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**APPEARANCES**

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Mr. William Earley and Mr. Kyle Wackenheim, Assistant United States Public Defenders, 215 Dean A. McGee, Suite 124, Oklahoma City, Oklahoma 73102, appearing for the defendant.

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*Emily Eakle, RMR, CRR*

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1 (The following record was made in open court on March 26,  
2 2019, in the presence of all parties, counsel, and outside the  
3 presence and hearing of the jury.)

4 THE COURT: We are returning to order in the jury trial  
5 of United States of America vs. Joseph Maldonado-Passage.

6 Parties present and ready to proceed?

7 MS. MAXFIELD-GREEN: Yes, Your Honor.

8 MR. EARLEY: Yes, Your Honor.

9 THE COURT: Thank you. Before Marcia brings the jury  
10 up, I want to address the issue of the Rule 15 deposition. The  
11 Court previously granted the Government's motion to take the Rule  
12 15 deposition in light of the witness' unavailability. And the  
13 evidence before the Court at that time was a singular doctor's  
14 note regarding the witness, that due to her medical condition  
15 travel was not advised.

16 Subsequent to the Court granting the Rule 15 deposition, it  
17 was brought to the attention of the Court and the parties by the  
18 Government, appropriately so, that in spite of the doctor's  
19 documentation that the witness was unable to travel, the witness  
20 then proceeded to travel, my understanding is, 18 hours by  
21 vehicle to another state to another court proceeding.

22 Is that correct, Ms. Green?

23 MS. MAXFIELD-GREEN: That was what she communicated to  
24 us, yes.

25 THE COURT: And in addition, traveled to another

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1 courthouse for the taking of the deposition, which quite clearly  
2 is contrary and flies in the face of the finding of  
3 unavailability.

4 And based on that, the only evidence before the Court at  
5 this time is the single doctor's note, which is quite literally  
6 two lines, dated March 7th of 2019 that says, "Travel is not  
7 advised." It doesn't have any time parameters on it. It doesn't  
8 have -- it has nothing on it other than that. And subsequent to  
9 that time, the defendant has now raised an objection to the  
10 admission of the Rule 15 deposition based on precisely that, the  
11 fact that the witness isn't truly unavailable.

12 In light of the -- and I do want to make the comment that  
13 I'm -- I blame -- there's no fault on the Government here. I  
14 don't -- I took them at their word and I think they were  
15 operating in good faith with the information they provided to us,  
16 and also promptly the new information that came in, which the  
17 Court appreciates.

18 But based on the limitations of the evidence before the  
19 Court at this time and the subsequent travel of the witness, I  
20 find that the evidence that she is truly unavailable is  
21 insufficient and I'm going to grant the defendant's -- sustain  
22 the defendant's objection at this time.

23 I say that, that is -- that order is without prejudice.  
24 Should the Government produce some additional doctor's  
25 documentation or something that deals with her unavailability

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1 more thoroughly or somehow explains how it is that she could  
2 travel 18 hours but not come to this courthouse, that's certainly  
3 something we could take up at that time. But at this point in  
4 time, the defendant's objection to the submission of the Rule 15  
5 deposition is sustained.

6 Anything else from either party before we bring the jury?

7 MS. MAXFIELD-GREEN: No, Your Honor.

8 MR. EARLEY: No, Your Honor.

9 (The following record was made in open court, in the  
10 presence of all parties, counsel, and in the presence and hearing  
11 of the jury.)

12 THE COURT: Good morning. Welcome back. I trust  
13 everybody was able to get back okay. Traffic seemed  
14 exceptionally heavy this morning and I don't know why. Nice day,  
15 I figured everybody would be playing hookey downtown, but that  
16 was not to be the case.

17 But anyway, welcome back.

18 Government may call your next witness.

19 MS. MAXFIELD-GREEN: Government calls Bonnie Boone.

20 (WITNESS SWORN.)

21 **BONNIE BOONE,**

22 **DIRECT EXAMINATION**

23 **BY MS. MAXFIELD-GREEN:**

24 Q. Good morning, Dr. Boone.

25 A. Good morning.

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1 Q. Could you please state your name for the record?

2 A. Bonnie Sue Boone.

3 Q. And, Dr. Boone, what do you currently do for a living?

4 A. I work for the USDA APHIS Animal Care.

5 Q. And how long have you had that job?

6 A. Two years with Animal Care.

7 Q. Is that a position that's officed here in Oklahoma City?

8 A. My duty station is in Shawnee.

9 Q. Now, explain for us what the -- well, first of all, let's go  
10 to your educational background. What is your highest degree?

11 A. A doctor of veterinary medicine.

12 Q. And when did you obtain that degree?

13 A. May of 1990.

14 Q. What jobs have you had as a veterinarian?

15 A. Quite a few. Right out of school, me and my husband, who  
16 was a classmate of mine in vet school, purchased a veterinary  
17 practice from a veterinarian that was retiring. So we did that  
18 for 11 years. And then -- and then, due to divorce, I went into  
19 shelter medicine because I had a no compete agreement and I  
20 needed to honor that for five years. So I worked for Oklahoma  
21 City Animal Welfare Division.

22 And then I was recruited by the Center for Veterinary Health  
23 Sciences to teach a shelter rotation at Oklahoma State University  
24 for the fourth year vet students as an elective, and I did that  
25 for nearly ten years. And then I have always done a little bit

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1 of relief work on the side because I want to keep up my clinical  
2 skills. And so after that job, I worked for Second Chance Animal  
3 Sanctuary. I have done some contract work for Norman Animal  
4 Welfare, doing shelter work. And then I worked for USDA APHIS  
5 and veterinary services for a year as one of their term VMOs for  
6 the high path avian influenza outbreak. And that --

7 Q. That was a lot. Could you explain that?

8 A. That's -- that led me to animal care.

9 Q. Okay. So you are now in the animal care division at the  
10 U.S. Department of Agriculture?

11 A. Yes.

12 Q. And the -- okay. Animal Plant Health Inspection Service, is  
13 that the name of the division you work for?

14 A. Yes.

15 Q. Can you describe your job responsibilities?

16 A. I was hired to enforce the Animal Welfare Act. And I don't  
17 know if you want me to give much background about that, but what  
18 basically we do is we enforce the Animal Welfare Act, you know,  
19 via our exhibitors, zoos, research institutions that do animal --  
20 animal research. Breeders, we regulate those.

21 And then we also -- Animal Care enforces the Horse  
22 Protection Act, which deals with the Tennessee walking horses.  
23 And then we also have a leadership role when it comes to natural  
24 disasters and homing animals that, you know --

25 Q. Okay. And so as part of enforcing those laws that you

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1 listed that are USDA laws and regulations, does that involve  
2 inspecting all of -- facilities?

3 A. Yes.

4 Q. Okay. And are there other inspectors like you in the state  
5 of Oklahoma?

6 A. Yes.

7 Q. How many are there?

8 A. There's one other veterinarian and there's one -- I  
9 believe -- I believe three other Animal Care inspectors. They're  
10 not veterinarians, but they -- they do everything we do except  
11 for the research.

12 Q. Okay. So if we can talk about USDA licensing. Now, if a  
13 person wants to own a tiger as a pet in their backyard, do they  
14 need to have a USDA license?

15 A. Tiger as a pet? No. No, it's only for exhibition.

16 Q. Okay. And that was my next question. So if you have that  
17 tiger but you want to exhibit it to the public, then do you need  
18 a USDA license?

19 A. Yes.

20 Q. What kind of animals that -- what kind of animals being  
21 exhibited need a USDA license? Does it only apply to  
22 domestics -- I'm sorry -- does it only apply to exotics or  
23 domestics as well?

24 A. Oh, that's a good question because there's a di minimus role  
25 so that we don't really do, like, farm animals or little farm

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1 exhibits and petting zoos unless they have over a certain number  
2 of animals, but it does, you know, cover exotic animals.

3 Q. Can you describe the process of obtaining a USDA license for  
4 an exhibitor?

5 A. Oh, they would contact the -- the regional office, and for  
6 Oklahoma, it's in Colorado, and ask for an application packet.  
7 And they would have to fill it out and, you know, pay the fees  
8 and then -- and then the inspector would go out and do a  
9 pre-licensing inspection. And they have up to three  
10 pre-licensee's inspections to make sure they're going to be  
11 compliant with the Animal Welfare Act. And then if everything  
12 passes, then they would get licensed.

13 Q. How much does a USDA license cost?

14 A. It's kind of a sliding scale depending on what animals they  
15 own or how much money that they're going to receive, that sort of  
16 thing. So it's kind of hard to -- I mean, they're going to  
17 change that probably, but for right now it -- it varies.

18 Q. Okay. Is it relatively expensive? Are we talking like  
19 \$10,000 or --

20 A. No. It's actually very affordable.

21 Q. Okay. Do you have to renew a USDA license periodically?

22 A. Right now it's annually. They're thinking about changing  
23 that to, you know, every three years, but it's annually right  
24 now.

25 Q. How often are inspections made of USDA license holders?

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- 1 A. It depends on the facility. The minimum would be yearly.  
2 You know, sometimes some areas have vacancies and you can -- you  
3 can extend beyond a year, but that's usually our minimum is  
4 yearly. If they're a facility that is having compliance issues,  
5 it could be a lot more frequently, like every three, four months.
- 6 Q. Can the USDA take your license away?
- 7 A. They can, but it's -- I don't see it happening that often.
- 8 Q. Why is that? Or what is the process that it takes to revoke  
9 someone's USDA license?
- 10 A. They have to have done some pretty severe things of animal  
11 neglect or, you know, have gotten into trouble with the law with  
12 animals with their state or county, things like that.
- 13 Q. Okay. And is there -- are exhibitors with a license  
14 entitled to an appeal process if the USDA tries to take away  
15 their rights -- take away their license?
- 16 A. I believe so. When we give citations, they have an appeal  
17 process if they don't agree with our citations. So I imagine it  
18 -- I have only worked there for two years, so I haven't, you  
19 know, heard a lot of people appealing that. But, yes, I think  
20 legal recourse is always an option.
- 21 Q. Do you know a person named Joseph Schreiber who also goes  
22 by Joseph Maldonado-Passage or Joseph Passage?
- 23 A. Yes.
- 24 Q. And how do you know him?
- 25 A. He's one of my licensees.

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1 Q. Do you see him here in the courtroom?

2 A. I haven't looked at everybody in the courtroom.

3 Q. And you are very short, so I'm going to --

4 A. Oh, there he is. Yes. Okay.

5 Q. Could you describe, just for the record, what he's wearing,  
6 please?

7 A. Well, it looks like a blue or dark suit and a light shirt.  
8 It's either white or light blue, and a nice tie with stripes.

9 Q. All right. So did Mr. Passage have a USDA license for  
10 exhibiting animals at the Greater Wynnewood Exotic Animal Park?

11 A. Yes, he did.

12 Q. And I believe you stated this, but were you assigned to  
13 inspect his zoo from the time that you started at the USDA a  
14 couple of years ago?

15 A. Yes.

16 Q. And about what year -- or what year and month did you start  
17 taking over responsibility for the zoo in Wynnewood?

18 A. You know, I don't remember exactly because I was stationed  
19 in Arkansas for, you know, a few months before transferring to  
20 Oklahoma. But, you know, I started that job in January of 2017,  
21 so it would probably be around June -- June 2017, I believe.

22 Q. Okay. Prior to you taking over the inspection  
23 responsibility for the -- the Greater Wynnewood Exotic Animal  
24 Park, and I'll just call it the zoo, did somebody else at the  
25 USDA have the responsibility for inspecting?

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- 1 A. Yes.
- 2 Q. And who was that?
- 3 A. Debbie Cunningham.
- 4 Q. And when you took over the inspection responsibilities from  
5 Debbie Cunningham, did you receive a file or paperwork on the  
6 zoo?
- 7 A. I received her folders, yes.
- 8 Q. How often did you inspect Mr. Passage's zoo?
- 9 A. It was probably every four months, something like that.
- 10 Q. Now, was this -- every four months, was this more frequent  
11 than you inspected other people in your caseload?
- 12 A. Well, I mean, there was some other licensees that were on  
13 that frequency as well, so he wasn't the only one, but --
- 14 Q. What was -- why did you inspect Mr. Passage's zoo every four  
15 months?
- 16 A. There was some history of some noncompliance.
- 17 Q. Were your visits to the zoo something that's scheduled or  
18 are they unannounced?
- 19 A. They're unannounced.
- 20 Q. When you went to inspect Mr. Passage's zoo, did you go alone  
21 or were there other people with you?
- 22 A. No. There's other inspectors.
- 23 Q. And what other inspectors would have gone with you?
- 24 A. Usually it would have been Dr. Michael Tigert. That's  
25 usually who goes with me, but occasionally there would be other

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1 people. Like once my boss, my direct supervisor went, and then  
2 his supervisor went one time.

3 Q. Did you take security with you when you did your  
4 inspections?

5 A. Yes.

6 MR. EARLEY: Your Honor, I'm going to object to this.  
7 It's irrelevant. And if we could approach.

8 (The following bench conference was held outside the hearing  
9 of the jury.)

10 MR. EARLEY: In the tens of thousands of pages of stuff  
11 I have read in this case, there is some reference to Ms. Boone  
12 having an armed person with her when she inspected this  
13 particular facility. It sounds to me like, in what I have read,  
14 that this was unusual. And it may have been prompted by some --  
15 something -- I mean, it wasn't clear in the material, but I don't  
16 want this witness going into some testimony about potential  
17 404(b) evidence that I'm aware of -- unaware of.

18 MS. MAXFIELD-GREEN: Well, based on her -- what she has  
19 proffered to us, she took armed security with her on her visits  
20 because Mr. Passage had made threats against the USDA in the past  
21 and I think it's relevant. I'm not -- I'm not planning to go  
22 down the road of introducing evidence of the actual threats or of  
23 what caused her to take the security -- well, I would like her to  
24 say that it was the threats that caused her to take the security.  
25 Like I said, I'm not going to introduce what the threats were or

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1 anything like that, but I think it -- the fact that she was there  
2 under those circumstances affected her ability to observe and to  
3 do her inspection, and perhaps the speed with which she wanted to  
4 get on and off the park. And I don't intend to have her  
5 establish any of that, but I think that's a fair inference for  
6 the jury to draw.

7 MR. EARLEY: Well, this is clearly 404(b) evidence of  
8 other acts on the part of Mr. Passage that we really haven't  
9 discussed in a motion in limine. But, you know, it -- well, it  
10 is that, it is unduly prejudicial. There's absolutely no  
11 personal knowledge, I can take it, from Ms. Boone of any of these  
12 past threats. It's just simply she read something in the file  
13 and has asked someone to come along with her. I think that's too  
14 vague. It's not relevant in this case.

15 THE COURT: Were the threats to her?

16 MS. MAXFIELD-GREEN: They were to USDA inspectors prior  
17 to when she started her employment.

18 THE COURT: Well, I mean, she's testified that she --  
19 that she took armed individuals with her.

20 MS. MAXFIELD-GREEN: And I didn't say "armed." I asked  
21 her if she took security.

22 THE COURT: I am reluctant to let her talk about  
23 threats that he's made to her. She's talked about taking  
24 security, she's testified that it was armed security. I think  
25 you could, at least to her personally, if she's had confrontation

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1 with the defendant, but I am going to sustain the objection in  
2 terms of her discussing any of the random just threats to the  
3 USDA in general.

4 MS. MAXFIELD-GREEN: Okay.

5 MR. EARLEY: All right. So if I understand the Court  
6 correctly, if she -- if she has had a direct confrontation with  
7 Mr. Maldonado-Passage then --

8 THE COURT: Sure, I think that's fair game. I mean, if  
9 it's --

10 MS. MAXFIELD-GREEN: She has not had a direct  
11 confrontation with him, so I won't ask her. Can I ask her if she  
12 typically takes security on her other inspections?

13 THE COURT: I think that's getting pretty close to the  
14 line, but I think -- I think she can do -- I think she can  
15 describe -- I just don't want her talking about generic the  
16 defendant has made threats to the USDA in general.

17 MR. EARLEY: Well, and that's the only basis for her  
18 bringing security with her. So since that's the only reason for  
19 her to have security with her, and since it's not going to be  
20 allowed, then I wouldn't think that the question about did she  
21 have armed security with her would be allowed here. I think it's  
22 all irrelevant and unduly prejudicial, Your Honor.

23 THE COURT: I'll allow her to talk about whether that  
24 was typical, but I don't want her talking about the threats. So  
25 it's sustained in part; overruled in part.

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1 (The following record was made in open court, in the  
2 presence of all parties, counsel, and in the presence and hearing  
3 of the jury.)

4 Q. (By Ms. Maxfield-Green) Ms. Boone, did you take security  
5 with you on your other inspections?

6 A. No.

7 Q. Now, if you could describe for us, what was the procedure  
8 like when you went to Mr. Passage's zoo? What were you looking  
9 for? Kind of just describe for us from the moment you walk onto  
10 the zoo what it is that you are actually doing and looking at.

11 A. We're looking at the facilities, the enclosures, make sure  
12 they're safe for the animals, they don't have broken wires,  
13 things like that. We're looking to see if, you know, the  
14 exhibits are clean. We look at their food, what kind of diet  
15 they're fed. The cleanliness of, you know, the water sources.  
16 Just looking at -- over anything that can impact the welfare of  
17 the animal. That's -- the facilities, we'll walk through and go  
18 look at the animals to make sure they're -- they look healthy and  
19 they do not have any injuries or anything like that.

20 And then we also -- we inspect, like, the coolers, the  
21 freezers, the kitchen area to make sure everything's sanitary in  
22 there and that the food looks wholesome and nutritious. And then  
23 after we're through with all the facilities and ask any  
24 questions, then we go to the paperwork. We look at vet records  
25 of any animals that have been treated for anything. We look at

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1 their acquisition and disposition papers, animals coming in,  
2 animals leaving the zoo, and we look at their animal inventory.

3 Q. Okay. As for inventory, do you actually go through and  
4 count and list the animals?

5 A. We do. We do a physical count when we go through to do an  
6 inspection, and then we also look at the inventory and see how  
7 that matches up.

8 Q. Okay. And you spoke about inspecting the food that the  
9 animals are fed. Do you have any knowledge about how the zoo fed  
10 its predators, the tigers, lions, wolves, what kind of meat they  
11 were fed?

12 A. A variety of meat from different sources.

13 Q. Do you have any knowledge about where the -- the sources of  
14 that meat?

15 A. A little -- little knowledge. I know that some of it --  
16 some of it came from Walmart.

17 Q. Does Walmart have a program where it provides meat to  
18 facilities like Mr. Passage's?

19 A. I don't really know Walmart's business. I mean, I know what  
20 I have been told, but, you know, I don't know if they have  
21 anything set up.

22 Q. Okay. Now, did you typically deal with Mr. Passage only or  
23 with other zoo employees?

24 A. Other zoo employees.

25 Q. And who did you deal with?

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- 1 A. Reineke.
- 2 Q. Is that John Reineke?
- 3 A. John Reineke.
- 4 Q. Okay. And what was his position at the park?
- 5 A. I'm not sure exactly, but he's kind of like a manager.
- 6 Q. Did Mr. Reineke appear to you to be familiar with and  
7 knowledgeable about the animals?
- 8 A. Yes.
- 9 Q. About -- in total, about how many animals were at the zoo  
10 when you started inspecting it?
- 11 A. I would have to look at the inventory, but, you know,  
12 there's -- there's a lot. You know, there's about 200, roughly.
- 13 Q. 200 animals in total?
- 14 A. Yes.
- 15 Q. Okay. About how many tigers and lions and big cats were at  
16 the zoo?
- 17 A. That would vary, but, you know, close to a hundred, maybe  
18 more.
- 19 Q. Okay. After you conduct your inspection, do you write a  
20 report with the findings?
- 21 A. Yes.
- 22 Q. And what happens to that report?
- 23 A. The report is given to the licensee and uploaded into our  
24 database.
- 25 Q. Okay. Is the licensee required to sign it or acknowledge it

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1 in some way?

2 A. They do acknowledge the receipt of it. We don't, you know,  
3 make them sign it, but they do have to acknowledge that they  
4 received it.

5 Q. If you notice a violation of USDA regulations at the zoo,  
6 what do you do?

7 A. We just -- we discuss it with the licensee and we cite for  
8 it usually.

9 Q. And when you cite for it, is there a fine associated with  
10 that or what happens?

11 A. Not necessarily. It depends on, you know, if it's a repeat  
12 violation or whatever. But it just goes on their -- their  
13 report, which is made available, you know, on our website to the  
14 public if they're an exhibitor.

15 Q. Okay. And when those reports are made available on the  
16 Internet, are they provided in whole or are they heavily  
17 redacted?

18 A. It depends. Like the -- the breeders, a lot of times their  
19 residence is on the same property as their breeding facility, so  
20 those are heavily redacted to protect their privacy. And it  
21 depends on the exhibitor, sometimes they also live on the  
22 premises, so it just depends on the exhibitor.

23 Q. Okay. So let's talk a little bit more about USDA records.  
24 What type of records are USDA license holders required to keep?

25 A. They're required to keep the acquisition and disposition

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1 records. Like whenever they receive an animal, we want to see  
2 copies of where they came from so, you know, we can trace animals  
3 if we need to. A lot of times they'll have health certificates  
4 because those are required by the state, so we look at those. I  
5 look at -- I'm sorry. What was the question?

6 Q. Just what kind of forms are they required to keep, or what  
7 kind of records are they required to keep?

8 A. Acquisition, disposition, inventory and health records.

9 Q. And I think you stated this, but is the purpose of those  
10 forms just to keep track of how many animals they have?

11 A. And to know, yeah, where they're coming from, where they're  
12 going, uh-huh.

13 Q. So if one license holder sells an animal to another license  
14 holder, what would be the proper paperwork?

15 A. They would need to fill out a disposition paper that tells,  
16 you know, who's getting -- you know, where's the animal from,  
17 where is it going to, description of the animal and transport  
18 information.

19 Q. Are the license holders required to use, like, a particular  
20 form that's supplied by the USDA?

21 A. They're recommended to use, like, the 7006, 7005 forms,  
22 depending on if they're a breeder or an exhibitor, and they're  
23 asked to -- if they don't want to use that form, they need to  
24 provide all the information that's on that form, but they can use  
25 their own form if they get that approved.

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1 Q. Did Mr. Passage's zoo use the, what was it, the 7006 form or  
2 did they use a form that they had created?

3 A. They used a form that they had created.

4 Q. And are the license holders required to produce those forms  
5 at each inspection?

6 A. Yes.

7 Q. How long are they required to keep their forms?

8 A. They're supposed to keep them for at least a year, unless  
9 the animal care administrator says, oh, you need to keep them  
10 longer, and then they're required to keep them as long as they're  
11 told they need to keep them. It's usually a year.

12 Q. When you inspected Mr. Passage's zoo, did you look at his  
13 transfer forms?

14 A. Yes.

15 Q. And did you make copies of those forms to take with you?

16 A. Yes.

17 Q. How did you take a copy? Did you photocopy them or  
18 otherwise?

19 A. We ask them to photocopy them.

20 Q. And then did you keep copies of those -- did you keep copies  
21 of the transfer forms for other exhibitors on your caseload as  
22 well?

23 A. Yes.

24 Q. I'm going to ask you to look in the book in front of you.  
25 It's the government exhibit book, the black one. And if you

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1 could turn to Exhibits 7 through 13. And if you would just flip  
2 through those.

3 A. You want me to look -- look kind of through them?

4 Q. Yes.

5 A. Okay.

6 Q. Are you familiar with those documents?

7 A. Yes. Somewhat, yes.

8 Q. What are they?

9 A. They're disposition forms.

10 Q. Okay.

11 THE COURT: Dr. Boone, if you could, please pull that  
12 microphone a little bit closer to you.

13 Q. (By Ms. Maxfield-Green) And are those disposition forms  
14 that you collected or copied in the course of your job duties  
15 inspecting Mr. Passage's zoo?

16 A. Yes, I believe so.

17 Q. And did you put those documents in your case file for  
18 Mr. Passage's USDA license?

19 A. Yes.

20 Q. And is that a file maintained by you as part of your duties  
21 with the USDA?

22 A. Yes.

23 MS. MAXFIELD-GREEN: The Government moves to admit  
24 Exhibit 7, 8, 9, 10, 11, 12 and 13.

25 THE COURT: Any objection?

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1 MR. EARLEY: No objection.

2 THE COURT: Be admitted.

3 MS. MAXFIELD-GREEN: If I could have Exhibit 12, Jane.

4 Q. (By Ms. Maxfield-Green) I'm just going to show you  
5 Exhibit 12, which is just an example of what you were looking at,  
6 one of the several documents you were looking at.

7 So if we could just -- you could kind of familiarize us, is  
8 this a disposition or transfer form that you're familiar with?

9 A. Yes, I believe so.

10 Q. Okay. And what -- the origin that lists Mr. Maldonado is --  
11 can you just kind of explain for us what this form shows?

12 A. Well, the origin would be, you know, the person that the  
13 animal is coming from, and then -- this is supposed to be  
14 destination, but anyhow, that is where the animal is going to.  
15 And donated was checked off, and two lions, one male, one female.  
16 Age, I believe that's years, but I don't know because it doesn't  
17 say years or months of age. And then the receiver and the date  
18 that they received it. And it looks like the transporter wrote  
19 down their vehicle description.

20 Q. Okay. And so would the -- this form be compliant with what  
21 the USDA requires for recordkeeping?

22 A. Yes, because it does have the USDA number on -- on it.

23 Q. Okay. And it's -- the box there is checked "donate." Did  
24 the USDA ever do anything to determine whether animals were  
25 actually donated versus sold?

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1 A. Animal care doesn't -- doesn't really look into that, the  
2 specifics of that. We don't really have any regulatory  
3 jurisdiction on, you know, if things are sold or donated.

4 Q. Okay. Now, did Mr. Passage breed big cats and produce cubs?

5 A. Yes.

6 Q. If cubs were born at the zoo, how should that be documented?

7 A. They should be recorded on their inventory if they're going  
8 to keep them. They should be added to the inventory.

9 Q. And if cubs were sent to another zoo, how should that be  
10 documented?

11 A. In disposition paperwork such as this, unless they're just  
12 only going to be transported for, like, exhibit, but they still  
13 would need to do a disposition paper.

14 Q. Okay. Did Mr. Passage allow cub handling at his zoo?

15 A. Yes.

16 Q. And as part of your job with the -- as a USDA inspector, are  
17 you familiar with the USDA guidance regarding handling of tiger  
18 and lion cubs?

19 A. Yes. There's not a whole lot of guidance, though,  
20 unfortunately.

21 Q. What is the guidance, to the extent it exists?

22 A. That the animals won't be handled excessively, you know, to  
23 where it impacts their welfare. You know, if they're getting  
24 tired, they need to be allowed time to rest and, you know, be fed  
25 and to sleep.

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1 Q. Okay. Is there -- are there age limits on public handling  
2 of cats? Are there -- is there a minimum age?

3 A. There's -- there's guidelines, but they're more on the upper  
4 end, you know, because we don't want people getting injured. So,  
5 you know, three to four months of age would be the maximum we  
6 would want any public handling to occur.

7 Q. Is there USDA guidance on handling cubs under the age of  
8 four weeks?

9 A. It's discouraged, but we don't have regulatory enforcement  
10 on that.

11 Q. Why is it discouraged?

12 A. Because it's not in the best interest of the welfare of the  
13 animal.

14 Q. You mentioned that there are upper limits based on the  
15 animal getting larger for safety, but there's no hard and fast  
16 rule, correct?

17 A. Well, if it goes beyond, like, you know, three to four  
18 months, then they're -- they can be cited for that.

19 Q. They can be cited for allowing too large of an animal to be  
20 handled?

21 A. Because it's dangerous, uh-huh.

22 Q. As part of your job duties, were you assigned to inspect a  
23 person named Beth Corley?

24 A. Yes.

25 Q. And did she have a USDA exhibitor's license?

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1 A. Yes.

2 Q. To your knowledge, was Beth Corley affiliated with  
3 Mr. Passage or with the GW Zoo?

4 A. Physically, like, no. I mean, she was affiliated, but  
5 not -- I mean, I never saw her on the premises, things like that,  
6 but I think she did have some boarding arrangement with -- with  
7 Joe.

