a girlfriend or
2 something over. So everybody is just of kind sitting around
3 chatting about whatever. He was talking about there was
4 some gathering of people that was going to happen. So he
5 was talking about that, so -- primitive skills gathering.

6 Q. Sounds like a lifestyle more than a hobby.

7 A. Yeah.

8 Q. So you are there. Do you have any memory -- I
9 mean, did you guys -- how did you get ready for the next
10 day? Did you have usually -- did you have a conversation
11 about what you planned to do the next day, how you planned
12 to get into the next day?

13 A. Besides what time we were leaving, we kind of
14 knew -- you know, you knew you were going to be checking the
15 traps and stuff like that, and maybe some discussion of
16 where you might be scouting or whatever.

17 Q. Did you have equipment to work on, things of that
18 nature?

19 A. Sometimes, but not, you know, not usually.

20 Q. Now, you had mentioned, and, again, this is one of
21 those things we are trying to get sorted out. You had
22 mentioned about or said that Thorry and Emil were had that
23 VHF transmitter off the jaguar collar. And I wanted to
24 revisit that now a bit. And is it your memory that you
25 actually saw them do that or you just knew that they had

1 done that?

2 A. I think I just knew that they had done that.

3 Q. Any sense of why you had that sense of it?

4 A. Because I think I had overheard part of their
5 conversation of discussing whether or not they should take
6 it off or not.

7 Q. Do you know who ultimately made the decision? I
8 mean, it is our project we are on, but it is -- it is Emil's
9 collar that he is carrying. Do you have any sense of how
10 that decision would have arrived at?

11 A. No, I think they both agreed. You know, I think
12 they both had the same opinion that it should come off. It
13 wasn't one trying to convince the other one. I think it
14 was, you know, somebody said, hey, maybe we should take it
15 off, and it was like, yeah, because I know that they had
16 concern over those lines.

17 Q. In your memory of that conversation, was that
18 conversation in the context of one of these sort of evenings
19 when, you know, you talk about different things or something
20 that your memory would be that it happened during the day
21 when you were actually working out in the field, any sense
22 of that at all?

23 A. I don't think it was when we were out checking the
24 trap lines or anything. I think it must have been back at
25 camp, I guess. I don't really specifically remember that

1 much about it.

2 Q. No, I understand. That is part of what I wanted
3 to discuss, because, I mean, you can kind of narrow it down.
4 There is not a whole lot of different options. You were
5 down to a fairly simple existence for this. You are either
6 working or you are ready to go to work or kind of your
7 downtime, such as it was, would have been in the evenings.

8 So I am just kind of getting a sense of maybe --
9 whether or not in your memory, you have any kind of sense of
10 was it more a relaxed setting or was it something that was
11 kind of in the heat of the battle so to speak?

12 A. Yeah, I think it was more relaxed.

13 Q. Now, so the next day, the 6th, does the 6th stick
14 out in your memory? I mean, how would the 6th have run? Is
15 there anything specific to the 6th that you can remember?

16 A. I am not sure what day, but Will came down.

17 Q. Who is Will again?

18 A. He's Kirby's intern.

19 Q. Kirby's intern?

20 A. Yeah, Will Carroll.

21 Q. That might have been the 6th?

22 A. I don't really know. He spent the night at Ruby.
23 I am not sure if it was one or two nights, but I know he
24 checked snares with us, and I know he helped us put one of
25 the new snares in.

1 Q. Which one of the new ones did he help with?

2 A. It would have been the ones over in the west where
3 this one is.

4 Q. So that one would have been in. One way to pin
5 this down, when did you leave the field in this session?

6 A. I left Monday on the 9th.

7 Q. So the line at the very bottom, mark Monday the
8 9th. And was it morning or evening or midday? I will give
9 you three choices. The four of you would have done that.
10 So he wasn't out there the night of the 5th, Will,
11 is that your memory?

12 A. I am not really sure when he came out there to be
13 honest.

14 Q. So one or two nights. Okay. So if you are not
15 sure, so he could have been out there the 5th?

16 A. It is possible.

17 Q. Is there anything about -- now, on the 9th, would
18 you have done -- that morning, how did you get ready to get
19 out of there? Did you go run the traps again?

20 A. Yeah, we would have run the traps.

21 Q. So the 9th, you run the traps again. You get it
22 sorted out and you take off that day. Do you remember
23 anything on the 9th about your working the traps and all,
24 anything about lion and bear signs, or anything that day
25 when you are out there working those traps?

1 A. Nothing specific that I remember.

2 Q. Did you catch anything in any of those traps this
3 time period?

4 A. No, we had a lot of things -- one of the reasons
5 why we had been adding some of those traps, we kept getting
6 a lot of things messing with them, potential people or for
7 some reason, the little cloth kept getting taken from a
8 coati or ringtail or something was taking the cloth and
9 pulling it out. So we were having a lot of them being
10 disabled. That is why we talked about adding more. If they
11 are disabled, then you are not going to catch anything.

12 MR. MCMULLEN: Back to the 6th, that is
13 apparently, according to the notes we have, the day that
14 Thorry ran -- he drove to Flag to get the dart rifle;
15 correct?

16 THE WITNESS: I don't remember which day that was.

17 MR. HOVATTER: That is in his notes; right? So he
18 has got those from his field notes, so let's presume that
19 those are accurate. The 6th, he has gone to get the dart
20 gun.

21 MR. MCMULLEN: So is there any -- on the 5th, you
22 were there with him or whatever, and worked with him all
23 day, and he and Emil, and then there's this feeling that in
24 the middle of a snare session, snaring session, with snares
25 open, that we needed to run to Flag to get a dart rifle. I

1 mean, it is not like at the beginning of, you know, because
2 he drove to Phoenix to prep for this session on the 3rd,
3 this next trapping session, field session, and he didn't
4 think to get a dart rifle then. Was there any sort of
5 discussion at all about why all of a sudden he needed to get
6 the dart rifle in the middle of when you had snares open?

7 THE WITNESS: Yeah, I had asked him. He said that
8 he wanted to go get it, and he said that he would feel more
9 comfortable having it.

10 MR. MCMULLEN: In regards to what? Because how
11 did you normally -- let me let you answer that question
12 before I fire another one at you.

13 THE WITNESS: He just said he would feel more
14 comfortable, you know, if you are trapping, and if he would
15 feel more comfortable for whatever reason that is, you know,
16 I didn't argue with somebody or ask any more questions
17 beyond that.

18 MR. MCMULLEN: So in what context did that come up
19 when he said or when he mentioned to you that it was time to
20 go get a new dart rifle?

21 THE WITNESS: I think it was getting later in the
22 day. It was after we checked the trap lines and whatnot.

23 MR. MCMULLEN: Had he been using the dart pistol
24 for the three bears and three lions -- the three lions and
25 the two bears prior to that point, do you know?

1 THE WITNESS: Well, he hadn't -- he had done the
2 two bears by himself. I don't remember if he -- I think
3 Emil had done the lions. I don't know if Thorry was with
4 him at all.

5 MR. MCMULLEN: How about when you were there in
6 November when they got the lion?

7 THE WITNESS: He wasn't there. It was just Emil
8 and I.

9 MR. MCMULLEN: Okay.

10 THE WITNESS: So I don't know --

11 MR. FABRITZ: Did Thorry get a message on the
12 radio or anything like that that day about the dart rifle?

13 THE WITNESS: He was on the phone trying to get a
14 hold of people and asking about it.

15 Q. BY MR. HOVATTER: So did he actually drive to
16 Flag? I am trying to remember that.

17 MR. FABRITZ: Man, that's an awful long drive.

18 Q. BY MR. HOVATTER: So he took off on the 6th for
19 that. So if your memory is the discussion is later in the
20 day, that would have had to be on the 5th? That would be
21 the 5th that that would have had to occur?

22 MR. MCMULLEN: Where did he get it from?

23 THE WITNESS: He talked about Bob Waddell having
24 one, but I don't know if that's who he actually got it from
25 or not.

1 MR. HOVATTER: So if he took off, that has got to
2 be close to a five- or six-hour drive, I would say.

3 MR. MCMULLEN: And he came back --

4 Q. BY MR. HOVATTER: So he was back --

5 A. He was back in the morning.

6 Q. Well, he was back in the morning. So he would be
7 back the morning of the 7th?

8 A. I know he had to be back in time to check the
9 traps.

10 Q. So he is gone during the day. Did he leave before
11 or after he checked the traps on the 6th?

12 A. He would have checked the traps.

13 Q. Checked the traps. He takes off. So do you have
14 any memory that -- so, then, that day, do you have any
15 memory of Will being in places -- that would have just been
16 you and Emil then?

17 A. Emil was --

18 Q. Does that stick out at all?

19 A. I think Emil -- I don't think he was around on the
20 6th.

21 Q. So Emil may have been -- well, yeah, because he
22 had his Spain trip?

23 A. So I think he was only there on the 5th.

24 Q. So why don't you write up there on the 6th, and
25 let's -- just write under that line write February 6th. So

1 we know that Thorry has left that day. So you just put
2 Thorry to Flag.

3 MR. MCMULLEN: In the context of feeling more
4 comfortable, it never came up about it felt more comfortable
5 about what? More comfortable about what? I guess I would
6 like to have you flesh that out a little bit. It just kind
7 of hangs out there, for me, anyway. I don't understand more
8 comfortable about what.

9 THE WITNESS: I guess I thought it was a little
10 odd. That's the only reason why I asked. It is like, you
11 know, why do you want to bother driving all the way up
12 there? He said he would feel more comfortable. I guess my
13 thought was if someone that I am working with feels more
14 comfortable having this other instrument, then I am not
15 going to argue with that.

16 MR. MCMULLEN: You had fresh jaguar tracks two
17 days earlier. You set a loop right there on the jaguar
18 tracks. I am trying to understand -- I am asking you a
19 second time or the third, what was the context of feeling
20 more comfortable? You see what I am trying to understand?

21 THE WITNESS: I do hear what you are saying, but I
22 hadn't asked him, so --

23 MR. MCMULLEN: What was your opinion about it?
24 What did you think?

25 THE WITNESS: I hadn't really put -- between him

1 the getting dart rifle and the tracks, I hadn't made the
2 correlation. He just thought -- he said he would feel more
3 comfortable. It didn't seem like I could argue with that
4 statement, so --

5 Q. BY MR. HOVATTER: In the trapping that you
6 participated in coming back to November and all, did you
7 actually dart any of the animals yourself?

8 A. No.

9 Q. Is that something -- have you ever practiced with
10 any of the dart equipment?

11 A. Yeah, I practiced with this.

12 Q. Uh-huh.

13 A. That is one of the things we would do when we got
14 back to camp is we would set up a cardboard box, and I
15 practiced with that.

16 Q. And was that something you -- I am sure you wanted
17 to do it, but did you ask to do that or was that just
18 something that Thorry or Emil or folks that were there just
19 wanted to have you have the opportunity to --

20 A. No. Like Kirby and stuff had suggested that I
21 should be practicing with it so I would feel comfortable
22 with it.

23 Q. How did you feel with it?

24 A. I felt pretty decent.

25 Q. Have you done any darting since then?

1 A. I did dart a bear. That was the --

2 Q. Jab sticks?

3 A. Blow darts.

4 Q. Blow darts?

5 A. Yeah. I was in a culvert, which is actually
6 harder, because when you stand back, it is kind of dark in
7 there.

8 Q. It all looks like bear pretty much?

9 A. Well, yeah, you can't tell what part of the bear.
10 You just see fur.

11 Q. So Thorry is down to Flag. Your memory is, is
12 Emil was gone on the 6th?

13 A. Yeah. I think he left on the 5th.

14 Q. While you were there on the 5th, you can just put
15 Emil left. Yeah, I believe Emil left on the 5th, if that is
16 your memory. Again, please, if I say anything that -- this
17 is just trying to see if we can't work this all together.
18 So Emil is gone. Thorry leaves. Do you have any memory of
19 Will being there then?

20 A. I think Will may have shown up on the 6th, but
21 late.

22 Q. Late on the 6th.

23 A. I am trying to think. I know they lock the gates
24 sometimes. I am trying to figure out how that went.

25 Q. Was Will around on the 9th when you left?

1 A. No.

2 Q. All right. So he has already gone by then?

3 A. Yeah. He spent a night or two. I don't remember.
4 I think maybe two nights.

5 Q. And so on the 6th then. Did you put -- do you
6 have any memory about whether you may have -- was it that
7 day you said you put out that next snare, the one to the
8 west or your memory -- do you have any -- would you have put
9 that out by yourself?

10 A. No, the one to the west was with Thorry and Will.

11 Q. So that would have been not earlier than the 7th
12 and not later than the 8th, unless you -- because you didn't
13 put it out on the 9th?

14 A. Right.

15 Q. So Thorry was not there to do it on the 6th?

16 A. Well, we would have done it when we were checking
17 trap lines.

18 Q. So you could have done it in the morning of the
19 6th, but your memory is Will was with you when you did that
20 snare?

21 A. I know Will went with us. I know that.

22 Q. If Will hadn't shown up until the 6th, it would
23 have been the 7th or 8th, but it could have still been the
24 6th. He could have shown up. So that second new trap was
25 put in by you, Will, and Thorry were part of putting that

1 one together?

2 A. Yeah.

3 Q. Different day for putting in the last one, the
4 third one, the third new one?

5 A. I am trying to remember what day we put that in.
6 I think that was just Thorry and I. That may have been the
7 6th, and then maybe even put that other one with Will in on
8 the 7th.

9 MR. MCMULLEN: I see in the notes moved blue on
10 the 6th. Ransacked by illegals, small animals. Moved blue.
11 That is not right? Would that be the day?

12 THE WITNESS: Is that the 6th?

13 MR. MCMULLEN: Uh-huh.

14 THE WITNESS: Friday.

15 MR. MCMULLEN: Does moved blue mean you moved it
16 out on the trail or set a new snare or moved a snare from
17 one location to another, do you remember?

18 THE WITNESS: I don't remember closing any down or
19 anything.

20 Q. BY MR. HOVATTER: Well, is there anything else
21 about that first time, that first, the 5th through the 9th,
22 that sticks in your mind?

23 A. I think it had been raining and stuff which is one
24 of the reasons why we thought we weren't catching anything.
25 It was kind of dreary and not a lot of things seemed to be

1 moving around.

2 Q. Was there any -- enough rain to run any of the
3 washes?

4 A. If there was, not significantly.

5 Q. Did you have any decent telephone communications
6 out there at that time?

7 A. You have to run up on the top of the hill in the
8 wind to talk.

9 Q. Did Thorry, was he able to have any conversations
10 with Emil at this time, do you know? I know they were
11 staying in pretty routine contact.

12 A. I don't really know if he talked to him or not. I
13 mean, I know he would have been packing, going to Spain. So
14 I know there was some difficulty talking to him when he was
15 over there. So probably if they did, it was probably more
16 phone messages than anything else.

17 Q. You didn't have any -- Sun Dog didn't have a --
18 wasn't running an Internet connection, was he?

19 A. Not exactly.

20 MR. MCMULLEN: You guys weren't able to check
21 e-mail at your camp or anything?

22 THE WITNESS: Right.

23 MR. MCMULLEN: No satellite cards.

24 Q. BY MR. HOVATTER: Did you have that satellite
25 phone then?

1 A. I never had it. I don't know if Thorry would have
2 had it then or not.

3 Q. I know we tried to use it, that was much later,
4 though, that was after the capture. So I am about ready to
5 go take a break. Let me just ask you this. When you left
6 on the 9th, when do you come back?

7 A. It looks like on the 16th.

8 Q. 16th. So we are going to take it up again on the
9 16th when we come back, and I want to find out what else you
10 guys were doing.

11 MR. MCMULLEN: Before we go on break, Gary asked
12 you earlier at the beginning if you had field notes. You
13 said you didn't have field notes from that week. Do you
14 normally take field notes?

15 THE WITNESS: I had been during like my Big Horn
16 sheep project and that sort of thing, and during the
17 tortoise project when I was overworked and overheated, I
18 kind of got out of the habit and just never wound up getting
19 back into it.

20 MR. MCMULLEN: Did you take field notes at any
21 time during your participation in the Large Carnivore Study?

22 THE WITNESS: No. The only thing I have is --

23 MR. MCMULLEN: I was just curious because you
24 said, I didn't have field notes for that week. I didn't
25 know if that meant you had some from previous or after or

1 whatever.

2 THE WITNESS: No, just that I had been in the
3 habit for a couple years and ended up getting out of it.

4 MR. MCMULLEN: Okay. Well, do you want to have a
5 break?

6 MR. HOVATTER: Yeah.

7 MR. MCMULLEN: Five-minute break. I want to grab
8 some coffee.

9 MR. HOVATTER: Marty, do you have any questions?

10 MR. FABRITZ: Yes, I can catch up after we get
11 back.

12 (Concluded for the day.)

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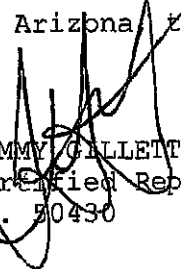
CERTIFICATE

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I, Tammy Gillett, do hereby certify that the foregoing 58 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona this 27th day of July, 2009.


TAMMY GILLETT
Certified Reporter
No. 50430

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PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
MICHELLE CRABB
JULY 16, 2009

VOLUME III

Individuals present at the Interview on 7/16/09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department, Ombudsman,
Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Michelle Crabb, Employee

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PROCEEDINGS

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MR. HOVATTER: Michelle, I just wanted to start out reminding you again we are doing this under Garrity, and it has been a few days, so I was just going to read you -- you don't have to resign this, but so that we are all on the same page, we are just conducting an internal investigation involving matters that will be discussed shortly.

This is an administrative investigation. You do not have a right to have legal counsel present during the interview, nor will you be advised your constitutional rights. You are ordered to cooperate fully with this investigation. You are responding completely and truthfully to all questions posed to you during the investigation.

Failure to respond completely and truthfully to all questions will be considered misconduct as set forth in Garrity versus New Jersey, 385, U.S. 493, a line of cases which follow: Any responses given during this administrative investigation cannot be used against you in a subsequent criminal investigation. You are instructed not to discuss your interview or this investigation with Arizona Game and Fish Department employees while the investigation is pending.

Then the statements you and I previously signed was I have read the above statements, and I understand the orders given to me about this investigation. I understand

1 my obligation to cooperate fully with the investigation. I
2 understand my obligation to completely and truthfully answer
3 every question. And I further understand that I have been
4 ordered not to discuss this investigation with any Arizona
5 Game and Fish Department while this investigation is
6 pending.

7 Do you have any questions about that?

8 THE WITNESS: (No audible response.)

9 MICHELLE CRABB,

10 pursuant to Garrity Warning, was examined and testified as
11 follows:

12 EXAMINATION

13 BY MR. HOVATTER:

14 Q. Great. We have, of course, been conducting quite
15 a few interviews with folks, and so a lot -- we are doing a
16 lot of interviews to kind of go back and clean up pieces of
17 information that we get during the course of the overall
18 investigation we are doing. And so the reason I wanted to
19 ask you to come back today is that there's -- while I can't
20 the explain the reasons for asking you this question, I felt
21 I had to ask that in order to make sure that I had a
22 complete record on this, and that is, has Emil -- did Emil
23 McCain at any time after or during the course of the work
24 that you were doing on the jaguar project, or afterwards,
25 after the capture and the recapture, did he ever discuss

1 with you changing or withholding information about the
2 jaguar, about the jaguar work that had been done from any of
3 us or any other officials that you have talked to?

4 A. No. I haven't really talked to Emil too much
5 since I started.

6 Q. Okay. So he -- so in the conversations you have
7 had, Emil never asked or approached you about lying about
8 any part of what has gone on in the work that you did in
9 that lead-up to the capture and then the recapture? Or the
10 lead-up to the capture, because you weren't, of course, part
11 of the recapture.

12 A. Yeah. No, he never told me to lie.

13 MR. HOVATTER: You guys had some other questions?

14 EXAMINATION

15 BY MR. MCMULLEN:

16 Q. You said you hadn't talked to him really much
17 since this all began, but have you talked to him?

18 A. I talked to him in relation to getting the jaguar
19 collar back, I think, since the recapture. I think that's
20 the only time I talked to him.

21 MR. HOVATTER: Oh, did you have that collar? Did
22 you end up with that collar?

23 THE WITNESS: Yes, somehow I wound up with it. So
24 he had called to talk about getting that, and we were
25 potentially going to meet up, then he just had me mail it to

1 North Star, so we never actually met.

2 Q. BY MR. MCMULLEN: During the course of that
3 conversation, did you guys talk by any of the events?

4 A. No, it was a real short conversation.

5 Q. Ask it kind of another way. Did Emil ever ask you
6 to hide the facts from the events leading up to the capture
7 of Macho B?

8 A. No.

9 EXAMINATION

10 BY MR. HOVATTER:

11 Q. Janay, run with -- did you ever -- I know I have
12 asked you this and I know you have answered this. Frankly,
13 I am just -- did you ever run across her because I know she
14 was there on the 4th, you weren't. Did you ever meet her?

15 A. No, not that I am aware of, no.

16 Q. Because what I was going to comment, on Emil, this
17 is a very subjective question, and what is your sense,
18 granted you did not have much of an association with him,
19 but did you get any sense at all for what the man was like?

20 A. I mean, from when I was around him, I mean, he
21 seemed like a good guy. He was really interested in what,
22 you know, what he was doing, you know, he seemed really good
23 with the traps and that sort of stuff. He was always, you
24 know, in a good mood and seemed willing to get stuff done.

25 Q. Good technical skills, pretty pleasant

1 personality, pleasant person to talk to, to deal with?

2 A. Uh-huh.

3 Q. Enthusiastic about the work?

4 A. Yeah, I think so.

5 EXAMINATION

6 BY MR. MCMULLEN:

7 Q. Back to the cameras. How many, do you recall,
8 again, how many cameras were within your snare loop?

9 A. I know of two, one that was by Ruby and one that
10 was over by the ranch.

11 Q. Was Ruby in your snare loop?

12 A. We had a few. We had a couple snares over by
13 Ruby.

14 Q. Oh, you did. Okay. Were you aware of any other
15 snares in or around --

16 MR. HOVATTER: Snares or cameras?

17 Q. BY MR. MCMULLEN: Or cameras, in or around the
18 snare loop now where Macho B was caught?

19 A. No, just that one camera that Emil kind of
20 referred to off to the northeast over some saddle, but I
21 assumed that was, you know, a mile or in excess of a mile
22 away. I am not really sure where it actually was. He never
23 pointed to it on a map or anything.

24 Q. Okay. Were there any sets, snare sets, that you
25 guys made on scrapes, lion scrapes?

1 A. I think at some point in time, he had mentioned
2 maybe the one that we caught, the lion in November, being
3 near one, but --

4 Q. Uh-huh.

5 A. -- I was only out there, I kind of checked my
6 records for November, and I checked traps two days in
7 November.

8 Q. If Thorry said there were maybe some scats around
9 some of the snares, how would you react to that, lion scats
10 or any others?

11 A. I don't recall seeing any scats or any of those
12 things of any kind.

13 EXAMINATION

14 BY MR. HOVATTER:

15 Q. Michelle, there is that one trap where there is a
16 camera right next to it. That is the one down south that
17 you remember; correct?

18 A. Uh-huh.

19 Q. And then the other one was up -- was the one up by
20 Ruby?

21 A. Yeah.

22 Q. And, again, I know we have asked this more
23 generally, but just specifically, did you notice any scat in
24 that trap set that was close to the camera, that one that
25 was closest to the camera? So there is only one of those

1 sets that had the camera that close, wasn't there?

2 A. Yeah. It was really close to it. The one at Ruby
3 was not right at a trap. It was just right on the same
4 trail.

5 Q. Do you have any memory as you kind of put yourself
6 back there, the best you can four months ago, of seeing any
7 scat, what looked like lion scat or what have you, and
8 anything that looked like wild animal scat in the proximity
9 of that camera and snare set?

10 A. Not that I recall, no.

11 EXAMINATION

12 BY MR. MCMULLEN:

13 Q. Did you -- I think I understood from the notes or
14 something like that, that maybe one day in the first
15 trapping session or the second in February, early, mid
16 February, there might have been one day where Thorry checked
17 one part of the snare loop, and you left with Emil to check
18 another part or camera or cameras? Do you remember that?

19 A. (No audible response.)

20 Q. Do you remember ever going to check snares or
21 cameras with Emil separate from Thorry?

22 A. Not that I remember, no.

23 Q. Can you think of a reason why we might have had
24 that in the notes or field notes?

25 A. (No audible response.)

1 MR. HOVATTER: Marty, do you have anything?

2 MR. FABRITZ: Not right now.

3 Q. BY MR. MCMULLEN: The dart rifle, back to that.

4 And do you recall the questions we asked you the last time
5 about Thorry's departure to go get the dart rifle in Flag?

6 A. Yeah.

7 Q. Do you recall what you relayed to us in that
8 regard in terms of your knowledge of why he went to go get
9 that dart rifle?

10 A. Because he said he would feel more comfortable if
11 we had it.

12 Q. Uh-huh.

13 A. He would feel more comfortable.

14 Q. And more comfortable about what, do you recall?

15 A. He didn't specifically say. I mean, I assume just
16 darting the animals. I didn't ask. He didn't say.

17 Q. Can you think of a reason why Thorry's
18 recollection of that on whether or not you knew or should
19 have known might differ from yours with regard to your
20 knowledge of why he left to get that dart rifle?

21 A. No. I mean, I can guess now why he got it, or
22 what may have been a motivating factor, but no, at the time,
23 I didn't. He just said he would feel more comfortable.

24 Q. During your interview with us, you mentioned your
25 awareness of how jaguars tend to react when snared, and that

1 was that they tend to fight. How did you get that
2 knowledge?

3 A. I think it was from Thorry.

4 Q. Was it from Thorry?

5 A. I mean, it may have been Emil, too, but I would
6 guess Thorry because I hadn't been around Emil much on that
7 trapping session or anything.

8 Q. During the course of that conversation with
9 Thorry, did the topic of using equipment come up? Do you
10 recall that conversation? Can you go back in your mind's
11 eye and see if you can recall the details of that
12 conversation where you remember you learned that information
13 because it seems to me like that sort of conversation would
14 be jaguars tend to fight when captured, and that's the end
15 of it.

16 It seems like there would be some context leading
17 into it, some context leading out of it, not just a short
18 one-sentence conversation. So can you go back in your
19 mind's eye and kind of recall that for us, maybe where you
20 were, the context leading up to it?

21 A. I think it may have been like a general
22 conversation of how animals react to traps, you know, asking
23 if all cats, you know, seemed shy. That one cougar that I
24 got with Emil was unusual in the fact that it just wanted to
25 get away and it wasn't aggressive. I guess he was scared.

1 Typical people would think that that's me being in danger
2 rather than it trying to get away from you or whatever.

3 I think it was in the context of that. I was
4 asking, you know, how do -- do bears usually act that way?
5 Do all the lions act that way? Are the lions ever
6 aggressive? I guess that was one of the pieces of
7 information that he chose to give.

8 Q. What were the other pieces of information?

9 A. Just that he's never had a cat be aggressive
10 towards him. They might growl or something like that, but
11 he said they are always just trying to back away and get
12 away from you.

13 Q. But, also, I guess that was in the context
14 where -- I guess what I am asking you to do is I am having
15 to ask you repeated questions about what was the context of
16 the jaguar conversation, and I am having to ask you a
17 question for each sentence. I guess I'd like to -- we
18 haven't really gotten all the way to the whole context of
19 where were you, for example, when that conversation
20 occurred. Do you remember? Was Emil present?

21 A. I really don't remember. I would imagine that we
22 were out with the traps and stuff, walking the trap line or
23 something would be my guess, but I really don't recall.

24 Q. What day did Thorry leave to get the rifle?

25 MR. HOVATTER: It would have been the 6th? Was it

1 late the night -- early in the morning of the 6th that he
2 would take off for that, do you recall? Or was that on the
3 4th? You guys went out, you saw the tracks, and --

4 Q. BY MR. MCMULLEN: Yeah, in relation to the tracks.
5 I am just trying to help you remember.

6 A. Yeah. I really couldn't say. I don't remember.

7 Q. Did the conversation come up after that about in
8 light of that information, I better go get a dart rifle,
9 anybody? Because you knew he had a -- you knew Thorry had a
10 pistol?

11 A. Uh-huh.

12 Q. You knew he already had a rifle. There was
13 already a dart rifle there; correct?

14 A. Well, he went to get the dart rifle.

15 EXAMINATION

16 BY MR. HOVATTER:

17 Q. There is memory that there was already a rifle
18 there, and that it might have even been in your truck for a
19 while. It had a .22 and it was just too potent to be
20 reliable or to -- there was, I think, there was some thought
21 that perhaps it might have been too damaging. Do you have
22 any memory of that other rifle?

23 A. Not really. I guess when you mentioned it, you
24 know, I know there is a couple different styles, and they
25 were --

1 Q. Some of them, they have got now that thing you
2 have to dial the --

3 A. Right, the pressure gauge.

4 Q. You use the one cartridge, but you could kind of
5 dial the pressure to get a little bit different velocities
6 and all.

7 A. That was what Emil carried around, one that you
8 could adjust.

9 EXAMINATION

10 BY MR. MCMULLEN:

11 Q. So you had carried that rifle in the field
12 previous to that?

13 A. The .22 one?

14 Q. Uh-huh.

15 A. I don't think so.

16 Q. Didn't you just say that's the one we carried
17 around?

18 A. No, the adjusting one.

19 Q. Okay. Was that the one Thorry went to go get?

20 A. Uh-huh.

21 Q. Okay. I am not following you. Were you aware of
22 the dart rifle that was in your truck prior to when Thorry
23 went to get the other one in Flag?

24 A. I didn't think there was one in my truck at all.

25 Q. Was there one in someone else's truck?

1 A. Well, if anyone had the dart rifle, I would assume
2 it would have been Thorry.

3 Q. Do you recall when we talked during one of your
4 previous interviews when you mentioned the fact that you
5 became aware -- do you recall the conversation, the part of
6 the conversation where you said shortly after Janay dropped
7 the scat, Thorry left to go get the dart rifle, and that was
8 in the context of some things that might have looked
9 suspicious. Do you recall that part of your interview?

10 A. Yeah. I think I had just misspoken, you know, I
11 didn't mean immediately he went to go get it.

12 Q. But you mentioned a date that you were under the
13 impression that Janay dropped -- allegedly dropped jaguar
14 scat. Do you remember that date?

15 A. It was the 4th. It was in the paper.

16 Q. It was in the paper? I didn't see that date in
17 the newspaper. I was wondering which article you were able
18 to find that date in the newspaper. I looked at whatever --
19 there may have been a different article that I wasn't able
20 to find, but I was wondering if you remembered. Do you
21 still have a copy of that article? I would be curious to
22 see it.

23 A. Probably. If it didn't say it, I just deduced it
24 based on who was out in the field and when and what was
25 going on. The article had mentioned something about setting

1 stuff in the dark or something like that. I don't know the
2 date. They stepped on the jaguar tracks. They said they
3 were setting the snares in the dark, so I assume that is
4 when Emil and Thorry would be down there.

5 Q. I thought you had said that you read it in the
6 newspaper; is that correct?

7 A. Yeah, I think that's where I have that. I do
8 still have a copy. It was just the main one, the first
9 articles that came out in the newspaper about it and the
10 date.

11 MR. FABRITZ: The other day when you brought up
12 the newspaper, if I recall right, you didn't sit there and
13 go, gosh, I think we are -- I thought it was pretty clear
14 who was --

15 MR. MCMULLEN: Is that the article? Can you see
16 if you found February 4th in there? I might have missed it.

17 THE WITNESS: Yes, it says it right here.

18 MR. MCMULLEN: Okay. There it is. Thank you.
19 That clears it up. Thank you, Michelle. I might have
20 missed it and I did.

21 MR. HOVATTER: Marty, do you have anything you
22 want to talk about?

23 THE WITNESS: Are you interested in that e-mail
24 from Ben at all, his response?

25 MR. HOVATTER: Oh, yeah.

1 THE WITNESS: Yeah.

2 MR. HOVATTER: Thanks. Thanks for bringing that.
3 This is sort of the lament of everybody who has ever been in
4 the field who doesn't spend time in the field anymore. It
5 makes me remember what it is like to be back out in the
6 woods -- well, woods such as they are.

7 THE WITNESS: Woods, you are talking relative.

8 MR. HOVATTER: No. Thanks, Michelle, for bringing
9 that in. I appreciate that. Do you have anything else? I
10 don't.

11 MR. MCMULLEN: No.

12 EXAMINATION

13 BY MR. HOVATTER:

14 Q. I did have to ask that one question. I have to
15 believe that was probably uncomfortable for you to have to
16 receive that question. But I appreciate your positive
17 mental attitude you have retained during these multiple
18 truck drives. I appreciate your giving us your time and
19 drive safe. I really do think this time we are done. I
20 think we are up to the last little bits of pieces of things
21 with some folks we are talking to.

22 Is there anything that we haven't asked about that
23 you think might be -- might be something that we ought to
24 know about this, something that maybe at the time didn't
25 connect, but connects for you a little differently now in

1 retrospect?

2 A. I was thinking, you know, because you had asked a
3 lot of why, you know, it seemed odd that we hadn't been
4 discussing a lot of this stuff, any more of the jaguar
5 stuff. And I think that nobody specifically told you, but I
6 think it was just kind of an air that is just not something
7 you talk about, like, from before any of the trapping even
8 started, it was just kind of -- if you will, it just wasn't
9 something you wanted to acknowledge, if you will. No one
10 wanted to say, oh, well, the cougars are in place of the
11 jaguars. So there was, you know, stepping on toes and
12 territorial issues, and I don't know what other reasons, but
13 just kind of a general air like you are just not supposed to
14 talk about it.

15 Q. And, you know, you are not the first person to
16 bring that up. I know this is tough because a lot of this
17 stuff kind of becomes almost osmotic the way you picked it
18 up, but do you have any sense of how that -- how you came
19 by, I might say, you are not a lone ranger on that, do you
20 have any sense of how you came by that understanding of that
21 sensitivity about that?

22 A. I guess some of it probably would have been from
23 Kirby.

24 Q. Do you have any memory of a conversation with
25 Kirby where that kind of became part of the topic, part of

1 the conversation?

2 A. I don't know, maybe in regards to not being like,
3 oh, lions are surrogates for the jaguar, not, you know, be
4 talking about that eventually, you know, me and Ronnie
5 scratched the board on the report and stuff like that, yeah,
6 you can do that, but I think he was worried about stepping
7 on toes, you know, of what may be said or something weird.
8 It was just that it was kind of a political hot button
9 because they are not really recognized, you know, there is
10 no active management type stuff for them and all that kind
11 of stuff. So you didn't want to --

12 Q. Let me ask you, and again, this is the nice thing
13 about this conversation is that this is our conversation.
14 As a biologist, what do you think about that kind of
15 compartmentalizing?

16 A. I don't like it. I think it is frustrating, you
17 know, if it fits into what we are doing, it seemed to make
18 sense that we would be collaborative, and they would be
19 excited to -- maybe we could use it as a surrogate, as
20 opposed to, hey, you are stepping on my toes.

21 I don't know what their feelings actually are on
22 the subject or not. That was just kind of -- just the
23 impression that I had. Even in the other meetings, people
24 just didn't really bring it up. If they did, it was kind of
25 being whispered, I don't know, just -- something just didn't

1 want to -- oh, hey, jaguar this and jaguar that kind of
2 stuff, no one was doing that. It was like no one was doing
3 that. It is kind of a hush-hush thing. I don't know.

4 Q. You know, along when you were doing the bear and
5 lion work, did you have a sense that -- that there was some
6 expectation sometime, if not you guys, someone was going to
7 look at that data in light of the idea of considering
8 whether lions and bears -- lions might serve as a surrogate
9 for getting those questions about jaguar use in that
10 habitat?

11 A. Yeah, at least the lion stuff I would imagine, at
12 least looking at their movements in relation to the border
13 and border fence and that sort of stuff, and maybe more in
14 that aspect.

15 Q. Do you know of anybody -- do you know of anybody
16 who ever dug into the literature to take a look at the -- to
17 kind of dig at the idea of surrogacy? By that, what I mean
18 is, it seems kind of almost intuitive to me that that ought
19 to make sense with lions and jaguars, but, you know, as
20 biologists, we are used to being surprised. And, of course,
21 surrogacy makes sense, only if the animals are not simply
22 morphologically similar, but, in fact, use the habitat the
23 same way.

24 You know, I was talking with, we have had some
25 conversations, we talked with some folks who said that

1 jaguars use the habitat so differently that the issue about
2 them being -- about lions being actually a surrogate for
3 them may be suspect. Do you have any sense of that? I
4 mean, any of the work that you have done, have you had a
5 chance to take a look at that idea, that question?

6 A. No.

7 Q. Let's talk about the original, I think, Todd
8 Atwood, I think, was the guy who first did up the proposal
9 for the bear and lions thing. Did you have -- did you ever
10 have a chance to talk with Todd about any of that?

11 A. Huh-uh.

12 Q. He kind of birthed it, then he was gone. He has
13 kind of drifted back into it, I know, through the agent's
14 side once he took that new job, but it is kind of
15 interesting, because if jaguars do use the habitat that
16 differently, it does kind of call into, you know, make
17 suspect the whole idea -- not the idea of surrogacy as a
18 useful research tool, because it does seem to be very useful
19 in some species.

20 A. But for them?

21 Q. Yeah. You think we ought to start that bear and
22 lion study up again?

23 A. I think so. We will just definitely need some
24 different procedural things, I guess.

25 Q. If you were going to work out there again,

1 Michelle, on that, what would you want -- what kind of side
2 boards, kind of being something that is Department
3 terminology, would you want to put in place to try to get at
4 that? In other words, if we are going to be armed out
5 there, you are going to go out and do a bear and lion study,
6 it is out in that same area, what would you want to know and
7 what kind of tools would you want to have before you went
8 out and did that again?

9 A. I would suppose having access, like, immediate
10 access to whatever was on those cameras, knowledge or an
11 e-mail or something being checked on them on a more regular
12 basis, kind of a set -- set thing to know what is really out
13 there and if anything, you know, so the chances are even way
14 more minuscule now, but having to worry about the same
15 issue, but just to know if anything, you know, what is
16 moving around out there.