8 Q. Okay. What animals were on Beth Corley's USDA license?

9 A. I would have to -- I would have to look at the inventory  
10 because that did change, you know, but she did have some animals.

11 Q. Did she have tigers and lions, large animals on her license?

12 A. I believe so, because they were transferred around, so --

13 Q. And that's my next question. Did the animals under her  
14 license change from time to time?

15 A. Yes.

16 Q. How would they change?

17 A. There would be acquisition/disposition papers showing that  
18 they were being moved from licensee to licensee.

19 Q. Between her and who?

20 A. Mr. Maldonado and Jeff Lowe.

21 Q. Okay. So the animals would move from license to license?

22 A. Uh-huh.

23 Q. And be listed differently at different times?

24 A. Uh-huh.

25 THE COURT: Be sure to answer yes or no, please.

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1 THE WITNESS: Yes.

2 Q. (By Ms. Maxfield-Green) Did you ever inspect Beth Corley's  
3 home?

4 A. No.

5 Q. Did you ever inspect her in connection with her license, any  
6 premises in connection with her license?

7 A. Not -- not other than the animals at the Greater Wynnewood  
8 Exotic Animal Park.

9 Q. So when you inspected at the park, you were aware that  
10 certain animals were listed under her license?

11 A. Yes.

12 Q. Have you ever met Ms. Corley?

13 A. Not until today.

14 Q. And was she -- so she was never present at the park when you  
15 did your inspections?

16 A. No, she was not, to my knowledge.

17 Q. What was your understanding of why animals would be  
18 transferred among these licenses that were associated with the  
19 zoo?

20 A. I never really understood why.

21 MR. EARLEY: Your Honor, as long as we specify the  
22 basis for the knowledge, lay a foundation as to that. Who said  
23 what, if that's what it's based on.

24 THE COURT: Sustained.

25 Q. (By Ms. Maxfield-Green) Did anyone ever explain to you why

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1 the animals were transferred among licenses?

2 A. No.

3 MS. MAXFIELD-GREEN: Government passes the witness.

4 THE COURT: Thank you.

5 Cross-examination?

6 **CROSS-EXAMINATION**

7 **BY MR. EARLEY:**

8 Q. Just to follow up where Ms. Green just left off, so there  
9 are forms in the park's file that show the acquisition and  
10 disposition from one licensee to another; is that correct?

11 A. Correct.

12 Q. And that is required by your agency, correct?

13 A. Yes, uh-huh.

14 Q. All right. So even though, apparently, those animals aren't  
15 going anywhere, if they're switching license, there still has to  
16 be a form, correct?

17 A. Correct.

18 Q. And those were records that you observed in the records of  
19 the park, correct?

20 A. Correct.

21 Q. All right. Now, prior to going to work for the USDA, I know  
22 you were in private practice awhile and did some other work with  
23 shelters. Did you have prior exotic animal experience?

24 A. In veterinary school I did -- I did have an interest in zoo  
25 animals. So I would take, you know, whatever additional training

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1 they had on that, but --

2 Q. But other than in vet school, did you have any experience  
3 with exotic animals as a veterinarian?

4 A. Just -- just usually smaller exotic animals, you know, that  
5 people would bring in to private practice, you know, birds and  
6 hedgehogs, you know, things like that, rabbits.

7 Q. But tigers, lions and other species like that?

8 A. No.

9 Q. You have already mentioned that a private person, if  
10 somebody just wants for whatever reason to get a lion, they don't  
11 need to have a license, correct, as long as they're not  
12 exhibiting the animal?

13 A. Not from the USDA, no.

14 Q. All right. And I believe that you stated that your  
15 inspections of this particular facility began in June of 2017; is  
16 that right?

17 A. I would have to look back at the inspection reports to be  
18 absolutely certain, but that sounds about right.

19 Q. But sometime in 2017, correct?

20 A. Yes.

21 Q. All right. And with respect to the frequency of your visits  
22 to the park, I believe you said in his case it was about every  
23 three to four months; is that right?

24 A. Yes.

25 Q. And if there are, I guess, significant enough violations of

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1 the rules, then a person's license can actually be taken,  
2 correct?

3 A. Yes.

4 Q. And I know that you don't get involved in that part of it,  
5 but that is a punishment that can be meted out against someone  
6 who's in violation of the rules of the USDA?

7 A. It can be.

8 Q. And when you go out there, you're basically looking to make  
9 sure everything is in good order. The cages, correct?

10 A. Yes.

11 Q. Food source?

12 A. Yes.

13 Q. Water source?

14 A. Yes.

15 Q. General animal welfare?

16 A. Yes.

17 Q. All right. And then, as you have just testified, you review  
18 all the paperwork that the individual is supposed to keep ahold  
19 of, correct?

20 A. Correct.

21 Q. And as far as these acquisition and disposition forms, they  
22 are required to be kept in the regular course of business; is  
23 that right?

24 A. Yes.

25 Q. And essentially, if I understand you correctly, the point of

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1 those forms is to show when it was received or when it was  
2 removed from the inventory of the park, correct?

3 A. Correct.

4 Q. So what you're always looking for, primarily, when you go  
5 out there, other than the welfare part, is to make sure that the  
6 animals that are on that park are accounted for on the inventory  
7 sheet, correct?

8 A. Yes.

9 Q. And if there's a prior inventory sheet that shows a  
10 particular animal and there's no acquisition or disposition  
11 sheet, that would cause you to make further inquiry?

12 A. Correct.

13 Q. All right. And if I'm not mistaken, you said that  
14 individuals such as Mr. Passage and other licensees are required  
15 to hold onto those for one year?

16 A. Yes.

17 Q. Now, how long does your agency hold onto your copy of those  
18 records?

19 A. That would depend on what's done with the records. If it's  
20 uploaded into our database, once it's in there -- like, if  
21 somebody had a noncompliance and we made a copy of that and it  
22 was loaded into our database, then it could be indefinite. I  
23 don't know how long we keep them. And then it depends on the  
24 inspector, how long they would keep it in their file.

25 Q. All right. As far as acquisition and disposition forms, are

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1 those usually uploaded into the system?

2 A. Only if there's a discrepancy or something on them that's --  
3 you know, would merit that; otherwise, no.

4 Q. So otherwise it's just up to the individual inspector how  
5 long they keep them in their individual file, correct?

6 A. Uh-huh.

7 Q. So, for example, I believe you identified Government's  
8 Exhibit 7. And this appears to be a form dated 11/16/16; is that  
9 correct?

10 A. Yes.

11 Q. All right. So that obviously wasn't something that you kept  
12 in your file, correct?

13 A. I don't believe it's in my file, but it could have been in  
14 the file that I got from Debbie.

15 Q. Correct. So she may have decided to keep those for a number  
16 of years, correct?

17 A. Correct.

18 Q. Okay. Now, when you go out there and you find some sort of  
19 deficiency in the operation that affects your area, what do you  
20 do?

21 A. We talk to the licensee about it so that they are aware that  
22 that's a deficiency, and then they may be cited for it or they  
23 may be given a teachable moment on it, depending on the severity  
24 and frequency.

25 Q. All right. And are some of those contained in the report

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1 that you provide to the licensee?

2 A. Yes.

3 Q. Is it always reduced to writing?

4 A. No. Sometimes we just do a talking point, you know.

5 Q. So if you went out and there was a dirty water bowl or  
6 something, you may not write up a report about that, but just  
7 have a conversation with the licensee?

8 A. Correct.

9 Q. If you would put the other exhibit book in front of you, the  
10 defendant's exhibit book, and turn to No. 11. Do you have that?

11 A. Yes.

12 Q. Okay. And can you tell me what that is?

13 A. It's an inspection report for the 25th of July 2017.

14 Q. And is that a report that you digitally signed?

15 A. Yes.

16 Q. All right. Would that be a report that you keep in the  
17 regular course of your business with respect to dealing with this  
18 particular entity?

19 A. Yes.

20 MR. EARLEY: I would move admission of Defendant's  
21 Exhibit 11.

22 THE COURT: Any objection?

23 MS. MAXFIELD-GREEN: No objection.

24 THE COURT: Be admitted.

25 Q. (By Mr. Earley) Now, in this particular report, which looks

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1 like it was the result of a July 25th, 2017, inspection. Would  
2 that be correct?

3 A. Yes.

4 Q. All right. There are a couple of things, or three or four  
5 things that are listed as deficiencies, correct?

6 A. Correct.

7 Q. Now, I want to draw your attention to the first deficiency  
8 that's noted here. And essentially what were you citing as a  
9 deficiency in this particular case?

10 A. It's information that was lacking on the form.

11 Q. All right. And with respect to this form -- is it the  
12 acquisition and disposition form?

13 A. Yes.

14 Q. So you -- during your routine review of the records at the  
15 facility, you're going through there and you note that, hey,  
16 there's some deficiencies in some of your paperwork, correct?

17 A. Correct.

18 Q. And you decide just to write the individual up and let the  
19 licensee know what the problem was, correct?

20 A. Yes, but some -- some of these -- there was a lot of  
21 paperwork that I couldn't go through on the premises, so I had  
22 to, like, work on them at the office.

23 Q. Sure. That's okay.

24 All right. But with respect to this first one, you say that  
25 several records examined were not in compliance with 2.75(b),

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- 1 Subparagraph 1, Subparagraphs 2 through 4; is that correct?
- 2 A. Are you talking about B or A?
- 3 Q. The very first citation or deficiency that you noted. Right
- 4 here.
- 5 A. Uh-huh.
- 6 Q. What is that referring to?
- 7 A. The animal welfare regulations.
- 8 Q. And are those contained in the code of federal regulations?
- 9 A. Yes.
- 10 Q. Are you familiar with those regulations?
- 11 A. Yes.
- 12 Q. In fact, you deal with those regulations probably daily; is
- 13 that right?
- 14 A. Yes -- well, not every day, but yes.
- 15 Q. Okay. Well, turn to Defendant's Exhibit 12, please. I'm
- 16 going to ask you to take a look at that.
- 17 A. It looks like it's out of an older regulation book, but --
- 18 but, yes, these are our regulations.
- 19 Q. Well, if you would, just turn -- turn to the next page. And
- 20 it shows which edition of the CFR?
- 21 A. The 1/1/17 edition. Okay.
- 22 Q. So that would be the 2017 version, correct?
- 23 A. I believe so.
- 24 Q. All right.
- 25 A. That's what it says, but I'm just -- I'm just confused in my

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1 mind if this might be the big blue book or -- you know, the big  
2 one or just the animal welfare one, but it's the same  
3 regulations.

4 Q. Correct. And you recognize these as the regulations, and  
5 certainly that particular regulation that you cited in  
6 Defendant's Exhibit 11, correct?

7 A. Just let me check real quick, just make sure I see it in  
8 here.

9 Q. To help you out, Subsection B(1) is on the second page of  
10 the regulation.

11 A. Yeah. Unfortunately, they leave off the -- there we go.  
12 Okay.

13 Q. Is that correct?

14 A. Yes.

15 MR. EARLEY: Your Honor, I would move for admission of  
16 Defendant's Exhibit 12.

17 THE COURT: Any objection?

18 MS. MAXFIELD-GREEN: No objection, Your Honor.

19 THE COURT: Defendant's Exhibit 12 will be admitted.

20 Q. (By Mr. Earley) Now, also in Defendant's Exhibit 11, which  
21 is the -- the form that I just did something with. Hold on one  
22 moment.

23 All right. So back to this. It states here that -- kind of  
24 what you testified to earlier, this APHIS form, do you remember  
25 that?

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- 1 A. Uh-huh.
- 2 Q. Now, I think you mentioned APHIS Form 7005, 7006; is that  
3 right?
- 4 A. That's what I said before.
- 5 Q. And if I'm not mistaken, I think that refers to, like, dogs  
6 and cats. Is there a reason you referred to Form 7 -- 7020 in  
7 this particular deficiency?
- 8 A. That must be the form that's used for exhibitors, because  
9 they are given different numbers, the dogs and cats and  
10 exhibitors.
- 11 Q. And I understand there's a lot of forms, are there not --
- 12 A. Uh-huh.
- 13 Q. -- that you deal with?
- 14 A. (Witness nodded.)
- 15 Q. On a daily basis?
- 16 A. Uh-huh. Uh-huh.
- 17 Q. All right. Now, I'll show you what's marked -- if you  
18 would, look at Defendant's Exhibit 13 in the book.
- 19 A. Uh-huh.
- 20 Q. And do you recognize that?
- 21 A. Oh, yeah. That's the 720. That's for other than dogs and  
22 cats, uh-huh.
- 23 Q. So that would be the form that you were referring to in  
24 Defendant's Exhibit 11, the deficiency notice, correct?
- 25 A. Yes.

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1 Q. All right. And you recognize Defendant's Exhibit 13 as an  
2 accurate representation of APHIS Form 7020?

3 A. Yes.

4 MR. EARLEY: I would move admission of Defendant's  
5 Exhibit 13.

6 THE COURT: Any objection?

7 MS. MAXFIELD-GREEN: No objection.

8 THE COURT: Be admitted.

9 Q. (By Mr. Earley) Now, in the letter -- and I'm afraid I'm  
10 going to be going back and forth a little bit here, if I don't  
11 lose my own paperwork -- you advise that it's not mandatory to  
12 use this APHIS 7020, correct?

13 A. Uh-huh.

14 Q. But you have to comply with certain portions of it; is that  
15 right?

16 A. Correct.

17 Q. Right. Now, if there was going to be full compliance, would  
18 you use the actual 7020 form itself?

19 A. Well, that's kind of a -- I don't really know how to answer  
20 that question because as long as they provide all the  
21 information, you wouldn't have to use a 7020.

22 Q. Okay. But if you did use the 7020, you would be providing  
23 all the required information that you would have to provide to  
24 the USDA, correct?

25 A. If you filled it out completely, yes.

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1 Q. Okay. Well, let's look at that. So this is the 7020 form  
2 and there are some directions on this form, correct?

3 A. Yes.

4 Q. Do you see that, where it says "instructions"?

5 A. Uh-huh.

6 Q. And the first thing that it tells you to do is complete  
7 applicable items 1 through 13, correct?

8 A. Correct.

9 Q. So whoever's using this form is instructed, you fill out  
10 boxes 1 through 13, correct?

11 A. Yes.

12 Q. And nothing else is required, according to this particular  
13 form, correct?

14 A. Well, is there any other instructions? I mean, you have got  
15 it zoomed up where I can't really look at the whole document, so.

16 Q. Well, no. Those are the only instructions that are provided  
17 by the USDA. And I'll pull it out so you can see the whole  
18 thing, if you like. It's kind of hard, it doesn't all go on this  
19 particular exhibit.

20 A. Uh-huh.

21 Q. But take a look at the one in your book and see if you find  
22 any other instructions.

23 A. Where is that in the book? 13?

24 Q. Thirteen.

25 A. Thank you.

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1           Okay. I looked at it.

2   Q.   Any other instructions that you see on that form?

3   A.   At the very bottom it says, "Delivery receipt to be  
4 completed by buyer or receiver."

5   Q.   Okay.

6   A.   But as far as, like, the person sending the animal, all they  
7 would have to do is 1 through 13.

8   Q.   Right. Right. And so it seems like any other kind of form.  
9 I mean, it's fairly self-explanatory, right? First is if there's  
10 an invoice number, I suppose you need to put that in there,  
11 right?

12   A.   Uh-huh.

13   Q.   I don't know what "page" is referring to. Do you know what  
14 that means?

15   A.   No, unless there's more than one page, you know, you had to  
16 really -- getting rid of a lot of animals or something.

17   Q.   And the third box, date of disposition. So that's one of  
18 the big ones, right? We need to know what the date is that this  
19 particular transaction is occurring, correct?

20   A.   Correct.

21   Q.   And then the dealer's license number, so that would be the  
22 licensee's individual number assigned to them by USDA, correct?

23   A.   Correct.

24   Q.   All right. And then, No. 5, they want the seller or donor's  
25 name and address and ZIP code, correct?

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- 1 A. Correct.
- 2 Q. Number 6, the buyer's same information, correct?
- 3 A. Correct.
- 4 Q. And, hopefully, if they have a USDA license, the buyer's or  
5 receiver's particular number, correct?
- 6 A. Correct.
- 7 Q. All right. And then I guess the larger one here is  
8 Subsection 8, the identification of animals being delivered. So  
9 that's where you provide a general description; is that correct?
- 10 A. Correct.
- 11 Q. And try to hit, I guess, as many of those categories as you  
12 can given the circumstances?
- 13 A. Correct.
- 14 Q. Then finally you get down to the end, the "delivery by." So  
15 that's who's -- you know, what kind of transportation method, I  
16 take it?
- 17 A. Correct.
- 18 Q. All right. The license number of the truck, correct?
- 19 A. Uh-huh.
- 20 Q. If there's a bill of lading number, you want one of those,  
21 correct?
- 22 A. Correct.
- 23 Q. And then I guess if this is some company or courier service  
24 that's doing this, they need to fill out Paragraphs 12 and 13,  
25 correct?

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- 1 A. Correct.
- 2 Q. Now, on the receiving end, you go down to the bottom and  
3 you're supposed to give the condition of the animal when it was  
4 received, correct?
- 5 A. Correct.
- 6 Q. Box 14. The total number received, Box 15, correct?
- 7 A. Correct.
- 8 Q. Box 16, if there were any dead animals that were within the  
9 transport, correct?
- 10 A. Correct.
- 11 Q. And then the number alive?
- 12 A. Correct.
- 13 Q. And then signature, title and date. Is that all that's  
14 required by that form?
- 15 A. Yes.
- 16 Q. Okay. Now, with respect to the requirements, your  
17 requirements, the USDA requirements, you don't have to follow  
18 this particular form, correct?
- 19 A. Correct.
- 20 Q. All right. Because this form would be -- like boxes 1  
21 through 13, if you were able to fill all that out, you would be  
22 hitting everything that you could possibly hit, correct?
- 23 A. Correct.
- 24 Q. And sometimes in these particular circumstances with respect  
25 to the exchange of animals, from say zoo to zoo or licensee to

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- 1 licensee, a lot of that information probably isn't necessary,  
2 correct?
- 3 A. Can you give me that question again, please?
- 4 Q. Well, I mean, if this is going from zoo to zoo, for example,  
5 there may not be an invoice number.
- 6 A. Correct, yeah.
- 7 Q. Something like that?
- 8 A. Yeah, there might be some things that are missing.
- 9 Q. And, again, the main purpose behind the regulations and  
10 behind these forms and your requirements is we want to know who  
11 has it, we want to know who is it going to, we want to know the  
12 date, and I think in addition you usually have a veterinary  
13 inspection form that goes with it, correct?
- 14 A. Correct.
- 15 Q. So it's just to track the animal, correct?
- 16 A. To track the animal and, like, if it was, like, really hot  
17 summer months or whatever, we might want to look at the  
18 transportation, need to make sure that the animals weren't  
19 getting overheated, that sort of thing.
- 20 Q. Sure. Now, nowhere in the regulation, which is Defendant's  
21 Exhibit 13, I believe -- or Exhibit 12, and nowhere on this form  
22 is it required for you to put whether this was a sale, exchange  
23 or transfer or donation. That is not required by this form, is  
24 it?
- 25 A. Well, it's -- it has the -- it has it on there. I'm not

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1 sure what you're saying.

2 Q. Well, it has it on there, correct?

3 A. Uh-huh.

4 Q. But it also tells you, you fill out boxes 1 through 13 if  
5 you are the disposition person, correct? It is not required for  
6 you to say whether it is a sale or a donation or an exchange or  
7 transfer. You can leave that blank, correct?

8 A. That would be the person's prerogative.

9 Q. All right. And the regulations governing the acquisition  
10 and disposition that are in the CFR do not specifically state  
11 that the person acquiring or disposing of the animal must provide  
12 the USDA, whether this is a sale or an exchange or donation?  
13 They don't say that you have to do that, do they?

14 A. No.

15 Q. And like you have said, it's because you're not really  
16 interested in that. That really doesn't have anything to do with  
17 you, correct?

18 A. With animal care, it's regulatory.

19 Q. Right. So going back to an example, Government's Exhibit 7,  
20 whether this particular form had donated on it or not is really  
21 irrelevant to you, correct?

22 A. To me as animal care inspector, yes.

23 Q. And you're the one who keeps those records, correct?

24 A. Correct.

25 Q. Now, I want you to flip to Defendant's Exhibit 14. If you

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1 would, just take a look at that. Do you recognize that?

2 A. Yes.

3 Q. And what is it?

4 A. It's an acquisition form.

5 Q. Right. And would this be one of the forms that you would be  
6 looking for if you were out inspecting this premises, let's say  
7 in June of 2018?

8 A. Yes.

9 Q. All right. And I -- I hesitate to ask you this, but do you  
10 have any independent personal recollection of this particular  
11 form?

12 A. It's a little bit confusing, but yes. I don't personally  
13 like this form because it -- it's a little confusing, like  
14 buy/seller, buyer/receiver. You know, personally I like it to be  
15 where it's coming from, where it's going to, you know, and not  
16 being able to be switched, flipped.

17 Q. But this -- apparently this would be a form that would be  
18 kept at this particular park, correct?

19 A. Yes.

20 Q. All right.

21 MR. EARLEY: I'll move for admission of Defendant's  
22 Exhibit 14.

23 THE COURT: Any objection?

24 MS. MAXFIELD-GREEN: No objection, Your Honor.

25 THE COURT: Defendant's 14 will be admitted.

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1 Q. (By Mr. Earley) All right. So let's just take a look at  
2 this form. And, again, it's an acquisition/disposition form,  
3 correct?

4 A. Correct.

5 Q. And on this form there's a date. And you were mentioning  
6 you didn't like the way it was set up on top; is that correct?

7 A. Yes.

8 Q. And what was that that you didn't like about it?

9 A. It says buy/seller, you know, in the upper left, and the  
10 right says buyer/receiver. So it can be a little bit ambiguous  
11 as to who's buying and who's selling.

12 Q. Or if they're buying or selling?

13 A. Right.

14 Q. But other than that description that -- apparently D & D  
15 Farms must be using that particular form. Would that be your  
16 assumption, since they're the seller or disposition person?

17 A. I believe so.

18 Q. All right. But looking at this particular form that would  
19 have been kept by this particular entity in the regular course of  
20 their business and then provided to your agency, do you see any  
21 notation on this form where it reflects whether or not this was a  
22 sale or a transfer or a donation?

23 A. I don't see anything on this particular form.

24 Q. So other than this confusing label on top, would there be  
25 anything about this form that you would have called into

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1 question?

2 A. The spelling ability of the person who wrote it, but -- you  
3 know.

4 Q. Short of that, nothing?

5 A. No.

6 Q. Then, if you would, look at Defendant's Exhibit 15. Do you  
7 recognize that?

8 A. Uh-huh.

9 Q. Is that something that's kept in the regular course of  
10 business in your file?

11 A. Not necessarily. It could be. Sometimes they're forwarded  
12 to me and sometimes I don't get them.

13 Q. Does this look to be an accurate representation of the  
14 acknowledgment of renewal of a license?

15 A. Yes.

16 MR. EARLEY: Move for admission of Defendant's  
17 Exhibit 15.

18 THE COURT: Any objection?

19 MS. MAXFIELD-GREEN: No objection.

20 THE COURT: Defendant's 15 will be admitted.

21 Q. (By Mr. Earley) And we won't spend much time on this, but  
22 this apparently is an acknowledgment of the renewal of  
23 Mr. Passage's license dated October 5th, 2017, correct?

24 A. Yes.

25 Q. So the USDA determined that he would be allowed to operate

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1 for yet another year commencing October 5, 2017, under his  
2 license, correct?

3 A. Well, the renewal date was 10/25, so -- I guess it was  
4 issued October 5th, but the renewal date is October 25th.

5 Q. Okay. So from October 25th forward for another year,  
6 correct?

7 A. Yes.

8 Q. All right. Now, when you go out to this particular park,  
9 you do a walk-through; is that right?

10 A. Correct.

11 Q. And you inspect the cages; is that right?

12 A. Yes.

13 Q. And I believe you earlier testified that, you know,  
14 depending on -- on probably what month it is, there's a lot of  
15 movement of animals in and out of the park; is that right?

16 A. There can be, yes.

17 Q. Okay. And when you were at the park, did you ever notice,  
18 particularly with the lions and that type of animal, did you ever  
19 notice empty cages at the park?

20 A. Yes. There have been empty cages, uh-huh.

21 Q. All right. So beginning whenever it was when you were  
22 beginning your inspections of this place, say -- let's just --  
23 May or June of 2017, when you would go out there, you would see  
24 empty cages, correct?

25 A. On occasion, yes, uh-huh.

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1 Q. And, again, your inspections are unannounced, right?

2 A. Correct.

3 Q. So it's not like you give him a call and say, hey, we're  
4 about ready to pop in on you. That's not how it works.

5 A. Correct, that's not how it works.

6 Q. Now, during the course of your inspections have you reviewed  
7 records of Dr. Joanne Green, a veterinarian?

8 A. Yes.

9 Q. All right. And she's required to keep certain records as  
10 well, correct?

11 A. Yes.

12 Q. Okay. And have you ever questioned any of Dr. Green's  
13 records that she has submitted to your agency?

14 A. I have called her on occasion when I have been, you know,  
15 needing further information.

16 Q. Okay. And so give us an example of what that might have  
17 entailed.

18 A. There was a death of a bear, and I believe Joe had told me  
19 that he thought it had died of kidney disease. And I had a  
20 question about that because of something Dr. Green had written on  
21 her records, so I called her. I believe I called her and asked  
22 her and she said, no, it was liver disease. So I was like, okay,  
23 that makes a lot more sense.

24 Q. So you clarified something with her?

25 A. Yes, uh-huh.

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1 Q. Now, Dr. Green is required to keep records of euthanization;  
2 is that right?

3 A. According to the Oklahoma Practice Act, yes.

4 Q. All right. Does she have to keep those records for your  
5 agency?

6 A. Not for our agency, but she needs to keep them for her  
7 own -- you know, her own purposes. And if we ask to look at  
8 them, I'm sure she would let us look at them.

9 Q. Is there a reason why you might want to look at them?

10 A. If I needed to compare, you know, information or if, you  
11 know, I had any suspicion, then I would want to get  
12 clarification.

13 Q. Okay. So, to your knowledge, based on your experience out  
14 there and your review of Dr. Green's records, have you ever  
15 questioned Dr. Green's approval of euthanization at the park?

16 A. No.

17 Q. I'm going to show you what's marked as Government's  
18 Exhibit 6. It's been previously introduced. Are you familiar  
19 with this type of record?

20 A. Yeah. It's a certificate of veterinary inspection for the  
21 State of Oklahoma.

22 Q. All right. And as far as what you do in the regular course  
23 of your business, do you ask for these or require the licensee to  
24 present these to you?

25 A. Usually I ask for all paperwork concerning the animals, and

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1 I am given CVIs to look at as well.

2 Q. And let me ask you this: This appears to be an Oklahoma  
3 document; is that correct?

4 A. Correct.

5 Q. All right. So do you -- in the course of your records  
6 inspections, not only of this facility, but perhaps any of the  
7 other facilities that you inspect, do you run across these  
8 documents that are from other states?

9 A. Yes.

10 Q. All right. And just for example, if you would turn to the  
11 defendant's exhibit book, 17-A. And what does this appear to be?

12 A. It appears to be a Florida certificate of veterinary  
13 inspection.

14 Q. All right. And that would be the type of record that, if an  
15 animal happened to be transferred in from Florida, you would  
16 expect to be kept by the licensee and available to you, correct?

17 A. Correct.

18 MR. EARLEY: I would move for admission of Defendant's  
19 Exhibit 17-A.

20 THE COURT: Any objection?

21 MS. MAXFIELD-GREEN: Your Honor, I think if counsel can  
22 lay a foundation if she has any knowledge about the Florida  
23 requirements.

24 THE COURT: Mr. Earley?

25 Q. (By Mr. Earley) Well, have you seen Florida certificate of

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1 veterinary inspections in your practice?

2 A. No. I think this is probably the first one I have seen in  
3 awhile.

4 Q. All right. It's a blank form, correct?

5 A. Correct.

6 Q. Does it appear to be any different than the Oklahoma form  
7 that we have identified in Government's Exhibit 6?

8 A. It's similar to, I mean. I wouldn't say it's exactly, but,  
9 yeah, each state has their own requirements and --

10 Q. Correct. All right. Do you have any reason to believe that  
11 this is a form that is not used by the State of Florida?

12 A. Well, I'm not familiar with Florida's forms, so it's kind of  
13 hard for me to say.

14 Q. Okay. We'll take it up with someone else then. Thank you,  
15 Doctor.

16 THE COURT: Mr. Earley, the objection will be  
17 sustained.

18 Q. (By Mr. Earley) Now, are you familiar with captive-bred  
19 wildlife registration?

20 A. Not really.

21 Q. Do you -- how many entities do you go around and inspect?  
22 How many are on your route, so to speak?

23 A. In Oklahoma, there's roughly 40.

24 Q. Okay. And do you know if any of those licensees or entities  
25 have captive-bred wildlife registration permits?

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1 A. I believe maybe some of them do, but, you know, that's not  
2 my area of regulation, so I don't...

3 Q. All right. Now, as far as Mr. Passage is concerned, you  
4 started engaging with him in, I guess we'll just say spring or so  
5 of 2017; is that right?

6 A. Correct.

7 Q. Did you ever have any conversations with him after you  
8 started inspecting his premises about him leaving the business?

9 A. Not personally. I know that he did discuss some of that  
10 with one of my colleagues, but not -- not personally to me, no.

11 Q. Okay. Were you present during that exchange?

12 A. Yes.

13 Q. And so what was it that you recall him saying about him  
14 leaving?

15 A. I just -- I remember Debbie saying -- Debbie Cunningham, she  
16 was the inspector.

17 MS. MAXFIELD-GREEN: Objection; hearsay. I'm unclear  
18 on whether she heard this herself or heard it from  
19 Ms. Cunningham.

20 THE WITNESS: Yeah, I wasn't a direct witness.

21 THE COURT: Hold on. Hold on, Doctor. Just a second.  
22 Mr. Earley?

23 Q. (By Mr. Earley) Well, I think my question was what was it  
24 that you heard Mr. Passage say about leaving the park?

25 A. Well, I didn't really hear him say anything.

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1 Q. All right. So that came from some other person?

2 A. Another inspector.

3 Q. So another inspector told you that?

4 A. She kind of summarized it, yes.

5 Q. Okay. That's fine.

6 THE COURT: Mr. Earley, this might be a good time to  
7 take our morning break. The GSA is going to come up and  
8 hopefully get our chair fixed.

9 So anyway, ladies and gentlemen of the jury, I remind you of  
10 the admonishment. You're not to discuss this case with each  
11 other or anyone else or permit anybody to speak to you about it.  
12 We'll take a 15-minute break. If everyone will please remain  
13 seated while the jury exits the courtroom.

14 (Jury exited.)

15 THE COURT: Court will be in recess.

16 (Break taken.)

17 (The following record was made in open court, in the  
18 presence of all parties, counsel, and in the presence and hearing  
19 of the jury.)

20 THE COURT: We think it's fixed. They were really long  
21 screws they put in that.

22 Mr. Earley, you may continue.

23 Q. (By Mr. Earley) Now, Dr. Boone, you were asked a little bit  
24 about cub handling. Do you recall that?

25 A. Yes.

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1 Q. And you stated that there wasn't a lot of guidance on that;  
2 is that correct?

3 A. Well, there are some tech notes on it. That's kind of a  
4 formal publication that Animal Care has put out that does give  
5 guidance on it. But as far as regulatory enforcement, that's --  
6 that's not something that we have a reg that we -- you know.

7 Q. So there's no actual statute or code of federal regulation  
8 provision that deals with that, correct?

9 A. Correct.

10 Q. So essentially you're saying that you're guided by sort of  
11 some agency rules. Would that be fair to say?

12 A. Agency policy, yes.

13 Q. Or not even rules; policy?

14 A. Uh-huh.

15 Q. And just to be clear, an entity that allows the public to  
16 come in and have contact with either cubs or other small animals,  
17 there's nothing illegal about that, correct?

18 A. Correct.

19 Q. Now, have you spoken to individuals, with respect to this  
20 case, individuals who are employed with the Fish & Wildlife  
21 service?

22 A. Some.

23 Q. And tell -- do you have regular contact with individuals who  
24 are in the Fish & Wildlife service?

25 A. Some. I mean, some with the Oklahoma Department of Wildlife

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1 Conservation and some with the federal wildlife, yeah.

2 Q. So do you-all collaborate and share information?

3 A. Well, we have to, to some degree, to perform our duties,  
4 yes.

5 Q. Okay. So, in your experience with the USDA, can you tell us  
6 how many matters that you have been involved in -- either just  
7 with the USDA or a combination of Fish & Wildlife/USDA -- how  
8 many matters have you been involved with that have resulted in a  
9 criminal prosecution like this?

10 A. This is the first one.

11 MR. EARLEY: I don't have any further questions.

12 THE COURT: Redirect?

13 **REDIRECT EXAMINATION**

14 **BY MS. MAXFIELD-GREEN:**

15 Q. Ms. Boone -- Dr. Boone, is it part of your job duties with  
16 the USDA to enforce compliance or any aspect of the Endangered  
17 Species Act?

18 A. No.

19 Q. Is it part of your job responsibilities with the USDA to  
20 enforce anything about the Lacey Act?

21 A. No.

22 Q. I'm going to draw your attention here to Defendant's  
23 Exhibit 11, and you looked at that with Mr. Earley. Could you  
24 just read the highlighted portion of this inspection report that  
25 you created for the zoo?

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1 A. "Acquisition and disposition records are necessary to be  
2 able to accurately track animals being used in regulated  
3 activities to ensure their legal acquisition, proper care and  
4 humane transportation."

5 Q. Okay. I'm going to show you what was marked as Defendant's  
6 Exhibit 13. This is -- this is the USDA version of the  
7 acquisition and disposition or transport form, correct?

8 A. Correct.

9 Q. And there are, in fact, boxes on this form that -- with the  
10 words "sale," "exchange" or "transfer" and "donation" next to  
11 them, correct?

12 A. Correct.

13 Q. And is the implication of a box being next to those words  
14 that they should be checked by the person who's filling it out?

15 A. I believe so.

16 Q. Would it ever be proper to put false information on a  
17 government form?

18 A. No.

19 MS. MAXFIELD-GREEN: That's all for the government,  
20 Your Honor.

21 THE COURT: Anything additional, Mr. Earley?

22 MR. EARLEY: Just a couple of questions.

23 **RECROSS EXAMINATION**

24 **BY MR. EARLEY:**

25 Q. You just stated that it is your belief that those particular

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1 boxes should be checked; is that right?

2 A. Yeah, I think they should. They're on the form, but, you  
3 know, the instructions 1 through 13, that didn't include that.

4 Q. Exactly. The government form that the government wrote  
5 tells the person you only have to provide this information,  
6 correct?

7 A. Correct.

8 Q. And you've seen forms where there are boxes for an  
9 individual to check whether they're African-American, Caucasian  
10 or native American that are optional, correct?

11 A. Correct.

12 Q. So just because there's a box there and a description  
13 doesn't make it mandatory, correct?

14 A. Correct.

15 Q. All right. And you have reviewed the regulations, you have  
16 reviewed your practice, and you have testified that the sale,  
17 transfer, exchange, donation makes absolutely no difference to  
18 you, correct?

19 A. Correct.

20 MR. EARLEY: Thank you.

21 THE COURT: Thank you, Dr. Boone. You may step down.

22 THE WITNESS: Can I just say something about the form?

23 THE COURT: No, ma'am.

24 Government, you can call your next witness, please.

25 MR. BROWN: We'd call Beth Corley.

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1 (WITNESS SWORN.)

2 THE COURT: Ms. Corley, if you could, feel free to  
3 adjust your chair and pull that mic up to you so you can speak  
4 into the microphone and so the court reporter can take down  
5 everything you say.

6 THE WITNESS: Thank you.

7 BETH CORLEY,  
8 DIRECT EXAMINATION

9 BY MR. BROWN:

10 Q. Good morning, ma'am.

11 A. Good morning.

12 Q. Please state your name.

13 A. Beth Corley.

14 Q. Ms. Corley, where do you live?

15 A. Here in Oklahoma City at 6604 South Miller.

16 Q. Thank you.

17 Are you familiar with a person named Joseph Schreibvogel,  
18 now known as Joe Maldonado-Passage?

19 A. Yes.

20 Q. Do you see him in the courtroom?

21 A. Yes, I do.

22 Q. Can you identify him and describe what he's wearing?

23 A. He's sitting over at that table there with a jacket and a  
24 tie on.

25 Q. Now, how do you know Mr. Passage?

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- 1 A. I used to work for him.
- 2 Q. When did you work for him?
- 3 A. From 2003 to 2011, somewhere around there.
- 4 Q. Okay. And what kind of work did you do for Mr. Passage?
- 5 A. I helped take care of the animals.
- 6 Q. And where did you work with Mr. Passage?
- 7 A. At the GW Exotic Animal Park in Wynnewood.
- 8 Q. And initially, when you started in 2003, what kind of work  
9 were you doing?
- 10 A. I was taking care of small animals.
- 11 Q. And over time did you ultimately join his traveling road  
12 show?
- 13 A. Yes, I did.
- 14 Q. And explain exactly what the road show was.
- 15 A. That's when we would take animals with us to have a display.  
16 We would do pictures and play cages to earn money for the park.
- 17 Q. And where exactly would you-all travel?
- 18 A. Traveled all over.
- 19 Q. Across the country?
- 20 A. Pretty much. I mean, we went from -- we was in Minnesota,  
21 Illinois, Texas, just different malls that we would go to.
- 22 Q. Okay. And during the road show did you primarily set up at  
23 malls?
- 24 A. Yes.
- 25 Q. And when you would arrive to set up, were these -- was the

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BETH CORLEY - Direct by Mr. Brown

1 exhibit or the show, was it usually in the parking lot or  
2 actually inside the mall?

3 A. Well, we did both, but mostly in the malls.

4 Q. And how many shows would you estimate that you averaged each  
5 year?

6 A. It used to just be occasionally where it would be once or  
7 twice a month, but then it got to where it was more regular; we  
8 would do three and four shows a month.

9 Q. Okay. And on average, for each show, if you went to a --  
10 let's say a particular mall in Wichita, Kansas, how many days  
11 would you actually be at the mall?

12 A. We would set up on Friday, Saturday and Sunday.

13 Q. And during these shows, when you traveled to the malls, what  
14 type of animals did you generally bring?

15 A. Usually baby tigers. We have had all sorts of animals,  
16 though. We had baby bears. Sometimes we had pigs, we had goats,  
17 we had all kinds of animals.

18 Q. Okay. Did you also take adult animals?

19 A. We took some that were older. They weren't adults, but we  
20 had some that were six to eight months old sometimes.

21 Q. And during the road show were the customers able to have  
22 photos taken with any of the animals?

23 A. Yes, with the babies.

24 Q. And did you charge for that?

25 A. Yes.

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BETH CORLEY - Direct by Mr. Brown

1 Q. Okay. Over time did the road show begin offering what are  
2 known as play times or pettings?

3 A. Yes.

4 Q. And describe kind of what exactly is a cub play time.

5 A. We would take the people into the -- into with the baby  
6 tigers and they could sit on the floor with the baby tigers and  
7 pet and love on them a little bit.

8 Q. And about how old were these baby tigers?

9 A. Oh, usually -- they were about 10 to 12 weeks old.

10 Q. Okay. And would Mr. Passage accompany you -- or accompany  
11 the road show for every show?

12 A. Not every show, no.

13 Q. For the majority of the shows?

14 A. It was about 50-50.

15 Q. Okay. And what was the name of this road show when you  
16 first started participating in it?

17 A. We was just -- it was a road show, is what we called it. It  
18 was the -- it eventually became a magic show, but at the start it  
19 was just a road show that we would set up.

20 Q. And when you were first involved with the road show, did all  
21 the employees and the other staff members who participated in it,  
22 did you have any uniforms or anything else you wore?

23 A. Yes.

24 Q. Okay. And at some point in time during your tenure with the  
25 road show, did the name of the road show change?

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BETH CORLEY - Direct by Mr. Brown

- 1 A. Yes.
- 2 Q. What did it change to?
- 3 A. Big Cat Entertainment.
- 4 Q. Okay. And who changed that name?
- 5 A. I guess Joe did. I'm not sure.
- 6 Q. Okay. And how did you learn that the name had been changed?
- 7 A. Came into work one day and was told this is what we were
- 8 going out as.
- 9 Q. All right. Now, how long did you remain working for
- 10 Mr. Passage?
- 11 A. Until 2011.
- 12 Q. All right. And during your tenure while working with
- 13 Mr. Passage, did you actually possess or have a USDA exhibitor's
- 14 license?
- 15 A. Yes, I did.
- 16 Q. And when did you obtain that license?
- 17 A. It was probably the last five years I was there.
- 18 Q. Okay. And was it your decision to obtain the license?
- 19 A. It was a suggestion from Joe, but I agreed it would probably
- 20 be all right so that we could -- I could go to work under my
- 21 license.
- 22 Q. All right. And so during your tenure at the park, the
- 23 animals that you would take on the traveling show, would they be
- 24 animals on your license?
- 25 A. Yeah. They were transferred from the park. They were

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1 originally park animals. We would put it on my license so that I  
2 was responsible for them while I was there. And then when we  
3 came back home, they transferred back off again.

4 Q. And at the time that you were working at the park, did  
5 Mr. Passage also have an exhibitor's license issued from the  
6 USDA?

7 A. Yes.

8 Q. When you left the park in 2011, did you maintain your  
9 exhibitor's license?

10 A. Yes, I did.

11 Q. And at that time, when you left, did you have any animals  
12 that were on that exhibitor's license?

13 A. Yes, there was still animals on the license.

14 Q. Okay. Did you have any personal animals that you took with  
15 you when you left the park?

16 A. Yes. I had a ring-tailed lemur.

17 Q. And was that lemur on that license?

18 A. Yes.

19 Q. All right. And when you -- when you left the park, did you  
20 terminate your license?

21 A. No, I extended it there.

22 Q. Okay. And did you maintain it, maintain its activity, I  
23 guess?

24 A. I did not do it myself, Joe did.

25 Q. And why did Mr. Passage maintain your license?

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BETH CORLEY - Direct by Mr. Brown

1 A. He wanted to keep it there so that -- in case -- with the  
2 lawsuit that was going on with Carole Baskin, so that it would  
3 protect those animals.

4 Q. Okay. Did he ever make any statements to you about why he  
5 needed your license -- why he needed to use your specific  
6 license?

7 A. I thought it was to protect any babies or whatever from this  
8 lawsuit that he was involved in.

9 Q. So did he want his animals to remain on your license?

10 A. Some of them.

11 Q. And was that -- is it your testimony that that was to  
12 prevent Carole from being able to obtain those animals?

13 A. Yes.

14 Q. Okay. Now, at any point in time did you ask -- after you  
15 left the park and you were no longer affiliated with it, did you  
16 ever ask Mr. Passage to not renew your license?

17 A. I told him I was ready to let my license expire.

18 Q. And how would he respond when you would tell him that?

19 A. He said, I just need a little bit more time, so give me a  
20 little bit more time, and I would say okay.

21 Q. Okay. Do you still have an active exhibitor's license?

22 A. No.

23 Q. When did you finally -- when were you finally able to make  
24 it expire or allow it to expire?

25 A. I believe August.

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- 1 Q. August of what year, ma'am?
- 2 A. This year.
- 3 Q. Of --
- 4 A. Well, last year.
- 5 Q. Last year, 2018?
- 6 A. 2018, yes.
- 7 Q. Now, after you left the park were you aware of any animals  
8 that were on your license being transported away from the park to  
9 other parks around the country?
- 10 A. I wasn't aware of any activity that was going on myself  
11 personally.
- 12 Q. Okay. Now, I want to bring up Government's Exhibit 8, which  
13 was previously admitted. And you see this form in the upper  
14 left, it says -- it has your name and it -- is that correct?
- 15 A. Yes, that is correct.
- 16 Q. All right. That address, do you recognize that address  
17 under your name?
- 18 A. That's the address of the park.
- 19 Q. All right. And so the date is February 3rd of 2018?
- 20 A. Yes.
- 21 Q. And it looks like a couple female -- a female tiger and a  
22 tiliger were going to Tim Stark's place in Indiana. Have you  
23 ever seen this form?
- 24 A. No.
- 25 Q. Okay. Did you know that those -- those animals that were on

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1 your license at that time had been transported away from  
2 Oklahoma?

3 A. No, I did not.

4 Q. Okay.

5 MR. BROWN: Can we see Exhibit 9, please?

6 Q. (By Mr. Brown) And again, this is dated March of '18. And  
7 is that your name in the upper left?

8 A. Yes, it is.

9 Q. Okay. Looks like a tiger that went to Brown Zoo. Do you  
10 recognize that form?

11 A. I have never seen it before.

12 Q. And finally Exhibit 10, please. Same question, ma'am. Do  
13 you recognize that form?

14 A. No, I do not.

15 Q. All right. So you weren't aware that in December of 2016 a  
16 five-year-old lion under your license was transported from the  
17 park in Wynnewood to the Monterey Zoo in California?

18 A. No, I was not.

19 Q. All right. One final question I meant to ask you about the  
20 traveling road show. During the traveling road show you  
21 mentioned that, you know, sometimes you would have older animals  
22 as well as the cubs and the younger animals. During your tenure  
23 with the traveling road show, were there ever any shows at any  
24 malls that you attended where you only took older animals and you  
25 did not have any cubs available?

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1 A. No.

2 Q. And why was that?

3 A. Because the babies were what we used for the play cages and  
4 for the pictures.

5 MR. BROWN: Pass the witness.

6 THE COURT: Cross-examination?

7 **CROSS-EXAMINATION**

8 **BY MR. WACKENHEIM:**

9 Q. So, Ms. Corley, you have known Mr. Passage for a long time;  
10 is that fair?

11 A. Yes.

12 Q. You were with him at the beginning of his zoo and his road  
13 shows?

14 A. Not the very beginning, no. He already had the park and he  
15 was already doing road shows before I started.

16 Q. In about 2003; is that fair?

17 A. Yes.

18 Q. Now, these road shows that operated under the name Big Cat  
19 Rescue Entertainment -- and you have talked about this quite a  
20 bit in other sworn testimony; is that fair?

21 A. Yes.

22 Q. Because you have been deposed relating to these road shows,  
23 correct?

24 A. Yes.

25 Q. In fact, you have been deposed by lawyers for Ms. Carole

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1 Baskin; is that fair?

2 A. Yes.

3 Q. And were you a named defendant in that defamation lawsuit?

4 A. Yes, I was.

5 Q. So you were sued by Ms. Baskin?

6 A. I was part of the lawsuit, but then I was taken off. I was  
7 dropped.

8 Q. And your involvement relating to these road shows, you have  
9 talked a little bit about the cub petting. I would like to ask  
10 you a couple more questions about that. How many cub petting  
11 sessions do you think you have supervised or participated in?

12 A. I have no idea.

13 Q. Would it be a lot?

14 A. It was a few, yes.

15 Q. These small tigers, do they, in your opinion, based on your  
16 experience, enjoy this interaction with people?

17 A. They seemed to not have a problem with it. They were all  
18 fine whenever they were being played with, as long as they were  
19 fed and petted and they loved the attention.

20 Q. Is it similar to petting kittens, only larger?

21 A. Well, I guess there's some similarities.

22 Q. And does this cub petting experience have an effect on the  
23 people that pay to do it?

24 A. I think the people enjoyed it a lot. It was something that  
25 they couldn't experience otherwise.

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1 Q. And did it raise awareness of tigers for these individuals  
2 that participated in it?

3 A. Yes, it did.

4 Q. So that's an experience they took with them for a long time,  
5 if not forever?

6 A. Yes.

7 Q. You testified you went from various locations doing these  
8 road shows. Was there ever a time when Big Cat Rescue interfered  
9 or attempted to interfere with these road shows?

10 A. Yeah. They -- they was -- I think they lodged some  
11 complaints against us saying that we were trying to imitate them.

12 Q. Right. But even -- was there also a concern that, in their  
13 opinion, these cub petting sessions were not in the best interest  
14 of the tigers? Is that fair?

15 A. Yes, I believe so.

16 Q. And would they try to inform these businesses about their  
17 opinion in an attempt to stop the road shows from participating?

18 A. Yes.

19 Q. Do you still own that lemur?

20 A. No. He passed away.

21 Q. I'm sorry to hear that.

22 When you had the lemur, was it a requirement -- were you  
23 exhibiting that lemur? Did people pay to see it at any point?

24 A. No. He was exhibited, but he was not -- it was not a  
25 paid -- it was free for people to see as they walked around.

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1 Q. Is it your understanding that you needed a license so you  
2 could exhibit your lemur?

3 A. I felt that it was probably in the best interest so that I  
4 could make sure that he was taken care of.

5 Q. When did you lemur pass away?

6 A. Three years ago.

7 MR. WACKENHEIM: Could you put up Exhibit 8, please?

8 Q. (By Mr. Wackenheim) Referring to Government's Exhibit 8,  
9 you have already testified that is your name, your license on  
10 this form, but you have no knowledge of this form, correct?

11 A. That is correct.

12 Q. So you didn't fill this form out?

13 A. No, I did not.

14 Q. And is that the same for Exhibit 9?

15 A. That is correct.

16 Q. And for Exhibit 10?

17 A. That is correct.

18 Q. So these forms exist with your information, but you -- it  
19 was created without your knowledge?

20 A. That is correct.

21 Q. Okay. Have you used those forms in the past? Do you  
22 recall --

23 A. I have never used a form like that, no.

24 MR. WACKENHEIM: Can I have a moment, Your Honor?

25 THE COURT: You may.

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1 Q. (By Mr. Wackenheim) And those Exhibits 8, 9 and 10 that we  
2 just reviewed that you didn't fill out, it simply has the  
3 information associated with your license on it, correct?

4 A. Yes.

5 Q. It doesn't -- there's no forged signatures?

6 A. No.

7 Q. Okay. And were you aware that the address for your license  
8 was to the zoo?

9 A. Yes.

10 Q. So they would receive the mail or the license renewals or  
11 any of that?

12 A. Correct.

13 MR. WACKENHEIM: Thank you.

14 THE COURT: Mr. Brown, redirect?

15 **REDIRECT EXAMINATION**

16 **BY MR. BROWN:**

17 Q. Regarding that last question, Ms. Corley, each time you have  
18 to renew that license, is there a fee associated with it?

19 A. Yes.

20 Q. When the license would be renewed, would you pay that?

21 A. No.

22 Q. Who paid it?

23 A. Joe Schreibvogel did.

24 Q. And Mr. Wackenheim asked you about whether or not Big Cat  
25 Rescue had started I guess, you know, arguing to the malls and

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1 others that they shouldn't allow you to set up the road show; is  
2 that correct?

3 A. Correct.

4 Q. All right. At that point in time did you know anything  
5 about Big Cat Rescue or Carole Baskin?

6 A. No.

7 Q. And after you learned that they were starting to reach out  
8 to these malls, is that -- after that started happening, did your  
9 name of the traveling road show change to Big Cat Rescue  
10 Entertainment?

11 A. Yes.

12 Q. And did you have any concerns when your name changed to Big  
13 Cat Rescue Entertainment?

14 A. Yes. I did not like the idea that we were doing that.

15 Q. Explain, please.

16 A. Well, it had new pamphlets that had a Florida address on it  
17 and it was very similar to what Carole Baskin's logo was on  
18 there, and I thought it was very misleading.

19 Q. And around that same time did Mr. Passage ever begin  
20 complaining or ranting about Ms. Baskin?

21 A. Yeah. He complained that she didn't like him breeding cats.

22 MR. BROWN: Thank you, Ms. Corley.

23 THE WITNESS: You're welcome.

24 THE COURT: Mr. Wackenheim?

25 MR. WACKENHEIM: No, Your Honor.

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1 THE COURT: Thank you, Ms. Corley. You may step down.  
2 Government's next witness.

3 MS. MAXFIELD-GREEN: Government calls Leesa Sparks.  
4 (WITNESS SWORN.)

5 THE COURT: Ms. Sparks, adjust that chair as you need  
6 to, or that microphone. Make yourself comfortable. Just be sure  
7 you speak into the mic so that they can pick up everything you  
8 say.

9 THE WITNESS: Yes, Your Honor. Can you hear me?

10 MS. MAXFIELD-GREEN: Yes.

11 LEESA SPARKS,

12 DIRECT EXAMINATION

13 BY MS. MAXFIELD-GREEN:

14 Q. Good morning, Ms. Sparks. Could you please just state your  
15 name for the record?

16 A. Leesa Sparks.

17 Q. And do you live here in Oklahoma?

18 A. Yes.

19 Q. Are you employed?

20 A. Yes.

21 Q. What do you do for a living?

22 A. I'm a student and teacher's assistant.

23 Q. Are you familiar with a person named Joseph  
24 Maldonado-Passage?

25 A. Yes.

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- 1 Q. Do you see him here in the courtroom today?
- 2 A. Yes.
- 3 Q. Could you describe just for the record what he's wearing?
- 4 A. A suit, a white shirt, looks like a tie.
- 5 Q. How did you get to know Mr. Passage?
- 6 A. He came to a campaign launch in Tulsa.
- 7 Q. What kind of a campaign -- why did he come to the campaign  
8 launch?
- 9 A. To support a state question.
- 10 Q. Was Mr. Passage running for office at the time?
- 11 A. Yes.
- 12 Q. What was he running for?
- 13 A. Governor.
- 14 Q. And about when was that that you met him?
- 15 A. September of 2017.
- 16 Q. So after you met him for the first time in September  
17 of 2017, would you say that you became friends with Mr. Passage?
- 18 A. Yes.
- 19 Q. Did you see him fairly frequently after that?
- 20 A. Yes. We supported each other throughout the campaign.
- 21 Q. Were you still friends with Mr. Passage at the time that he  
22 was arrested on the indictment in this case in September of 2018?
- 23 A. Yes.
- 24 Q. And were you called to testify on Mr. Passage's behalf  
25 during a hearing that was held in this courthouse on October 4th

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1 of 2018?

2 THE COURT: Hold on just a minute, Ms. Sparks.

3 MR. EARLEY: Your Honor, I'm going to object to this  
4 line of questioning on relevance.

5 MS. MAXFIELD-GREEN: I'm establishing how it is that  
6 she knows him and her later course of conversation with him.

7 THE COURT: It will be overruled at this time.

8 Q. (By Ms. Maxfield-Green) What was the purpose of that  
9 hearing?

10 A. It's a detention hearing. It was to get him to come home  
11 with me.

12 Q. Okay. And so can you -- can you describe what you mean by  
13 to get him to come home with you?

14 A. Released on bail.

15 Q. Okay.

16 A. Until he -- he could be tried.

17 Q. Did you testify that if he were released on bail he could  
18 come live with you?

19 A. Yes.

20 Q. Now, was he, in fact, released on bond or bail?

21 A. No.

22 MR. EARLEY: Your Honor, that should be stricken. It's  
23 irrelevant.

24 THE COURT: Sustained.

25 MS. MAXFIELD-GREEN: Could we approach, Your Honor,

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1 then?

2 THE COURT: You may.

3 (The following proceedings were had at the bench and out of  
4 the hearing of the jury.)

5 MR. EARLEY: May I also add, not only do I object to  
6 that question and that answer, but Ms. Green's question and  
7 answer has resulted in information given to the jury that  
8 Mr. Maldonado-Passage is in custody. And based on the custodial  
9 status that the jury is aware of now, I would move for a  
10 mistrial.

11 MS. MAXFIELD-GREEN: Your Honor, part of the  
12 government's evidence are -- include emails he wrote from jail,  
13 phone calls he had while he was in custody, I mean, and the only  
14 way the government has those emails and phone calls is because he  
15 was in custody and they were recorded.