17 Q. What about -- I mean, what about some sort of
18 establishing some sort of protocols for how close in time
19 and space a jaguar sighting is too close --

20 A. Right.

21 Q. -- to continue snaring?

22 A. Yeah, that's kind of what I mean by looking at the
23 cameras and stuff, yeah, by having --

24 Q. Right now, I am sure there is -- it does not
25 appear there is much of an alternative to cameras as a way

1 of being kind of the sensor system?

2 A. Yeah, unless you do bears out of buckets and run
3 hounds with the lions, and not that you can't wind up
4 running hounds on a jaguar, too, but so you don't have to
5 catch it. You don't have to drug it or you don't have to do
6 anything with it if it does wind up happening.

7 Q. If we had an opportunity to catch a jaguar under
8 controlled circumstances in accordance with the protocols
9 that we would establish for a deliberate thing, do you think
10 we ought to?

11 A. I would have to look -- I mean, on a biologic,
12 yeah, you definitely want a collar on one of those animals,
13 but, you know, after reading the captures in Mexico and
14 stuff like that, I guess I would want to learn about --
15 personally, anyway, more about the captures in South America
16 and how successful those are and why we have been having bad
17 luck up here. Of course, Macho B being as old as he was,
18 obviously, I am sure that played a major factor. If he
19 would have been caught when he was younger, I don't imagine
20 it would likely have been a problem.

21 Q. That has been kind of a microcosm, this last five
22 minutes of conversation have been kind of a microcosm, I
23 think, of the debate that has been going on with the Jaguar
24 Conservation Team for over a decade, catch or no catch,
25 intervene or don't intervene.

1 A. It's hard to properly, you know, protect them, or,
2 you know, with this whole credible habitat thing going on in
3 court, too, and it is hard to do that if you don't really
4 know -- I mean, you have camera data, but that's just little
5 snapshots in a wash.

6 Q. They haven't been that well-studied anywhere. I
7 mean, I think one, it is subject to probably severe
8 questioning as to how much we could apply about what is
9 known about jungle jaguars in South America and jaguars
10 operating in that kind of borderlands, this sort of Arizona
11 chaparral or scrubland type of ground. Well, those are the
12 things we are going to have to get at.

13 Eventually, those are questions we are going to
14 get out from under this. We are going to put this --
15 ultimately, put this behind us, then we are going to get
16 back to that kind of work. Michelle, that is going to be --
17 it is going to be really -- we are really going to have to
18 push hard against our methodology in the bear and lion work
19 down there to get that restarted.

20 A. Yeah, that is what I was guessing on that, but at
21 least, you know, even -- well, there is not that many bears
22 down in that specific spot, and there is at least a couple,
23 but we need to get one near the border kind of down there.

24 Q. Yeah. Well, I will let you go, I am sorry,
25 because I was digressing there, but kind of going back to

1 where we were before, I know you don't know Emil well. I
2 have never met him. Frankly, you know him better than I do,
3 which isn't much. If someone were to propose that he had
4 shaped the situation so as to try to significantly increase
5 the likelihood of catching a jaguar out there on that work
6 that you and Thorry were involved in, would that surprise
7 you?

8 A. When I first met him, no. I mean, he was putting
9 the traps out. He definitely had the opportunity to put it
10 where he thought the best spot was. Although that being
11 said, there were a couple different bear tracks and a couple
12 lion tracks in that same area, too, but he certainly had
13 opportunity, I guess. I know he certainly wanted one
14 collared, but I guess a lot of people do.

15 Q. Well, he was doing one thing that nobody else was
16 doing all the time. He was putting the snares in, and he
17 was checking the cameras all the time. He knew where
18 everything was. I don't know, I honestly don't, but it kind
19 of comes down to, and he is not one of our folks, so he is
20 not someone we are talking to.

21 Guys, anything?

22 EXAMINATION

23 BY MR. MCMULLEN:

24 Q. Just a couple quick follows-up. So on the 5th,
25 you ran the -- that's the day you guys found the jaguar

1 tracks?

2 A. Uh-huh.

3 Q. You ran the snares with Emil and Thorry the whole
4 time or did you ever separate out at any time during that
5 day?

6 A. I would guess we were together all day. I don't
7 specifically remember breaking up.

8 Q. You have got to understand just from the questions
9 we have been asking today, there is confusion on our part as
10 interviewers and investigators over the fact that it seems
11 like your recollection of what was discussed and what you
12 knew doesn't wholly or precisely match what we have been led
13 to believe from other people. And so that's -- I am just
14 being frank with you. That's why we are asking these
15 questions that we are.

16 Can you maybe shed some light on why that might be
17 or maybe shed some light on anything in particular that you
18 think might stick out in your mind that maybe that is one of
19 the things that might be a topic that that is occurring on
20 or anything like that?

21 A. You mean like how much we discussed the jaguar and
22 stuff like that?

23 Q. Yeah, any of it, just kind of a general question.

24 A. Not really, other than that was a long time ago.
25 Trying to remember what you did every single day, it is kind

1 of difficult or exactly who you did what on all the things.
2 Guys, it is not that no one ever mentioned jaguars, but it
3 was never something you sat down and talked about for 20
4 minutes or whatever. It was never, you know, it was just
5 kind of those pieces or whatnot that came up during
6 different things because I never sat down, you know, had a
7 half-hour discussion on what jaguars do, and it wasn't all
8 one time frame or anything.

9 MR. FABRITZ: You guys camped at Ruby sometimes;
10 right? Is that where you were staying at that place?

11 THE WITNESS: Yeah.

12 MR. FABRITZ: What about this Sun Dog guy? I
13 mean, was he ever in any of these conversations something
14 about biology or anything? Or, I mean, he is a friend of
15 Emil's. It sounds like he is pretty friendly with Emil?

16 THE WITNESS: Yeah.

17 MR. HOVATTER: He sounds like he's a character.

18 THE WITNESS: Yes, he is interesting.

19 MR. HOVATTER: I just came across a Sun Dog Hunter
20 was the first time I have seen anything -- him being
21 referred to anything other than as Sun Dog.

22 THE WITNESS: That's all I have known him as.
23 Yeah. Well, we would we sit down, sometimes we would have
24 dinner down at his house or whatever. So in the evenings,
25 so we would sit down there.

1 MR. FABRITZ: Did you ever talk about anything
2 relating to the jaguar that you know?

3 THE WITNESS: Not really that I can remember.

4 MR. MCMULLEN: Because I think, and you guys help
5 me if I am wrong, I think the characterization that you gave
6 us from the first interview was that there was never any
7 discussion about jaguar, am I accurate there, or pictures
8 or --

9 EXAMINATION

10 BY MR. HOVATTER:

11 Q. Well, I think what we were trying to -- some of
12 this is -- first not having been there, there is not many
13 times that you can legitimately be involved in something
14 that is, in fact, a first time that something has ever
15 happened. And it would seem from the outside looking in,
16 because we weren't there, we weren't part of it, except
17 vicariously, that that is kind of -- that it is kind of
18 neat, and it is the sort of thing that as biologists, we
19 kind of get -- tend to get enthusiastic about, and the group
20 dynamic that we are seeing during that time frame, that kind
21 of rather seminal time frame, it turns out, because as much
22 as anything, what happened on the 4th before you got there,
23 it seems contrary to, I think, to some of us putting
24 ourselves in that place, that there would be -- it would be
25 so seemingly nonchalant, and that may be wholly appropriate

1 to that dynamic out there.

2 But it is just on the outside looking in, it seems
3 counter to kind of the way a lot of us when we try to put
4 ourselves in that situation think we would feel, and I think
5 you have gotten -- had a number of the things that may have
6 influenced that, but that's been a part of what we have been
7 trying to understand better.

8 And, then, in light of things that you weren't
9 party to or privy to in the lead of some of the things from
10 the e-mail flurries that occurred then, but didn't occur
11 back in November, same ground, same snares, same -- and so
12 when we look at all that coming together, that is one of the
13 reasons why we are taking some of the public meetings.

14 The media and the various organizations have
15 almost all this e-mail. I say almost, because there's
16 undoubtedly things, pockets of stuff sitting somewhere that
17 haven't gotten -- that just never got pulled out or dug out,
18 but they have got the stack about that high of all this
19 stuff, and they go through it, and they kind of see that
20 same situation.

21 And it is in some of the meetings as a guy who has
22 to talk to, has had to talk to that particular reporter, a
23 couple of times, it has been a rather unusual hour on one
24 particular day with him. That certainly seems to be why he
25 is digging at us the way he is, is that some part of this

1 doesn't, in his mind, although it is hard for me to figure
2 out what Tony Davis gets enthusiastic about. Have you ever
3 talked to him?

4 A. No, thankfully.

5 Q. That's an experience. I think that is why he is
6 digging at us is because he is having some of the same,
7 again, I don't think it is his enthusiasm, I think that some
8 of the people that are talking to him are trying to portray
9 to him it just doesn't ring true with them. And, again,
10 every circumstance and every group dynamic is different.

11 So it is really not fair for us to try and put
12 ourselves in that dynamic to hold people -- hold people up
13 to the, you know, to the kind of mirror we see ourselves in
14 when we look at that situation. But given what we are going
15 through, it is -- it does seem, given the pain the
16 Department has been through, is being inflicted on the
17 Department and the people and the credibility of the people
18 involved being called into question by the media, by the
19 Congress member, by the Center for Biological Diversity, we
20 are going to fight back.

21 We can't fight back until the investigation is
22 done, until the Federal investigation is completed, because
23 there is no way for us to fight back without knowing,
24 ultimately, what they are going to decide they believe
25 really happened out there. But we are going to fight back.

1 We certainly cannot afford to be surprised when we do it.

2 And so, you know, a lot of the things are things
3 like Janay Brun's little bombshell that she dropped. I
4 don't know how true it is.

5 A. Right. You guys can't talk to her at all?

6 Q. Well, you know, the problem is we have no
7 authority to ask her to come and talk to us. She is not one
8 of our employees. If we talk to her, I doubt we could talk
9 to her under -- there is no way we could talk to her under
10 Garrity. The only way we could talk to her is if we were,
11 in fact, investigating her criminally.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Is there anything else in thinking about it that

1 you would like to tell us? Kind of the same last question I
2 tried asking a bit ago.

3 A. Well, I am trying to think. I guess one of the
4 sessions you had asked about ownership or whatever.

5 Q. Uh-huh.

6 A. And I am not entirely sure what I said. I guess I
7 don't take ownership of how he got in there, but I take
8 ownership of the day when I was physically there with him,
9 you know, whatever ownership, but the fact I was there and
10 what was done that day, the decisions that were made, I
11 guess.

12 Q. Well, how do you feel about that?

13 A. Well, it is just a difficult area. It would have
14 been nice to have a vet or something with us, but
15 considering our location, the time that that takes and that
16 we had no phone service, you know, not there, not on top of
17 the ridge, it was driving out, at least a ways to try to get
18 even a halfway reasonable signal.

19 Q. Well, we have got to get some better tools for you
20 guys when you are going down there. We have got to -- one
21 satellite phone doesn't fit all. There are different
22 satellite networks. We ought to be looking at some other
23 satellite-type phones that we could use down there that
24 might work better for you guys. I mean, that might have
25 made a little bit of a difference if you had the ability to

1 call out and actually say, we have got this situation, what
2 should we do?

3 A. Yeah. We had other traps to shut and that sort of
4 stuff. I left Thorry for a while with the jag alone, so I
5 could go check the other traps and shut them down and all
6 that kind of stuff.

7 Q. Well, Michelle, you know, I haven't heard a lot of
8 folks that I believe are competent to judge that have really
9 second-guessed what you and Thorry did that day. I think --
10 I still tend to believe that it comes down to a 15-year-old
11 cat as much anything else.

12 Guys, unless you have got something, get the heck
13 out of here and go home.

14 A. I guess I have one more thought.

15 Q. Uh-huh. Yeah.

16 A. I am trying to think, it would have been right
17 after the capture. At some point in time, we had been
18 questioned by Game and Fish over the phone a little bit --

19 Q. Uh-huh.

20 A. -- asking what we knew of the tracks and that sort
21 of thing. I hadn't talked to Thorry at all, and Emil had
22 called and asked if I had been asked for something.

23 Q. Was it Fish and Wildlife or us?

24 A. Us.

25 Q. It was our folks asking the questions?

1 A. Yes, like Chasa and whoever else.

2 Q. So Emil called to ask you if had been getting
3 asked questions?

4 A. Right, and something about, you know, telling him
5 about the tracks. I said, yeah. He said something about
6 Thorry and I needed to get our stories straight or
7 something.

8 Q. You and Thorry or he?

9 A. Thorry and me, I think.

10 Q. Do you have any memory of when that was because
11 that could be important? That's something that probably --

12 MR. FABRITZ: That is kind of the little detail we
13 are getting at, stuff like that.

14 Q. BY MR. HOVATTER: Do you have any idea about when
15 that was?

16 A. It might have been like the next -- like a week
17 later. I think I was driving home. I was driving in my
18 car, I think. So I was probably coming home from class. It
19 would have been a Wednesday.

20 Q. This was -- this was after the recapture or after
21 the capture? Put it another way, was it in-between the
22 capture and recapture or after the recapture?

23 A. I don't really remember which one it was, but
24 I think they had been trying to get at it right, you know,
25 semi soon, you know, what we knew at that time kind of

1 thing. You know, he never said to lie, or, you know, he
2 just said something about getting your stories straight. I
3 am not exactly sure what Thorry had said that may have been
4 different than what I had said at the time or whatever.

5 Q. But that was him calling you?

6 A. Yeah.

7 Q. How did you take that at the time? Did that seem
8 an odd comment to you?

9 A. Yeah.

10 Q. Did you have any reason to talk to Thorry about
11 that and ask him if he had gotten a call or --

12 A. Well, I think -- I mean, I know he had talked to
13 him.

14 Q. Is that because he told you he had or just you --
15 again, I know I am asking you to dig way back in there, but
16 I think that's -- potentially, that would be helpful for us
17 to know anything that you can remember about kind of that
18 conversation would probably be helpful for us to know.
19 Again, it is somebody we can't go talk to.

20 A. I guess my impression is, is that I had been more,
21 you know, led -- I said that Emil was there or something
22 like that, and Thorry maybe hadn't or something like that.
23 I think it went to how well we knew that they were jaguar
24 tracks and not cougar tracks or whatever.

25 EXAMINATION

1 BY MR. MCMULLEN:

2 Q. What was he trying to get you to say?

3 A. I already had my interview.

4 Q. Did you talk to Emil, just you and Emil, or were
5 you with Thorry when he called you?

6 A. No, I was by myself. I was in my car.

7 Q. I am just curious. We have had three interviews.
8 Every day you have been asked or each time you have been
9 asked if there is anything else. You are asked specifically
10 a question if Emil had -- we asked you a question if he had
11 asked you to lie, and it seems to me that that would have
12 come out at some point. Can you explain why it hadn't come
13 out before now?

14 A. I had just forgotten about it. It is just a quick
15 conversation. It was kind of a random comment, but I
16 didn't --

17 Q. Did your antenna go off at all? Because if I was
18 involved in something like that, I would be like big time
19 antenna, uh-oh, something is going on here, and I need to
20 figure out what the heck is going on. He asked me and
21 Thorry to get our stories straight. To me, I have got some
22 level of concern at that point. What was your reaction?

23 A. I thought it was odd. I am trying to put myself
24 back to that day.

25 MR. HOVATTER: Just take your time. Your truck

1 knows the way home.

2 THE WITNESS: I guess I hadn't been as concerned
3 about it because everyone had already, you know, Thorry had
4 already talked to them, I had already talked to them, so it
5 didn't seem as much of an issue had he asked me to lie or do
6 something like that, but I don't know.

7 Q. BY MR. MCMULLEN: I think Gary asked you if
8 you had called Thorry after that. I don't think you had a
9 chance to answer that question.

10 A. I know I talked to Thorry after that. I am not
11 sure how soon after that it would have been.

12 MR. HOVATTER: Did the subject of that
13 conversation with Emil come up then or sometime when you
14 talked to Thorry subsequent to that?

15 THE WITNESS: I don't think I probably mentioned
16 it.

17 MR. HOVATTER: Did he?

18 THE WITNESS: I don't think so.

19 MR. HOVATTER: Guys, you got anything else?

20 MR. MCMULLEN: No.

21 MR. HOVATTER: Michelle, and, again, I understand,
22 you know, I think I have this belief that your mind
23 continues to work on things even when you are not
24 consciously thinking about it, and that sometimes it makes
25 connections or remakes connections. It really is important

1 that we do really dissect out and not be surprised as we go
2 ahead, and we go back out to do battle to get the Department
3 the authorities it needs to go back on the border and do the
4 work.

5 So if you come across in your memory or starts to
6 trigger or your, at least, conversations trigger any other
7 thoughts like that, if you do have that, I would ask you to
8 give me a call. We will set up another Garrity situation
9 where we can have that conversation where you have that
10 protection and all, and we can have the conversation about
11 that because I think, you know, I just -- I don't want to
12 have us not be open to the opportunity if you start to be
13 able to kind of connect the dots as you think about this a
14 bit more. God knows you spend a lot of time in your truck,
15 but do we have CD players for those?

16 THE WITNESS: No.

17 MR. MCMULLEN: Not very many in my trucks.

18 THE WITNESS: Kirby has one in his truck.

19 MR. HOVATTER: Do you know, we do the same thing
20 in the Department of Defense? We paid extra to have those
21 things removed in order to avoid the perception that we are
22 being to lavish.

23 MR. MCMULLEN: I don't doubt it.

24 MR. HOVATTER: We pay extra. Those things come
25 standard with those. In the old days, we paid to have

1 radios taken out.

2 MR. MCMULLEN: I don't doubt it.

3 MR. HOVATTER: It cost us more for our vehicle
4 fleet because we had to customize them in order to create
5 the perception that we weren't being overly lavish in any of
6 the trucks. We spent more money on vehicles to have the
7 radios removed.

8 THE WITNESS: Is that how you explain the blank
9 spot?

10 MR. HOVATTER: Yes. Yes. Of course, we never had
11 CD players in tanks. Your water cooler is in the battle
12 with the CD player. But if you do think of something, I
13 really would like to have the opportunity to talk to you
14 again. I would be happy to do that under a situation like
15 this. I should ask you, did you, when you had your
16 conversation with the Feds, did you remember that
17 conversation with Emil when you had your interview with
18 them?

19 THE WITNESS: No.

20 MR. HOVATTER: Well, look, thank you again. Drive
21 save. I can almost promise -- I think I may have said that
22 to you before, so I am suspect. I am not really a credible
23 source, but I can almost promise, I think, we are done,
24 unless you have some other thoughts, and all I'd like to --
25 in which case, please give me a call.

1 THE WITNESS: All right.

2 EXAMINATION

3 BY MR. MCMULLEN:

4 Q. I guess I want to say, so when you were -- when
5 Emil made that phone call to you and asked you to get your
6 stories straight, did you say, okay, or did you say, about
7 what? Or, I mean, was it just get your story straight and
8 that's it? What else happened in that phone conversation?

9 A. No, I think I asked him about what, and that's --
10 I had the impression that I maybe mentioned that he was
11 there and Thorry hadn't or that I was like, oh, yeah, I
12 thought those were jaguar tracks or my impression was Thorry
13 had been a little more wishy-washy on whether or not they
14 were or not.

15 Q. Did he say get your stories straight about what?

16 A. The tracks.

17 MR. FABRITZ: Were the tracks specifically the
18 tracks from the day you found them in the sand wash?

19 THE WITNESS: Yeah.

20 Q. BY MR. MCMULLEN: Did he want you to say they
21 weren't lion tracks or weren't jaguar tracks?

22 A. He didn't specifically say what to say, he just
23 said get your stories straight, as though Thorry and my
24 stories were different or something.

25 Q. The day we asked you, I think I remember asking

1 this question, but I will ask it again. I think I remember
2 asking it, and we haven't transcribed your interviews yet,
3 so that's I am having to go off memory, but we asked you
4 what you said originally. Originally, you thought it was an
5 unintentional capture. Then I think you said based on what
6 you know now, you don't know.

7 And I think at some point we asked you to list the
8 things that caused you to think that maybe it is not, wasn't
9 an unintentional capture, it was an intentional capture.
10 And I don't remember that phone call from Emil adding it
11 being in there as one of the things that caused you to think
12 it might have been intentional. Can you think of why?

13 A. Oh, no, I kind of forgotten about that whole
14 conversation during that point in time. I guess my
15 impression at the time of it, since I didn't know about all
16 those other pictures and all those other e-mails about drugs
17 and all that stuff, you know, I guess knowing that they were
18 tracks, hindsight isn't really a good thing, and maybe we
19 should have just pulled out, or, you know, been smart enough
20 or whatever just to stop and not, you know --

21 Q. Knowing about what all the pictures and e-mails?

22 A. One thing, I didn't know about that. So I just
23 knew that he was kind of concerned that there were these
24 tracks.

25 Q. And so that was it? Just, hey, this is me, get

1 your stories straight. Was that the whole conversation? I
2 am just curious. It seems to me like there would be a
3 little more to it, like get your stories straight or else?
4 Did he threaten you?

5 A. Oh, no.

6 Q. What was the implication, get your stories
7 straight or what might happen?

8 A. He just said, you better get your stories
9 straight.

10 Q. Then that was the whole conversation?

11 A. Well, he asked me if I had been interviewed and
12 stuff, and I think he asked how it went or whatever like
13 that or if I, you know, talked to Game and Fish people. And
14 I had said, yeah, I talked about the tracks and that you
15 were there and stuff. He didn't -- I think that's where I
16 got the impression that my story may have differed from
17 Thorry's at that time or whatever, that he didn't seem to
18 like the fact that I had said that he was there or that we
19 really knew that they were likely jaguar tracks because I
20 wouldn't have really known if I was in the field. And
21 Thorry probably wouldn't have known if we were in the field
22 together. He was there and he was the one that was saying
23 what they were.

24 MR. FABRITZ: Do you recall -- so you think -- you
25 said you think it was a Wednesday. Do you recall if Thorry

1 was in the net here or if he was on vacation when that
2 happened?

3 THE WITNESS: I know he was on vacation around
4 that time frame, but I don't remember.

5 MR. HOVATTER: So about the time of your memory,
6 such as it is, about when the time of your conversation was,
7 it was likely around the time that Thorry was on leave? The
8 reason I am saying that, that kind of gives us a beat as to
9 whether it is before or after the media.

10 MR. FABRITZ: That is what I am trying to get at.

11 THE WITNESS: I think it was right in the days we
12 got interviewed, so I guess you can talk to Chasa or whoever
13 else was asking those questions. They might remember the
14 dates or have written stuff down I would assume.

15 MR. FABRITZ: This is by the Federal guys or our
16 folks?

17 MR. HOVATTER: Our guys.

18 MR. MCMULLEN: I am just curious, if Emil calls
19 you, and it sounds like your story is different from what
20 Thorry said, is that what he said?

21 THE WITNESS: That was the impression anyways,
22 yeah.

23 MR. MCMULLEN: And why didn't you call your
24 supervisor and say, you know what, I just got a call from
25 Emil McCain, and he said my story might be different from

1 Thorry's, and I am concerned about this? I am just
2 wondering how come you didn't make that phone call
3 because -- I don't have anything to add, I guess. I am just
4 curious, why didn't you make that phone call?

5 THE WITNESS: I guess because we had already done
6 our interviews, so whoever here would know if they were
7 different and would see that or whatever else. And I
8 figured, I don't know.

9 MR. FABRITZ: Did you talk to anybody else besides
10 Thorry about it after the fact, about that conversation you
11 had?

12 THE WITNESS: I don't even --

13 MR. FABRITZ: I think --

14 THE WITNESS: Yeah --

15 MR. FABRITZ: -- you thought you might have
16 mentioned it to Thorry.

17 MR. MCMULLEN: Had that been mingling in the back
18 of your mind, mingling is not a word, but in the back of
19 your mind that the stories might have been different at all
20 during the course of these drives back and forth between
21 here and Tucson and working on -- I mean, to me, and I am
22 not you, I can't get in your head, but to me, I would be
23 concerned if I would have a phone call from Emil under these
24 circumstances, and I would want to ferret that out because
25 if my story might be different than the guy who was in the

1 field with me, I would want to, hey, time out, guys, we need
2 to figure this out. But was it working on you that way at
3 all?

4 THE WITNESS: Not really, and I think because if
5 Thorry, which I don't know exactly what he said, but if he
6 had been a little more wishy-washy or not mentioned that
7 Emil was there and I had, then I don't know, I have been the
8 one that was up front being like, hey, Emil was there, and
9 yeah, we kind of thought they were tracks. So I guess I
10 was, I don't know, on the safe end of it, if you will, if he
11 was the one that was trying to be like, well, we are not
12 really sure. And I was the one, like, yeah, we kind of
13 thought they were. I guess my own ass would have been okay.
14 So I didn't really worry about it too much, which isn't a
15 nice way to put it, but it is kind of --

16 MR. HOVATTER: No, no. I mean, it is pretty
17 clear.

18 THE WITNESS: So I wasn't, you know, I have been
19 truthful about it, so I wasn't really --

20 MR. HOVATTER: Michelle, I think you kind of know
21 part of the reason why you came, and we asked you that you
22 first question that first day about do you still think it
23 was an incidental take, and you were not nearly as convinced
24 anymore that it was. I would think things like this that
25 are of -- frankly, I kind of think, for what it is worth, I

1 like it, and I think mingling around in the back of your
2 head where you may not be able to reach back there and grab
3 it, it was still forming some of your thoughts and concerns
4 about this. And that is just my theory of brain function.
5 The brain is so poorly understood, nobody can really tell
6 what is wrong.

7 Anything else, guys?

8 MR. MCMULLEN: No.

9 MR. HOVATTER: Okay. Fly. Be free. Run away.
10 Run away.

11 MR. MCMULLEN: Drive safe.

12 MR. HOVATTER: But safely.

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CERTIFICATE

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I, Tammy Gillett, do hereby certify that the foregoing 45 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the 'digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona, this 27th day of July, 2009.

TAMMY GILLETT
Certified Reporter
No. 50480

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TRANSCRIPT OF INTERVIEW
JULY 13, 2009
MICHELLE CRABB
VOLUME IV

Individuals present at the Interview on 7-13-09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department,
Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Michelle Crabb

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1 MICHELLE CRABB,

2 pursuant to Garrity Warning, continued testifying as
3 follows:

4 EXAMINATION

5 BY MR. HOVATTER:

6 Q. You know, from my days when I used to be working
7 biology camps, what you described sounds kind of like
8 the -- most of the camps that I probably participated in.
9 I think part of the thing that we're trying to get to and
10 admittedly, you know, you're the first of the folks who is
11 actually out there on the ground that we have had in here,
12 so far everybody else was kind of necking down from that
13 more macro level. The thing that's going on that you very
14 likely weren't aware of, don't know, maybe if you were
15 that would really be useful to explore that, during this
16 same time frame while we kind of have this normal camp
17 going on, the -- there is an e-mail, a lot of flurry of
18 e-mail, that really seems to have this sense of excitement
19 about it. And we're trying to get at how that sense of
20 excitement, and you could interpret it as an anticipation,
21 you could interpret it as hope, as hopefulness. You can
22 interpret it in a lot of different ways but there
23 certainly is a sense of something different, not business
24 as usual. And it doesn't -- that just -- and it doesn't
25 seem like any of that translated to that field camp during

1 that week. And I'm just trying to figure out -- and it's
2 just not the way folks kind of normally compartmentalize
3 their lives. And I'm just trying to figure out if there
4 was -- how -- how that didn't translate out to the field.
5 And I don't know that you have an explanation for it at
6 all, but the -- did you get any sense at all of any sort
7 of -- I mean, I know you're -- were you aware at the time
8 that the drug discussion that was going on?

9 A. No.

10 Q. I know you had said you were aware after the fact
11 on some. But when you add in the track and you add in
12 going to get the dart rifle, putting yourself through, you
13 know, a rather grueling of driving, not yourself but I
14 mean someone putting themselves through that, you know,
15 there had been -- were you -- were you aware -- now you
16 talk about -- you've talked about the last confirmed
17 information be it from a couple years before, there were
18 photos from the previous summer, from the July, August
19 time frame of '08 there were photos of Macho B out in that
20 area.

21 So you add all of that together, it's
22 just -- it just seems odds that there -- that this
23 excitement that seems to run through, this very common
24 strand through all these communications, electronic
25 communications, isn't translating to that field camp. You

1 know, these folks in the field in a way that I don't. I
2 mean, were Thorry and Emil, did they have any, from the
3 time you worked with them on any of these other, did they
4 have a natural enthusiasm for the work?

5 A. Oh, yeah.

6 Q. Were they pretty non plussed by -- I mean, was
7 there -- I'm just wondering?

8 A. We see tracks and they were always, you know,
9 Thorry was always interested and excited in looking at the
10 tracks, you know.

11 MR. MCMULLEN: He's talking about jaguar. He's
12 not talking about bears and lions. I mean, obviously
13 we're here because a jaguar was caught. And there is no
14 question in my mind what question what Gary was asking and
15 so I would like to at least hear an answer from that
16 perspective. He's asking -- we're all here because of a
17 jaguar. He's asking about a heightened sense of awareness
18 that a jaguar was around and you're talking bear and lion
19 tracks. So I would like to get to the meat of it in the
20 context that Gary was asking.

21 THE WITNESS: When we saw the tracks the day with
22 Emil, yeah, I mean, you know, someone had taken -- that's
23 why I took pictures and stuff like that. And yeah, he
24 seemed excited. And Emil had said that we may be the only
25 Game and Fish people that had ever seen them or whatever,

1 that had ever seen jaguar tracks and stuff so --

2 MR. MCMULLEN: Ask it in a different way?

3 MR. HOVATTER: Sure.

4 MR. MCMULLEN: Okay. All right. Given the fact
5 that Emil, Janay, and Thorry retrieved a picture of Macho
6 B on Tonto Canyon on February 4th, given the fact that
7 they -- Thorry had to leave to go get a dart rifle, given
8 the fact that you found tracks of Macho B in the area
9 where you were snaring and then set a loop, set a snare
10 loop kind of around where he had been, given the fact that
11 dosages had been recently configured, given the fact that
12 we recently took the VHF off the jaguar collar, given the
13 fact that we know that you were cc'd in an e-mail string
14 in early February that there was some talk about needing
15 to do an EA checklist regarding to cover the Department in
16 the event of a capture of a jaguar, given the fact that
17 Emil had retrieved pictures of Macho B in this general
18 vicinity in January twice and thought it so exciting as to
19 e-mail all sorts of people with the good news, given all of
20 those factors, what we're trying to understand is how
21 could it possibly not have resulted in a heightened sense
22 of awareness of a likelihood to catch a jaguar while in
23 the field working with those men is what I don't
24 understand.

25 THE WITNESS: I don't know. They didn't

1 mention -- you know, they didn't mention the January
2 pictures. I never heard of them. I didn't hear about
3 them until the investigation, when the investigators, you
4 know, kind of half mentioned them. I didn't -- you know,
5 I didn't know about the picture on the -- from the, I
6 guess from the tracks that we had seen. I didn't know
7 that there was a picture from then. I didn't know that
8 they were discussing the drugs. I knew that he had gotten
9 dart rifle and, you know, that he wanted to get that.
10 Like I said, I just kind of dismissed it. Okay, he feels
11 more comfortable with it. Whatever. Go get it. Suit
12 yourself if you want to drive up there. I'm not. You
13 know, so he would go do whatever.

14 The EA checklist thing was from top, you
15 know, coming a different, you know, a different way from a
16 different person so that was just protocol paperwork kind
17 of stuff to me.

18 MR. MCMULLEN: When you -- when you -- so what
19 we're getting is there was absolutely no sense of
20 heightened awareness of capturing a jaguar despite the
21 fact that you saw a jaguar track and set up a snare 200
22 yards from it?

23 THE WITNESS: Well, we had the tracks and we saw
24 those but I mean there wasn't -- I don't know. It really
25 wasn't discussed that much.

1 MR. MCMULLEN: That much. Those are things that
2 are either discussed or not. What's not much? For the
3 that part that's not not much, what was that?

4 THE WITNESS: Well, I mean, obviously when we're
5 seeing them and looking at them, you know, that's when
6 Emil had mentioned that, you know, there are some other
7 cameras that someone else is checking and he was excited
8 about that. And that kind of, to me anyway, my point of
9 view was that, oh, it's going over there and, you know,
10 animals usually kind of run some kind of loop system or
11 whatever in their movements and I thought he hadn't been
12 seen in a few years and so he does have some crazy, big
13 territory like people thinks he does. You know, if he was
14 just here a couple weeks ago, why is he going to be here
15 much sooner?

16 You know, Thorry talks about his cougars and
17 they come around like once a month and that kind of stuff
18 and he's got this huge territory compared to a cougar. I
19 didn't think that we were likely to catch him. I thought
20 we were almost less likely because he had already passed
21 through the area.

22 MR. MCMULLEN: When you were recounting the
23 things that you thought in hindsight that didn't look good
24 in terms of when we asked -- when you were asked if the
25 capture was intentional or unintentional and you were

1 recounting the things that in hindsight didn't look good.
2 You mentioned drug dosages and retrieving the dart rifle
3 but you left out the fact that you found a jaguar track
4 and then set a loop of snares right in that vicinity. And
5 I wonder how come it wouldn't occur to you to mention
6 those as things that don't look good? You see what I'm
7 saying from my perspective? We're just trying to get to
8 figure out what -- what's going on here.

9 THE WITNESS: Yeah. I don't know. I wasn't
10 listening to every single thing I guess. I don't know.
11 We put more traps out because it seemed like everything
12 was messing with them and stuff and obviously you got bear
13 and lion tracks in the area and three quarters of your
14 snares have been messed with by people or animals and
15 you're not going to catch stuff. So it's like that step,
16 oh, let's add more snares. Well, yeah, they're all being
17 disabled so that didn't seem odd at the time. You know,
18 it seemed to make sense. Yeah. You've got coatimundi
19 ripping these a part we stick one over here and may be we
20 will actually have the opportunity.

21 MR. MCMULLEN: I understand what you're saying.
22 What do you think -- you are aware of the allegations made
23 my Janay Brun. Essentially that's what resulted in a lot
24 of these things, because I think Gary said many times
25 before that point we had no reason to believe anything

1 occurred, and we're largely still there, other than what
2 we had -- we were already aware of before she made those
3 allegations, but what do you think of those allegations
4 from Janay?

5 THE WITNESS: I don't know. I mean, I would
6 certainly like to think they are not true and that that
7 wouldn't happen. I guess I don't know of people using
8 scat at traps. I don't know that that is a common
9 practice. I have never heard of people talking about
10 doing that or anything.

11 MR. MCMULLEN: I guess I would like to hear you
12 answer the question.

13 THE WITNESS: I didn't see any scat out there. I
14 didn't put any scat out there. I didn't smell any scat
15 out there.

16 MR. MCMULLEN: The question I asked is what did
17 you think about those allegations?

18 THE WITNESS: Do I think they're true or --

19 MR. MCMULLEN: Yes.

20 THE WITNESS: I don't know.

21 MR. MCMULLEN: What gives you uncertainty?

22 THE WITNESS: I guess in hindsight looking at all
23 the other things that were going on during that time frame
24 that makes it look all the more worse, or whatever, that
25 she says it was that date and then Thorry happened to go

1 immediately and go get the dart rifle a few days later,
2 like that looks fishy and I understand that. And I guess
3 I would certainly like to think, you know, I've spent time
4 in the field enough and I always -- I think he's a
5 trustworthy guy and stuff.

6 MR. MCMULLEN: I do too. We all do. I'm just
7 curious, we know that all -- you've been instructed to
8 answer questions completely and thoroughly and truthfully,
9 but it seems to me there has just been so many
10 opportunities for you to be completely and complete and
11 thorough in answering these sorts of questions in getting
12 that out, I wasn't aware that the day that Janay said that
13 she dropped that -- the jaguar scat was placed was the
14 same day Thorry drove to Flag.

15 MR. FABRITZ: I wasn't either.

16 THE WITNESS: I said around there.

17 MR. MCMULLEN: But it seems to me to be something
18 that if we -- our goal is to have you be forthright and
19 answer the questions truthfully and completely which means
20 not partially but thoroughly. And it seems to me there
21 have been so many opportunities for you to get that out.
22 We're here about a jaguar and -- that was captured. And
23 so -- so back to Janay, let's answer again or try again
24 with what makes you uncertain with that, with whether or
25 not her allegation is true? Anything else besides the

1 fact that Thorry drove to Flag the same day that it was
2 alleged that she put jaguar scat --

3 THE WITNESS: Well, around that time.

4 MR. MCMULLEN: A minute ago you were sure that it
5 was the same day or it seemed like a definitive
6 statement. Was it the same day or not?

7 THE WITNESS: No. It was a few days later.

8 MR. MCMULLEN: What?

9 MR. FABRITZ: What came first?

10 MR. MCMULLEN: What was a few days later?

11 THE WITNESS: Well, the paper said that they had
12 done it on the 4th, or whatever, and he went on the 6th,
13 or whatever.

14 MR. MCMULLEN: All right. So what else about the
15 whole situation that you're aware of either before
16 February 18th or after that you learned subsequently makes
17 you unsure about whether or not the allegation is true?

18 THE WITNESS: I guess just, I mean, all the
19 details that make it look suspicious in general, the drug
20 talking, I suppose maybe in some way getting the collar,
21 certainly the dart rifle right in that time frame. I
22 think that looks odder to me but I hadn't really
23 questioned it at the time for reasons I've already said,
24 I guess.

25 MR. MCMULLEN: I was more directly asking about

1 what you thought about what factors made you unsure that
2 the allegations levied by Janay were not false? I just
3 want to flesh that out a little bit. You were unsure
4 about, and correct me if I'm wrong, but you were unsure
5 about whether or not the allegations by Janay were true?