16 The -- asking Ms. Sparks in particular about this, she  
17 corresponded with him from jail and he sent her forms that he  
18 filled out in jail. All of that is relevant to the matters at  
19 hand. And I don't think his custodial status is so prejudicial  
20 as to, you know, certainly to cause a mistrial. And if the  
21 government -- if the judge would like to include a limiting  
22 instruction or an admonishment of some kind to the jury that his  
23 custodial status is irrelevant, that he, you know, is presumed  
24 innocent despite his custodial status, that kind of thing, I  
25 think that would cure any prejudice or error.

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1 THE COURT: Anything additionally, Mr. Earley?

2 I think that's true. The motion for mistrial will be  
3 overruled. The testimony has been somewhat limited that he's in  
4 custody, and I don't even know that you could presuppose that the  
5 jury infers that he's in custody now. I also don't think it  
6 rises to the level of if they were to see him in any type of  
7 restraint. So the motion for mistrial will be overruled.

8 Likewise, I think that it does lay a proper foundation for  
9 the explanation of how these communications occurred in terms of  
10 these recorded conversations, and so I think it's limited  
11 prejudicial value. I am inclined, if you request, Mr. Earley, to  
12 give an instruction. Whether or not that causes an inference  
13 that he is in custody right now or if it was more of a generic  
14 cautionary instruction that, if he were in custody at one time or  
15 another, you shouldn't hold that against him. But I leave that  
16 to you whether or not you would want a cautionary instruction.

17 And I'll add to that, whether you want that instruction  
18 contemporaneously with the testimony or whether you would like  
19 that included in the final instructions.

20 MR. EARLEY: Well, I think for now I would request that  
21 the Court give the jury a kind of generic instruction about  
22 whether he was in custody at some point or another is not to be  
23 considered by them as anything --

24 THE COURT: Evidence of guilt?

25 MR. EARLEY: Yes.

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1 MS. MAXFIELD-GREEN: And I would point out, just for  
2 the record, Your Honor, that numerous defendants are tried while  
3 they're in custody and wearing orange jumpsuits, in fact, and  
4 it's not considered prejudicial.

5 THE COURT: I'll give the cautionary instruction,  
6 Mr. Earley, but I would also be willing to, in the final  
7 instructions to include that. Don't let me forget.

8 MR. EARLEY: I won't. Thank you.

9 (The following record was made in open court, in the  
10 presence of all parties, counsel, and in the presence and hearing  
11 of the jury.)

12 THE COURT: Ladies and gentlemen of the jury, you have  
13 heard some testimony and may continue to hear some testimony  
14 about the fact that Mr. Passage may have been in custody at one  
15 time or another. And I'm advising you and admonishing you and  
16 instructing you that whether Mr. Passage had been or has been in  
17 custody at any point in time is not evidence of anything and is  
18 certainly not evidence of guilt.

19 Q. (By Ms. Maxfield-Green) Okay. Ms. Sparks, where were we?  
20 Let's see.

21 So while Mr. Passage was in custody and awaiting trial, did  
22 you keep in contact with him?

23 A. Yes.

24 Q. How did you keep in contact with him?

25 A. Email, phone, and we did one video talk thing.

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- 1 Q. Did Mr. Passage ask you to help him with some legal matters?
- 2 A. Yes.
- 3 Q. What kind of legal matters did he ask for your help with?
- 4 A. To get his animals back and his trailers, stuff like that.
- 5 A replevin, is what I came to find out what he needed.
- 6 Q. A replevin?
- 7 A. Replevin, yes.
- 8 Q. Okay. And had you been familiar with a replevin prior to
- 9 this?
- 10 A. No.
- 11 Q. What was your understanding of what filing a replevin would
- 12 do?
- 13 A. It would get his animals back and his stuff from being
- 14 destroyed from Mr. Lowe, and that's what I was trying to help him
- 15 get.
- 16 Q. Okay. So did he still have animals that were at the zoo?
- 17 A. Yes.
- 18 Q. Okay. And did he still have some other property that was at
- 19 the zoo?
- 20 A. Yes.
- 21 Q. Okay. And your understanding was he was trying to get that
- 22 away from the zoo, correct?
- 23 A. Correct.
- 24 Q. Okay. And did you do a little bit of research to find the
- 25 proper form for him?

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1 A. Yes, I did. I did. I found a replevin form and sent it to  
2 him.

3 Q. Okay. Let me show you Government's Exhibit 140, which  
4 should be -- there's a black book in front of you there. And  
5 it's under -- behind Tab 140.

6 A. Yeah.

7 Q. Do you have it? And you see the texts there at the bottom.  
8 Do you recognize what this is? And you might need to flip the  
9 page over as well.

10 A. Yes. It's an email.

11 Q. Okay. And who is it from?

12 A. From Joe.

13 Q. Was it written -- who was it written to?

14 A. To me.

15 MS. MAXFIELD-GREEN: Government moves to admit  
16 Exhibit 140.

17 THE COURT: Any objection?

18 MR. EARLEY: May I have just one moment?

19 THE COURT: Sure.

20 MR. EARLEY: I'm going to object in part. With respect  
21 to the top part of the exhibit concerning Mr. Passage's words, I  
22 won't object, but I do object to the lower part from what  
23 Ms. Leesa Sparks is emailing to Mr. Passage.

24 THE COURT: So you're objecting -- so that I'm clear,  
25 Mr. Earley, you're objecting to the bottom portion of the second

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1 page?

2 MR. EARLEY: Correct.

3 MS. MAXFIELD-GREEN: And, Your Honor, the portion at  
4 the bottom half of that exhibit should have been redacted and we  
5 don't intend to offer that. And for the purposes of just this  
6 witness, we will offer it on the Elmo so that that part is not  
7 showing. We only intend to offer the first part of the page.

8 THE COURT: Ending with -- or just above the reference  
9 of "calling now"?

10 MS. MAXFIELD-GREEN: Yes.

11 THE COURT: Okay. In that regard, the objection will  
12 be sustained as to that bottom portion.

13 Mr. Earley?

14 MR. EARLEY: That takes care of my objection, yes.

15 THE COURT: Okay.

16 MS. MAXFIELD-GREEN: So may we admit Government's 140  
17 with that -- making the necessary redaction?

18 THE COURT: Yes.

19 MS. MAXFIELD-GREEN: Thank you.

20 THE COURT: Be so admitted.

21 Q. (By Ms. Maxfield-Green) So you said this is an email from  
22 Mr. Passage to you, correct?

23 A. Correct.

24 Q. Okay. And if you could read the first three lines there.  
25 And I'll just -- if you could read those first three lines.

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1 A. "The sheriff said if the lawyers will get a writ, not sure  
2 how to spell it, that he will go in the zoo with you-all and get  
3 our stuff and animals."

4 Q. And was this email in reference to the replevin action that  
5 Mr. Passage wanted you to help him with?

6 A. Yes.

7 Q. Okay. So once you found replevin forms, did you fill those  
8 forms out or did Mr. Passage?

9 A. Mr. Passage.

10 Q. And how did you get those forms to Mr. Passage?

11 A. I mailed them through the U.S. mail to Grady County Jail.

12 Q. And did you provide him a way to get those forms back to  
13 you?

14 A. Yes. I put an envelope inside that one so he could mail  
15 them back.

16 Q. And did he, in fact, mail those forms back to you?

17 A. Yes.

18 Q. And did they come back to you filled out in his handwriting?

19 A. Yes.

20 Q. And when you mailed those replevin forms to him, did you  
21 mail any other documents to Mr. Passage?

22 A. His animal list.

23 Q. Okay. Where did you get his animal list?

24 A. From his husband, Dillon.

25 Q. Okay. And how did his husband Dillon send you the animal

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1 list?

2 A. He texted them to me.

3 Q. Okay.

4 A. And then I sent them to my computer and printed them off.

5 Q. Okay. And take a look at Government's Exhibit 141. It will  
6 be behind that tab in the book in front of you.

7 And the -- what I'm referring to is the first page of that  
8 over into just the very first three lines on the next page.

9 Okay?

10 A. Okay.

11 Q. And do you recognize what this is?

12 A. Yes. It's an email.

13 Q. Okay. And who is it from?

14 A. From Joe.

15 Q. And who is it to?

16 A. Me.

17 MS. MAXFIELD-GREEN: And the Government moves to admit  
18 Exhibit 141. And all we're asking to admit is the first page  
19 below "what's up," and the second page, the very first three  
20 lines.

21 THE COURT: Any objection, Mr. Earley?

22 MR. EARLEY: With that understanding, I do not object.

23 THE COURT: Okay. With those limitations, Government's  
24 141 will be admitted.

25 Q. (By Ms. Maxfield-Green) I'm going to show you the first

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1 page there that you're looking at. Like an art project going on  
2 up here.

3 Okay. So this is an email from Mr. Passage to you, correct?

4 A. Correct.

5 Q. And what's the date on it?

6 A. October 14th of 2018.

7 Q. Okay. And, if you could, just read the first two sentences  
8 there.

9 A. "Yes, I got the animal list done with Dillon. Can you see  
10 if he needs anything else done with it before he mails it to  
11 you?"

12 Q. And was that email in reference to the animal list or animal  
13 inventory you got from Mr. Passage -- Dillon Passage?

14 A. Yes.

15 Q. Okay. And --

16 MS. MAXFIELD-GREEN: Your Honor, I believe also part of  
17 Government's Exhibit 141 is the third page, and we're just  
18 seeking to introduce, of that third page, the very top email.

19 THE COURT: Mr. Earley, any objection?

20 MR. EARLEY: With that understanding, no.

21 THE COURT: That portion will be admitted.

22 MS. MAXFIELD-GREEN: Thank you, Your Honor.

23 Q. (By Ms. Maxfield-Green) All right. I'll just show it to  
24 you here. Ms. Sparks, is this another email from Mr. Passage to  
25 you?

*Emily Eakle, RMR, CRR*

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1 A. Yes.

2 Q. And what's the date of this one?

3 A. October 14th of 2018.

4 Q. Okay. And so if you could read the first sentence, please.

5 A. "I got Dillon to do the inventory today, so all he needs to  
6 do is overnight you the court papers and my black book that needs  
7 to go to the lawyers."

8 Q. And, again, was this email in reference to the animal list  
9 that you received from Mr. Passage's husband?

10 A. Yes.

11 Q. Okay. If you could take a look at Exhibit 138, please.  
12 Do you recognize this document?

13 A. Yes, I do.

14 Q. What is it?

15 A. It's the replevin.

16 Q. Okay. Is this what you received in the mail from  
17 Mr. Passage?

18 A. Yes, it is.

19 Q. And is that Mr. Passage's handwriting on the forms?

20 A. Yes, it is.

21 MS. MAXFIELD-GREEN: Government moves to admit  
22 Exhibit 138.

23 MR. EARLEY: No objection.

24 THE COURT: 138 will be admitted.

25 Q. (By Ms. Maxfield-Green) Okay. Looking at Exhibit 138, so

*Emily Eakle, RMR, CRR*

1 it says affidavit and replevin there. Who is listed as the  
2 plaintiff?

3 A. Joseph Maldonado-Passage, Dillon Passage.

4 Q. And who's listed as the defendant?

5 A. Jeffery Lowe, Greater Wynnewood Exotic Animal Park.

6 Q. And which county is filled in there?

7 A. Garvin.

8 Q. And if you could just read us that first block, Paragraph  
9 No. 1, and the information that's listed there in handwriting as  
10 well.

11 A. "I am the owner of the following personal property: 2004  
12 International truck, value 5,000; four trailer houses, 20,000;  
13 Exhibit 1 through 13 list of animals attached, 361,000; a total  
14 of \$386,700.

15 Q. And where does it indicate the property is located at the  
16 following location?

17 A. 25803 NCR 3250, Wynnewood, Oklahoma, 7309 -- I don't know  
18 what that last number is.

19 Q. Okay. Let's look at the second page there. About  
20 two-thirds of the way down does it appear to have a signature on  
21 it?

22 A. Yes.

23 Q. And does it appear to be a notarized signature?

24 A. Yes.

25 Q. And, to your knowledge, would that have been Mr. Maldonado's

*Emily Eakle, RMR, CRR*



- 1 signature?
- 2 A. Yes.
- 3 Q. What's the date of the notary?
- 4 A. 25th of October, 2018.
- 5 Q. Okay. And if we look at the third page of this document, is  
6 this more of the forms with Mr. Passage's handwriting?
- 7 A. Yes.
- 8 Q. Okay. Let's go on to the fourth page. On that fourth page,  
9 is there another signature?
- 10 A. Yes, it is.
- 11 Q. And is his -- "Joseph Maldonado-Passage" written beneath the  
12 signature?
- 13 A. Yes, it is.
- 14 Q. Now, if we were to flip through this multipage document,  
15 would we find more of Mr. Passage's handwriting?
- 16 A. Yes.
- 17 Q. And more notarized signatures?
- 18 A. Yes.
- 19 Q. Okay. I'm going to ask you, on Page 4 that we're looking at  
20 on the screen, to your recollection did you white out some  
21 information on this form?
- 22 A. Yes, I did.
- 23 Q. What did you white out?
- 24 A. My name and address.
- 25 Q. Why did you white it out?

*Emily Eakle, RMR, CRR*

1 A. Because it was in care of me and I didn't want a part of  
2 that, I just wanted to help him get his animals to Dillon and get  
3 them where he needed them to go to be safe and get his stuff  
4 back.

5 Q. Okay. So you did not approve of having your information  
6 listed in connection with this?

7 A. No.

8 Q. Let's take a look at Government's Exhibit 139. It should be  
9 the book in front of you.

10 Okay. You got it?

11 A. Yes.

12 Q. Are you familiar with this document?

13 A. Yes.

14 Q. What is it?

15 A. It's the animal list.

16 Q. Now, when -- when you sent the animal list to Mr. Passage in  
17 jail, were there numbers written out to the right-hand side?

18 A. Yes -- no. Sorry. Sorry.

19 Q. Okay. Let me just clarify then.

20 When you sent it to him originally, were there numbers  
21 written to the right-hand side?

22 A. No, there wasn't.

23 Q. Okay. When Mr. Passage sent the inventory back to you, had  
24 he written numbers next to each animal?

25 A. Yes.

*Emily Eakle, RMR, CRR*

1 Q. And based on your conversations with Mr. Passage, what was  
2 your understanding of what those numbers represented?

3 A. The value of the animals.

4 Q. Was that surprising to you?

5 A. Yes.

6 Q. Why was that surprising to you?

7 A. I thought he was a rescue kind of thing where he just took  
8 care of animals and stuff like that.

9 Q. Okay. Now, the document that you're looking at in that  
10 book, does it have Mr. Passage's handwriting on it or is it your  
11 handwriting?

12 A. Here is where I'm not certain because I didn't make copies  
13 of the animal list with the values on them. And before Agent  
14 Bryant came to my house, I had copied the value with my own  
15 handwriting on the animal list, and I'm not for sure.

16 Q. Okay. Let's break that down a little bit.

17 Okay. So you received an original with Mr. Passage's  
18 handwriting on it, correct?

19 A. Correct.

20 Q. And then at some point did you want to make a copy of that  
21 list?

22 A. Yes.

23 Q. Okay. And as opposed to photocopying it, did you use your  
24 own handwriting to copy his list onto a fresh list?

25 A. The value on the --

*Emily Eakle, RMR, CRR*

- 1 Q. You copied only the value?
- 2 A. Yes.
- 3 Q. Okay. And did you -- when you were making that copy, were  
4 you looking at his list?
- 5 A. Yes.
- 6 Q. And did you write down exactly the numbers that were on his  
7 list?
- 8 A. Yes.
- 9 Q. Did you alter those numbers in any way?
- 10 A. No, because I didn't understand. I mean, I -- I still don't  
11 understand what any of this means.
- 12 Q. Okay. So the -- the inventory you're looking at here in  
13 your handwriting should be an exact copy of what he gave you; is  
14 that correct?
- 15 A. Correct.
- 16 Q. Okay. Now, had you intended to give the Government the  
17 version that he provided, the version he wrote on?
- 18 A. Yes.
- 19 Q. And what happened?
- 20 A. Well, I ended up -- I'm not real sure, because I sent the  
21 replevin to Erik's girlfriend, Diana, and those were the two  
22 copies that I had.
- 23 Q. Okay. So do you -- is it your current belief that you sent  
24 Mr. Passage's original handwriting to Diana?
- 25 A. Yes.

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1 Q. And that you gave the government the one that you had  
2 created in your own hand?

3 A. Yes. I mean, some of it looks like Joe's, but some of it  
4 looks like mine. So I'm really uncertain with the chaos and all  
5 that stuff.

6 Q. Okay. In any event, the -- should the copy that you created  
7 in your handwriting be an identical copy of what Mr. Passage  
8 provided you?

9 A. Yes.

10 MS. MAXFIELD-GREEN: Government moves to admit  
11 Exhibit 139.

12 THE COURT: Any objection?

13 MR. EARLEY: No objection.

14 THE COURT: Government's 139 will be admitted.

15 Q. (By Ms. Maxfield-Green) This is the animal inventory,  
16 correct?

17 A. Correct.

18 Q. All right. Let's go through some of the entries. Just the  
19 very first entry there, what does it list the animal to be?

20 A. A tiger.

21 Q. Does it seem to indicate a name?

22 A. Noah.

23 Q. And in the headings at the top there, does it indicate that  
24 the birth date, color, purchase date might be provided in the  
25 sort of middle column?

*Emily Eakle, RMR, CRR*

- 1 A. Yes. The birth date has April 9th of 2010.
- 2 Q. Okay. And that again states he's a tiger, correct?
- 3 A. Correct.
- 4 Q. And does it show the gender to be male?
- 5 A. Yes.
- 6 Q. All right. Under owner/breeder, what's listed there?
- 7 A. JS.
- 8 Q. And does -- before he was known as Mr. Maldonado, was
- 9 Mr. Passage's unmarried name Joseph Schreibvogel?
- 10 A. Correct.
- 11 Q. And what's written next to the entry for the tiger Noah?
- 12 A. 1,000.
- 13 Q. The one below it, the tiger Promise, what is written next
- 14 to -- what number is written next to the tiger Promise?
- 15 A. \$1,000.
- 16 Q. Okay. And are the next four entries all tigers valued at
- 17 \$1,000?
- 18 A. Yes.
- 19 Q. What about the tiger Thunder, how much is his value?
- 20 A. 5,000.
- 21 Q. Okay. Let's see, does that indicate -- what type of tiger
- 22 in that middle column does it indicate that he is?
- 23 A. A tabby tiger.
- 24 Q. Okay. And two entries below that, tiger, slash, white
- 25 Aloha, does that -- the middle column indicate that that's a

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1 white tiger?

2 A. Yes.

3 Q. And is that a female?

4 A. Yes.

5 Q. Okay. And how much is the value indicated for that tiger?

6 A. 5,000.

7 Q. Okay. Tiger below that, which tiger is that?

8 MR. EARLEY: Your Honor, I'm going to object. I mean,  
9 the form is in evidence. I don't think it's necessary for  
10 Ms. Green and the witness to go through each entry. I think the  
11 purpose of this form is to establish a value only, and I think  
12 the form speaks for itself.

13 THE COURT: Ms. Green?

14 MS. MAXFIELD-GREEN: Your Honor, it's relevant -- would  
15 you like this at the bench?

16 THE COURT: Sure.

17 (The following bench conference was held outside the hearing  
18 of the jury.)

19 MS. MAXFIELD-GREEN: Your Honor, the allegations in  
20 this case are that Mr. Passage was buying -- or was selling lions  
21 and tigers, which is illegal. And the fact that all of these  
22 animals have values next to them is obviously relevant. The  
23 quantity of animals and the -- the total of their values is  
24 directly relevant to his motive to sell the animals, his intent  
25 to sell animals, and I don't think it can be limited to talking

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1 about a few.

2 Now, I don't intend to go on and on. We're going to speed  
3 up. But the quantity of animals and the fact that there were a  
4 lot of them is relevant to the analysis.

5 THE COURT: Well, I do tend to agree with Mr. Earley,  
6 at least in terms of, you know, the document is in evidence and  
7 the government will have full reign to argue that individual  
8 document. The witness has established that those are  
9 dollar values. I'll give you a little bit more leeway, but let's  
10 try to move this along. I mean, I do think it speaks for itself.  
11 And, like I said, the Government will have free reign to argue it  
12 too, so.

13 MS. MAXFIELD-GREEN: I would just add, to the extent,  
14 you know, it takes a little bit to get to other types of animals,  
15 you know, the differential in their values, lions are more  
16 expensive than tigers, et cetera, is, again, relevant to the  
17 analysis.

18 THE COURT: I'll give you a little bit more leeway, but  
19 try to see if we can't pick it up a little bit.

20 MS. MAXFIELD-GREEN: Okay.

21 (The following record was made in open court, in the  
22 presence of all parties, counsel, and in the presence and hearing  
23 of the jury.)

24 Q. (By Ms. Maxfield-Green) You okay, Ms. Sparks?

25 A. Yeah.

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1 Q. Okay. And let's go to the second page, please. Does this  
2 page appear to be listings of all tigers?

3 A. Yes.

4 Q. Okay. And do their values range between \$5,000 and 1,000?

5 A. Yes.

6 Q. Let's go to the next page. And are these also all tigers  
7 valued between -- or at \$1,000?

8 A. Yes.

9 Q. All right. Next page. Are these all tigers valued between  
10 5,000 and \$1,000?

11 A. Yes.

12 Q. All right. Next page. Are these also all tigers valued  
13 between 1,000, 2,000 and \$5,000?

14 A. Yes.

15 Q. Okay. Next page. Are these tigers all -- all tigers valued  
16 between 1,000, 2,000 and \$5,000?

17 A. Yes.

18 Q. Okay. If we go to the next page, do you see the two entries  
19 there in the middle for tiligers? What are the values of the  
20 tiligers?

21 A. 2,000 -- or 5,000. Sorry.

22 Q. All right. Next page. The very top entry, what is that an  
23 entry for?

24 A. A white lion.

25 Q. And what is the value of the white lion?

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- 1 A. 15,000.
- 2 Q. All right. Does it look like there are three lions below  
3 that?
- 4 A. Yes.
- 5 Q. What is their value?
- 6 A. 5,000.
- 7 Q. Okay. Let's go to the next page. What's the second entry?
- 8 A. Lemur.
- 9 Q. Is that a lemur?
- 10 A. Lemur.
- 11 Q. What's the value of the lemur?
- 12 A. 1,500.
- 13 Q. If we go to the bottom there, the last two entries, are  
14 those two lions valued at \$5,000?
- 15 A. Yes.
- 16 Q. Okay. And if you go -- let's go back to Exhibit 138, the  
17 first page. And if we look at the value there of \$361,000 -- now  
18 again, this -- this writing is in Mr. Passage's handwriting,  
19 correct?
- 20 A. Correct.
- 21 Q. Okay. And based on your understanding of this form, is --  
22 did that value come from essentially adding up all of those  
23 values we just looked at?
- 24 A. I'm assuming so.
- 25 Q. Okay. So Mr. Passage mailed you all of this paperwork that

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1 he had completed, correct?

2 A. Yes.

3 Q. All right. Now, before you got those forms from Mr. Passage  
4 in the mail, did Mr. Passage's husband bring you some things that  
5 belonged to Mr. Passage?

6 A. I met Dillon in Davis and we was going to do the replevin,  
7 but it became too much for Dillon, overwhelmed him, and he had to  
8 take the evidence. And I was driving through the city, so Dillon  
9 handed me two phones, a flash drive and a file.

10 Q. Okay.

11 A. That I was to give to the lawyers.

12 Q. All right. And did you eventually give those items to  
13 Mr. Passage's lawyers?

14 A. Yes.

15 Q. All right. Now, before you gave them to the lawyers, did  
16 you back up a copy of one of the phones to your computer?

17 A. Yes.

18 Q. Why did you do that?

19 A. Because I knew that Joe loved his pictures. He -- and I  
20 needed to have proof to get these animals back, and I just wanted  
21 to make sure he had it.

22 Q. Okay. Just trying to create a safe copy?

23 A. Yes.

24 Q. Now, in the process of making that copy of that phone to  
25 your computer, did you see some things that caused you to be

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1 upset?

2 A. Yes.

3 Q. Okay. And right -- right before you received the replevin  
4 papers and the animal inventory in the mail, did you see  
5 something on the news that upset you?

6 A. Yes, I did.

7 Q. And what did you see?

8 MR. EARLEY: Your Honor, I'm going to object to the  
9 relevancy of this. I don't see how her viewing something on the  
10 news has anything to do with the values, which is what this  
11 witness is here to establish.

12 THE COURT: Response?

13 MS. MAXFIELD-GREEN: Your Honor, she -- it goes to how  
14 the government came into possession of these items, and it also  
15 leads into a question about a conversation she had with  
16 Mr. Passage.

17 THE COURT: Overruled.

18 Q. (By Ms. Maxfield-Green) Okay. Ms. Sparks, what is it that  
19 you saw that upset you?

20 A. Text messages between him and Jeff.

21 Q. Okay. Hold on just a second. Let me re-ask that question.  
22 What did you see on the news that upset you?

23 A. On the news? Sorry. They were digging up bones from a  
24 mound at the zoo.

25 Q. Okay. And what about that upset you?

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1 A. I mean, I had seen a text between Jeff and Joe --

2 MR. EARLEY: Your Honor, I'm going to object to this --

3 THE COURT: Hold on just a minute, Ms. Sparks.

4 Q. (By Ms. Maxfield-Green) Suffice to say that seeing the news  
5 story about the park, about investigators digging up bones at the  
6 park upset you?

7 A. Yes.

8 Q. Okay. Did you ever, in your relationship with Mr. Passage,  
9 hear him make any comments about euthanizing animals at the park?

10 A. Yes.

11 Q. What do you remember about that conversation?

12 A. The meat program had been pulled and --

13 Q. And let me stop you there, just so we all understand what  
14 you're talking about. What is the meat program?

15 A. Walmart had a meat program that supplies animals with meat  
16 that's left over from butchering it. And they had pulled it from  
17 Joe, and he -- when we was driving back from Tulsa, he had said  
18 if -- something about he would have to start euthanizing them  
19 because he, I guess, couldn't afford to feed them. I'm not sure  
20 what he meant by that. I'm still not sure.

21 Q. Okay. So after you saw the news story, did you contact the  
22 government or law enforcement?

23 A. Yes.

24 Q. Who did you call?

25 A. I called the sheriff's department first. And then he had

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1 stated to me that there's a protocol, there has to be a protocol  
2 of euthanizing animals.

3 Q. What I'm asking you about --

4 MR. EARLEY: Your Honor, who's -- I'm not sure who said  
5 what, and I would move to strike that testimony.

6 MS. MAXFIELD-GREEN: And that's fine, Your Honor.

7 THE COURT: Sustained as to that, Mr. Earley.

8 MS. MAXFIELD-GREEN: That's not where I was headed.

9 Q. (By Ms. Maxfield-Green) When you saw the news story, did  
10 you decide that you wanted to give the government the things that  
11 Mr. Passage had given you?

12 A. Yes.

13 Q. Who did you call to do that?

14 A. Well, I called the sheriffs, and then I called the U.S.  
15 Wildlife, then they wanted me to call the sheriffs in Garvin  
16 County. And then I ended up calling you and -- and then I ended  
17 up calling the game warden in my county.

18 Q. Okay. And based on your reaching out in that fashion, did  
19 you ultimately meet with Special Agent Matt Bryant?

20 A. Yes.

21 Q. And did you give him the replevin papers and the animal  
22 inventory that you had received from Mr. Passage?

23 A. Yes.

24 Q. After that point did you continue to communicate with  
25 Mr. Passage?

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1 A. No.

2 MS. MAXFIELD-GREEN: Government passes the witness.

3 THE COURT: Mr. Earley, I'm -- do you know about  
4 approximately how much you have? Do you have a fair amount?

5 MR. EARLEY: It's hard to say.

6 THE COURT: Yeah. Well, I would -- I would think you  
7 have got more than four minutes.

8 MR. EARLEY: All right. Yes.

9 THE COURT: Ladies and gentlemen, let's take our lunch  
10 break, under the usual admonition, again. The case hasn't been  
11 submitted to you, please don't discuss this amongst yourselves or  
12 with anyone else, don't let anybody discuss it with you, don't  
13 come to any conclusions or -- keep an open mind at this point in  
14 time.

15 You'll be excused. We'll take an hour and 15 for lunch. If  
16 everyone will remain seated as the jury leaves the courtroom.