6 THE WITNESS: Well, I have no way of specifically
7 knowing that, of course, but --

8 MR. MCMULLEN: And I guess we're not speaking the
9 same language.

10 MR. FABRITZ: But there is something -- there is
11 something -- I can read something -- there is something
12 inside of you that is making you hesitate. You're not --

13 THE WITNESS: Because I don't want to think that
14 they did it, you know. I would like to think that, you
15 know, that they are not like conspiring to do something
16 that they shouldn't be doing, you know.

17 MR. MCMULLEN: Were you aware of who had the
18 jaguar scat, who was in possession of the jaguar scat
19 before that early February trapping, snaring session?

20 THE WITNESS: No. I didn't know of any scat
21 being used on anything. I hadn't heard until I read the
22 paper that he sometimes used them at the cameras. I was
23 completely unaware of that before then.

24 MR. MCMULLEN: So given all the factors that I
25 mentioned about five minutes ago, the six or half dozen or

1 so, earlier when you were asked what you felt about the
2 investigation or about whether or not it was intentional
3 or unintentional and you thought it was unintentional, is
4 that still your feeling?

5 THE WITNESS: Yeah. I'm basically going to, you
6 know, trust my instinct of those people.

7 MR. MCMULLEN: I understand. That's fair.

8 Q. BY MR. HOVATTER: Let me ask you, you mentioned,
9 Michelle, in kind of -- a few minutes ago when we were
10 going through that I think that Emil was going -- had said
11 something about having somebody check some cameras further
12 out somewhere. When was that conversation -- well, I
13 guess, was that on the 5th?

14 A. Yeah.

15 Q. That's the only day you had. Did -- was
16 that -- was that a conversation you were having while you
17 were -- what generated that part? Was that at the tracks
18 or --

19 A. Yeah. That was at the tracks.

20 Q. Did he give an indication of which cameras or
21 what area he was going to be interested in having someone
22 go check cameras?

23 A. Well, apparently someone was checking them that
24 day, like they were already physically out in the field or
25 supposed to be checking them that day.

1 Q. Did he mention who that might be?

2 A. Not that I remember. I don't know.

3 Q. All right. Do you want to talk on that, or do
4 you want to move on?

5 MR. MCMULLEN: I've got a few.

6 MR. HOVATTER: Go ahead.

7 MR. MCMULLEN: There was some e-mails from Emil
8 talking about the need to keep -- to test the jaguar
9 collar just prior to that, February 10 through the 18th
10 snaring session, field session. And then discussion about
11 the need to keep the jaguar collar activated. Were you
12 aware of those discussions?

13 A. Thorry had mentioned only in the field that --
14 that the collars needed to be left on and we did that with
15 all the collars, with our bear and lions collars too as
16 though there was some kind of glitch that sometimes you
17 would turn them on, and North Star apparently sent a
18 message, I don't know to how many people or whatever, that
19 was my understanding is that they heard from North Star
20 that they recommended leaving the collars on and actually
21 checking them and stuff.

22 So like when Thorry and I were putting out
23 the bears later on that is what were doing too is leaving
24 the collars on and having someone check the website and
25 make sure that it was working.

1 MR. MCMULLEN: So the instructions that you got
2 or the information that you had was that you were keeping
3 the jaguar collar activated in addition to all the other
4 collars?

5 THE WITNESS: Yeah.

6 MR. MCMULLEN: Are --

7 MR. FABRITZ: And that was from Thorry?

8 THE WITNESS: I think that's originally who I
9 heard it from, but I know, like, I mean that's what we do
10 with the collars. That's standard procedure at this
11 point.

12 MR. FABRITZ: But you didn't hear that from
13 anybody else besides Thorry I guess I should say?

14 THE WITNESS: During that when we were out in
15 field I think it would have just been him, I think. I
16 don't know if Kirby had mentioned anything or whatever or
17 not.

18 MR. MCMULLEN: Friday you mentioned that you
19 understood when you were asked about what -- what was it
20 like when the jaguar was caught or had been caught or what
21 was it like when you went out there, and you said -- one
22 of the things you mentioned was that you understood that
23 jaguars fight when they are captured. How did you become
24 aware of that kind of knowledge? What was the context of
25 that discussion? What I'm trying to figure out is how you

1 got in possession of that knowledge if there was never any
2 discussion about jaguar, never any heightened sensitivity
3 about catching a jaguar, never any thoughts about catching
4 a jaguar, how did you come into possession of the
5 information that jaguars tend to be aggressive when they
6 are captured?

7 THE WITNESS: I'm trying to think who I learned
8 that from. I guess at some point I think it may have been
9 Thorry at some point in time mentioning that -- mentioning
10 something about Emil being on a capture down in Mexico or
11 something and them being expressive but it wasn't like a
12 long conversation or anything. It was just kind of a
13 tidbit of information.

14 MR. MCMULLEN: Kind of a dangling participle,
15 just kind of out of the blue, just jaguars tend to fight
16 when they are captured and there was no preceding context
17 or --

18 THE WITNESS: I think I was talking about trap
19 behavior in general because we had done the lion and, you
20 know, I was curious how bears react, how they generally
21 act, or mountain lions if they are always -- because, you
22 know, the one I had caught with Emil had been kind of
23 backing away. So I had been asking, do they always do
24 that? Do they ever charge you? Because people are always
25 like, oh, be careful, you know, and whatnot, and which, of

1 course, you should be, but I was trying to figure out like
2 do most of these things charge you? Are they trying to
3 get away from you? So I think that was just, oh, and this
4 animal does this and because I was asking about different
5 animals. What you do if you caught a cow and how to
6 prevent catching that stuff. So it was kind of in that
7 context as opposed to a jaguar conversation.

8 MR. MCMULLEN: Yeah. Under the conditions where
9 this is a bear and lion study and there is no heightened
10 sensitivity to the presence of jaguars or the possibility
11 of capturing a jaguar, how did -- it seems to me like --
12 how did you guys come to the need to talk about whether a
13 jaguar, how a jaguar behaves in a snare?

14 THE WITNESS: Well, we certainly knew it was at
15 least a possibility. I mean, I had asked, you know -- I
16 knew that from before when I think we got in the field
17 that, you know, southeast Arizona is where they had been
18 seen before and stuff like that. So I had asked long
19 before the February time frame, or whatever, if we knew
20 what to do if we caught one, as I was asking if we knew
21 what to do if we caught other things too. So it was
22 simply it was a possibility, you know, the EA checklist
23 and stuff. So we knew that it certainly was at least a
24 remote possibility.

25 MR. FABRITZ: Would that have been in the fall?

1 THE WITNESS: I don't really remember. You know,
2 I had been asking any time we were out in the field trying
3 to just get more information about doing it. At some
4 point I'm going to be out there by myself and I would like
5 to have some opinion of other people, like, oh, well, what
6 if we catch a deer? Well, traps are kind of designed so
7 you don't. You usually have a reference book and there
8 are dosages. So just trying to gauge what to do when
9 you're out there in that situation.

10 MR. MCMULLEN: And in even the context in light
11 of that conversation and the rest of the others that it
12 never dawned on you as a trained biologist that there was
13 an increased likelihood of capturing a jaguar? I now
14 understand I'm asking hindsight.

15 THE WITNESS: No. Just because we mentioned that
16 or mentioned the other things, no.

17 MR. MCMULLEN: I know that from, you know,
18 knowing trappers and being aware of trappers and stuff
19 like that, some of them, having worked trappers in the
20 course of my duties, I know that lures like urine or scat,
21 even if you find a lion scat 100 yards away from a likely
22 snare site, it's worth while and, in fact, most people who
23 are trapping if they see a lion scat or a bobcat scat, if
24 they are after a bobcat, they are going to pick it up and
25 put it in a bag and relocate it to where they are trying

1 to trap whatever animal it is. And we're just trying to
2 do a little follow up from Friday, and we asked you on
3 Friday if you were aware of any lures on a typical snare
4 set and you said, no, a trail set is a trail set. And I
5 may be wrong in my recollection in answering that it was
6 no, we didn't use any snares or any lures on any of these
7 snares but didn't Lion Number 1, wasn't it captured at a
8 straight in a saddle not on a trail set?

9 THE WITNESS: It was a trail that went over. It
10 was just kind of a bend in the wash so it went up and
11 over.

12 MR. MCMULLEN: Oh, okay. Were there any other
13 sets other than trail sets? Like cubbies you don't
14 usually use for a cat but on a scrape line that's on a
15 scrape in a saddle not on a trail were there any others?

16 THE WITNESS: They were all on trails.

17 MR. MCMULLEN: And were there any -- so the
18 answer is there was never any urine or scat used to --
19 to -- as lures on any of the snare sets?

20 THE WITNESS: Right. We had talked -- Thorry and
21 I had talked about in one area a little bit of, because
22 there was a lot of illegals and cattle and thought
23 about -- we talked about using a pie plate to -- we didn't
24 ever wind up running those. We had talked about using a
25 pie plate to try to get the cat to go around the other

1 side of the tree to keep them away from the cattle so we
2 weren't setting it right there but nearby, and we
3 discussed maybe using that.

4 MR. MCMULLEN: [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 THE WITNESS: [REDACTED]

15 MR. MCMULLEN: [REDACTED]

16 [REDACTED]

17 THE WITNESS: [REDACTED]

18 MR. MCMULLEN: [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 THE WITNESS: Not specifically if we caught

22 one -- you know, I mean we asked -- I asked Thorry if we

23 knew what kind of drug dosages to use or if we had that,

24 so he said he had that information.

25 MR. MCMULLEN: I'm wondering how come it wouldn't

1 occur to you to answer that question that way when you
2 were asked it the first time? I just -- I don't -- you
3 were asked if you ever received any guidance regarding a
4 jaguar, I mean, why wouldn't it have occurred to you to
5 mention that then? I'm just trying to get a feel for
6 where we are.

7 THE WITNESS: I don't know.

8 MR. MCMULLEN: Okay. Okay. On Friday you were
9 asked if there was any discussion about increased jaguar
10 activity in late January and you answer the question by
11 saying that Emil thought they were jaguar tracks but you
12 never really answered the question which was, was there
13 any discussion. The question was was there any discussion
14 about the increased activity in late January, early
15 February, specifically late January, but you didn't answer
16 whether or not there was discussion. You just said Emil
17 thought there was jag tracks. I'm wondering if we can go
18 back to that and have you answer the question if there was
19 discussion around that.

20 THE WITNESS: Besides when we were out in the
21 field looking at those tracks, no. There wasn't
22 discussion of cameras or pictures or what to do if we
23 caught one besides at some point in time me asking if we
24 had the dosages and stuff.

25 MR. MCMULLEN: That's some discussion.

1 MR. FABRITZ: How did the dosage thing come up?
2 How did that come up?

3 THE WITNESS: Same kind of thing like when I was
4 just asking, you know, about other animals and what we
5 might catch and people were bringing up the EA checklist
6 and other things, and I was like, well, do we know what to
7 do if we catch one because I wanted to know if we --

8 MR. FABRITZ: But did you specifically say, what
9 do we do if we catch a jaguar, or did you say what do we
10 do if we catch something else, do you remember?

11 THE WITNESS: Well, it wouldn't have just been
12 something else but I, you know, in the same kind of
13 context of asking what do we do if we catch a deer? And
14 then with the EA checklist and all those things going on,
15 I asked if we knew what drugs and had a dosage. It wasn't
16 just a general, what do we if we catch one. It was, do we
17 have the drugs and dosages for the animal, and he said
18 that we did.

19 MR. MCMULLEN: Based on your knowledge of, and I
20 know you haven't studied it, but based on your knowledge
21 of cat behavior or whatever discussions you had with
22 Thorry or certainly a person who is relatively new to this
23 line of work is going to be asking questions of people who
24 know how to do it. You were in the presence of two really
25 accomplished biologists who know a lot about cat behavior,

1 both of whom have caught many. Did it ever come up that a
2 cat is more likely -- earlier you mentioned that you guys
3 didn't think you would catch a cat because its tracks
4 were there. The reason you didn't think you would catch
5 it is because its track were there. And are you aware, is
6 it more likely to get a cat to stick around in an area if
7 you use scat or not? Do you know the answer to that?

8 THE WITNESS: I mean, I could -- officially, no.
9 I would guess perhaps.

10 Q. BY MR. HOVATTER: I wanted to switch gears for a
11 minute. There is a bunch of the e-mail traffic back in
12 the beginning of December reference a meeting Fish and
13 Wildlife Service is calling to get at looking at large
14 carnivores, cross border activities of large carnivores,
15 very much in the same mode as the large carnivore habitat
16 connectivity study. It's in the context of potential
17 funding for Department of Homeland Security monies for
18 fence monitoring. And the meeting was to occur on the 9th
19 and Kirby starts putting together an effort to have a
20 meeting on the 8th of mostly Department folks and some
21 others to kind of flesh out where the Department's
22 perspective, what the Department's perspective is.

23 Now you're invited on that e-mail chain to
24 come to that meeting. It's in Tucson is where the meeting
25 is going to be. Did you have -- did you, in fact, attend

1 a meeting then in early December on that? Do you remember
2 that? There was -- we -- our meeting and then the next
3 one was going to be with the Feds. Did you go to that one
4 also?

5 A. Yes.

6 Q. In your -- now Emil was invited to that meeting.
7 Did he, in fact, attend?

8 A. I think he was at one of them.

9 Q. And Jack Childs was invited, a guy named Travis
10 was invited. We had a bunch of other -- I think Todd
11 Atwood. Do you know Todd?

12 A. Uh-huh.

13 Q. I understand he was invited. Do you remember if
14 he was there?

15 A. I think he may have been over the phone.

16 Q. Yeah. Yeah. You're right because there were
17 several -- well, it was unclear to me. There were several
18 folks were going to attend over the phone but it wasn't
19 clear who. It was kind of like thrown out if you need to
20 attend over the phone you can do that. Also a guy named
21 Stewart Breck from AFIS.

22 A. Uh-huh.

23 Q. Do you know Stewart?

24 A. Yeah. I have met him at the meetings.

25 Q. What's your memory of that meeting? It's about

1 large carnivores. It's very much in -- you have already
2 gone through kind of a run of that in that October, well,
3 actually I guess November, December time frame is guys --
4 most of that trapping, I guess, occurred in that November
5 time frame. But what's your memory of that meeting, even
6 further back than the ones we were asking you to remember
7 to this point?

8 A. Well, the one -- I mean, yeah. The one was in
9 the Tucson office and the other one was in the Fish and
10 Wildlife Service office kind of downtown area. The one in
11 the downtown area has got like everybody there, you know.
12 It has all the border, you know, the border patrol
13 spokesman type guy. It's got the tribes there. It's got
14 Fish and Wildlife, Forest Service, USGS, everybody. There
15 was just a gazillion people there. And like it didn't --
16 it didn't seem as much of a funding thing. You were
17 trying to, you know, knock down, trying to get from the
18 border patrol guy like where the fence is being put in and
19 stuff like that so we know in relation to our animals.
20 Even though our thing is more of a Sky Island thing,
21 certainly the border fence is within that area.

22 Some people had wanted to try put it in
23 where there wasn't a fence but they were going to build a
24 fence and that seemed like a huge moving target. So I
25 know we were somewhat trying to nail that down or trying

1 to get a map and try to figure that out. There were a lot
2 of people -- you know, we gave -- Kirby gave a brief
3 update of what our, you know, where we were on things.
4 And I think Stewart and stuff, they were trying to get
5 money through different avenues to help with collars and
6 that sort of stuff.

7 Q. Was -- is your memory -- in those two days of
8 discussion where we got to all these folks gathered
9 together about large carnivores, and you can even see in
10 some of the language they talk about, they don't use the
11 term surrogate but you can kind of see they talk about
12 other species that this study might enable us to know more
13 about in the context of large carnivores. Do you have any
14 memory of any discussion of jaguars during either of those
15 meetings?

16 A. Not really, no. I mean I think a few people may
17 have said that, you know, we could maybe use the lions as
18 a surrogate thing but beyond that, no.

19 Q. The -- they did -- you know, interestingly, the
20 discovery of the July and August 2008 photos occurred just
21 about three weeks before that. It was announced on about
22 the 12th or 13th of November. Then you get into this
23 meeting here, again, about three weeks later, and many of
24 the same people that were in the notification loop, you're
25 not one of them, for the meeting later on are in the

1 notification loop for these new jaguar photos. And you
2 know, I kind of, as I was looking through some of the
3 traffic and everything, it was just kind of intriguing
4 again that we have all of these folks together, and I, of
5 course, wasn't even aware that that meeting was going on
6 at the time. So I guess, again, it's -- did you hear
7 any -- have any memory of ever hearing any discussion of
8 the fact that there were relatively recent -- relatively
9 recent announcement, although somewhat distance in time,
10 confirmation of jaguar activity along the border?

11 Going to the 16th of February, when you got
12 up there on the 16th, when did you -- how long did you
13 stay out after you got there on the 16th? Obviously I'm
14 really interested in the 18th too, but I'm really more
15 interested -- you get out there on the 16th. When do you
16 finally come back from the field?

17 A. I went back in that same day. I went out there
18 for the day.

19 Q. On the 16th?

20 A. Right.

21 Q. Okay. Came back out?

22 A. Yes.

23 Q. And then went back in on --

24 A. On the 18th.

25 Q. On the morning of the 18th, and after that how

1 long were you out there after that?

2 A. Came back -- well, I went -- I was out there on
3 the 19th and we came back and we didn't go back out in the
4 field then for awhile.

5 Q. So you were out there the 16th for a day,
6 essentially a day trip, went out, what, the morning of the
7 16th?

8 A. Yeah. Checked traps.

9 Q. Did you meet Thorry there?

10 A. Yeah.

11 Q. He was already out there ahead of you?

12 A. Yeah. He would have set the traps the day before
13 I believe.

14 Q. So the same trap -- now is this those seven
15 traps?

16 A. And the ones at Ruby.

17 Q. And the ones at Ruby. But for this particular it
18 was those original four?

19 A. Uh-huh.

20 Q. Plus the three that you added back earlier in the
21 month?

22 A. Uh-huh.

23 Q. No other new ones?

24 A. Hu-huh.

25 Q. Did he have the rifle and the pistol again at

1 that time?

2 A. Yes.

3 Q. Both of them. Have you done any trapping with
4 lion or bear with Thorry since all of this?

5 A. Yeah. A little bit with the bear for the short
6 window that we were allowed to.

7 Q. Where were you guys doing that?

8 A. In the Huachucas.

9 Q. When was that, do you recall about when?

10 A. The end of March.

11 Q. The end of March?

12 A. End-ish. We caught them on the 24th.

13 Q. So about a month and a half after the original
14 capture, thereabouts?

15 A. Yeah.

16 Q. Was he still carrying the rifle and pistol both
17 when you guys were doing that trap?

18 A. No. Actually, you know, I don't remember. He
19 might have. I know we had the blow dart stuff then too.

20 Q. Had the blow dart. Was it more normal to use
21 blow darts for the bears?

22 A. No. I think -- well, I don't think Thorry had
23 done a whole lot of bears. I know Kirby usually used the
24 pistol is my understanding. But it was in a culvert so we
25 thought since it's such close range.

1 Q. What would be your preference?

2 A. If it's in the culvert I like the blow dart. I
3 think that's better, have a little more control. You
4 know, a lot more control over getting it in there than
5 blasting.