17 (Jury exited.)

18 (The following record was made in open court, in the  
19 presence of all parties, counsel, and out of the presence and  
20 hearing of the jury.)

21 THE COURT: The record will reflect that the jury has  
22 left the courtroom.

23 Ms. Green, I would ask to be sure that on the -- I'll call  
24 them the amended -- the 140 and 141, can we be hypervigilant that  
25 we get those put together so that we don't have something going

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1 back into the jury room?

2 MS. MAXFIELD-GREEN: Certainly, Your Honor. We'll fix  
3 it over lunch.

4 THE COURT: Be sure and whatever you do, get a copy to  
5 counsel for the defendant.

6 Anything else from either party?

7 MS. MAXFIELD-GREEN: No, Your Honor.

8 MR. EARLEY: No, Your Honor.

9 THE COURT: Court will be in recess.

10 (Break taken.)

11 (The following record was made in open court, in the  
12 presence of all parties, counsel, and in the presence and hearing  
13 of the jury.)

14 THE COURT: Mr. Earley.

15 **CROSS-EXAMINATION**

16 **BY MR. EARLEY:**

17 Q. Now, Ms. Sparks, at the time that Mr. Passage asked you to  
18 get this paperwork together for this replevin action, he was  
19 trying to prevent Jeff Lowe from taking and disposing of property  
20 at the park, correct?

21 A. Correct.

22 Q. And Jeff Lowe had already threatened to tear down the zoo  
23 and take all of Mr. Passage's animals at that time, correct?

24 A. Correct.

25 Q. And so Mr. Passage was very concerned about Jeff Lowe

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1 keeping his animals and who knows what he might do with them,  
2 correct?

3 A. Correct.

4 Q. So he asked you to try to find the paperwork where he could  
5 file some court action to attempt to get a court to enter an  
6 order preventing Mr. Lowe from obtaining all of his property,  
7 correct?

8 A. Correct.

9 Q. And you pulled the form, or found it somehow, and you  
10 commenced to prepare it so that it could be filed, correct?

11 A. Correct.

12 Q. And the form that you had, or at least that you presented to  
13 Mr. Passage, you have identified as Government's 138. And the  
14 form that you provided to him requires a listing of the property,  
15 correct?

16 A. Correct.

17 Q. And it also requires a value to the property, correct?

18 A. Correct.

19 Q. All right. So in order to establish a value for the form,  
20 he attached, or you attached for him, this list of animals at the  
21 park, correct?

22 A. Correct.

23 Q. All right. And did you actually file this form for him?

24 A. No.

25 Q. All right. Do you know if it was ever filed?

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- 1 A. No.
- 2 Q. No or you don't know?
- 3 A. I do not know if it was ever filed. I did send it to Erik's
- 4 -- Diana.
- 5 Q. And would that be Erik Cowie's wife?
- 6 A. Yes, Erik Cowie's girlfriend.
- 7 Q. Or girlfriend. Okay.
- 8 So when you provided this to the Government, they asked you
- 9 to come to Court and identify this list of property and the
- 10 values that you assigned to it based on what Mr. Passage told
- 11 you; is that correct?
- 12 A. State that again.
- 13 Q. So you provided this list to the Government, correct?
- 14 A. Correct.
- 15 Q. And they asked you to identify this and testify to the
- 16 values that were added to it by you, correct?
- 17 A. What do you mean by me?
- 18 Q. Well, you're the one who put these values on here, right?
- 19 A. I'm not for sure if it's my writing or his writing on the --
- 20 I mean, like I didn't copy the animal list. I copied the
- 21 replevin and I'm not for sure if I sent the one that he put the
- 22 values on that list to Erik's girlfriend or if that's it.
- 23 Q. Okay. Well, assuming he provided this particular form, they
- 24 have asked you to identify this just to establish the value of
- 25 these animals that he put on the form, right?

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MARSHA DAVID - Direct by Mr. Brown

1 A. Yes.

2 Q. And whether or not it's your handwriting or not, the  
3 information came from him, correct?

4 A. Correct.

5 MR. EARLEY: I don't have any further questions.

6 THE COURT: Redirect?

7 MS. MAXFIELD-GREEN: No, Your Honor.

8 THE COURT: Thank you. You may step down.

9 Government's next witness.

10 MR. BROWN: Marsha David.

11 (WITNESS SWORN.)

12 THE COURT: Ms. David, feel free to move that chair if  
13 you need to, or adjust that microphone. We'll need you to speak  
14 into the microphone so it picks you up so the court reporter is  
15 able to take down everything you say. Okay?

16 THE WITNESS: Yes, sir.

17 MARSHA DAVID,

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q. Good afternoon, ma'am.

21 A. Good afternoon.

22 Q. Please state your name.

23 A. Marsha David.

24 Q. Ms. David, where do you currently live?

25 A. Elmore City.

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1 Q. Ms. David, are you familiar with a person named Joseph  
2 Schreibvogel, also known as Joseph Maldonado-Passage?

3 A. Yes, I am.

4 Q. And do you see Mr. Passage in the courtroom?

5 A. Yes, I do.

6 Q. Can you describe what he is wearing, please?

7 A. He has a black suit with a white shirt and a tie.

8 Q. Ms. David, how are you familiar with Mr. Passage?

9 A. We started out just coming up to visit the zoo after we lost  
10 our son. And then --

11 Q. And when -- I'm sorry. When exactly did you first visit the  
12 zoo?

13 A. In 2015, the beginning of 2015.

14 Q. And after first visiting the zoo, did you or your husband  
15 ever come to work for Mr. Passage?

16 A. We helped clean up and rebuild the alligator habitat and  
17 recording studio.

18 Q. And approximately what time period was that?

19 A. It was around this time of year, in February -- or in March  
20 or February, somewhere in there, in 2015.

21 Q. 2015? All right. And since that time period, at any point  
22 in time did you and your husband ever transport any animals for  
23 Mr. Passage?

24 A. Just last year.

25 Q. Okay. How many occasions?

*Emily Eakle, RMR, CRR*

MARSHA DAVID - Direct by Mr. Brown

1 A. There was two.

2 Q. All right. And do you remember the approximate date of the  
3 first time you transported animals?

4 A. It was in June.

5 Q. Okay. And do you remember what kind of animals you  
6 transported?

7 A. The ones to Missouri. There was quite a few. There was an  
8 alligator, a lion, a baby lion, a tiger, a bunch of birds, some  
9 bats, and then some serval cats.

10 Q. Okay. And during the transfer, was it -- or the transport,  
11 was it just you and your husband or did anyone assist you?

12 A. John Finley and Johnnie.

13 Q. And before you-all -- did you transport these animals from  
14 the Wynnewood park?

15 A. Yes.

16 Q. And before you left with the animals, did you receive any  
17 paperwork?

18 A. Yes.

19 Q. Was it a disposition form itemizing the animals?

20 A. Yes, it was.

21 MR. BROWN: Can we look at Government's 13? It was  
22 previously admitted, please.

23 Q. (By Mr. Brown) Okay. Ma'am, in this Government's  
24 Exhibit 13, it's dated June 18th of '18?

25 A. Yes.

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1 Q. And after looking at those animals that are itemized there,  
2 does this appear to be the transport you're referring to?

3 A. Yes, it is.

4 Q. All right. And at the bottom, under the vehicle that was  
5 used to transport these animals, do you recognize that vehicle?

6 A. Yes. It was my vehicle.

7 Q. So the '04 Cadillac Escalade was your vehicle. And it  
8 appears that they were being transported to the Branson Wild  
9 World, was that a zoo?

10 A. It was something similar to a zoo.

11 Q. Okay. But did you-all actually transport these animals up  
12 to Branson, Missouri?

13 A. Yes, we did.

14 Q. All right. And under the transporter, it explains John  
15 Finley. Did he assist, you testified, with actually transporting  
16 these?

17 A. Yes.

18 Q. And did you just use your Cadillac Escalade or did you-all  
19 use a trailer?

20 A. We used a trailer.

21 Q. Okay. Now, were any of these animals actually within the --  
22 I guess the cab of your Escalade?

23 A. Yes, they were.

24 Q. Which animals did you have inside with you?

25 A. The two babies, and then a bird, and I think the bats.

*Emily Eakle, RMR, CRR*

1 Q. Okay. And then the -- how about -- it looks like there was  
2 a two-week-old lion cub?

3 A. Yes.

4 Q. And it was a boy. Was he inside or was he in the trailer?

5 A. He was inside the cab.

6 Q. And how about Moses, was Moses an adult lion?

7 A. Yes, he was.

8 Q. And where was he?

9 A. He was in the trailer.

10 Q. Okay. Was -- do you know if Moses was sedated before  
11 you-all -- before he was loaded into the trailer?

12 A. No, he was not.

13 Q. And how about -- you did mention an alligator. Do you know  
14 if the alligator was sedated?

15 A. No, he was not.

16 Q. Were they both in separate containers or crates within that  
17 trailer?

18 A. Yes.

19 Q. And during -- when you-all -- did you observe the animals as  
20 they were being loaded into the trailer?

21 A. Yes.

22 Q. And was Mr. Passage on site?

23 A. I don't believe he was.

24 Q. But prior to loading these animals, had you talked to  
25 Mr. Passage about this transport, or overheard anything he had

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1 said?

2 A. He asked us if we could help take care of some of the  
3 animals to move them to other facilities because he was being  
4 removed from the park.

5 Q. Okay. All right. Now, at the time that you -- and do you  
6 recall approximately what time of day it was when these animals  
7 were loaded onto the trailer and inside your -- your Cadillac?

8 A. It was mid afternoon.

9 Q. And are you -- during your kind of affiliation with the park  
10 since 2015, have you ever encountered Dr. Green?

11 A. I haven't had anything to do with her. I mean, I have never  
12 seen her until all of this came up.

13 Q. Okay. Do you recall whether or not, when these animals were  
14 being loaded, if you ever saw Dr. Green or any other veterinarian  
15 out there working on these animals or actually examining these  
16 animals?

17 A. No, not to my knowledge.

18 Q. Now, when you-all actually -- and let me, before I ask that,  
19 did someone provide you this form?

20 A. Yes.

21 Q. Who?

22 A. Reineke.

23 Q. And when he provided you with the form, was it already  
24 completed?

25 A. Yes, it was.

*Emily Eakle, RMR, CRR*



- 1 Q. Okay. And did you take the animals as well as this form up  
2 to Branson Wild World?
- 3 A. Yes, we did.
- 4 Q. All right. And that address that's reflected under Branson  
5 Wild World, was that the correct address initially?
- 6 A. No, it was not.
- 7 Q. All right. And did you ultimately find the correct address?
- 8 A. Yes, we did. We called and got the right address. They  
9 have two facilities.
- 10 Q. So was it still within the Branson area?
- 11 A. Yes.
- 12 Q. And do you recall approximately what time you arrived?
- 13 A. It was around --
- 14 Q. I'm sorry?
- 15 A. It was around midnight.
- 16 Q. Okay. And once you arrived, were there any folks there  
17 awaiting your arrival?
- 18 A. Yes, there was quite a few people there.
- 19 Q. Did they assist with unloading?
- 20 A. Yes, they did.
- 21 Q. And at -- at any point in time did anybody from the Branson  
22 group provide money to you or any of the other folks who actually  
23 transported these animals up?
- 24 A. One of the ladies gave Johnnie money.
- 25 Q. And who is Johnnie?

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- 1 A. John Finlay's girlfriend.
- 2 Q. So Johnnie was someone who was inside your Cadillac from  
3 Wynnewood up to Branson?
- 4 A. Yes.
- 5 Q. All right. And at any point in time did you and Johnnie  
6 count the money?
- 7 A. I was feeding one of the babies while her and the other lady  
8 was counting it.
- 9 Q. Did you see them counting it?
- 10 A. Yes, I did.
- 11 Q. Do you know how much money was provided to them?
- 12 A. There was \$5,000.
- 13 Q. And did you-all ultimately return back to Wynnewood?
- 14 A. Yes, we did.
- 15 Q. Do you know what happened with that \$5,000?
- 16 A. Johnnie and John gave it to Joe.
- 17 Q. Okay. And did you see that?
- 18 A. I seen them hand him the envelope.
- 19 Q. Okay. And did you or your husband receive any money for  
20 this transport?
- 21 A. John Finlay had the money to pay for the gas.
- 22 Q. So they basically covered your gas?
- 23 A. Yes.
- 24 Q. All right. Now, in addition to the transport to Branson  
25 Wild World, did you have one other transport on behalf of

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1 Mr. Passage?

2 A. Yes. We went to California.

3 Q. And was that before or after the Branson trip?

4 A. After the Branson trip.

5 Q. Okay. And do you recall what you transported to California?

6 A. Two baby tigers.

7 Q. All right. And did -- how long did that take you-all, to  
8 get from Wynnewood to the facility in California?

9 A. It was a day and a half, almost two days.

10 Q. Okay. Do you recall what vehicle you used?

11 A. My Cadillac.

12 Q. All right. And were the baby tigers inside the cabin of the  
13 Cadillac with you?

14 A. Yes, they were.

15 Q. All right. And what, if anything, did Mr. Passage pay you  
16 to transport those two baby tigers?

17 A. He gave us \$800 for our gas money for the trip.

18 Q. Okay. And was that for the total trip, round trip there and  
19 back?

20 A. Yes.

21 MR. BROWN: Pass the witness, Your Honor.

22 THE COURT: Cross-examination?

23 **CROSS-EXAMINATION**

24 **BY MR. WACKENHEIM:**

25 Q. Ms. David, this transportation occurred in the summer

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- 1 of 2018; is that right?
- 2 A. In June, yes.
- 3 Q. Did you say that Mr. Passage was on his way out of the park?
- 4 A. He had told us that he had to move his animals because he
- 5 was being evicted off the park.
- 6 Q. By who?
- 7 A. Jeff Lowe.
- 8 Q. Do you know why?
- 9 A. I don't know exactly why.
- 10 Q. Okay. And this was the -- these two transportations, that's
- 11 the extent of you helping Mr. Passage transport animals?
- 12 A. Yes, it is.
- 13 Q. Okay. So you were asked to transport some animals from the
- 14 zoo to Branson Wild World, correct?
- 15 A. Yes.
- 16 Q. And there were a number of different animals. You have
- 17 talked about that.
- 18 A. Yes.
- 19 Q. And were those accurately reflected in that form you were
- 20 showed a couple moments ago?
- 21 A. Yes. There was two forms, so --
- 22 Q. Yeah. I think parakeets as well, was that another type of
- 23 animal that was transported?
- 24 A. Parrots, yes.
- 25 Q. So not just baby tigers or lions, but other animals as well?

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- 1 A. Yes.
- 2 Q. And that form, did you see anyone fill out that form that  
3 you were handed?
- 4 A. I didn't see them fill it out.
- 5 Q. And you said --
- 6 A. Reineke handed it to me.
- 7 Q. Okay. Did you -- and I may have missed this, but was  
8 Mr. Passage on site at the zoo when you were taking the animals?
- 9 A. He was before we got the animals. Before we left, he had  
10 already left to go take care of something else.
- 11 Q. So he wasn't there to hand you the form or discuss the form  
12 or any of that?
- 13 A. No.
- 14 Q. And that was Mr. Reineke?
- 15 A. Yes.
- 16 Q. And then did I understand you right you came back from  
17 Missouri with this envelope; is that right?
- 18 A. Yes. Johnnie and John had the envelope.
- 19 Q. Now, did you -- you said that they counted it. How did you  
20 know it was \$5,000?
- 21 A. I was standing at the back of the vehicle feeding one of the  
22 babies when they were standing at the back of my vehicle counting  
23 it.
- 24 Q. So were they counting it out loud?
- 25 A. Yes.

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- 1 Q. And you heard them?
- 2 A. Yes.
- 3 Q. You have no reason to dispute that it was \$5,000?
- 4 A. No, sir.
- 5 Q. Okay. And you saw that envelope being handed to Mr. Passage
- 6 back at the zoo.
- 7 A. Yes.
- 8 Q. Is that right?
- 9 A. Yes.
- 10 Q. And then at that point did you then take additional animals
- 11 to California?
- 12 A. Yes.
- 13 Q. And who went with you on that trip?
- 14 A. It was me and my husband.
- 15 Q. Okay. Do you know whose animals those were?
- 16 A. They were Joe's.
- 17 Q. And you received, and your husband received, compensation
- 18 for your time and gas and resources for going to these different
- 19 places?
- 20 A. We received the \$800 in gas to go to California and back.
- 21 Q. Did you receive anything for the Missouri trip?
- 22 A. Just the gas to go there and back.
- 23 Q. Now, were you part of the -- do you have any understanding
- 24 of how that \$5,000 relates to which animals that went to
- 25 Missouri?

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1 A. No.

2 Q. No?

3 A. No, I do not.

4 Q. Okay.

5 MR. WACKENHEIM: May I have a moment?

6 THE COURT: You may.

7 Q. (By Mr. Wackenheim) Ms. David, back to the transport to  
8 California. How many tiger cubs did you take to California?

9 A. Two.

10 Q. So Mr. Finlay didn't take one of those cubs himself in a  
11 different vehicle?

12 A. No.

13 Q. Okay. You took both?

14 A. I took both of them.

15 Q. Okay.

16 MR. WACKENHEIM: Thank you.

17 THE COURT: Redirect, Mr. Brown?

18 MR. BROWN: No, Your Honor.

19 THE COURT: Thank you, ma'am. You may step down.

20 Government's next witness.

21 MS. MAXFIELD-GREEN: Government calls Carole Baskin.

22 (WITNESS SWORN.)

23 **CAROLE BASKIN,**

24 **DIRECT EXAMINATION**

25 **BY MS. MAXFIELD-GREEN:**

*Emily Eakle, RMR, CRR*

- 1 Q. Ms. Baskin, if you'll just speak directly into the  
2 microphone then we'll be able to hear each other. Okay?
- 3 A. Yes.
- 4 Q. Good afternoon. Could you please state your name for the  
5 record?
- 6 A. Carole Baskin.
- 7 Q. And, Ms. Baskin, where do you live?
- 8 A. I live in Tampa, Florida.
- 9 Q. What do you do for a living?
- 10 A. I'm the founder and CEO of Big Cat Rescue.
- 11 Q. And what is Big Cat Rescue?
- 12 A. Big Cat Rescue is a sanctuary to about 60 exotic cats.
- 13 Q. Are there any animals other than cats on the sanctuary?
- 14 A. No. It's all exotic cats.
- 15 Q. When did Big Cat Rescue open?
- 16 A. We started in 1992 with the rescue of a single bobcat named  
17 Windsong who was about to be clubbed in the head of a parking lot  
18 at an animal auction.
- 19 Q. All right. Currently how many acres is Big Cat Rescue?
- 20 A. We're located on 67 acres.
- 21 Q. How many employees do you have?
- 22 A. We have 14 paid employees and over a hundred volunteers and  
23 interns.
- 24 Q. All right. Is Big Cat Rescue the kind of place that the  
25 public can tour?

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1 A. They can only come for guided tours. We don't allow people  
2 to wander around unescorted because we want them to leave there  
3 with an understanding of the fact that these animals don't belong  
4 in captivity.

5 Q. All right. And, if you could, look at the book in front of  
6 you. There's a tab of No. 67. Could you look at Tab 67? And  
7 what you're looking for is what's behind Tab 67.

8 A. I have got it.

9 Q. Got it? Are you familiar with this?

10 A. I am.

11 Q. What is it?

12 A. This is what happened in response to -- I'm pulling the book  
13 apart here.

14 Q. Let's make sure. Do you have 67?

15 A. Nope.

16 I have 67 now.

17 Q. You have got it now?

18 A. This is our logo.

19 Q. Okay. Is that the logo for your organization, Big Cat  
20 Rescue?

21 A. Yes.

22 MS. MAXFIELD-GREEN: Government moves to admit  
23 Exhibit 67.

24 THE COURT: Any objection?

25 MR. EARLEY: No objection.

*Emily Eakle, RMR, CRR*

1 THE COURT: Be admitted.

2 Q. (By Ms. Maxfield-Green) Okay. So this is the logo of the  
3 organization that you created, correct?

4 A. Correct.

5 Q. Okay. And you referred to this briefly, but could you give  
6 us a little history of how Big Cat Rescue started from the one  
7 bobcat and how it ended up being a sanctuary for 60 or more big  
8 cats?

9 A. We rescued that initial bobcat. And because she had been  
10 declawed, she couldn't be rehabbed and released back to the wild.  
11 I had done rehab and release of native bobcats since I was 17  
12 years old. But she came from Ohio, which meant she was  
13 not native to Florida, and she couldn't be released because of  
14 being declawed. And so, of course, a year later she was just  
15 terrorizing everything and everyone in the house. So we decided  
16 that she needed somebody she could play with and we called  
17 around.

18 A fellow up in Minnesota said that he would allow us to come  
19 see bobcats and lynx that he had for sale and maybe we could find  
20 somebody that she could get along with. So we went there. And  
21 when we got there, it turned out to be a fur farm, and I didn't  
22 know cats were being killed for their fur. So there's not like a  
23 big sign out front that says "fur farm."

24 We just walked in and the conditions in there were so  
25 horrific. These cats were kept in these tiny wire pens in their

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1 own food and feces and there were a pile of dead cats on the  
2 floor. And I asked the guy if there was this big of a market for  
3 these as pets. And he said, no, whatever we don't sell for pets  
4 we'll slaughter next year for their fur.

5 So I started crying and my late husband said, how much for  
6 every cat here. And we came home with 56 bobcats and lynx, that  
7 would be Canada lynx and Siberian lynx. And then the following  
8 year we rescued 28 bobcats and lynx, and the following year we  
9 rescued 22 more bobcats and lynx.

10 And at that time we ended the trade of cats for their fur in  
11 the United States. But during that period of time, people  
12 started calling and saying, would you take my lion, would you  
13 take my tiger. And I had no idea that people had these animals  
14 as pets. So it was a real learning experience for us.

15 Q. And then did you subsequently start to take in tigers and  
16 lions?

17 A. Yes.

18 Q. About how long do tigers live in captivity?

19 A. In most other places, they live to be, I would say 10 to 12.  
20 At Big Cat Rescue they frequently live into their late teens and  
21 early 20s. Our average age of death for a tiger is 19.

22 Q. And are lions about the same?

23 A. Yes.

24 Q. Okay. About how much does it cost to feed and maintain one  
25 tiger in captivity for a year?

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1 A. It's really expensive. It costs us about \$10,000 per big  
2 cat per year, and that's just for the food and veterinary costs.  
3 That doesn't include any of the overhead of the sanctuary.

4 Q. At some point did you start to have a public presence as an  
5 activist against the abuse of big cats in captivity?

6 A. Yes. We realized very early on that we were never going to  
7 rescue our way out of this situation. I learned that there were  
8 literally thousands of lions and tigers in backyards and  
9 basements across America. And so in 1998 we started getting  
10 involving with a federal bill that would ban the private  
11 possession of big cats, and that bill passed in 2003. It passed  
12 unanimously and it was called the Captive Wildlife Safety Act.

13 What that did was -- you know, whenever you have a federal  
14 bill, you have to give and take some. And so what we had to give  
15 up was that anyone with a USDA license was exempted from the  
16 bill. But aside from that, what it did was it made it illegal to  
17 sell a big cat across state lines as a pet. So the exemption was  
18 that you could get a USDA license, which is name, address,  
19 telephone number and \$35 and, you know, virtually no oversight.  
20 So it wasn't a huge deterrent.

21 So in 2011 we filed again to -- to strengthen that bill by  
22 removing that USDA exemption, and we're still working on that.  
23 In fact, today we have a committee hearing in DC on it.

24 Q. In your opinion, what is the cause of greatest concern with  
25 regard to the treatment of big cats in the United States?

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1 A. The biggest reason for --

2 MR. EARLEY: Your Honor, unless there's some relevance  
3 to this particular case, I would just object to this testimony  
4 about policy and other matters.

5 THE COURT: Ms. Green?

6 MS. MAXFIELD-GREEN: Ms. Baskin's testimony on that  
7 point is directly relevant to the feud between Mr. Passage and  
8 Ms. Baskin that led to the allegations in this case.

9 THE COURT: Overruled.

10 Q. (By Ms. Maxfield-Green) And I'm sorry, let me ask that  
11 question again because I lost track of your answer.

12 What is the cause of greatest concern with regard to the  
13 treatment of big cats in the United States, in your opinion?

14 A. The number one cause of abuse in this country is because  
15 people will pay to have their pictures made with these cute  
16 little cubs. And you can see why that would be so attractive to  
17 people, because they're adorable and of course you want to handle  
18 them. But what people don't know is that it serves no  
19 conservation value.

20 These cats are all crossbred and inbred, so they're not pure  
21 subspecies of tigers that could ever be used to repopulate the  
22 wild. And they can only be used from about a four-week window,  
23 from about the time they're eight weeks old until 12 weeks old.  
24 So that means they have to be constantly breeding and breeding  
25 and breeding all of these cats that very quickly outgrow their --

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1 their lucrative baby photo-op stage and then they become a  
2 liability. And as that liability, they are frequently handed off  
3 to people as pets or they're relegated to horrible barren cages  
4 where they're just constantly bred so that they can produce more  
5 cubs for the public to pay to have their pictures made.

6 Q. And, in your opinion, does that practice affect the  
7 population in the wild?

8 A. It has a very negative effect on conservation in the wild.  
9 And the reason that we know this is because we have been involved  
10 with CITES, which is the treaty of all of the countries to try  
11 and protect endangered species in the wild. And we have been  
12 part of a coalition that has been trying to ban the farming of  
13 tigers in China and other Asian countries.

14 They say that if you farm these tigers, it will take  
15 pressure off of the cats in the wild, but that's not true because  
16 people always want the premium product. And so they'll always  
17 want that wild tiger over the captive-bred cat. So by breeding  
18 more and more of these cats in captivity and selling them for  
19 their parts and using them to make things like tiger bone wine,  
20 it increases the demand for that, it makes people think that it's  
21 okay to do that, and then it's a whole lot easier to spend a  
22 dollar on a bullet to shoot a tiger in the wild than it is to  
23 spend tens of thousands of dollars to raise them up to adulthood  
24 to be able to be killed.

25 So whenever we're going to those meetings of the countries

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1 and saying we don't think these cats should be farmed, these  
2 Asian countries look at us and they say, well, at least we know  
3 where our tigers are, the U.S. doesn't even know where these cats  
4 are that are all over the place in backyards and basements. So  
5 it creates a huge problem in us having any kind of credibility on  
6 the world stage to protect the beautiful tiger in the wild where  
7 it belongs.

8 Q. What's your position on breeding hybrids of big cats, like  
9 ligers and liligers?

10 A. We believe that it's a very cruel practice. And the reason  
11 is that most of these hybrids suffer from a condition called  
12 gigantism and they lack the gene that causes us to stop growing.  
13 So all animals grow to a certain adulthood stage and then we  
14 don't grow anymore. But when they have -- when they lack that  
15 gene, they just continue to grow and grow and grow. So they die  
16 very young.

17 And the mothers are typically not capable of carrying those  
18 hybrid cubs because the hybrid cubs are often larger than what  
19 either a lion or a tiger mother could carry. So they are often  
20 killed in carrying the animals or they go through C-sections in  
21 order to have the cats removed.

22 They're also bred and used to evade the prohibition on  
23 trading on -- in endangered species. By crossbreeding a tiger to  
24 a lion, you get a very big cub that people want to pet or to see,  
25 and yet it's not protected as a tiger would be.

*Emily Eakle, RMR, CRR*

1 Q. Now, as part of your activism did you start a website that  
2 was related to your campaign against animal abuses?

3 A. I did. It's called 911animalabuse.com.

4 Q. All right. And what kind of things are posted on that  
5 website?

6 A. What we do is whenever we see that there are people going  
7 around exploiting these animals in a bad way, we will create a  
8 page on them so that when the public is looking to see is this a  
9 good thing or a bad thing, then they're seeing that this is  
10 what's going on behind the scenes, these are how these cubs are  
11 treated.

12 What we see very frequently is that these organizations will  
13 change their names a lot so that their bad deeds don't follow  
14 them. So what we'll do is have all of the names of one facility  
15 or one person and what they're using as aliases in that one place  
16 so that they can be identified as the same person.

17 Q. Now, at times during your activism have you partnered with  
18 other animal welfare organizations?

19 A. We were part of the initial International Tiger Coalition,  
20 which was about 44 organizations that included the World Wildlife  
21 Fund, The Humane Society, National Fund for Animal Welfare, Born  
22 Free, organizations like that. We later became a much smaller  
23 coalition of about 10 or 12 of those same organizations to work  
24 on the big cat problem in the U.S.

25 The International Tiger Coalition's primary goal is to

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1 protect tigers in the wild, and through that we were trying to  
2 stop the cub petting. But it became apparent that America is a  
3 huge part of why we're losing the tiger in the wild, so we needed  
4 to do something here to reign in all of this unregulated,  
5 unmonitored trade in these animals here in the United States.

6 So that group got together in 2011. And we came up with a  
7 three-pronged approach, because what we saw was the primary  
8 problem was these cubs that were being bred, exploited, and then  
9 disappearing into God knows where. And so the three-pronged  
10 approach was to rescind the generic tiger loophole. It was a  
11 loophole that was created in the '80s because everybody got all  
12 crazy about white tigers and the magicians in Las Vegas were  
13 calling them royal white bengal tigers. And the public thought  
14 that this was like some special subspecies or something, but, in  
15 fact, the only way that you get white tigers is through severe  
16 inbreeding of brother to sister and father to daughter.

17 And so what was happening was so many people started  
18 breeding these white tigers that the bengal tiger population,  
19 which is where that -- that gene originated, became so inbred  
20 that now whole litters were being born dead at the zoos and at  
21 these backyard breeders. So the only way that they could  
22 continue to produce cubs was to start cross breeding between  
23 bengal tigers and Amur tigers. And so by doing that, what they  
24 were doing was creating this generic tiger that wasn't any  
25 subspecies that could ever serve any kind of conservation.

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1           So the U.S. Fish & Wildlife Service said, we're going to  
2 call that a generic tiger and it won't have to -- people breeding  
3 them will not have to meet the same high standards of those who  
4 are breeding purebred species. That just opened the floodgates  
5 for all kinds of people to be breeding these cats.

6           So our goal was to get them to rescind that loophole that  
7 they had created in the '80s. And finally in April of 2016,  
8 after many, many years of working on it, they did rescind that  
9 loophole.

10          The second part of our three-pronged approach was to ask  
11 USDA to actually enforce the Animal Welfare Act. As the Act is  
12 written, we believe that ripping cubs from their mothers and the  
13 horrible conditions that the cubs are kept in and the way that  
14 they're passed around from person to person and they're not  
15 getting the mother's milk and they're not getting the colostrum  
16 they need, and they're being handled frequently and contracting  
17 ringworm from the filthy conditions that they're in, all of those  
18 are things that should currently be considered a violation of the  
19 Animal Welfare Act, but USDA has not been enforcing it.

20          So as a group we got together and we submitted, I think it  
21 was about a 70-page petition. And it's not a -- a petition like  
22 people signing their names. This was a bunch of big cat vets got  
23 together with us and documented that this was a horrible practice  
24 and that this shouldn't be done and all of the citations and  
25 everything. That's what took 70 pages, of saying why these cats

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1 should not be used that way.

2 The third part of our three-pronged approach is a federal  
3 bill. And the federal bill was introduced in 2012, and we are  
4 currently -- the bill has been reintroduced into this session.  
5 It's HR 1380. I think we had, I forget, something like 110, 120  
6 co-sponsors last year, and this year we fully expect that bill to  
7 pass.

8 What that bill will do is close that loophole in the bill  
9 that passed unanimously in 2003. And so you won't be able to pet  
10 the cubs, or own the cubs if you're a private owner.

11 Q. Okay. Let me ask you one question about the -- the generic  
12 tiger loophole. You say that in April 2016 that loophole closed  
13 or was rescinded. So if I understand you correctly, starting  
14 from April of 2016, the laws, the -- all of the federal laws  
15 relating to -- that would protect tigers then began to protect  
16 even generic tigers; is that correct?

17 A. Correct.

18 Q. Okay. As part of your activism, have you been -- have you  
19 partnered with People For the Ethical Treatment of Animals, or  
20 PETA?

21 A. They're typically not a partner of ours, but they did  
22 recently come to us with a petition that they were putting before  
23 USDA and asked if we would sign onto it, which, of course, we  
24 did, along with a lot of other animal protection groups. And  
25 their petition --

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1 Q. And, Ms. Baskin, I'll stop you right there because I'll have  
2 questions later that we'll get to that.

3 A. Okay.

4 Q. Okay. Are you familiar with a person named Joseph  
5 Schreibvogel, who also goes by the names Joseph Maldonado-Passage  
6 or Joseph Passage?

7 A. Yes.

8 Q. And do you see him here in the courtroom today?

9 A. Yes. He's wearing a plaid tie.

10 Q. When did you first become aware of Mr. Passage?

11 A. The first time I knew that he was 21 different groups that I  
12 was following was probably in 2009. Back in the mid 2000s, when  
13 news articles would come out talking about people going to malls  
14 and having their pictures made with cubs, we would be watching  
15 that and we would get into the comments and we would try to  
16 educate people in the comment section about why that was such a  
17 cruel thing to be doing to these cubs.

18 And I kept -- you know, as you know, the website where I had  
19 all of these different people that I would see their different  
20 organization names, and I realized that about 20, 21 of them were  
21 all the same person. They were all Joe Schreibvogel.

22 Q. Okay. And when you realized that, did you post information  
23 about him on the 911 animal abuse website?

24 A. Yes. The website listed all of his aliases that we could  
25 find him working under.

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1 Q. Did you contact the malls where these cub petting  
2 exhibitions were taking place?

3 A. Yes. We would contact the malls and we would send them a  
4 fact sheet about why this cub handling was such a horrible thing  
5 for the cubs and how they, you know, didn't serve any kind of  
6 conservation value, which is what the public was being misled to  
7 believe. And frequently malls would understand that, you know,  
8 they didn't want to be involved in this, they didn't realize, you  
9 know, because that's not what they were being told. Sometimes  
10 they would say, well, you know, we have already paid him to be  
11 here, but we won't have him come back. And in other cases they  
12 were just like, hey, people want to pet cubs, we're going to let  
13 them come pet cubs.

14 So what we would say is, well, we respectfully disagree and  
15 we're going to let you know that most people don't think this is  
16 okay. So we would send out an alert to our fan base and our fan  
17 base would contact the malls and explain to them that this is not  
18 mainstream, good family fun, this is not something that they  
19 should be doing, and that it was causing them more harm than good  
20 to be treating animals this way.

21 Q. So as a result of those alerts you sent to your fan base,  
22 were there ever, for lack of a better term, protests at the  
23 malls, or demonstrations?

24 A. Sometimes little protests would spring up. It kind of  
25 surprised me because I didn't know that people would do that, but

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1 when they did it turned out to be very effective. And they could  
2 get out there on a street corner with just a couple of families  
3 and their signs and the news would cover it. So what we saw over  
4 the years was this change from the media saying, oh, come out to  
5 the mall and pet the cute little cubs, to, oh, you know, there's  
6 some controversy about this and maybe that's not the right thing.

7 So now, whenever you see somebody posing with a cub online,  
8 they just -- everybody seems like they understand now and will  
9 really get upset about seeing that.

10 Q. Okay. So after you had posted some things online and  
11 contacted some malls and that kind of thing, did you receive any  
12 response from Mr. Passage around that time?

13 A. I didn't receive a response directly from him. What  
14 happened was people were saying that they didn't think that we  
15 allowed cub petting, and we didn't know what they were talking  
16 about. And so what we found was that he was using our logo and  
17 our name and was out there presenting himself as being Big Cat  
18 Rescue doing cub petting. And then he went on Facebook -- when  
19 we did find out about this, he went on Facebook and he said, I --  
20 I changed my name to Big Cat Rescue Entertainment so that  
21 whenever you say anything bad about cub petting, people will  
22 think it's you and you'll ruin your name publicly.

23 Q. Okay. Let's see. So in connection with the name change,  
24 let's -- if you could look at Government's Exhibit 68, please.  
25 Got it?

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1 A. Yes.

2 Q. Do you recognize Government's 68?

3 A. Yes. When we had asked the people that were saying that  
4 they saw this going on, we asked them to actually go to some of  
5 these displays and see what it is that's going on and send us  
6 photographs of it. And so we found that he was using Big Cat  
7 Rescue. Underneath that he -- where we would usually have a  
8 banner that said "an educational sanctuary," he used the word  
9 "entertainment," but in a much lighter font so that it wasn't as  
10 obvious.

11 The masthead that you see, or the -- well, you won't see it  
12 yet.

13 Q. Yeah. Let me stop you right there.

14 MS. MAXFIELD-GREEN: The Government moves to introduce  
15 Exhibit 68.

16 THE COURT: Any objection?

17 MR. EARLEY: No, Your Honor.

18 THE COURT: Government's 68 will be admitted.

19 Ms. Baskin, let me ask you to be sure and listen carefully  
20 to the question of the government. If it can be answered with a  
21 yes or no answer, you can do that. If the government has  
22 followup questions, they can ask for additional information.  
23 Okay?

24 THE WITNESS: Thank you.

25 Q. (By Ms. Maxfield-Green) Okay. So this is Government's 68.

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1 So this is Big Cat Rescue Entertainment, so this is not your  
2 organization, correct?

3 A. Correct.

4 Q. And is this the marketing materials from an organization  
5 that Mr. Passage created?

6 A. Yes.

7 MS. MAXFIELD-GREEN: And, Jane, is there a way we can  
8 look at 68 and 67 together?

9 Okay. That's great.

10 Q. (By Ms. Maxfield-Green) Okay. So on the right is your  
11 actual logo, correct?

12 A. Yes.

13 Q. And on the left is the -- Mr. Passage's logo, correct?

14 A. Yes.

15 Q. And so fair to say that the -- the font and the spacing of  
16 the font looks similar?

17 A. Yes.

18 Q. Okay.

19 MS. MAXFIELD-GREEN: And we can just have 68 now, Jane.

20 Q. (By Ms. Maxfield-Green) And the eyes that are -- the eyes,  
21 is that something that was associated with marketing materials  
22 for your organization?

23 A. Yes. Our website gets three and a half million visitors a  
24 year, and it had the snow leopard eyes across the top.

25 Q. Okay. So this is marketing for -- well, what is this

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1 marketing for?

2 A. This was for Joe's cub petting road show.

3 Q. Okay. And that's the thing you're adamantly opposed to,  
4 correct?

5 A. Yes.

6 Q. If you would look at Government's 69, please. And are you  
7 familiar with that?

8 A. Yes.

9 Q. And what is that?

10 A. This is a handout that he was using that, again, had the --  
11 the font and the name of our sanctuary and the masthead of our  
12 website.

13 Q. Okay.

14 A. But he was advertising his own place with it.

15 MS. MAXFIELD-GREEN: Government moves to admit  
16 Government's 69.

17 THE COURT: Any objection?

18 MR. EARLEY: Well, I'm not sure what the purpose in  
19 re-litigating the trademark or copyright infringement case is.  
20 That was reduced to judgment. So I'm not clear what the  
21 relevance of these documents are.

22 THE COURT: Ms. Green?

23 MS. MAXFIELD-GREEN: The documents relate to the  
24 ongoing feud between the defendant and Ms. Baskin about both  
25 animal welfare issues and litigation. That is the core of the

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1 government's alleged motive in this case.

2 THE COURT: Objection will be overruled.

3 MS. MAXFIELD-GREEN: Is Government's 69 admitted, Your  
4 Honor?

5 THE COURT: Yes. I'm sorry.

6 MS. MAXFIELD-GREEN: Thank you.

7 Q. (By Ms. Maxfield-Green) Okay. So this is another marketing  
8 material that Mr. Passage created, correct?

9 A. Yes.

10 Q. Okay. Please take a look at Government's 70. And are you  
11 familiar with that?

12 A. Yes.

13 Q. What is that?

14 A. This is a fundraising form that he created, also made to be  
15 very confusing to make people think that it was us that they were  
16 supporting.

17 MS. MAXFIELD-GREEN: Government moves to admit  
18 Exhibit 70.

19 THE COURT: Same objection, Mr. Earley?

20 MR. EARLEY: Yes, Your Honor.

21 THE COURT: Government's 70 will be admitted.

22 Q. (By Ms. Maxfield-Green) Okay. And so this -- is this a  
23 form that's asking for monetary donations?

24 A. Correct.

25 Q. If you'll look at Government's Exhibit 71. And are you

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1 familiar with that document?

2 A. Yes. This was a business card that he created using the  
3 same font, the same name, Big Cat Rescue, and the eyes from the  
4 website, along with adding that he had a Florida office, which he  
5 did not, and using an 813 area code, which is our area code.

6 MS. MAXFIELD-GREEN: Okay. Government moves to admit  
7 71.

8 THE COURT: Same objection, Mr. Earley?

9 MR. EARLEY: Yes, Your Honor.

10 THE COURT: Okay. Government's 71 will be admitted.

11 MS. MAXFIELD-GREEN: If you could blow that up, Jane.

12 Q. (By Ms. Maxfield-Green) Okay. And this is the business  
13 card you were referring to with a Florida office and a Florida  
14 area code. Is "you are their voice," is that language that is  
15 associated with Big Cat Rescue?

16 A. We would frequently use that in our calls to action.

17 Q. All right. Since approximately 2010, has Mr. Passage posted  
18 a number of pictures, videos and messages online about you?

19 A. It has been an ongoing onslaught for the last nine years of  
20 him posting all kinds of crude and vulgar and violent videos and  
21 posts on social media aimed at me.

22 Q. And throughout that time period, were those pictures, videos  
23 and messages brought to your attention?

24 A. Yes.

25 Q. How were they brought to your attention?

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1 A. People who would see it would usually send a copy to me or a  
2 link to me or tell me that it existed out there.

3 Q. And at some point after some of -- several of these had been  
4 brought to your attention, did someone at Big Cat Rescue make  
5 efforts to monitor what was being posted on an ongoing basis?

6 A. My husband did a very good job of listening to his shows and  
7 watching for anything that he did that was directed at me. And  
8 he has just volumes and volumes and volumes of video recordings  
9 and audio recordings and posts from social sites of Joe  
10 threatening me.

11 Q. So in the course of doing that monitoring, did your husband  
12 become familiar with Facebook -- the Facebook -- pardon me -- the  
13 Facebook pages and YouTube channels and other social media  
14 accounts that were being operated by Mr. Passage or people in his  
15 camp?

16 A. Yes.

17 Q. So would you typically see or hear about Mr. Passage's posts  
18 around the time they'd originally been posted online?

19 A. Yes.

20 Q. And when these posts appeared on the Internet, did -- I  
21 think you referenced this -- did your husband make efforts to  
22 download them, save them or copy them in some way?

23 A. Yes.

24 Q. Now, in preparing for your testimony today, have you had an  
25 opportunity to review a number of Mr. Passage's social media

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1 posts and refresh your recollection about their content and about  
2 the date that they were posted?

3 A. Yes, but it's a very small selection of a lot, a lot of just  
4 horrific posts.

5 Q. Okay. If you could, take a look at Government's Exhibit 75.

6 A. Can I open this book up, because there's pages that are --

7 Q. Certainly. That book is very packed. If it would help you  
8 to open it up --

9 A. I just want to make sure these all stay in the same order.  
10 I apologize.

11 Q. That's okay. It is very difficult to operate.

12 A. All right. I'm just going to move them over a bit at a  
13 time.

14 MS. MAXFIELD-GREEN: May I approach, Your Honor, to  
15 help her?

16 THE COURT: Yes.

17 MS. MAXFIELD-GREEN: Thank you.

18 THE WITNESS: I don't want to send them flying.

19 Q. (By Ms. Maxfield-Green) All right. You're looking at  
20 Government's Exhibit 75. Are you familiar with this photograph?

21 A. Yes.

22 Q. What is it?

23 A. This is an image that was posted in 2010, I believe. And  
24 Joe had dressed up two effigies, two dolls; one of them labeled  
25 as PETA and one labeled with BCR, which is the acronym for Big

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1 Cat Rescue.

2 Q. And was this saved from a Facebook page that, based on your  
3 husband's monitoring of Mr. Passage, was controlled and  
4 maintained by him?

5 A. Yes.

6 Q. And to the best of your recollection, was it posted on or  
7 about August 20th of 2010?

8 A. Yes.

9 MS. MAXFIELD-GREEN: Government moves to admit  
10 Exhibit 75.

11 THE COURT: Any objection, Mr. Earley?

12 MR. EARLEY: On foundation, Your Honor. There's no  
13 connection to -- direct connection to Mr. Passage. It perhaps is  
14 a Facebook post, but how it got there and by whom is undisclosed.

15 THE COURT: Ms. Green?

16 MS. MAXFIELD-GREEN: Your Honor, numerous witnesses  
17 have described Mr. Passage's use of social media and that he was  
18 a frequent user of social media, including Facebook, and that he  
19 maintained those accounts himself. And I believe that lays a  
20 proper foundation for a Facebook post that is attached to an  
21 account that was associated with him and that it appeared there.  
22 I think that lays a proper foundation.

23 THE COURT: For purposes of admission, the objection  
24 will be overruled.

25 Mr. Earley, you'll certainly be able to cross-examine on it.

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1 Government's 75 will be admitted.

2 Q. (By Ms. Maxfield-Green) Okay. And so this is a person --  
3 the animal mascot in the middle appears to be holding a crossbow;  
4 is that correct?

5 A. Yes.

6 Q. And like you said, BCR, that stands for Big Cat Rescue?

7 A. Yes.

8 Q. And PETA, is that usually interpreted to mean People For the  
9 Ethical Treatment of animals?

10 A. Yes.

11 Q. To the best of your recollection, was this one of the  
12 earliest posts that you can recall that Mr. Passage made in  
13 reference to Big Cat Rescue?

14 A. There were two at this time; there was this one and there  
15 was another where he had the same dolls hanging up, but he had  
16 the tiger pointing guns at their heads.

17 Q. Now, going back to the marketing materials that you became  
18 aware of in -- would you have become aware of those marketing  
19 materials for Big Cat Rescue Entertainment at about the same time  
20 that this picture was posted?

21 A. Yes.

22 Q. All right. Once you became aware of those marketing  
23 materials, did you take action?

24 A. We did. We had several people contact us that really  
25 thought that was us out there doing those horrible things to

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1 cubs, and we had to protect our name. So we sued for trademark  
2 and copyright infringement of our frame, which had been trademark  
3 protected.

4 Q. Let's take a look at Government's Exhibit 72. Is that still  
5 in the book? Sorry.

6 A. Okay.

7 Q. You have 72? Are you familiar with that document?

8 A. Yes.

9 Q. What is it?

10 A. This is the complaint.

11 MS. MAXFIELD-GREEN: Government moves to admit  
12 Exhibit 72.

13 THE COURT: Mr. Earley?

14 MR. EARLEY: Your Honor, I think the testimony is that  
15 they pursued legal action. We don't dispute that. I don't know  
16 what the purpose or relevance would be of introducing the actual  
17 documents that initiated the lawsuit.

18 THE COURT: Ms. Green?

19 MS. MAXFIELD-GREEN: Well, the lawsuit is a legal  
20 document that speaks for itself, and it also bears the date that  
21 it was filed and it -- so it's relevant to establishing the  
22 timeline.

23 THE COURT: Parties approach.

24 (The following bench conference was held outside the hearing  
25 of the jury.).

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1 THE COURT: My only concern is that -- and I haven't  
2 gone through all the pages in the document. Is there anything in  
3 here, in the complaint, in terms of any factual allegations  
4 that's not been testified to or not in evidence?

5 Mr. Earley, do you know?

6 MR. EARLEY: I don't know.

7 MS. MAXFIELD-GREEN: I don't know, Your Honor. And I'm  
8 not intending to actually discuss with her any of the allegations  
9 in the document. If you would like to -- I had this just  
10 recently in another case. If you would like to issue a limiting  
11 instruction that the facts alleged in the civil lawsuit are not  
12 at issue here or something to that effect, I think that would  
13 cover that situation.

14 MR. EARLEY: Well, how about just introducing it for  
15 identification purposes only to establish that a lawsuit was  
16 filed, but the inner workings of the document itself are really  
17 not relevant?

18 THE COURT: Yeah. Ms. Green, I mean, we have  
19 established that -- we have covered it in opening. I think it's  
20 sufficiently established that -- what his actions were that  
21 prompted the lawsuit. She sued him, and I think there's even  
22 been a fair amount of testimony she got a judgment. I'm not sure  
23 what added relevance that the actual document gets into. What  
24 would be the relevance of actually having the document in  
25 evidence?

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1 MS. MAXFIELD-GREEN: We're willing to offer it as a  
2 demonstrative, Your Honor, if that's solves the problem.

3 MR. EARLEY: That's fine. Okay. We'll do that.

4 THE COURT: Thank you.

5 (The following record was made in open court, in the  
6 presence of all parties, counsel, and in the presence and hearing  
7 of the jury.)

8 MS. MAXFIELD-GREEN: The government would move to  
9 publish Exhibit 72 as a demonstrative.

10 THE COURT: That will be permitted.

11 Q. (By Ms. Maxfield-Green) Okay. Is this the lawsuit that was  
12 filed against Mr. Passage?

13 A. Yes.

14 Q. And does it show that Big Cat Rescue Corp. is the plaintiff?

15 A. Yes.

16 Q. Okay. And who are the defendants?

17 A. Big Cat Rescue Entertainment Group; GW Exotic Memorial  
18 Animal Foundation, doing business as Big Cat Rescue Entertainment  
19 Group, an Oklahoma corporation; Joe Schreibvogel, a/k/a Joe  
20 Exotic, a/k/a Aarron Alex, a/k/a Cody Ryan, individually; Beth  
21 Corley, individually; and Vicki Welch, individually.

22 Q. All right. And what date was this complaint filed?

23 A. January 31st, 2011.

24 Q. And did this complaint allege trademark violations?

25 A. Yes.

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1 Q. Okay. In 2011 did you also become aware that Mr. Passage  
2 was using Big Cat Rescue photographs that had been copyrighted?

3 A. Yes. He used photos that belonged to us to misrepresent  
4 things that were happening.

5 Q. And what did you do about that?

6 A. We had to file suit.

7 MS. MAXFIELD-GREEN: Government would move to publish  
8 Government's Exhibit 73 as a demonstrative.

9 THE COURT: Any objection at this time, Mr. Earley?

10 MR. EARLEY: Not as a demonstrative exhibit.

11 THE COURT: Government will be allowed to publish 73 as  
12 a demonstrative.

13 Q. (By Ms. Maxfield-Green) And what is this? I'm sorry. 73.

14 A. This was our lawsuit to protect ourselves for the trademark  
15 of that photo.

16 Q. And are the plaintiffs and defendants the same as the  
17 previous lawsuit?

18 A. No. This would -- this did not include Beth Corley or Vicki  
19 Welch, but everybody else.

20 Q. And what was the date that that was filed?

21 A. That was September 2nd, 2011.

22 Q. Okay. And in preparing for your testimony today -- I think  
23 if you look at Government's Exhibit 77, I believe all that is  
24 there is a disk. But in preparing for your testimony today, did  
25 you review a video that had been -- from a television show that

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1 was posted on the BBC news network?

2 A. Yes.

3 Q. And, to your recollection, did that air on the BBC on or  
4 about October 30th of 2011?

5 A. Yes.

6 Q. And would that have been after your first two lawsuits were  
7 filed?

8 A. Yes.

9 MS. MAXFIELD-GREEN: Government moves to admit  
10 Exhibit 77.

11 THE COURT: Any objection?

12 MR. EARLEY: I'm sorry, Judge. I may have missed the  
13 foundation. If we could just repeat, what is this an interview  
14 of?

15 Q. (By Ms. Maxfield-Green) It is -- well, could you describe  
16 what it is in -- what's on the BBC television show?

17 A. It's an interview of Joe Schreibvogel saying that he would  
18 euthanize all of his animals before he would allow them to be  
19 rescued.

20 MR. EARLEY: No objection, if that's what it shows.

21 THE COURT: Government's 77 will be admitted.

22 (Video played in open court.)

23 Q. (By Ms. Maxfield-Green) Okay. Government's Exhibit 79, do  
24 you recall reviewing Government's Exhibit 79 during preparation  
25 for your testimony?

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1 A. Yes.

2 Q. And, to your recollection, is it a video of Mr. Passage that  
3 was posted online on or about January 13th of 2012?

4 A. Yes.

5 MS. MAXFIELD-GREEN: Government moves to admit  
6 Exhibit 79.

7 THE COURT: Any objection, Mr. Earley?

8 MR. EARLEY: No, Your Honor.

9 THE COURT: Government's 79 will be admitted.

10 MS. MAXFIELD-GREEN: And, Marcia, I believe this one is  
11 really quiet, starts off really quiet, so if you could pump up  
12 the --

13 MS. DAVIS: It's as loud as it will go.

14 MS. MAXFIELD-GREEN: Is that it? Okay.

15 (Video played in open court.)

16 Q. (By Ms. Maxfield-Green) Now, was this video, if it was  
17 posted on -- about January 13th of 2012, would that have been  
18 posted after you'd filed the first two lawsuits?

19 A. Yes. And, in fact, there had been a -- he had asked for a  
20 temporary restraining order to keep me from saying that it was  
21 bad to abuse cubs and had been ruled against in that restraining  
22 order suit because it's my First Amendment right. But what he  
23 learned that day was that it has to either be true or you have to  
24 say it is your opinion or belief, so that's --

25 MR. EARLEY: Your Honor, I'm going to object to her

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1 testifying --

2 THE COURT: Sustained.

3 Q. (By Ms. Maxfield-Green) Thank you, Ms. Baskin.

4 Okay. Take a look at Government's Exhibit 74 in the book in  
5 front of you.

6 A. I have it.

7 Q. Are you familiar with that document?

8 A. Yes.

9 Q. And what is it?

10 A. He began using photos of my face and putting it on all kinds  
11 of lewd photographs and posting them online, so we had to sue.

12 MR. EARLEY: Your Honor, that's nonresponsive to the  
13 question.

14 MS. MAXFIELD-GREEN: Your Honor, the government moves  
15 to publish Exhibit 74 as a demonstrative.

16 THE COURT: Mr. Earley, what's your response as to  
17 Government's Exhibit 74? I'll go back and --

18 MR. EARLEY: As a demonstrative exhibit, I won't  
19 object.

20 THE COURT: Government's Exhibit 74 will be admitted  
21 for demonstrative purposes.

22 Mr. Earley, your objection will be sustained as to the  
23 witness's prior answer.

24 Ms. Baskin, again, be very careful, listen to the question  
25 very carefully and answer only that question. If the government

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1 has -- or either of the lawyers have followup questions, they  
2 will ask you. Okay?

3 THE WITNESS: Yes, Your Honor.

4 Q. (By Ms. Maxfield-Green) Government's Exhibit 74, is this a  
5 lawsuit?

6 A. Yes.

7 Q. And is it a lawsuit filed by Big Cat Rescue against,  
8 essentially, Mr. Schreibvogel and his entities?

9 A. Yes.

10 Q. When was this lawsuit filed?

11 A. This was October 19th of 2012.

12 Q. Why did you file this lawsuit?

13 A. Because he was using my face and posting it on lewd images,  
14 of a photograph that I owned.

15 Q. Now, in February of 2013 did the three lawsuits that you had  
16 filed against Mr. Passage come to a resolution?

17 A. It did. We were awarded a little over a million dollars.

18 Q. And once those judgments were entered in Florida, did Big  
19 Cat Rescue immediately proceed with trying to collect on that  
20 \$1 million?

21 A. Yes.

22 Q. What did you do to collect the judgment?

23 A. We filed suit to collect the judgment.

24 Q. Did you hire lawyers here in Oklahoma?

25 A. Yes.

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1 Q. And have those efforts to collect the judgment resulted in  
2 prolonged civil litigation here in Oklahoma?

3 A. Yes.

4 Q. Is part of the reason for that litigation that Mr. -- let me  
5 rephrase that.

6 Has part of that litigation involved filing of additional  
7 lawsuits here in Oklahoma that are related to the attempts to  
8 collect the money?