6 Q. You don't remember, though, if Thorry was still
7 carrying the rifle and pistol both then?

8 A. Well, the traps were all really close to roads,
9 relatively close to roads, so you're not carrying all of
10 your equipment out there. You kind of check the traps and
11 if you get something you go back.

12 Q. So you may be inclined to just walk back, get
13 something, and then come back?

14 A. Yeah. We never carried, maybe a can of pepper
15 spray in case there was, you know, mom and cubs or
16 something.

17 Q. Yeah, that would be exciting, wouldn't it? So
18 the -- you go out the 16th, out and return. And then you
19 go back out on the 18th. And you come back on the evening
20 of the 19th?

21 A. Yeah.

22 Q. So --

23 A. I think I came back on the 18th too.

24 Q. Oh, so you went out -- and coming back, all the
25 way back to Tucson?

1 A. Yeah. Because I had planned just to go -- on the
2 18th I had planned just to go out and check traps and I
3 had class in the afternoon so my dog was locked up in the
4 house by herself.

5 Q. So in and out on the 18th and in and out on the
6 19th?

7 A. I had come in on the 16th, because on the 17th I
8 had a prong horn telemetry flight.

9 Q. So you're in all day the 17th, went back. Okay.
10 16th, just you and Thorry? Anything notable about that
11 day for you?

12 A. Nothing that I remember, no.

13 Q. Did you -- any tracks, lion, bear, or jaguar
14 tracks?

15 A. I know we hadn't seen any other jaguar tracks. I
16 don't really recall. I know there were a few times that
17 we had seen lion tracks over trapping I think.

18 Q. Did you have any discussion before you headed out
19 about any special thought of precautions or anything that
20 you were going to check these traps or was it just another
21 trap day?

22 A. Just another trap day.

23 MR. MCMULLEN: Back real quick. I don't mean to
24 break your train of thought.

25 MR. HOVATTER: No. Go ahead.

1 MR. MCMULLEN: Gary was trying to ask if you --
2 if Thorry had -- still had the dart rifle with him when
3 you guys are just trapping bears. The question he was
4 trying to get at was did he still have the dart rifle, and
5 you said you didn't carry your stuff into the field.
6 Well, the truck counts. I mean that's your field -- did
7 he have the rifle in the truck?

8 THE WITNESS: I don't know if he did or not.

9 Q. BY MR. HOVATTER: Didn't catch anything on the
10 16th?

11 A. Right.

12 Q. No bears or lions. Emil is in Spain. Nobody
13 else is out there but you two on the 16th. No Janay
14 Brun. Have you ever met her?

15 A. Hu-huh. I don't think so.

16 Q. Okay. So now it's the 18th. About what time did
17 you get out there? We got to pour into this day a little
18 differently.

19 A. Probably right around sun up time again, a little
20 bit after.

21 Q. Was that pretty standard to try to get there
22 about then?

23 A. Yeah. I mean you don't want to get out there
24 right at the hint of light. You want to wait a little
25 bit.

1 Q. Yeah.

2 A. A little bit after sunset.

3 Q. So walk me through what you remember of that
4 day.

5 A. That I had gotten there before Thorry had. He
6 had been staying at Ruby, or whatever, and since he wasn't
7 there and I wanted to try to check the traps quickly
8 because I wanted to get back to class, that I went ahead
9 and checked the kind of one to the northeast, that trap,
10 separate. So I went up and checked that trap by myself
11 and came back. There was nothing in it.

12 Q. Any sign of anything anywhere?

13 A. I don't think so. I don't recall seeing any
14 tracks or anything.

15 Q. Go ahead. I'm sorry.

16 A. So then I check that one and came back, and then
17 I think Thorry got there within a minute or two of when I
18 got back from checking that one.

19 Q. And have you ever thought about what it would
20 have been like if you decided to check that other trap
21 first and gotten to the jaguar all by yourself?

22 A. No.

23 Q. Now did you carry any guard equipment when you
24 went up to do that?

25 A. No. Thorry had that stuff.

1 Q. So if you had found something you would have just
2 done what?

3 A. I would have just backed off and waited for
4 Thorry to get there. Kind of approach slowly, make sure,
5 you know, if something is in there or not.

6 Q. In the time between the 9th and you're going up
7 there on the 16th and then later on the 18th, were there
8 any conversations by phone or e-mail between yourself and
9 Thorry, Emil, Kirby that related to jaguar at all?

10 A. Hu-huh.

11 Q. Did you have any communications about it in the
12 other aspect of the work you were doing with any of those
13 individuals?

14 A. Besides, you know, making the schedule or, you
15 know, deciding what days people could go out, I don't
16 think so.

17 Q. Who did you do that coordination with?

18 A. Most of that was trying to figure out Thorry's
19 schedule.

20 Q. So was that mostly between you and Thorry or did
21 Kirby get involved or --

22 A. On selecting actually physically days we were out
23 that week it was probably more Thorry because of his
24 wife's schedule.

25 Q. So we're out there on the 18th. You're at the

1 trucks. You're at Deer Valley Ranch. You've checked the
2 one trap. You're getting ready to head. Did you take the
3 same route that you normally took to check the traps then
4 up over that little saddle and then back down?

5 A. Yeah. Down that road and around.

6 Q. Okay. So you head down. Walk me through from
7 the time you leave the truck until you find the jaguar to
8 the best of your memory.

9 A. Well, we had gone -- once we hit the wash and we
10 walked down we, you know, slowly approached that first
11 snare and it's been pulled out of the ground by a person.
12 It's not even been, like, set off, or whatever. It's just
13 physically been pulled off. And Thorry is pretty
14 frustrated because we had been having people mess with
15 them and the animals messed with them and stuff and there
16 were actually -- it wasn't right like within an inch or
17 two of the snare but right in the vicinity of that snare
18 on that trail there were jaguar tracks.

19 Q. That morning?

20 A. Yes.

21 MR. FABRITZ: Which morning was this?

22 THE WITNESS: The day of the capture.

23 Q. BY MR. HOVATTER: The morning of the 18th, the
24 recapture. Now who was leading, you or Thorry?

25 A. Probably Thorry.

1 Q. Thorry. Was he the one -- who noticed the tracks
2 first?

3 A. He did.

4 Q. Now did he identify them as jaguar?

5 A. We didn't really spend that much time with them.
6 We kind of thought that it was a possibility so we wanted
7 to see if anything was in the traps.

8 Q. Did you photograph those tracks?

9 A. We did later.

10 Q. You did later? So is it your memory that when
11 you saw them going in they were identified as jaguar
12 tracks or were they just tracks?

13 A. We thought there was a high likelihood they were
14 jaguar tracks.

15 Q. Because of?

16 A. Just because they were big. We didn't spend much
17 time analyzing or getting close up with them. It was
18 more, those are really big tracks and they are fresh and
19 they are going down the wash so we just hurried.

20 Q. How do you determine -- when you think -- when
21 you are thinking about fresh, how do you -- do you feel --
22 how confident are you in your skills for determining fresh
23 track versus an older track?

24 A. You know, in a sandy wash I don't think I'm very
25 good. I'm new to that. Another substrate like snow I

1 feel much more confident on doing that. But just looking
2 for debris, you know, how kind of, you know, the winds
3 kind of blow or blow the sand down. It's kind of coarse
4 material too so sometimes they are kind of hard to see.
5 You can kind of tell by the overview pictures, depending
6 upon your lighting. So I guess debris and there are other
7 tracks on top.

8 Q. So it's your assessment that they were fresh?

9 A. Yes.

10 Q. Based on that kind of triage of those sort of
11 factors?

12 A. Yeah. You know, they were pretty crisp, the
13 sides and stuff.

14 MR. FABRITZ: Did they look as fresh or fresher
15 than the ones you saw back on the 5th?

16 THE WITNESS: They looked fresher, I thought so,
17 yes.

18 Q. BY MR. HOVATTER: All right. So you see the
19 tracks. How long after you see the tracks do you get to
20 the trap?

21 A. The first trap?

22 Q. Uh-huh.

23 A. Within a minute or so.

24 Q. Okay. So you get to the first trap.

25 MR. MCMULLEN: I'm just curious, when you are at

1 the trap that he nearly stepped in, did you guys think to
2 pull that trap or spring that trap so there is no chance
3 in catching it?

4 THE WITNESS: That's the one the person had
5 already disabled. They had already pulled it out of the
6 ground.

7 MR. MCMULLEN: Sorry.

8 Q. BY MR. HOVATTER: So you get to the first trap.
9 Now what?

10 A. We --

11 Q. You're pissed.

12 A. I don't know, after we saw the tracks I was like,
13 oh, my God. I didn't know if I wanted -- You know, I
14 don't know if I want the thing in the trap anyway.

15 Q. Why was that?

16 A. I mean any trapping experience is always -- you
17 are always nervous about catching. I mean, you want to
18 catch things but when you do you are always concerned
19 about the animal and that. And I just knew a jaguar would
20 heighten that a thousand times for a lot of reasons. So
21 you want to always but you always don't want to in some
22 ways too.

23 Q. Had you -- and I'm sorry I'm kind of flipping
24 back and forth. Going back on that 5th through the 9th
25 we've talked about there is no particular sense of the

1 impending during that thing, but when there -- what talk
2 there was about the jaguar was -- did you -- had you
3 heard -- was -- about Macho B, had you ever heard of Macho
4 B before?

5 A. Yeah. The Wildlife Society meeting that was the
6 main, national one in Tucson I had gone to the talk on the
7 jaguar.

8 Q. Did Macho B -- we talked about jaguars during
9 that 5th through the 9th but did Macho B come up
10 specifically at any time in your memory during that time
11 period, the 5th through the 9th?

12 A. I guess when we saw those tracks that it might be
13 Macho B's but I guess he's the only one that walked around
14 really.

15 Q. Who was kind of guessing that that is who it
16 might be?

17 A. Emil.

18 Q. Emil. Did you ask anything about -- did you
19 have -- know how old Macho B was estimated to be at the
20 time you were working this?

21 A. Not really, no. I mean, I guess, you know, from
22 the Wildlife Society meeting I knew obviously he wasn't a
23 kitten if they were talking about him there. But, no, I
24 didn't know what year he had been seen or any of that kind
25 of stuff. I hadn't remembered that from the talk.

1 Q. So now we're back to the 18th. You have passed
2 the traps that's been pulled out of the ground. Now what?

3 A. We just kind of hurried along.

4 Q. You said you hurried. Was that -- was there --
5 did -- I mean, was it a noticeably different sort of rate
6 of march than you were used to doing say back from the 5th
7 through the 9th?

8 A. Yeah.

9 Q. Was that because -- what was the reason for that
10 hurrying?

11 A. Because of the fresh tracks in the wash.

12 Q. All right. Good enough. So you're -- now,
13 again, I'm going to let you leave that first trap
14 finally. So you've left that first trap. Now what?

15 A. So we hurry along the trail. We get to the area
16 of the next snare and kind of slow down and we're kind of
17 looking and it takes us a little to see him because it is
18 amazing how much that little spotted thing can be kind of
19 camouflaged in there. And then first saw the spots, I
20 think I might have seen it -- I think I might have been
21 the first person to finally say something.

22 MR. FABRITZ: What did you say?

23 THE WITNESS: Probably holy crap or something
24 along those lines.

25 Q. BY MR. HOVATTER: That seems appropriate. I'm

1 not sure there is a script for how you deal with catching
2 a jaguar.

3 A. Right.

4 Q. Okay. You get any sense of Thorry's response to
5 having captured this animal?

6 A. He seemed surprised, excited, a little concerned.

7 Q. What was his -- do you have any idea of the
8 source of his concern?

9 A. I guess because he wasn't acting like
10 people -- we had heard people had said that he would, that
11 he wasn't very responsive to us as opposed to what you
12 heard, you know, that they charge people and do all these
13 other things, that he just didn't respond very much to us
14 at all.

15 Q. What caused that concern? I mean that he wasn't
16 behaving that way what did he fear? Did you get any sense
17 of what Thorry's fear was by the cat behaving that way?

18 A. That something would be wrong or whatever.

19 Q. What were the sorts of things that -- what's kind
20 of the short list of things that potentially you would
21 worry about if an animal is not behaving the way you would
22 expect in a trap?

23 A. Well, I don't know. We hadn't really -- we
24 didn't discuss it at the time at all, just that it's
25 injured or I guess.

1 Q. Okay. I think we already had talked on Friday,
2 we talked through kind of how you handled and dealt with
3 the animal. We talked about whether you had noticed that
4 leg wound, and we talked about the tooth, some of the
5 other things. Did you happen to notice by any chance
6 about the, you know, they found a javelina tooth in his
7 tail?

8 A. No.

9 Q. Unfortunately when we were skinning him out for
10 the after the euthanization he had a -- a javelina had bit
11 him in the tail and left a tooth behind.

12 A. Huh. Kind of cool.

13 Q. Okay. So he is released back into the wild. You
14 talked about that you guys kind of -- you followed him for
15 a while, watching him while he was --

16 A. We didn't really follow him much, no. We just
17 kind of -- we got a -- we got a decent vantage point. I
18 think we had gone down the trail just a little bit farther
19 until we had kind of a longer view of the wash and kind
20 of, you know, wobbles and starts wobbling less and less,
21 and when he finally walked out of sight he was walking
22 slow but he had stopped falling down and doing those kinds
23 of things that they we do when they wake up.

24 Q. Did you -- I think I asked you this but I can't,
25 quite frankly, Michelle, I can't remember the answer. Did

1 you have the VHS receiver with you at that time?

2 A. Yeah. I think we would have had the receiver to
3 check the other collars.

4 Q. Was that normally a part of your carry equipment,
5 the VHS receiver?

6 A. Yeah. Yeah. To make sure your collar is working
7 properly.

8 Q. Do you recall that you used that to see if you
9 were getting a signal out of Macho B's radio?

10 A. We had taken the radio off.

11 Q. Oh, I'm sorry. Yeah. Never mind. Okay. So
12 he's on the move. Did you have any conversation, you and
13 Thorry, about how you were going to get GPS data back?

14 A. I knew or my understanding, I don't know when it
15 was discussed or whatever, that Emil had the passwords and
16 stuff, that we didn't.

17 Q. So Emil. Okay. And then when you went back out
18 on the 19th what was that to do?

19 A. We had made -- we tried to make some casts and
20 stuff of the prints.

21 Q. Did that come out?

22 A. Most of them didn't turn out very well. I wasn't
23 familiar with doing that in such a, like a wash with that
24 kind of sand. Wound up picking up a lot more sand than
25 what you want. Some of them turned out okay but nothing

1 really nice. And I don't think I ever went to Ruby.

2 I knew we had shut down all the other
3 snares. I'm not sure when the ones in Ruby were shut
4 down, if Thorry did that after I had left or if he did
5 that Thursday morning. I'm not sure.

6 Q. So when you left on the 19th had all of the
7 snares been taken out of service?

8 A. Yes.

9 Q. Did you collect them up or just unspring them and
10 leave them?

11 A. They were still out there. They were sprung or
12 whatever. They were covered up and stuff.

13 Q. And was that shut down because of the capture?

14 A. Yeah.

15 Q. Who passed that guidance to you guys?

16 A. Well, certainly for the ones in the wash that he
17 is with, I think that's kind of standard procedure because
18 you don't want to catch the same animal right away.

19 Q. What about the other snares out in the area? Was
20 that -- I mean, I've asked and you said they had all been
21 shut down and I was just -- was that normal SOP to shut
22 all of them in the snare line down like that to let the
23 animal clear the area or something or were there more shut
24 down than normal or --

25 A. I'm trying to think what we did when we caught

1 the lion. That's the only other animal I've ever caught
2 on a trap line like that. I don't remember what we shut
3 down for that one in November. I remember that was the
4 only other one I had done so. I certainly know that they
5 usually close, you know, the immediate vicinity ones for
6 sure.

7 Q. So after, pardon me, after -- it's not you. It's
8 just been a long day already.

9 After the 19th, did you go back out in that
10 area for any work? Have you been out there since the
11 19th?

12 A. Yeah. We were on the -- I think Thorry and I
13 were out further to the east, trying to remember exactly
14 when we had been out there because we had looked at sites
15 I think during one of the trappings sessions and we had
16 put a few in the ground but never armed them.

17 Q. When would that have been?

18 A. Looks like on the 23rd of February.

19 Q. But that was to the east, that wasn't in that
20 snare set?

21 A. Right.

22 Q. Now was there any discussion of what you guys had
23 just gone through? I mean, you are the first two people
24 together to catch and collar and release a jaguar in the
25 in the United States in history. Was there any

1 conversation about that, any sense of --

2 A. Well, yeah, that it was a once-in-a-lifetime
3 thing and that we were excited. You know, I mean --

4 Q. Well, what kind of conversations did you have
5 about that? I mean, by this time, you know, were you
6 getting access to the location data and all that was being
7 sent by Emil?

8 A. No. I wasn't party to most of that. Eventually
9 I got a few of them, but no, I wasn't on the regular list.

10 Q. Was Thorry?

11 A. I think so, yeah.

12 MR. MCMULLEN: You know who all had the password
13 to the North Star website for the jaguar collar in our
14 outfit?

15 THE WITNESS: I don't know that any of us do.

16 Q. BY MR. HOVATTER: Were you -- was there any
17 sense -- you were out there on the 23rd. Were you out
18 there any other time -- were you out there at any other
19 time with Thorry working in the field between then and the
20 recapture on the 2nd of March. You're out there the 23rd?

21 A. Yeah. I don't think so.

22 Q. Have you had any conversations with Thorry about,
23 I mean where you kind of have gotten together, I mean, you
24 captured this animal and, you know, this -- contrary to
25 everybody's hope we had to recapture and euthanize him.

1 Did you have conversations with Thorry about this? I
2 mean, do you have any sort of proprietary sense of
3 ownership on that? I mean, you two were the ones that
4 caught him. I don't mean ownership of the outcome. I am
5 talking about ownership of the fact that that animal was
6 part of a historic event?

7 A. It kind of seems -- I mean, I almost didn't go
8 out in the field that day because I had class, so you
9 know, I don't really think ownership in it at all. It
10 just kind of seemed like dumb luck that I had gone that
11 day. Hindsight it doesn't really look like luck anymore.

12 Q. What's it look like?

13 A. Nightmare.

14 Q. So a bad one. Unluck.

15 A. I guess. I thought it was an early birthday
16 present. Not so much. No, because, you know, I didn't
17 pick the site, you know, I didn't put the snare in. I
18 didn't know about the drugging. So no, just kind of feel
19 like I was -- that I got to be there more than anything
20 else. I wasn't making the calls, I guess.

21 Q. You and Thorry have an opportunity to do any kind
22 of retrospective thinking together about the event?

23 A. Not really, no.

24 Q. We were kind of clammed up but we didn't really
25 clam up until April so --

1 A. Right. We really hadn't spent that much time
2 together. We were around a little with each other for
3 that bear capture, but other than that, we hadn't been out
4 in the field together or anything.

5 Q. Did you ever meet Emil since that time?

6 A. No.

7 MR. FABRITZ: How about contact with Emil, did
8 you get any opportunity to converse with him online or
9 anything or own the phone after the capture?