9 A. He filed bankruptcy, so we had to appear in bankruptcy  
10 court.

11 Q. Okay. Have there been civil proceedings, like depositions,  
12 involved?

13 A. Yes.

14 Q. Have there been a number of hearings in court?

15 A. Yes.

16 Q. Is that litigation still going on today in some form?

17 A. Yes.

18 Q. So you have been involved in litigation with Mr. Passage  
19 since January of 2011, correct?

20 A. Yes.

21 Q. And is that eight -- a little more than eight years?

22 A. Yes.

23 Q. How much money have you collected toward the \$1 million  
24 judgment?

25 A. Actually, it -- it's probably about 5 percent or less.

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1 Q. What has been your goal in pursuing the judgment?

2 A. First of all, we're owed the money. Second, I think it's a  
3 matter of principle. And, you know, if we would -- we actually  
4 tried to work out an amicable agreement with him and had actually  
5 come to a settlement agreement, but that didn't end up taking  
6 place.

7 Q. What types of settlement offers have you attempted with  
8 Mr. Passage?

9 A. The settlement agreement that he had agreed to was that he  
10 would stop cub petting, stop breeding cubs and selling them and  
11 doing that sort of thing, and he would make modest payments  
12 toward us monthly to reduce the debt. And we were happy with  
13 that.

14 Q. Did those settlement negotiations, were they successful or  
15 did they fall through?

16 A. He brought in Jeff Lowe and Jeff Lowe -- before those were  
17 actually put into writing and signed by the parties, Jeff Lowe  
18 said he was going to pay all of the legal fees and that they were  
19 not going to stop the cub petting.

20 Q. Did Mr. Passage's online threats against you continue from  
21 2013 through 2017?

22 A. Yes.

23 Q. Now, take a look at Exhibit 82, please. Are you familiar  
24 with that document?

25 A. Yes.

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1 Q. And what is it?

2 A. This was a post that Joe made on Facebook on October 17th of  
3 2013 where he was talking about going to a doctor's appointment  
4 and he said --

5 Q. I'll just stop -- I'll stop you right there.

6 MS. MAXFIELD-GREEN: The government moves to admit  
7 Exhibit 82.

8 THE COURT: Mr. Earley?

9 MR. EARLEY: Same objection on foundation.

10 THE COURT: Okay. Objection will be overruled.  
11 Government's 82 will be admitted.

12 Q. (By Ms. Maxfield-Green) Okay. Now we can talk about it.

13 MS. MAXFIELD-GREEN: Jane, if you can blow up the text,  
14 please.

15 Q. (By Ms. Maxfield-Green) Okay. So this is a Facebook  
16 posting under the heading Joe Schreibvogel; is that correct?

17 A. Yes.

18 Q. And could you just read it for us?

19 A. He said, "Such a wonderful day. Went to the doctor  
20 yesterday, now I have to have surgery on Monday to remove some  
21 glands. Pray they're not cancer. They are taken over my left  
22 armpit so bad I can't move my arm. Better yet, Janice Haley,  
23 remember our deal, first one to get a terminal illness, Tampa  
24 will be less one more person."

25 Q. And your home is in Tampa, correct?

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1 A. There's no doubt he's talking about me.

2 Q. Who's Janice Haley?

3 A. Janice Haley is another person who lives in the Cosme area,  
4 which is near Tampa, that does cub petting.

5 Q. And to the best of your recollection, was this posted on or  
6 about October 17th of 2013?

7 A. Yes.

8 Q. Take a look at Exhibit 84 -- actually, 84, I believe, is a  
9 disk; is that correct?

10 A. Yes.

11 Q. Do you recall a video of Mr. Passage pointing a gun at a  
12 doll that is dressed like you?

13 A. Yes.

14 Q. And to the best of your recollection, was it posted online  
15 on about February 14th of 2014?

16 A. Yes.

17 MS. MAXFIELD-GREEN: Government moves to admit  
18 Exhibit 84.

19 THE COURT: Mr. Earley?

20 MR. EARLEY: No objection.

21 THE COURT: Government's Exhibit 84 will be admitted.

22 (Video played in open court.)

23 Q. (By Ms. Maxfield-Green) All right. And, to your  
24 recollection, did Mr. Passage post a video similar to that one, a  
25 similar format, on or about February 17th of 2014?

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1 A. Yes.

2 MS. MAXFIELD-GREEN: Government moves to admit  
3 Exhibit 85.

4 THE COURT: Mr. Earley?

5 MR. EARLEY: No objection.

6 THE COURT: Government's Exhibit 85 will be admitted.  
7 (Video played in open court.)

8 Q. (By Ms. Maxfield-Green) All right. To your recollection, a  
9 few days later, on February 19th of 2014, did Mr. Passage post  
10 another video of himself in a similar format to that involving  
11 snakes?

12 A. He did.

13 MS. MAXFIELD-GREEN: Government moves to admit  
14 Exhibit 86, please.

15 THE COURT: Any objection?

16 MR. EARLEY: No objection.

17 THE COURT: 86 will be admitted.

18 (Video played in open court.)

19 Q. (By Ms. Maxfield-Green) And the -- sorry. The banner that  
20 was shown in the background, the March for Lions, is that a Big  
21 Cat Rescue event?

22 A. Yes. That was an event that we had in -- that was coming up  
23 in that March.

24 Q. Have you ever, in fact, been mailed snakes?

25 A. I have gone to the mailbox and had -- opened the door and

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1 just had snakes explode out of the box.

2 Q. Was that prior to you ever becoming acquainted with  
3 Mr. Passage?

4 A. It was prior to this. I don't know if it was prior to  
5 meeting him or not, or knowing of him.

6 Q. Okay. Take a look at Government's Exhibit 87. And what is  
7 that?

8 A. This is an image made to look like my head in a specimen jar  
9 on Joe's desk.

10 Q. And is that a Facebook post?

11 A. Yes.

12 Q. What -- to your recollection, was it posted on or about  
13 March 28th of 2014?

14 A. Yes.

15 MS. MAXFIELD-GREEN: Government moves to admit Exhibit  
16 87.

17 MR. EARLEY: Same foundation issue.

18 THE COURT: Thank you. Objection will be overruled.  
19 Government's 87 will be admitted.

20 Q. (By Ms. Maxfield-Green) And is that an image of your face?

21 A. Yes.

22 Q. And what does the caption above it say?

23 A. "OMG, look what just came in the mail for my birthday. I  
24 will cherish this forever."

25 Q. All right. To your recollection, was there a video posted

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1 online of Mr. Schreibvogel on or about May 16th of 2014 involving  
2 a video of him discussing burying you?

3 A. Yes.

4 MS. MAXFIELD-GREEN: Government moves to admit  
5 Exhibit 92.

6 THE COURT: Mr. Earley?

7 MR. EARLEY: No objection.

8 THE COURT: Government's 92 will be admitted.

9 (Video played in open court.)

10 Q. (By Ms. Maxfield-Green) If you could take a look at  
11 Government's Exhibit 93. Now -- you got it?

12 A. Yes.

13 Q. Okay. Are you familiar with that picture?

14 A. Yes.

15 Q. And does that appear to be a Facebook post on  
16 Mr. Schreibvogel's, Mr. Passage's Facebook page?

17 A. Yes.

18 Q. And, to your recollection, was it posted on that page on or  
19 about May 19th of 2014?

20 A. Yes.

21 MS. MAXFIELD-GREEN: Government moves to admit  
22 Exhibit 93.

23 THE COURT: Same objection, Mr. Earley?

24 MR. EARLEY: Yes, Your Honor.

25 THE COURT: It will be noted. Objection will be

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1 overruled. 93 will be admitted.

2 Q. (By Ms. Maxfield-Green) And was -- on the left-hand side  
3 there it says, "Carole Baskin commented in an article." Was  
4 that, in fact, a comment that you had made on a different online  
5 article?

6 A. Yes.

7 Q. Okay. And what does this appear to be a picture of?

8 A. It's Joe holding an assault rifle saying, "Do it, bitch. We  
9 are ready. Make my day."

10 Q. Let's see. Take a look at Exhibit 97, please. And does  
11 this appear to be a Facebook post that was posted on  
12 Mr. Passage's Facebook page?

13 A. Yes.

14 Q. And, to your recollection, was it posted on or about  
15 December 28th of 2014?

16 A. Yes.

17 MS. MAXFIELD-GREEN: Government moves to admit  
18 Exhibit 97.

19 THE COURT: Same objection, Mr. Earley?

20 MR. EARLEY: Yes, Your Honor.

21 THE COURT: Be noted. Objection will be overruled. 97  
22 will be admitted.

23 Q. (By Ms. Maxfield-Green) And what does this appear to be a  
24 picture of?

25 A. It's Joe standing on a coffin.

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1 Q. And what does the caption say?

2 A. "I bought my good friend in Florida a Christmas present, it  
3 even came with me singing a farewell song. You know, the lady  
4 with blond hair and flowers on her head."

5 Q. And does that -- do you take that to refer to you?

6 A. Yes. I frequently wear flowers.

7 Q. All right. To your recollection, was a video posted online  
8 of Mr. Passage stating something to the effect that you will die  
9 first, on or about September 17th of 2015?

10 A. Yes.

11 MS. MAXFIELD-GREEN: Government moves to admit  
12 Exhibit 100.

13 THE COURT: Any objection, Mr. Earley?

14 MR. EARLEY: No, Your Honor.

15 THE COURT: Government's Exhibit 100 will be admitted.  
16 (Video played in open court.)

17 Q. (By Ms. Maxfield-Green) All right. Ms. Baskin, take a look  
18 at Exhibit 102, please. And does this appear to be a Facebook  
19 post that was posted on Mr. Passage's Facebook page on or about  
20 June 12th of 2016?

21 A. Yes.

22 MS. MAXFIELD-GREEN: Government moves to admit  
23 Exhibit 102.

24 THE COURT: Same objection, Mr. Earley?

25 MR. EARLEY: Yes, Your Honor.

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1 THE COURT: It will be noted. Government's 102 will be  
2 admitted.

3 Q. (By Ms. Maxfield-Green) And what does the caption at the  
4 top say?

5 A. Joe said, "Very sad. Just like Selena, my hero. Just goes  
6 to show you it can happen to anyone from fans, haters, or people  
7 obsessed with you. Right, Carole?"

8 Q. And what does the news link appear to be?

9 A. It says, "Police ID man who killed singer Christina  
10 Grimmie."

11 Q. All right. If you can -- to your recollection, was there a  
12 video posted on Mr. Passage's Facebook page on or about  
13 October 1st of 2016 where he is -- there's a video of him  
14 shooting a target?

15 A. Yes.

16 MS. MAXFIELD-GREEN: Government moves to admit  
17 Exhibit 103.

18 THE COURT: Any objection?

19 MR. EARLEY: If it was posted on Facebook, the same  
20 objection as --

21 THE COURT: The foundational objection?

22 MR. EARLEY: Yes.

23 THE COURT: Thank you. The objection will be  
24 overruled. Government's 103 will be admitted.

25 (Video played in open court.)

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1 Q. (By Ms. Maxfield-Green) And what does it say above that  
2 video?

3 A. It says, "Oh, Carole."

4 Q. And, Ms. Baskin, I think you referred to this, but is this a  
5 small sampling of the threats that were posted online over the  
6 years?

7 A. A very, very small sampling.

8 Q. Did you take these threats from Mr. Passage seriously?

9 A. I did.

10 Q. Did these threats from Mr. Passage ever cause you to take  
11 extra security precautions?

12 A. Yes. I tried to get a restraining order, but in  
13 Hillsborough County, where I live, they said that I had to have  
14 been struck by the person twice in order to get a restraining  
15 order, so I was unable to do that.

16 I took training for and obtained my concealed weapons permit  
17 and began to carry a gun. I installed more security cameras at  
18 the sanctuary and installed security cameras at my home. I  
19 invested in these roll-down blinds around my home, because I'm  
20 completely surrounded by water. So I never had to have curtains  
21 before, but there were so many cases where he was showing that he  
22 could blow up things from a distance or shoot things from a  
23 distance in reference to me that I felt like my life was in  
24 danger.

25 Q. Did you ever hire additional security for yourself or for

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1 the park?

2 A. Yes. Every time I would go to any kind of an event where I  
3 needed to speak out against the private possession of big cats or  
4 against cub petting, I would hire security to go with me.

5 Anytime we had an event at the sanctuary, I would hire security,  
6 not only for my own safety, but that of our employees and  
7 volunteers and guests.

8 Q. Did you make any attempt on park vehicles to remove  
9 marketing materials, that kind of thing?

10 A. Yes. I had always used big magnets on the side of my car  
11 that advertise Big Cat Rescue and that talked about not paying to  
12 play with cubs, and I had to remove those from my cars for fear  
13 of somebody coming up to me in a parking lot or even at a  
14 stoplight or a stop sign.

15 Q. Did you at some point report these online threats to law  
16 enforcement?

17 A. I did a number of times over the years.

18 Q. What kind of law enforcement would you report them to?

19 A. When it was local and he was protesting at the end of our  
20 street, one of our events, I was concerned that he was harassing  
21 our guests. And so I had to have an off-duty officer come and  
22 make them back away from the people there.

23 I had filed -- or I had reported some of the phone calls and  
24 messages that I had gotten from people over the years that were  
25 whistleblowers that said that he had tried to pay them to kill

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1 me.

2 Q. And did -- to that end, did you ever receive any warnings  
3 from people that Mr. Passage was trying to harm you?

4 A. Yes.

5 Q. Did you ever receive a warning from a person named Jackie  
6 Thompson?

7 A. Yes.

8 Q. What did she tell you?

9 A. She told me that --

10 MR. EARLEY: Your Honor, I'm going to object. It's  
11 hearsay.

12 MS. MAXFIELD-GREEN: Your Honor, would you like it at  
13 the bar?

14 THE COURT: Please.

15 (The following bench conference was held outside the hearing  
16 of the jury.)

17 MS. MAXFIELD-GREEN: Your Honor, we're not offering the  
18 statement for the truth of the matter asserted. We're offering  
19 it for the effect on the listener.

20 THE COURT: The effect on the witness?

21 MS. MAXFIELD-GREEN: The effect on Ms. Baskin, yes, and  
22 her subsequent reports to law enforcement.

23 THE COURT: What's the -- and I understand that the  
24 objection's hearsay, but what's the relevance of her reaction if  
25 she's already testified to what her reaction is based on the

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1 threats that she received directly and that she contacted law  
2 enforcement?

3 MS. MAXFIELD-GREEN: I think -- I'm sorry. Restate --  
4 can you restate the question?

5 THE COURT: I know, that was a horrible question.

6 What is the relevance of what her reaction is to someone  
7 else reporting a threat if she's already testified to her  
8 reaction based on the threats that she received, the numerous  
9 threats and that that prompted her to contact law enforcement?

10 MS. MAXFIELD-GREEN: Well, the nature of the threat is  
11 different. The online threats, you know, are -- are what they  
12 stand for. This threat was about the fact that he was planning  
13 to harm her. And so I would say that the different character of  
14 the threat is kind of a new development in the timeline of these  
15 events and that the effect on her was greater and different than  
16 the online threats.

17 MR. EARLEY: If she's trying to get the witness to  
18 advise the jury about her reaction to this comment, she's  
19 offering the comment for the truth of the matter asserted. I  
20 mean, she's offering it for the threat and trying to gauge the  
21 witness's response to it. It is being offered for the truth of  
22 the matter. She's asking this witness to testify to a threat  
23 that she heard and what her reaction was. Well, the threat has  
24 to be the truth of the matter, otherwise it's irrelevant.

25 THE COURT: Is the witness who -- is the person who

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1 shared with her this threat that you have asked about, is she  
2 going to testify?

3 MS. MAXFIELD-GREEN: No. Your Honor, I would also say  
4 that -- I lost my train of thought.

5 THE COURT: I'm sorry.

6 MS. MAXFIELD-GREEN: That's okay. It's -- I can  
7 establish with her -- I can ask her the question, did you know  
8 whether that was true or not. Someone called her and reported  
9 this thing. I think that she'll answer she did not know whether  
10 it was true or not, it was just reported to her.

11 And to flag this issue for the Court, I'm also going to ask  
12 her to testify about the voicemail that she received from Ashley  
13 Webster with the same rationale. It's not being offered for the  
14 truth of the matter asserted, it's that she received that  
15 voicemail, it had an effect on her, and especially Ms. Webster's  
16 voicemail caused her to contact the U.S. attorney's office in  
17 February of 2017, which is relevant to the timeline of this  
18 investigation.

19 THE COURT: Why don't we take our afternoon break. Let  
20 me get my head wrapped around that. I am struggling a little bit  
21 with dealing with the hearsay issue, but by the same token it's  
22 abundantly clear in even the theme of the defense that he would  
23 make these threats. He's unfiltered and -- so I'm not exactly  
24 sure how prejudicial it is, but why don't we take our -- I'm  
25 going to let you say anything else you need.

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1 MS. MAXFIELD-GREEN: Your Honor, these threats weren't  
2 just -- they were different in character from the ones -- they  
3 weren't just posted on Facebook. They came to her phone  
4 directly. They reached her on a person-to-person basis, either  
5 through a, you know, direct message or a voicemail. And so I  
6 just think that their relevance and their effect on her is  
7 different in character and, therefore, relevant.

8 THE COURT: Anything else, Mr. Earley?

9 MR. EARLEY: Just that -- I mean, they're being offered  
10 for the threat content. So to say that they're not being offered  
11 for the truth of the matter asserted, which is the threat, just  
12 doesn't make any sense.

13 MS. MAXFIELD-GREEN: Well, I would be happy to do a  
14 followup question of did you know whether these threats were  
15 true.

16 THE COURT: Does it change your posture, Mr. Earley, if  
17 she were to testify in answer to a question that she received  
18 information from other people outside of the social media that  
19 she discussed about Mr. Passage making threats and how did she  
20 react to that information without getting into what the specific  
21 information was?

22 MS. MAXFIELD-GREEN: Your Honor, the government still,  
23 at the very minimum, wants to use the voicemail that Ashley  
24 Webster left on her phone in February of 2017, which is the year  
25 that the alleged plots came together to have her murdered.

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1 THE COURT: Okay. Let's break. Let me think about  
2 that for a minute.

3 (The following record was made in open court, in the  
4 presence of all parties, counsel, and in the presence and hearing  
5 of the jury.)

6 THE COURT: Ladies and gentlemen, let's take our  
7 afternoon break give you-all a chance to stretch and run  
8 downstairs.

9 Again, the usual admonition, please don't discuss the case  
10 with anyone, including yourselves, amongst each other, don't let  
11 anybody attempt to discuss the case with you. If everyone will  
12 please remain seated as the jury leaves the courtroom.

13 (Jury exited.)

14 THE COURT: We'll be in recess until 3:15.

15 (Break taken.)

16 (The following record was made in open court, in the  
17 presence of all parties, counsel, and out of the presence and  
18 hearing of the jury.)

19 THE COURT: Before the jury comes back, the -- having  
20 considered the arguments of counsel, I'm going to sustain the  
21 objection to the witness testifying what the other person told  
22 her. I think she is able to testify that she received  
23 information and how she reacted to that, but she will not be  
24 permitted to testify as to what someone else told her.

25 MS. MAXFIELD-GREEN: And, Your Honor, so what about the

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1 voicemail?

2 THE COURT: Same thing -- I know you hadn't moved to  
3 introduce the voicemail, but the same ruling will apply to the  
4 voicemail. I think that is -- I think it is perilously close to  
5 hearsay. And even in the event that it's not, I'm still not sure  
6 that I appreciate the relevance of what her reaction is. I mean,  
7 she's going to be able to testify what her reaction is, but the  
8 background behind that in terms of the out-of-court statement, I  
9 think -- I think it's still objectionable and the objection will  
10 be sustained as to that as well.

11 MS. MAXFIELD-GREEN: Thank you, Your Honor.

12 (Jury entered.)

13 (The following record was made in open court, in the  
14 presence of all parties, counsel, and in the presence and hearing  
15 of the jury.)

16 THE COURT: You may proceed, Ms. Green.

17 MS. MAXFIELD-GREEN: Thank you, Your Honor.

18 Q. (By Ms. Maxfield-Green) All right. Ms. Baskin, where we  
19 left off, did you ever receive warnings from anyone that  
20 Mr. Passage was actually trying to harm you?

21 A. Yes.

22 Q. Did you receive a warning from a person named Jackie  
23 Thompson?

24 A. Yes.

25 Q. Do you recall about when that was?

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1 A. I'm thinking that was in 2014, 2015.

2 Q. And how was that -- that information communicated to you?  
3 Was that a phone call, a Facebook message? What kind of -- how  
4 did that get to you?

5 A. I believe it was a Facebook message that she had sent to me.

6 Q. Okay. Now, in February of 2017 did you receive another  
7 warning that Mr. Passage was actually trying to harm you?

8 A. Yes.

9 Q. What kind of -- how did that information come to you?

10 A. That was a voicemail left on my phone.

11 Q. Was that on your personal cell phone?

12 A. I only have one phone.

13 Q. Okay. And when you received that voicemail, what did you --  
14 what was your reaction? What did you do with it?

15 A. I sent that information to our attorney.

16 Q. And do you know what she did with it?

17 A. I believe she sent it on to you.

18 Q. Okay. To your recollection, was there a video of  
19 Mr. Passage posted on his Facebook page on or about March 18th of  
20 2017 where he refers to property of his parents being taken?

21 A. Yes.

22 MS. MAXFIELD-GREEN: Government moves to admit  
23 Government's Exhibit 101.

24 THE COURT: Mr. Earley, any objection?

25 MR. EARLEY: Did she -- what media was it?

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1 MS. MAXFIELD-GREEN: It's a video of him.

2 MR. EARLEY: Posted where?

3 MS. MAXFIELD-GREEN: On Facebook.

4 MR. EARLEY: Just the same objection.

5 THE COURT: Same foundational objection? Objection  
6 will be overruled. 101 will be admitted.

7 (Video played in open court.)

8 Q. (By Ms. Maxfield-Green) And that was posted on March 8th  
9 (sic) of 2017, correct?

10 A. Yes.

11 Q. To your -- do you understand what Mr. Passage was talking  
12 about? Do you know what he's referring to?

13 A. It had nothing to do with us. Apparently his mother had not  
14 paid her attorneys and they had filed some kind of claim against  
15 her, but it didn't have anything to do with us going after her.

16 Q. Okay. And you referenced this earlier in your testimony.  
17 In May of 2017, did Big Cat Rescue lend its support, along with  
18 PETA and some other animal welfare groups, in proposing some  
19 regulatory changes involving hybrid cats?

20 A. Yes.

21 Q. And what was the purpose of those regulatory changes?

22 A. The changes would be to stop the breeding of hybrids and  
23 white tigers. The American Zoological Association had made it  
24 clear to their members not to be breeding white tigers anymore,  
25 but the private sector still does, so this would address that.

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1 Q. And did Mr. Passage, was he known for breeding hybrids?

2 A. Yes.

3 Q. And was he known for breeding white tigers?

4 A. Yes.

5 Q. Now, in July of 2017 were you aware of a lawsuit involving  
6 PETA and a place -- a zoo in Florida called Dade City Wild  
7 Things?

8 A. Yes.

9 Q. Did Big Cat Rescue have any stake in that litigation?

10 A. No.

11 Q. Did you follow that litigation?

12 A. Yes, we were interested.

13 Q. Okay. And what was Big Cat Rescue's interest in that  
14 litigation?

15 A. PETA was suing under a violation of the Endangered Species  
16 Act, that taking these cubs away from their mothers so young was  
17 a violation under -- being harassment. And so we were very  
18 interested in that case and other cases that they have pending  
19 where they are seeking to enforce the Endangered Species Act to  
20 protect these cubs.

21 Q. And based on your interest in that litigation and watching  
22 what was going on with it, did Mr. Passage have an involvement  
23 tangentially to that litigation?

24 A. Yes. PETA was given the right by the judge to come in and  
25 inspect the conditions that the tigers were being kept in. And

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1 so Dade City Wild Things, in an effort to thwart PETA's ability  
2 to see that, loaded them all up into trailers and sent them to  
3 Joe.

4 Q. And, to your knowledge, how many tigers were sent to  
5 Mr. Passage?

6 A. Twenty-two, I believe, left Dade City Wild Things, but I'm  
7 not sure that all 22 actually arrived in Oklahoma. I think a few  
8 may have disappeared along the way.

9 Q. And by "disappeared," you mean dropped off at other  
10 locations?

11 A. Yes.

12 Q. So did you become aware on or about July 16th of 2017 that  
13 Mr. Passage had posted videos on Facebook about receiving the  
14 shipment of those tigers?

15 A. Yes. He did live videos of their arrival.

16 Q. All right.

17 MS. MAXFIELD-GREEN: Government moves to admit -- well,  
18 Your Honor, these exhibit -- this video is broken into excerpts  
19 that encompass Exhibits 107, 108, 109, 110 and 111, and the  
20 government moves to admit each of those.

21 THE COURT: And those were all Facebook videos?

22 MS. MAXFIELD-GREEN: Yes.

23 THE COURT: Mr. Earley, same objection?

24 MR. EARLEY: Yes, Your Honor.

25 THE COURT: Objection will be overruled. They'll be

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1 admitted, Government's 107, 108, 109, 110 and 111.

2 MS. MAXFIELD-GREEN: Let's have 107.

3 (Video played in open court.)

4 MS. MAXFIELD-GREEN: Government's 108, please, Jane.

5 (Video played in open court.)

6 MS. MAXFIELD-GREEN: All right. Government's 109.

7 (Video played in open court.)

8 MS. MAXFIELD-GREEN: All right. Government's 109,  
9 please.

10 (Video played in open court.)

11 MS. MAXFIELD-GREEN: And Government's 111.

12 (Video played in open court.)

13 Q. (By Ms. Maxfield-Green) Okay. And so in these videos  
14 Mr. Passage references you a number of times, correct?

15 A. Yes.

16 Q. Did you have anything to do with that -- sending that  
17 shipment of tigers, causing Dade City Wild Things to move their  
18 tigers?

19 A. No. In fact, there was a court order against them moving  
20 their tigers. And when we found out the tigers were on the move,  
21 we were trying to get the government to be able to catch them  
22 before they got out of the state with them, but they were unable.

23 Q. And was -- were these videos posted on or about July 16th of  
24 2017?

25 A. Yes.

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1 Q. Ms. Baskin, in the summer of 2017, how did you typically get  
2 to work?

3 A. I ride my bicycle 5 miles each way to work.

4 Q. Okay. And where do you ride your bicycle?

5 A. I took the -- there's something called the Tampa Bay Trail,  
6 which is a really beautiful trail that leads almost directly from  
7 my house to the sanctuary.

8 Q. Did you ever post on Facebook about your bike path?

9 A. I did. The bridge was out one time and I posted that, and I  
10 think I posted another video, a 360 video about how beautiful it  
11 was.

12 Q. Now, on or about November 8th of 2017, were you contacted by  
13 law enforcement and the U.S. attorney's office about Mr. Passage?

14 A. Yes.

15 Q. What was the nature of that contact?

16 A. They said my life was in imminent danger and that I should  
17 lay low, not be riding my bike or going out in public.

18 Q. And did you follow that advice?

19 A. I did for a while, but I -- I had to continue going to and  
20 from work. And so eventually I just started leaving different  
21 times of the day and taking different routes, having to go out by  
22 the roads instead of on the trail where I would go so that I  
23 wouldn't be easily spotted.

24 Q. And did you maintain all of the security precautions that  
25 you had described for us previously?

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1 A. Yes, and even stepped them up more so.

2 Q. After you were contacted by law enforcement on November 8th  
3 of 2017, did you receive any additional updates about  
4 Mr. Passage?