10 THE WITNESS: Well, like immediately after the
11 capture, the next day or whatever we talked on the phone
12 for a bit. He wanted to know about the capture and that
13 kind of stuff. But since all this stuff has been going
14 on, I talked to him briefly because I still wound up, for
15 some reason, with the jaguar collar.

16 Q. BY MR. HOVATTER: How did that happen?

17 A. I don't know. I don't know. But I wound up, and
18 he thought about getting it from me, but I just wound up
19 mailing it to North Star.

20 MR. FABRITZ: What's his sense of the whole
21 thing?

22 THE WITNESS: On the recent thing about the
23 collar we didn't discuss it.

24 MR. FABRITZ: No. But I mean the couple days
25 right after.

1 THE WITNESS: Like the next day was when I was
2 driving -- driving into the field is when I finally talked
3 to him because he had gotten voicemail messages from
4 Thorry and stuff that we had caught him, but no one had
5 actually been able to talk to him. So I was the first one
6 that talked to him. And he was excited and ecstatic and
7 he was talking about what he wanted to do with the data
8 and then he wanted to look at kill locations and trying to
9 figure out what he was eating with the localizations, and
10 he was talking about what kind of things we should come up
11 from trapping, like how far away it should be before we
12 open trap lines for the other bears.

13 MR. FABRITZ: So he was kind of thinking ahead a
14 little bit?

15 THE WITNESS: Yeah.

16 MR. FABRITZ: This was post capture.

17 Q. BY MR. HOVATTER: So he was pretty pumped. Did
18 he say anything at the time in that conversation that gave
19 you any reason to reflect on his comments, you know, now
20 that we are where we are and any -- where they have come
21 to seem like they were something more than what they
22 seemed at the time or something different than what they
23 seemed at the time?

24 A. I don't think so. I think everyone was excited
25 about getting him, so nothing seemed weird. I don't

1 remember specific phrases that he used, but nothing seemed
2 unusual that I can remember.

3 MR. FABRITZ: On the 5th when you were out with
4 Thorry and Emil, you guys recall running into somebody
5 named Dan -- Tom, some guy at the ranch? Do you know who
6 Tom is?

7 THE WITNESS: No. I know there was some guy from
8 the ranch there the day of the recapture.

9 MR. FABRITZ: But not the day of the initial
10 capture on the 5th, or excuse me. I'm sorry. Not the
11 capture. On the 5th when you three were together out
12 there, do you recall seeing some guy at the ranch?

13 THE WITNESS: Not that I remember.

14 MR. FABRITZ: So after you guys got back to the
15 trucks, did Emil just -- do you remember who left first?

16 THE WITNESS: No. Not really.

17 MR. FABRITZ: You don't recall running into
18 anyone? Had you heard any conversations about Emil's
19 interest in locating recent kills or anything like that in
20 the area? It would have occurred that day --

21 THE WITNESS: Like -- no. I know we tried to
22 look for the tracks other places to see where it had gone,
23 but no, I don't remember him.

24 MR. FABRITZ: Finding recent kills or
25 investigating or anything like that that day doesn't ring

1 a bell?

2 THE WITNESS: A. No.

3 Q. BY MR. HOVATTER: Michelle, I forgot to ask you.
4 You sent an e-mail to Ben. Who is Ben?

5 A. He's one of my house mates from college. He's
6 getting his Ph.D. in cougars up in Washington (noise)
7 which I know people talked about trying to emulate in
8 Prescott so I thought he would be interested in -- I think
9 I had sent him the pictures.

10 Q. Yeah, you did. That's what I was -- I kind of
11 tried to track them and I mean it's interesting how not
12 many names that you don't know show up in most of the --
13 and as you can see there is this huge amount of this
14 traffic, so when a name shows up that you don't know, you
15 go, okay, who is that one?

16 And you say he's in Washington. Is he going
17 to Washington State?

18 A. The one in Pullman.

19 Q. Okay.

20 A. Whatever that one is.

21 MR. MCMULLEN: That's Washington State.

22 Q. BY MR. HOVATTER: And you say he's getting his
23 Ph.D in lion?

24 A. Yeah. He had gotten his Master's on lynx and I
25 had worked on his lynx project up in Washington.

1 Q. What's his last name?

2 A. Maletzke.

3 Q. All right. I ain't even going to try it.

4 A. M-A-L-E-T-Z-K-E.

5 Q. K-E, just like it sounds.

6 A. Yeah. Exactly.

7 Q. Once you know how to spell it it looks just like
8 it sounds.

9 A. I think he sent something back that he didn't
10 think that they looked any different or something like
11 that.

12 Q. Yeah. I think so. No. I didn't get the answer
13 back. I just got the one you sent to him.

14 MR. MCMULLEN: We have asked a number of times in
15 a number of different ways about heightened sensitivity to
16 jaguar, increased likelihood of capturing a jaguar as time
17 goes by and the fact that you didn't know anything about
18 any photos of any jaguar in that country, but a little
19 earlier you said that -- when we were talking about the
20 discovery of the track and you were asked if there was any
21 discussion about a jaguar, possibility of catching a
22 jaguar, you said, I guess Macho B came up when we found
23 this track. And he's the only one that walks around that
24 area. How did you know Macho B was the one -- I mean,
25 what was -- you said there were never any discussions

1 about jaguars, you didn't know anything about jaguars.
2 What was the context of that discussion when you found the
3 track and you guessed the subject of Macho B came up?

4 THE WITNESS: Well, I think Emil had said that he
5 thought that it was Macho B's track, and I know from that
6 Wildlife Society meeting I had heard of -- well, they
7 called him Pinocchio and I wasn't entirely sure that
8 Pinocchio was Macho B, or whatever. But they talked about
9 the jaguars then and that there had been two and they had
10 only seen one anymore.

11 MR. MCMULLEN: And that's the only information
12 you ever had about Macho B or any jaguars or any pictures
13 or anything in that entire trapping season, because that's
14 what I understand to be the case; is that correct?

15 THE WITNESS: Yeah. The last picture that I was
16 aware of through whatever, whenever, I don't know when,
17 was that it had been a couple years or something like
18 that. Like I don't remember when I would have known
19 that. It seems like that would have been prior to any of
20 this ever starting.

21 MR. MCMULLEN: And then just I really just have
22 one more, you mentioned that it was very exciting when you
23 discovered that you guys had caught, released the first
24 jaguar in the history of the United States of America, at
25 least that we know of, at least with a collar on it. We

1 know Warner Glenn did it. But that was exciting and it
2 would have been to probably almost anybody who would have
3 been present for it.

4 But leading up to that and all those dates
5 before that, there was no excitement, no sense of
6 anticipation, no nothing? It was just got work to do,
7 going to go out and do work today; is that correct?

8 THE WITNESS: I mean it's exciting to check the
9 trap lines, not because I think I'm going to catch a
10 jaguar but you're just hoping to catch anything. I'm
11 hoping to get experience.

12 MR. MCMULLEN: But the question I'm asking is all
13 of the excitement that it seems reasonable to think that
14 there might have been some increased heightened awareness
15 about the possibility of catching the jaguar given the
16 circumstances but there was none, but when we caught it it
17 was very exciting. I'm just trying to reconcile that in
18 my head. Instead of, oh, my gosh. What did we just do,
19 or, you know, hurrah. I'm just trying to figure out how
20 that reconciles. Do you understand what I'm saying?

21 THE WITNESS: Kind of. You know, I never thought
22 that we were going to catch one at all, so there was no
23 anticipation of checking the tracks to get one because not
24 in a million years did I ever think we were going to catch
25 one.

1 MR. MCMULLEN: That seems right.

2 MR. FABRITZ: So when Emil called you, whatever
3 day it was, was it the day after when he was all excited?

4 THE WITNESS: Yeah, the 19th.

5 MR. FABRITZ: Didn't it strike you odd that like
6 the first conversation he had as soon as he got the news
7 is that he's already thinking about this stuff? Didn't it
8 strike you odd that he just came up with that, just --

9 THE WITNESS: It didn't, no. I mean he had known
10 about it for part of the day. He had been trying to get
11 ahold of us for a while because we had left -- you know,
12 after Thorry had called whoever he called first and then
13 he talked Kirby and stuff and then he called Emil to let
14 him know. So Emil had already known it since that, you
15 know, since that night until that next morning. So he --
16 you know, it wasn't brand new information when called me
17 that day. So I'm sure he had been thinking about it all
18 night or day or whatever that is Spain. So, no, it
19 didn't. He was just thinking of all the data and stuff
20 like that, so not really.

21 MR. HOVATTER: Marty, you got anything else?

22 MR. FABRITZ: One last question. On the 18th
23 after you guys found the fresh track, I think after the
24 first one of the set when there was that heightened sense
25 of excitement, can you elaborate at all on that, that was

1 just because you were going to the next set?

2 THE WITNESS: Well, we had seen the jaguar tracks
3 by that first -- near that first seat.

4 MR. FABRITZ: So that's why you guys were
5 excited?

6 THE WITNESS: Yeah.

7 MR. FABRITZ: Did Thorry say anything?

8 THE WITNESS: No. He just ran down the trail.
9 He was pissed off. Yeah, we both thought --

10 MR. FABRITZ: It was understood you guys thought
11 there was a possibility that you guys at that point maybe
12 it was an actual reality where, gosh, we might actually
13 catch this thing where before, according to what you told
14 me, it was just like more talk about it but we're not
15 going to catch it?

16 THE WITNESS: Right.

17 MR. FABRITZ: But it was the track right there
18 that changed that?

19 THE WITNESS: Oh, yeah. And we didn't really --
20 I don't think he even said it's a jaguar. You know, we
21 just looked at it and it was big and cat and it was fresh
22 and we moved. It wasn't like -- even if it was a cougar
23 you still want to hurry up. So I think that had been the
24 impression that, yeah, I kind of think that's a jaguar
25 track. It's really big and whatnot.

1 MR. FABRITZ: He didn't say anything? I mean,
2 did he look at it and say, dang, that looks like a jaguar
3 track?

4 THE WITNESS: I think he looked at it and his
5 eyes were like saucers, so, I mean, it was already implied
6 by --

7 MR. FABRITZ: So it was implied, it wasn't said?

8 THE WITNESS: Yeah. I don't think he said,
9 that's a jaguar track. And then he saw the snare and it
10 was out, and he was, oh, that someone had messed with it
11 and then he just took off down the trail.

12 MR. MCMULLEN: If you were told that somewhere
13 around early February there is some communications that
14 talk about, named a test collar and essentially taking
15 advantage of a once-in-a-lifetime opportunity to catch a
16 jaguar, what would be your reaction to that?

17 MR. HOVATTER: What would be your interpretation
18 on that?

19 THE WITNESS: Like just in relation to testing
20 jaguar?

21 MR. MCMULLEN: Just answer the question. I asked
22 the question. I would like to have the answer to that one
23 and then we can get to yours.

24 THE WITNESS: I'm just trying to clarify yours.
25 I'm sorry.

1 MR. MCMULLEN: Okay. I'll ask it again. If you
2 were told that there was communications somewhere around
3 early February about essentially a once-a-in-lifetime
4 opportunity to catch a United States jaguar, what would be
5 your interpretation of that communication?

6 THE WITNESS: I guess it's kind of hard to say
7 without knowing the context of it but --

8 MR. MCMULLEN: I would just really like to hear
9 your interpretation, not qualified or anything. I mean
10 you're a smart girl. I mean, you have got to have some
11 sort of interpretation.

12 THE WITNESS: I guess I would say that it sounds
13 kind of suspicious.

14 MR. MCMULLEN: If you had to guess where that
15 might have come from, who would you guess that might have
16 come from, just to give us an idea, understand that it's
17 purely speculation?

18 THE WITNESS: I would say Emil.

19 MR. MCMULLEN: What makes you think that?

20 THE WITNESS: I suppose because his interest in
21 jaguars, because he has done, you know, all the camera
22 work and stuff which is largely for that.

23 MR. MCMULLEN: Hang in there boss.

24 MR. HOVATTER: Oh, no. Anything else? Marty?

25 MR. FABRITZ: Do we want to update -- do we

1 want -- are we good?

2 MR. HOVATTER: I'm good with that. We need to
3 kind of grind on that, and you know, one of
4 (indiscernible) and the notes and everything, it's tough
5 to kind of put together something like that, keep your
6 memory fresh.

7 THE WITNESS: Yeah, I don't know, maybe Will
8 remembers when was he up there or something.

9 Q. BY MR. HOVATTER: Where is Will working now, do
10 you know?

11 A. At the moment he's in the office. I dragged him
12 up here in case my new truck was ready.

13 Q. So is he up here from Tucson?

14 A. Yeah. Theoretically he's heading out in the
15 field with me tomorrow.

16 Q. Is he still an intern status for us?

17 A. Yes. He's actually got an interview tomorrow
18 with Jamie for a permanent technician position.

19 Q. Is he going to be here tomorrow?

20 A. He will be here in the morning and then he's
21 heading down to White Water.

22 MR. FABRITZ: Bear hair snags?

23 THE WITNESS: Yeah. In the Chiracauas that we're
24 going to be checking.

25 MR. HOVATTER: Do you want to try to talk to him

1 tonight or tomorrow?

2 THE WITNESS: That's what Thorry may be coming
3 down to do too depending on what the schedule looks like.

4 MR. HOVATTER: You know, we might want to talk to
5 him tonight.

6 THE WITNESS: Okay.

7 MR. HOVATTER: I put down the name to ask him
8 so --

9 MR. FABRITZ: If we're going to do that, you want
10 to just take a quick break? Is he going back with you?

11 THE WITNESS: He's probably going to spend the
12 night here.

13 MR. HOVATTER: Would you see if you could get
14 ahold of him and just let him know we want to talk to him,
15 and have a safe trip back. I don't think we're going to
16 call you back again so I appreciate it, and safe trip.
17 Are you out in the field tomorrow?

18 THE WITNESS: Yeah.

19 MR. HOVATTER: What are you studying? Oh, that's
20 the bear --

21 (Recording ended.)

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CERTIFICATE

I, Karen M. Niemtschk, do hereby certify that the foregoing 60 pages constitute a full, true, and accurate transcript of all recorded proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 19th day of August 2009.

KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter

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TRANSCRIPT OF INTERVIEW
MICHELLE CRABB
August 4, 2009
VOLUME V

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Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department, Ombudsman,
Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
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EXAMINATION

1

2 BY MR. HOVATTER:

3 Q. Michelle, I really do think this is the last time
4 we are going to have this conversation. Michelle, you know,
5 I would like to remind you, this is being done on the
6 Garrity, and I could read that to you again, the Garrity
7 statement that we have, that, you know, the effect that this
8 is what you -- you have to be honest and forthcoming, that
9 nothing you give us could be used in a criminal proceeding.
10 Would you like me to read that Garrity to you again for
11 memory's sake or are you comfortable with that?

12 A. Yeah.

13 Q. I apologize in advance because this will not take
14 very long. Part of what we are doing is we are having the
15 opportunity now to take all of the folks that we have
16 interviewed, go through and look for where we had the points
17 of intersection and where we have -- we are having some
18 opportunities to help maybe add some more clarity, because
19 you are not the only person who in looking back having to
20 remember that, all the way back, where it is you are not the
21 only one we have talked to that we haven't found some
22 opportunity maybe to do some further defining based on
23 conversations with other people about maybe when something
24 actually happened and put that maybe in a better window that
25 you might be able to narrow down your memory on it.

1 The first thing I was going to ask you on the --
2 let's see, you know, we got -- we were getting back -- we
3 are back in January, late January. Now, we had been without
4 snares for -- or collars, we have been without collars for
5 what? A couple months by then?

6 A. Pretty much, yeah.

7 Q. We have been out of collars since probably late
8 November, early December. Now, those were sent for
9 refurbishing. We were going to get some new collars, also.
10 So Thorry runs up here to pick up some collars, and they are
11 not ready yet. I think those things get down -- I am not
12 sure, how did those get down there.

13 MR. MCMULLEN: You brought them?

14 Q. BY MR. HOVATTER: Did you bring those?

15 A. I know I brought them to the field site.

16 Q. Okay. So you brought them. Do you know, and this
17 is more process than anything else, do you know how the
18 decision, because theoretically, we could have started a
19 number of places, but the decision was to restart at the
20 Atascosas, do you have any memory of how that decision was
21 arrived at?

22 A. I don't remember the time frame, but I know that
23 one lion was taken out.

24 Q. Uh-huh.

25 A. So I know since there is no more animals right in

1 that spot, we still had some by Patagonia that seemed like a
2 good spot. I guess we knew that there were still more
3 animals in there.

4 Q. You know, part of this, you know, it seems pretty
5 clear from looking at some of the communications and all
6 that Thorry clearly saw Kirby as the supervisor for this
7 project. Understanding that the way that you guys worked,
8 kind of bounce from project to project to project to
9 project, and so there's a lot of different supervisory or
10 sort of project leads on the different projects.

11 Did you -- do you think that Kirby did, in fact,
12 see him himself as in charge of this project?

13 A. Yeah.

14 Q. How did he -- how did he exercise project
15 leadership in this thing? I mean, did he -- did he task
16 organize, because you guys -- I never found anything where
17 you and Emil and Thorry and Kirby were ever at the same
18 place at the same time to discuss -- I am just kind of
19 wondering process wise, how this got kind of parsed out the
20 way it does?

21 A. Well, Kirby was always in charge of it. I guess
22 through phone, phone conversations, stuff like that. He got
23 injured at some point during this project, too.

24 Q. Yeah, a lot of folks did bite the dust there in
25 the Atascosas. I have added it up. We took quite a medical

1 toll on the Department there.

2 A. So I guess that, and I think when Emil had gotten
3 the contract, we were kind of -- somewhat going off of where
4 he thought the good spots were.

5 Q. Uh-huh.

6 A. I think Kirby got in touch with Emil through Ron
7 Thompson or something like that.

8 Q. Well, it certainly seems to me -- would you -- do
9 you think it is an accurate sensing on my part that the
10 person who had the most intimate knowledge in that area
11 geographically and all was probably Emil?

12 A. (No audible response.)

13 Q. Did you -- now, you were housemates for part of
14 this time Grandmaisson, Mr. Grandmaisson?

15 A. Uh-huh.

16 Q. Did you ever discuss any of the jaguar
17 conversations and activities and all with him?

18 A. Not much. I mean, occasionally. He's not around
19 very much.

20 Q. Yeah, I think that is kind of the same impression
21 he had of you. You are not around very much, too. So
22 I think, yeah.

23 A. You know, after the capture and stuff, I think he
24 was there -- I don't think he was there that night. So
25 whenever he was around, maybe a little bit, but not much,

1 because the two of us weren't really ever there at the same
2 time.

3 Q. Now, we had asked you on an earlier interview, we
4 talked about the conversations you may have had with Thorry
5 after, you know, the ultimate recapture and all, and you had
6 some, I think, some memory, but it wasn't -- weren't able to
7 pin that down. And Thorry's memory is that it was while he
8 was in Hawaii that you guys had a conversation, and that was
9 when a bunch of the conversations were going back and forth
10 about trying to make sure that we had all the facts, that we
11 knew all the facts were laid into this. Does that -- do you
12 remember having that kind of or having that conversation or
13 having that telephonic conversation with him?

14 A. Yeah, I guess. I had forgotten he was in Hawaii,
15 but that's right, he went on vacation right afterwards.

16 Q. What is your memory of that conversation? I mean,
17 I think it indicates -- do you remember which of you started
18 that? I think there was a call and a recall and somebody
19 returned a call, but --

20 A. No, I don't remember.

21 Q. Do you have any memory of when you had the
22 conversation what the subject was or what you were -- what
23 the discussion was -- clearly, it was related to the jaguar,
24 but do you have any memories of the specifics of the
25 conversation?

1 A. It may have been a little bit of what we
2 remembered of the tracks or something like that.

3 Q. Uh-huh.

4 A. I think it would have been, you know, after -- I
5 think it was after, you know, we had already talked to Chasa
6 and whoever else on the phone about it.

7 Q. Okay. Yeah, I think that was all going on
8 probably at the same time frame then, wasn't it?

9 A. I think it was after we both talked to Chasa.

10 Q. Do you remember what the issue at that time was
11 about the tracks -- about, I guess, the track?

12 A. I don't know. I guess just people's confidence in
13 what it was.

14 Q. That it really was a jaguar as opposed to some
15 other -- let's see what else. When Emil called you and made
16 the comment about you and Thorry getting your stories
17 straight, I think we discussed that in part, but I am not
18 sure I remember what you said. What did you think? Did you
19 have a sense of what he meant? I mean, did that immediately
20 resonate with you as to what he may be referencing, because,
21 I mean, obviously, there is quite a lot of activities and
22 all related to that jaguar? Was there some particular part
23 of that that you thought he was referring to?

24 A. Just maybe that he was there or something.

25 Q. Do you know why he would have had -- any sense,

1 any personal thoughts based on what you know about all this
2 now, why he would want -- why that would be a concern is
3 folks knowing about his presence at this thing?

4 A. Because it looks bad, you know, that he would be
5 the one, I guess, I mean, obviously, Thorry and I wouldn't
6 necessarily know since we had never seen jaguar tracks what
7 they would look like or specifically or whatever, and I
8 guess, you know, just because he works on the jaguar project
9 and someone managed to make the tracks worse than what, I
10 guess, we thought they were at the time.

11 Q. And you were not real sure when that
12 conversation -- when Thorry called, and I am just, and
13 again, I hate to ask you to do this, because I think we hit
14 on this then, but in thinking about that, can you relate
15 your sense of when that call was to any major event, like
16 before or after the recapture, before or after the
17 investigation started, or before or after Thorry went off on
18 vacation? Do you have any -- I am just trying to pin down
19 kind of sequentially when these things occurred?

20 A. It would have been after -- Emil had talked to me
21 after I had already talked to Chasa and whoever.

22 Q. So that would have been after the recapture and
23 euthanization then?

24 A. I guess, yeah. I just know -- I don't remember
25 exactly when I talked to Chasa in relation to some of that,

1 but yeah, I suppose it was after.

2 Q. And I am sorry, I shouldn't have -- I don't -- the
3 conversation with Chasa in your memory, was that the same --
4 basically about the same conversation time frame that Thorry
5 then, and you would have had your conversation while he was
6 in Hawaii? Was it that same Chasa conversation that you are
7 thinking of in the context of the Emil McCain call?

8 A. Yeah, I know I had talked to Chasa, and then I
9 think I had talked to Emil at some point in time after, and
10 then probably Thorry sometime after that.

11 Q. Okay. So, yeah, that would be after the recapture
12 then. Okay. That helps, because logically, I can think of
13 a couple of times when that might have occurred, but that
14 helps. Guys, what else? I told you this wouldn't take
15 long, didn't I?

16 MR. MCMULLEN: The nature of your conversation
17 with Thorry, I think we tried to get at that a little bit a
18 couple of times, can you recall that after Emil said, get
19 your stories straight, and then you had a phone call with
20 Thorry, can you characterize that phone call and recall that
21 phone call to the best of your ability?

22 THE WITNESS: I think it was, you know, kind of
23 talking about like how confident he was of what they were,
24 how confident I was of what they were.

25 MR. HOVATTER: The tracks you mean?

1 THE WITNESS: Yeah. I mean, it wasn't a say this,
2 don't say that, kind of, you know, nothing like that was
3 discussed.

4 MR. MCMULLEN: Do you know what prompted that
5 phone call?

6 THE WITNESS: I don't remember who called, if he
7 called me first. I don't know. Maybe him talking to Emil
8 or --

9 MR. HOVATTER: Thorry?

10 THE WITNESS: Yeah. I don't know. I really don't
11 remember. I think it was around that same -- I think all of
12 that happened kind of close to each other.

13 MR. MCMULLEN: Did you mention that Emil had
14 called you and asked you to get your stories straight when
15 you talked to Thorry?

16 THE WITNESS: I don't think I mentioned to get the
17 stories straight or anything. I think I had said that Emil
18 had called, that I know people were getting asked questions
19 and stuff, but they had asked other people questions, too.

20 MR. MCMULLEN: What was your impression or the
21 reason why Thorry called you, or I mean, did it seem to you
22 like there was some event that caused Thorry to get
23 concerned or anything like that to have him call you from
24 Hawaii based on your conversation with Thorry?

25 THE WITNESS: Besides me being questioned by Chasa

1 and whoever, I guess, or getting updates.

2 MR. HOVATTER: Yes, I think it was -- go ahead, I
3 am sorry.

4 THE WITNESS: Or just getting updates on what was
5 going on or whatever.

6 MR. HOVATTER: I think it was -- I think it was
7 Thorry who called you.

8 MR. FABRITZ: I think Emil called you, if I
9 remember right, the last time we talked, you said Emil
10 called you, you were on your way home from school. It was
11 on a Wednesday, I think.

12 THE WITNESS: Yeah, that's the last time, I think.

13 MR. HOVATTER: That is it, guys. Again, you know,
14 Michelle, I know we have kept you kind of yo-yoing here, but
15 I appreciate it, and we are kind of winding down with the
16 last bits and pieces of trying to just double-check --
17 double-check or just kind of trying to pin down that we
18 really know what we think we know about all of this, so I
19 appreciate it. I won't even try to tell you that this is --
20 our track record on that has not been very good.

21 THE WITNESS: That is all right.

22 MR. HOVATTER: But thank you again. We appreciate
23 you --

24 THE WITNESS: Thank you. Have you guys heard
25 anything from the Feds at all?

1 MR. HOVATTER: No. You know, I am really -- I
2 still refrain from asking, because I just -- you know, it
3 really does help me to look people in the eye and say, I
4 don't -- you know, we are going to let it find its own way.
5 I would sure love to see it get done. My impression is
6 before the 4th, I don't think we can -- I think we are still
7 in this, I would think. All right. Take care.

8 Are you driving back to -- are you heading back to
9 Tucson?

10 THE WITNESS: Late today, yeah.

11 MR. MCMULLEN: Drive safe.

12 THE WITNESS: Thanks.

13 MR. FABRITZ: Thanks, Michelle.

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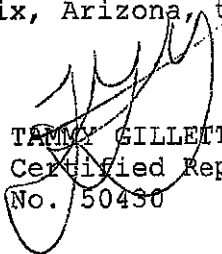
CERTIFICATE

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I, Tammy Gillett, do hereby certify that the foregoing 12 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona, this 20th day of August, 2009.


TAMMY GILLETT
Certified Reporter
No. 50430

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MICHELLE CRABB
August 4, 2009
VOLUME V

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8 is what you -- you have to be honest and forthcoming, that
9 nothing you give us could be used in a criminal proceeding.
10 Would you like me to read that Garrity to you again for
11 memory's sake or are you comfortable with that?

12 A. Yeah.

13 Q. I apologize in advance because this will not take
14 very long. Part of what we are doing is we are having the
15 opportunity now to take all of the folks that we have
16 interviewed, go through and look for where we had the points
17 of intersection and where we have -- we are having some
18 opportunities to help maybe add some more clarity, because
19 you are not the only person who in looking back having to
20 remember that, all the way back, where it is you are not the
21 only one we have talked to that we haven't found some
22 opportunity maybe to do some further defining based on
23 conversations with other people about maybe when something
24 actually happened and put that maybe in a better window that
25 you might be able to narrow down your memory on it.

1 The first thing I was going to ask you on the --
2 let's see, you know, we got -- we were getting back -- we
3 are back in January, late January. Now, we had been without
4 snares for -- or collars, we have been without collars for
5 what? A couple months by then?

6 A. Pretty much, yeah.

7 Q. We have been out of collars since probably late
8 November, early December. Now, those were sent for
9 refurbishing. We were going to get some new collars, also.
10 So Thorry runs up here to pick up some collars, and they are
11 not ready yet. I think those things get down -- I am not
12 sure, how did those get down there.

13 MR. MCMULLEN: You brought them?

14 Q. BY MR. HOVATTER: Did you bring those?

15 A. I know I brought them to the field site.

16 Q. Okay. So you brought them. Do you know, and this
17 is more process than anything else, do you know how the
18 decision, because theoretically, we could have started a
19 number of places, but the decision was to restart at the
20 Atascosas, do you have any memory of how that decision was
21 arrived at?

22 A. I don't remember the time frame, but I know that
23 one lion was taken out.

24 Q. Uh-huh.

25 A. So I know since there is no more animals right in

1 that spot, we still had some by Patagonia that seemed like a
2 good spot. I guess we knew that there were still more
3 animals in there.

4 Q. You know, part of this, you know, it seems pretty
5 clear from looking at some of the communications and all
6 that Thorry clearly saw Kirby as the supervisor for this
7 project. Understanding that the way that you guys worked,
8 kind of bounce from project to project to project to
9 project, and so there's a lot of different supervisory or
10 sort of project leads on the different projects.

11 Did you -- do you think that Kirby did, in fact,
12 see him himself as in charge of this project?

13 A. Yeah.

14 Q. How did he -- how did he exercise project
15 leadership in this thing? I mean, did he -- did he task
16 organize, because you guys -- I never found anything where
17 you and Emil and Thorry and Kirby were ever at the same
18 place at the same time to discuss -- I am just kind of
19 wondering process wise, how this got kind of parsed out the
20 way it does?

21 A. Well, Kirby was always in charge of it. I guess
22 through phone, phone conversations, stuff like that. He got
23 injured at some point during this project, too.

24 Q. Yeah, a lot of folks did bite the dust there in
25 the Atascosas. I have added it up. We took quite a medical

1 toll on the Department there.

2 A. So I guess that, and I think when Emil had gotten
3 the contract, we were kind of -- somewhat going off of where
4 he thought the good spots were.

5 Q. Uh-huh.

6 A. I think Kirby got in touch with Emil through Ron
7 Thompson or something like that.

8 Q. Well, it certainly seems to me -- would you -- do
9 you think it is an accurate sensing on my part that the
10 person who had the most intimate knowledge in that area
11 geographically and all was probably Emil?

12 A. (No audible response.)

13 Q. Did you -- now, you were housemates for part of
14 this time Grandmaisson, Mr. Grandmaisson?

15 A. Uh-huh.

16 Q. Did you ever discuss any of the jaguar
17 conversations and activities and all with him?

18 A. Not much. I mean, occasionally. He's not around
19 very much.

20 Q. Yeah, I think that is kind of the same impression
21 he had of you. You are not around very much, too. So
22 I think, yeah.

23 A. You know, after the capture and stuff, I think he
24 was there -- I don't think he was there that night. So
25 whenever he was around, maybe a little bit, but not much,

1 because the two of us weren't really ever there at the same
2 time.

3 Q. Now, we had asked you on an earlier interview, we
4 talked about the conversations you may have had with Thorry
5 after, you know, the ultimate recapture and all, and you had
6 some, I think, some memory, but it wasn't -- weren't able to
7 pin that down. And Thorry's memory is that it was while he
8 was in Hawaii that you guys had a conversation, and that was
9 when a bunch of the conversations were going back and forth
10 about trying to make sure that we had all the facts, that we
11 knew all the facts were laid into this. Does that -- do you
12 remember having that kind of or having that conversation or
13 having that telephonic conversation with him?

14 A. Yeah, I guess. I had forgotten he was in Hawaii,
15 but that's right, he went on vacation right afterwards.

16 Q. What is your memory of that conversation? I mean,
17 I think it indicates -- do you remember which of you started
18 that? I think there was a call and a recall and somebody
19 returned a call, but --

20 A. No, I don't remember.

21 Q. Do you have any memory of when you had the
22 conversation what the subject was or what you were -- what
23 the discussion was -- clearly, it was related to the jaguar,
24 but do you have any memories of the specifics of the
25 conversation?

1 A. It may have been a little bit of what we
2 remembered of the tracks or something like that.

3 Q. Uh-huh.

4 A. I think it would have been, you know, after -- I
5 think it was after, you know, we had already talked to Chasa
6 and whoever else on the phone about it.

7 Q. Okay. Yeah, I think that was all going on
8 probably at the same time frame then, wasn't it?

9 A. I think it was after we both talked to Chasa.

10 Q. Do you remember what the issue at that time was
11 about the tracks -- about, I guess, the track?

12 A. I don't know. I guess just people's confidence in
13 what it was.

14 Q. That it really was a jaguar as opposed to some
15 other -- let's see what else. When Emil called you and made
16 the comment about you and Thorry getting your stories
17 straight, I think we discussed that in part, but I am not
18 sure I remember what you said. What did you think? Did you
19 have a sense of what he meant? I mean, did that immediately
20 resonate with you as to what he may be referencing, because,
21 I mean, obviously, there is quite a lot of activities and
22 all related to that jaguar? Was there some particular part
23 of that that you thought he was referring to?

24 A. Just maybe that he was there or something.

25 Q. Do you know why he would have had -- any sense,

1 any personal thoughts based on what you know about all this
2 now, why he would want -- why that would be a concern is
3 folks knowing about his presence at this thing?

4 A. Because it looks bad, you know, that he would be
5 the one, I guess, I mean, obviously, Thorry and I wouldn't
6 necessarily know since we had never seen jaguar tracks what
7 they would look like or specifically or whatever, and I
8 guess, you know, just because he works on the jaguar project
9 and someone managed to make the tracks worse than what, I
10 guess, we thought they were at the time.

11 Q. And you were not real sure when that
12 conversation -- when Thorry called, and I am just, and
13 again, I hate to ask you to do this, because I think we hit
14 on this then, but in thinking about that, can you relate
15 your sense of when that call was to any major event, like
16 before or after the recapture, before or after the
17 investigation started, or before or after Thorry went off on
18 vacation? Do you have any -- I am just trying to pin down
19 kind of sequentially when these things occurred?

20 A. It would have been after -- Emil had talked to me
21 after I had already talked to Chasa and whoever.

22 Q. So that would have been after the recapture and
23 euthanization then?

24 A. I guess, yeah. I just know -- I don't remember
25 exactly when I talked to Chasa in relation to some of that,

1 but yeah, I suppose it was after.

2 Q. And I am sorry, I shouldn't have -- I don't -- the
3 conversation with Chasa in your memory, was that the same --
4 basically about the same conversation time frame that Thorry
5 then, and you would have had your conversation while he was
6 in Hawaii? Was it that same Chasa conversation that you are
7 thinking of in the context of the Emil McCain call?

8 A. Yeah, I know I had talked to Chasa, and then I
9 think I had talked to Emil at some point in time after, and
10 then probably Thorry sometime after that.

11 Q. Okay. So, yeah, that would be after the recapture
12 then. Okay. That helps, because logically, I can think of
13 a couple of times when that might have occurred, but that
14 helps. Guys, what else? I told you this wouldn't take
15 long, didn't I?

16 MR. MCMULLEN: The nature of your conversation
17 with Thorry, I think we tried to get at that a little bit a
18 couple of times, can you recall that after Emil said, get
19 your stories straight, and then you had a phone call with
20 Thorry, can you characterize that phone call and recall that
21 phone call to the best of your ability?

22 THE WITNESS: I think it was, you know, kind of
23 talking about like how confident he was of what they were,
24 how confident I was of what they were.

25 MR. HOVATTER: The tracks you mean?

1 THE WITNESS: Yeah. I mean, it wasn't a say this,
2 don't say that, kind of, you know, nothing like that was
3 discussed.

4 MR. MCMULLEN: Do you know what prompted that
5 phone call?

6 THE WITNESS: I don't remember who called, if he
7 called me first. I don't know. Maybe him talking to Emil
8 or --

9 MR. HOVATTER: Thorry?

10 THE WITNESS: Yeah. I don't know. I really don't
11 remember. I think it was around that same -- I think all of
12 that happened kind of close to each other.

13 MR. MCMULLEN: Did you mention that Emil had
14 called you and asked you to get your stories straight when
15 you talked to Thorry?

16 THE WITNESS: I don't think I mentioned to get the
17 stories straight or anything. I think I had said that Emil
18 had called, that I know people were getting asked questions
19 and stuff, but they had asked other people questions, too.

20 MR. MCMULLEN: What was your impression or the
21 reason why Thorry called you, or I mean, did it seem to you
22 like there was some event that caused Thorry to get
23 concerned or anything like that to have him call you from
24 Hawaii based on your conversation with Thorry?

25 THE WITNESS: Besides me being questioned by Chasa

1 and whoever, I guess, or getting updates.

2 MR. HOVATTER: Yes, I think it was -- go ahead, I
3 am sorry.

4 THE WITNESS: Or just getting updates on what was
5 going on or whatever.

6 MR. HOVATTER: I think it was -- I think it was
7 Thorry who called you.

8 MR. FABRITZ: I think Emil called you, if I
9 remember right, the last time we talked, you said Emil
10 called you, you were on your way home from school. It was
11 on a Wednesday, I think.

12 THE WITNESS: Yeah, that's the last time, I think.

13 MR. HOVATTER: That is it, guys. Again, you know,
14 Michelle, I know we have kept you kind of yo-yoing here, but
15 I appreciate it, and we are kind of winding down with the
16 last bits and pieces of trying to just double-check --
17 double-check or just kind of trying to pin down that we
18 really know what we think we know about all of this, so I
19 appreciate it. I won't even try to tell you that this is --
20 our track record on that has not been very good.

21 THE WITNESS: That is all right.

22 MR. HOVATTER: But thank you again. We appreciate
23 you --

24 THE WITNESS: Thank you. Have you guys heard
25 anything from the Feds at all?

1 MR. HOVATTER: No. You know, I am really -- I
2 still refrain from asking, because I just -- you know, it
3 really does help me to look people in the eye and say, I
4 don't -- you know, we are going to let it find its own way.
5 I would sure love to see it get done. My impression is
6 before the 4th, I don't think we can -- I think we are still
7 in this, I would think. All right. Take care.

8 Are you driving back to -- are you heading back to
9 Tucson?

10 THE WITNESS: Late today, yeah.

11 MR. MCMULLEN: Drive safe.

12 THE WITNESS: Thanks.

13 MR. FABRITZ: Thanks, Michelle.

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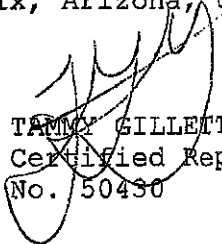
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CERTIFICATE

I, Tammy Gillett, do hereby certify that the foregoing 12 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona, this 20th day of August, 2009.


TAMMY GILLETT
Certified Reporter
No. 50430