5 A. I did later on, yes.

6 MR. EARLEY: Your Honor, I'll object to the content of  
7 the updates as hearsay.

8 MS. MAXFIELD-GREEN: And, Your Honor, we're not  
9 intending to go down the path of -- of detail -- of content.

10 THE COURT: Okay. Be overruled at this time.

11 Q. (By Ms. Maxfield-Green) Were you given any specific details  
12 about the evidence the Government was gathering?

13 A. Not specifics.

14 Q. In September of 2018, did you learn that Mr. Passage had  
15 been arrested?

16 A. I thought it was before that. December of --

17 Q. I'm sorry. September of 2018.

18 A. Oh, yes. Yeah.

19 MS. MAXFIELD-GREEN: Government passes the witness,  
20 Your Honor.

21 THE COURT: Thank you.

22 Mr. Earley, cross-examination?

23 **CROSS-EXAMINATION**

24 **BY MR. EARLEY:**

25 Q. Ms. Baskin, you have been present in the courtroom pretty

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1 much the whole time so far in this trial, correct?

2 A. Yes.

3 Q. So you have heard all the testimony that's preceded your  
4 appearance here on the witness stand, correct?

5 A. Yes.

6 Q. All right. Now, with respect to what you were talking about  
7 last, this -- these last series of videos that were shown, those  
8 were posts by Mr. Passage of the arrival of the tigers from the  
9 facility down in Florida; is that correct?

10 A. From Dade City Wild Things.

11 Q. Yes. And he obviously was very disturbed about the  
12 condition that the animals arrived in, correct?

13 A. He was making a lot of fuss about it.

14 Q. Yes. And particularly seemed to be upset because apparently  
15 one of the tigers had given birth during the trip, or at least  
16 that's the way it appeared, correct?

17 A. That's the way it looked.

18 Q. Yes. And they -- that's the reference to the three dead  
19 tigers, correct?

20 A. Yes.

21 Q. All right. And while that scenario played out because of a  
22 lawsuit filed by PETA, he basically is identifying you with PETA  
23 and other organizations and tends to blame the whole lot of you,  
24 correct?

25 A. I believe he blames me for everything that goes wrong in his

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1 life.

2 Q. Okay. And you identify him with all individuals who breed  
3 and allow cub petting as the bad guys, correct?

4 A. I don't -- I don't identify him as them. I -- I believe  
5 there are a handful of people that do the same thing. And I  
6 believe that ripping cubs from their mothers is wrong and using  
7 them that way is wrong.

8 Q. Right. And so individuals who do that, you identify them  
9 all as one group, correct, bad people?

10 A. I think they are.

11 Q. Okay. Now, let's talk about these videos. Now, first of  
12 all, I want -- I want to be clear on this. Ms. Green had asked  
13 you about reporting things to law enforcement. Do you remember  
14 that question?

15 A. Yes.

16 Q. All right. And you reported -- you said that you reported  
17 to the police an incident when Mr. Passage was, I guess, outside  
18 your facility protesting?

19 A. Yes.

20 Q. And when was that?

21 A. That was around one of our events that I believe was in  
22 March of 2014.

23 Q. All right. So because he was outside your place protesting,  
24 you called the police; is that right?

25 A. He has the right to protest. He was blocking traffic and I

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1 didn't want him threatening people that were trying to come to  
2 the sanctuary.

3 Q. Well, did the police come?

4 A. Yes.

5 Q. What did they do?

6 A. They just made them stay on the sidewalk where they have the  
7 right to protest.

8 Q. So you reported that incident to the police. And then you  
9 reported what other activity to the police?

10 A. I had tried to get a restraining order, as I mentioned.

11 I -- when I first heard that he was trying to hire somebody to  
12 kill me, I -- I'm sure I reported that.

13 Q. Well, did you or did you not?

14 A. Over the course of nine years, I reported anytime that there  
15 was a direct threat against my life by him or things that I knew  
16 that he was doing that were in violation of the law. I just  
17 wasn't seeing any action by law enforcement, so I couldn't tell  
18 you exactly when.

19 Q. Well, the first video that you were shown was this BBC  
20 interview. Do you recall that?

21 A. Yes.

22 Q. And we saw just a little bit of that, but it was about a  
23 30-minute program, right?

24 A. I don't remember if it was 30 minutes or an hour.

25 Q. Well, did you watch the whole thing?

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1 A. I did.

2 Q. It wasn't all about euthanizing animals. It was about his  
3 entire operation, correct?

4 A. Yes.

5 Q. And I know we selected some -- some little bits here that  
6 sounded bad, but there was a lot more to that video than what you  
7 were shown, correct?

8 A. None of it that made him look good.

9 Q. Well, that's your opinion, correct?

10 A. I think most people would feel that way.

11 Q. Well, you don't know how most people feel. I know you think  
12 you know how most people feel, but you -- we didn't see all of  
13 it, we just saw select portions of it, correct?

14 A. Yes.

15 Q. All right. Now, let's talk about the first one that the  
16 government's characterizing as a threat video. That was  
17 January 13th, 2012. It appeared to be part of that show or that  
18 TV show, correct?

19 A. Yes.

20 Q. Now, did you watch that entire show?

21 A. I watched most of what he posted online.

22 Q. All right. So did -- you did watch that entire show?

23 A. Probably.

24 Q. Okay. And after you watched that entire show, that's way  
25 back in 2012, which law enforcement agency did you call?

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- 1 A. I couldn't tell you.
- 2 Q. Did you call one?
- 3 A. I don't know if it was specifically at that time or after  
4 that specific threat. Like I said, there were so many times that  
5 I just felt like law enforcement wasn't listening, that I didn't  
6 report it except for a few times.
- 7 Q. Okay. Well, let's go to the next one. That was  
8 October 17th, 2013. It had to do with the terminal illness and,  
9 you know, going to Tampa. Do you remember that?
- 10 A. Yes.
- 11 Q. Okay. And it's a screenshot. Which law enforcement agency  
12 did you call after that screenshot appeared on Facebook?
- 13 A. I don't think I did after that.
- 14 Q. Okay. And then we have the February 14th, 2014, video where  
15 there was the pointing the gun at the doll. Do you remember that  
16 one?
- 17 A. Yes.
- 18 Q. And, actually, there was another individual involved in that  
19 production, correct?
- 20 A. Yes.
- 21 Q. Did you watch that entire show?
- 22 A. I'm sure I did.
- 23 Q. All right. And I think there was a reference in that show  
24 to "we want our numbers to climb." Did you hear that?
- 25 A. Yes.

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- 1 Q. What do you think he was referring to?
- 2 A. You would have to ask him.
- 3 Q. So these were broadcast on the web, correct?
- 4 A. Yes.
- 5 Q. Literally for the entire world to see, if they chose to,  
6 correct?
- 7 A. Yes.
- 8 Q. So after that video, which law enforcement agency did you  
9 contact?
- 10 A. I know I have talked to the FBI and I know I have talked to  
11 the Wynnewood Sheriff's Department, I have talked to the  
12 Hillsborough County Sheriff's Department, but I couldn't tell you  
13 at what point on any of those. So you could ask me through all  
14 of them, but I'm not going to be able to tell you which ones.
- 15 Q. Okay. Well, I will. How about February 17th there was the  
16 shooting of the Carole blowup doll video. Do you remember that?
- 17 A. Yes.
- 18 Q. And did you watch that entire show?
- 19 A. Probably.
- 20 Q. And you don't recall whether or not you reported that to law  
21 enforcement as a threat, do you?
- 22 A. I don't remember the dates or times.
- 23 Q. Okay. Entirely likely you didn't report that?
- 24 A. I don't know.
- 25 Q. And then there was the one just two days later of sending

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- 1 snakes to Carole. Did you report that one?
- 2 A. I reported when there were snakes in my mailbox. I don't
- 3 know if I reported that one.
- 4 Q. Did the police come out?
- 5 A. For the snakes in my mailbox?
- 6 Q. Yes.
- 7 A. Yeah.
- 8 Q. And I assume they collected evidence?
- 9 A. I assume so.
- 10 Q. Okay. Was --
- 11 A. They didn't go back up to the mailbox.
- 12 Q. Was there a package in there from Mr. Passage that was
- 13 addressed to you?
- 14 A. No.
- 15 Q. So were these just snakes in your mailbox?
- 16 A. At that time, yes.
- 17 Q. Okay. So they didn't come in a package or an envelope or
- 18 anything?
- 19 A. I don't know.
- 20 Q. All right. Then March the 28th there was the -- the show
- 21 with a -- well, it's a screenshot, but a head in a bottle that
- 22 supposedly looked like you, correct?
- 23 A. Yes.
- 24 Q. All right. Did you report that to law enforcement as a
- 25 threat?

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1 A. Probably not.

2 Q. And then the video of Mr. Passage and some other individual  
3 digging a hole to place a cross in it, did you report that to law  
4 enforcement as a threat?

5 A. I don't think so.

6 Q. And there was a photo of Mr. Passage posted on Facebook with  
7 a -- an assault rifle. Did you report that to law enforcement?

8 A. I'm not sure about that because I -- I didn't think that you  
9 could have those kinds of guns, so I may have at that point.

10 Q. So --

11 A. Or may have inquired into whether or not that was legal.

12 Q. All right. So that was on May the 19th, 2014. If you  
13 inquired about it, you were inquiring about whether it was legal  
14 to have that type of firearm?

15 A. Yes.

16 Q. All right. Not necessarily that you felt any threat because  
17 of that?

18 A. I did feel a threat.

19 Q. Well, did you communicate that to the law enforcement  
20 agency?

21 A. I have done that over the period of nine years, I just  
22 couldn't tell you if it was in direct relationship to that  
23 specific date.

24 Q. And then there's this coffin screenshot on December 28,  
25 2014. Do you recall, after you saw that, reporting that to law

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1 enforcement as a threat?

2 A. I don't think so.

3 Q. And then there was the September 17th, 2015, audio, she will  
4 die first. Did you report that as a threat to law enforcement?

5 A. I'm not sure.

6 Q. The Selena Facebook post, I think as it's been referred to,  
7 did you report that as a threat?

8 A. I don't think so.

9 Q. That was in 2016, correct?

10 A. I think so.

11 Q. And then, similarly, in 2016 there was an "oh Carole" video  
12 shooting the target. I think we saw that. Did you report that  
13 as a threat?

14 A. I don't know.

15 Q. And you made some reference with respect to those voicemails  
16 that Ms. Green asked you about, I guess one was in 2014 from  
17 Ms. Thompson. I didn't hear you say you reported that to law  
18 enforcement. You reported that to your lawyer; is that right?

19 A. Yes.

20 Q. Okay. And is it fair to say that many of these videos and  
21 screenshots that you have collected, have they been used in your  
22 litigation?

23 A. I don't know. I'm trying to think if there would have been  
24 any reason to use them. I couldn't tell you.

25 Q. But you seem to -- did you report those to your lawyer?

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1 A. Some of them our lawyer knows about, yes.

2 Q. All right. So your first response to many of these is not  
3 to call the police, but to call your lawyer, right?

4 A. There hasn't been any point in contacting the police. We  
5 didn't know that they were working on anything against him  
6 because nobody had taken action before.

7 Q. Well, but if you were truly concerned about these things, as  
8 crazy and silly as many of them are, I would think you would call  
9 the police.

10 A. I don't think they're silly at all.

11 THE COURT: Mr. Earley, please limit your  
12 cross-examination to questions.

13 MR. EARLEY: All right.

14 Q. (By Mr. Earley) Now, you have your website that is, you  
15 know, promoting your views, correct?

16 A. Yes.

17 Q. You have more than one, do you not?

18 A. Yes.

19 Q. Okay. And essentially you've testified to your three-prong  
20 assault on -- on activities that you believe should be outlawed,  
21 correct?

22 A. I didn't refer to it as an "assault."

23 Q. Well, it was a three-pronged approach to solving the problem  
24 that you think exists, correct?

25 A. Yes.

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1 Q. And the first was to rescind the generic tiger loophole,  
2 correct?

3 A. Yes.

4 Q. And that got accomplished; is that right?

5 A. Yes.

6 Q. And the second was, you said, for USDA enforcement. Now,  
7 what did you mean by that?

8 A. I believe the Animal Welfare Act already prohibits the  
9 taking of cubs from their mothers to be used for these  
10 pay-to-play activities because of the fact that it is so harmful  
11 for the cubs and creates an untenable situation for the adults.  
12 I don't think the Animal Welfare Act has been enforced correctly,  
13 so we have petitioned the animal -- or petitioned the USDA to  
14 actually enforce that.

15 Q. Okay. So the agency responsible for enforcing the Act you  
16 don't believe is doing their job, correct?

17 A. I don't believe they're doing it as well as they could if  
18 they were interpreting it the way that I believe it should be  
19 interpreted.

20 Q. Is it possible they don't believe that the interpretation is  
21 the same as yours?

22 A. We don't know yet because they haven't ruled on the  
23 petition.

24 Q. All right. Would you understand if perhaps someone  
25 disagreed with your interpretation of the law and regulations?

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1 A. Yes. I -- I understand that people do not always agree.

2 Q. Right. Not everyone sees it your way, correct?

3 A. Correct.

4 Q. Okay. And then the third thing, I guess, is this -- is it  
5 the Big Cat Public Safety Act? Is that what you were referring  
6 to as far as the cub petting and things like that that you're  
7 trying to outlaw?

8 A. That's our federal bill that would ban cub petting and ban  
9 private possession of big cats as pets.

10 Q. So effectively outlawing what individuals who do cub petting  
11 and breeding do for a business, correct?

12 A. It would outlaw that part of what they do.

13 Q. Now, the lawsuits, you have referred to them and testified  
14 about them. I guess there's about four different lawsuits, would  
15 that be fair to say? Three in Florida, one here?

16 A. If you -- well, there's been a number of times in the  
17 bankruptcy court that he changes the name of his organization and  
18 moves all the assets to a new organization and then we have to  
19 sue that organization, so there's been a number of those.

20 Q. Yes. And so -- and, obviously, you have been attempting to  
21 collect on that judgment for quite some time, right?

22 A. Yes.

23 Q. Okay. And I think you stated that you have maybe to date  
24 collected about 5 percent or less of that judgment; is that  
25 right?

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1 A. I think so.

2 Q. Okay. And so if you -- if you can, and it's fine to  
3 estimate, how much do you think you have paid in legal fees over  
4 the last six years in an attempt to collect that judgment?

5 A. Probably a million dollars.

6 Q. All right. Now, this is a judgment in favor of your  
7 organization, the Big Cat Rescue, correct?

8 A. Yes.

9 Q. All right. It's not a judgment of Carole Baskin vs.  
10 Mr. Passage, correct?

11 A. Correct.

12 Q. All right. So you have, at least on paper and as far as the  
13 judgment is concerned, no personal judgment against Mr. Passage,  
14 right?

15 A. We got a judgment against him personally and against his  
16 zoo.

17 Q. All right. So you then, not just the organization, but you  
18 are able to collect personally off the enforcement of that  
19 judgment?

20 A. No, not me; Big Cat Rescue.

21 Q. All right. That --

22 A. Did I misunderstand what you were asking?

23 Q. I might have misunderstood what you said. I thought you  
24 said you also had a personal judgment against him.

25 A. Big Cat Rescue has a judgment against Joe Schreibvogel

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1 personally and against his zoo organization.

2 Q. Okay. But Carole Baskin does not have a judgment against  
3 Mr. Passage?

4 A. Correct.

5 Q. All right. So if you were to -- to pass away, your death  
6 wouldn't have any effect on that judgment, correct?

7 A. That's correct.

8 Q. Now, do you know Brittany Peet?

9 A. Yes.

10 Q. And who is Brittany Peet?

11 A. She works for PETA.

12 Q. Okay. Have you ever done any work with her or communicated  
13 with her?

14 A. Yes.

15 Q. And with respect to communications with Ms. Peet, did those  
16 involve Mr. Passage?

17 A. Not that I was a party to.

18 Q. Okay. But your discussions with Ms. Peet, were they about  
19 Mr. Passage, at least in part?

20 A. I don't think I have talked to her about him.

21 Q. Well, you mentioned some effort to settle your case. Do you  
22 recall that testimony?

23 A. Yes.

24 Q. Did that involve PETA?

25 A. No. That was a settlement of the bankruptcy.

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1 Q. So in late 2017, do you not recall being approached by  
2 Brittany Peet on behalf of PETA in an attempt to settle your  
3 lawsuit with Mr. Passage?

4 A. I know that PETA was trying to do something with him, but I  
5 never spoke to her about it.

6 Q. So did you sign off on any potential agreement that there  
7 may have been?

8 A. There wasn't any potential agreement.

9 Q. Was it discussed with you?

10 A. Not with me.

11 Q. All right. So if Ms. Peet had represented to Mr. Passage  
12 that she had worked out a deal with you whereby your lawsuit  
13 would go away in exchange for concessions for him, she would be  
14 lying to him, apparently?

15 A. She was talking to my husband. She wasn't talking to me.

16 Q. Well, then are you aware of an attempt by PETA to involve  
17 you in a settlement with Mr. Passage in late 2017?

18 A. Yes.

19 Q. All right. And that was through, I guess, your husband,  
20 correct?

21 A. Yes.

22 Q. All right. So then I guess Ms. Peet would not be lying to  
23 Mr. Passage if she said she had actually tried to broker a deal  
24 with you, correct?

25 A. Yes. It was my understanding that when she was talking to

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1 my husband, my husband said, don't come to us unless you have  
2 something in writing from Jeff Lowe because he's the one that Joe  
3 is saying owns the park, and without him signing on we couldn't  
4 do anything.

5 Q. Okay. Did you later become aware, or did your husband  
6 become aware that the deal that Ms. Peet was trying to broker  
7 wouldn't go through because of Jeff Lowe?

8 A. To my understanding, Jeff Lowe never agreed to anything with  
9 PETA.

10 Q. All right. Now, let's talk a little bit about your park.  
11 Now, do you have a captive wildlife registration permit?

12 A. A CBW, or captive-bred wildlife registration permit, is only  
13 necessary if you are trying to do something that would be in  
14 violation of the Endangered Species Act, and there's nothing that  
15 we do that requires us to be in violation of the Endangered  
16 Species Act. So, no, we don't have one.

17 Q. So you don't have one. All right.

18 Now, your park is down in Tampa, right?

19 A. It's a sanctuary in Tampa.

20 Q. Have you ever been to Mr. Passage's park, or his former  
21 park?

22 A. No.

23 Q. All right. Have you had individuals associated with your  
24 organization go to that park?

25 A. People that we have known have been there. My husband's

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1 been there.

2 Q. All right. As far as your park is concerned, you charge  
3 admission to get in, do you not?

4 A. We only do guided tours, but we do charge for those tours.

5 Q. All right. So to get in the gate you have to sign up for a  
6 tour, correct?

7 A. Yes.

8 Q. All right. And they vary in price, at least according to  
9 your website. There are a variety of levels that you can  
10 purchase, correct?

11 A. Yes.

12 Q. Like a day tour is \$39. Is that per person?

13 A. Yes.

14 Q. All right. You also have feeding tours; is that right?

15 A. Yes.

16 Q. What does that consist of?

17 A. The person pays to go along with our keepers in the morning  
18 when the keepers are feeding the cats, and the keepers will feed  
19 a limited number of cats on the route and talk about their  
20 dietary needs and that sort of thing.

21 Q. And you can do that for 67 bucks, right? And then there's  
22 private tours that are available, correct?

23 A. Yes.

24 Q. And those are \$152 a head?

25 A. Yes.

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1 Q. And there are other varieties of tours that you have, keeper  
2 tour, photo tours, et cetera, correct?

3 A. Yes.

4 Q. All right. So all levels that you can purchase at your  
5 place?

6 A. Yes.

7 Q. So these cats that are in your sanctuary, you charge for  
8 people to come and see them?

9 A. Yes.

10 Q. And you understand that a part of Mr. Passage's business was  
11 pretty much identical to yours, where he charged for tours of his  
12 park, correct?

13 A. Yes.

14 Q. So really wasn't any difference in how you-all were  
15 operating your business, at least with respect to that aspect,  
16 correct?

17 A. That's probably where it ends.

18 Q. Okay. Now, it appeared that, at least from information on  
19 your website, that there was information that you could also  
20 potentially run into some kittens playing at the park. Is that  
21 possible at your place?

22 A. We do foster kittens with the Humane Society of Tampa Bay  
23 for domestic cats and kittens. So the public's never allowed to  
24 handle those kittens, but we have an area in the sanctuary where  
25 our volunteers will actually go in and socialize with the kittens

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1 and you can see through the windows if you're on a tour.

2 Q. So are there any cubs born at your park from these large  
3 animals?

4 A. No. We have never bred lions or tigers.

5 Q. And how do you ensure that that's the case?

6 A. We spay and neuter anytime that there are cats living  
7 together, which is very rare because they're solitary by nature  
8 and they don't want to share a space. But in some rare  
9 occasions, cats have been raised together and so they have lived  
10 together their whole lives, but we spay and neuter to make sure  
11 that there are no kittens or cubs born.

12 Q. So I guess, technically speaking, by spaying or neutering  
13 these large cats, you are preventing them from breeding, correct?

14 A. Yes.

15 Q. All right. And you realize that that is a part of the  
16 prohibitions under the Endangered Species Act?

17 A. What is?

18 Q. Changing or altering an animals' environment, ability to  
19 breed.

20 A. If you're referring to the CBW, the CBW has a provision for  
21 generally accepted veterinary procedures that would include  
22 things like spaying or neutering or even a veterinary euthanasia.

23 Q. But, you know, literally speaking, the law does not allow  
24 that, correct?

25 A. It does allow it.

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1 Q. Well, if someone decides it falls under an exception,  
2 correct?

3 A. That's what the government has provided in that case.

4 Q. Yeah. They decide whether or not someone is violating that  
5 particular provision of the law? It's up to their discretion to  
6 whether they want to pursue that, correct?

7 A. You would have to ask them how they do that.

8 Q. All right. Now, as far as your websites are concerned, you  
9 solicit donations, do you not?

10 A. Yes.

11 Q. And currently on your website are there posts that are  
12 updating your followers about this very case?

13 A. There is one page that is dedicated to this case, where we  
14 wanted people to know that it was happening but we have been very  
15 careful not to speak about anything that's going on during the  
16 process or to speak with any of the press who have been wanting  
17 to talk about this until after the case has been concluded.

18 Q. All right. But you've posted it on your website, correct?

19 A. Yes.

20 Q. And, in fact, the very day that Mr. Passage was arrested,  
21 you posted a big thank you note to the government and the U.S.  
22 attorney's office. Do you recall that?

23 A. Yes.

24 Q. All right. And has your publication of this case increased  
25 your donations?

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1 A. I don't think so.

2 Q. Have you checked?

3 A. Well, I won't know until the end of the year.

4 Q. So you only get an update yearly?

5 A. Well, I'll only know how it compares to the year before at  
6 the end of the year.

7 Q. Well, that was last year. So do you know about your  
8 donations and the amount that you received from 2018?

9 A. Yes.

10 Q. Okay.

11 A. And it's been increasing every year, so I can't say that it  
12 had anything to do with this case.

13 Q. But you certainly have publicized the fact that this case is  
14 taking place, correct?

15 A. On that one page.

16 Q. And you have publicized the fact and literally said that you  
17 were the victim of this murder-for-hire scheme, correct?

18 A. So many people were contacting me and saying, this was you,  
19 this was you, right. So we did the one page just saying, yes,  
20 this was us and we can't talk about it until it's over.

21 MR. EARLEY: Could I have just a moment, Your Honor?

22 THE COURT: You may.

23 MR. EARLEY: Nothing further, Your Honor.

24 THE COURT: Redirect?

25 MS. MAXFIELD-GREEN: Yes, Your Honor.

*Emily Eakle, RMR, CRR*

1 REDIRECT EXAMINATION

2 BY MS. MAXFIELD-GREEN:

3 Q. Okay. Ms. Baskin, Mr. Earley asked you about whether you  
4 reported the online threats to law enforcement. Do you recall  
5 that?

6 A. Yes.

7 Q. And you testified, in response to those questions, that you  
8 did, in fact, contact law enforcement over the years; is that  
9 correct?

10 A. Yes.

11 Q. And tell us again, which law enforcement entities did you  
12 contact?

13 A. I know we have contacted the FBI and the Garvin County  
14 Sheriff's Department and the Hillsborough County Sheriff's  
15 Department.

16 Q. And at some point did you become a little disillusioned with  
17 the law enforcement response to your complaints?

18 A. Yes, because it didn't appear that anything was going on.  
19 And, like I said, I didn't know that there was any of this going  
20 on in the background to know that, well, I should be reporting  
21 every time something happens, but I didn't know that anybody was  
22 paying any attention.

23 Q. And you mentioned your -- on direct your attempts to get the  
24 attention of the law enforcement in Hillsborough County. Is that  
25 the county you live in?

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1 A. Yes.

2 Q. And you stated that -- tell us again, what are the  
3 requirements for obtaining a victim protection order in  
4 Hillsborough County?

5 A. I was horrified to be told that I had to be struck twice by  
6 the person in order to get a restraining order against having  
7 them within so many yards of me. It blows my mind that that's  
8 the requirement, but that's what I was told.

9 Q. So fair to say an online threat was not going to qualify you  
10 for any relief in Hillsborough County, Florida, correct?

11 So based on the disappointing response of law enforcement,  
12 you at some point decided to take your security measures into  
13 your own hands; is that correct?

14 A. I felt like that was the only thing I could do to protect  
15 myself.

16 Q. And were part of those security measures that you started  
17 carrying a gun on you?

18 A. Yes.

19 Q. Where do you carry your gun?

20 A. I have a saddle bag on my bike. I carry a gun in my car. I  
21 have the same gun that I keep at the side of my bed.

22 Q. Was that a new thing to you or is that something you were  
23 comfortable with?

24 A. I have had a gun for a long time, but carrying it really --  
25 I'm more nervous carrying it than -- than anything else even

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1 because it just -- I don't like to have to be in possession of a  
2 gun or to think that I would have to use that to protect myself.

3 Q. You also mentioned that you have taken signage off of Big  
4 Cat Rescue cars; is that correct?

5 A. Off of my car.

6 Q. And is having -- do you -- would you typically, in a normal  
7 situation, enjoy someone approaching you to ask you about Big Cat  
8 Rescue?

9 A. Because people know us so well, I am approached all the time  
10 when they see the logo on my clothing or on my car. And they'll  
11 come running across the parking lot, you know, just screaming, I  
12 love Big Cat Rescue, I love you guys, I love what you do. And  
13 now when I see somebody running at me, I don't know if it's one  
14 of those people or if somebody that's been hired to kill me.

15 Q. Now, you mentioned your residence that is on the water  
16 somewhere in Florida, and I assume you purchased a -- one would  
17 purchase a residence on the water for the view, correct?

18 A. Yes.

19 Q. And you stated that you have put blinds and curtains on the  
20 windows of that residence?

21 A. Yes.

22 Q. And why did you do that?

23 A. So that no one could see in.

24 Q. Did you fear that if they could see in you would be a target  
25 for harm?

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1 A. Yes. It's -- even though I live in a subdivision, it's a  
2 part of the subdivision that's very remote. And so I -- I'm  
3 concerned that it would just be too easy for somebody to sneak up  
4 from any direction because I'm surrounded by this creek.

5 Q. Now, you -- Mr. Earley asked you if you had contacted law  
6 enforcement various times, and in response to some of those  
7 questions you responded that you contacted your lawyer. Did you  
8 contact your lawyer here in Oklahoma?

9 A. Yes.

10 Q. And did you tell her about the Internet threats that you had  
11 received?

12 A. Yes.

13 Q. And in 2016 are you aware that your lawyer called the U.S.  
14 attorney's office?

15 A. Yes.

16 MR. EARLEY: Your Honor, I'll object. This is beyond  
17 the scope of direct -- or of cross. I'm sorry.

18 MS. MAXFIELD-GREEN: Your Honor, Mr. Earley took quite  
19 a bit of time establishing with her whether she did or did not  
20 contact law enforcement in response to each one of these threats.  
21 And the fact that -- I think we're entitled some leeway in  
22 establishing that she did and when she did, which is what he was  
23 trying to establish on cross.

24 THE COURT: Overruled.

25 THE WITNESS: Yes, I would tell my attorney in the

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1 hopes that she would tell you so that you would know what was  
2 going on.

3 Q. (By Ms. Maxfield-Green) And was the purpose of your  
4 lawyer's contact with our office a hope that there might be a law  
5 that would prevent him from making these online threats against  
6 you?

7 A. I'm not sure I understand the question.

8 Q. Well, was the point of -- was the point of your lawyer  
9 contacting the U.S. attorney's office here in Oklahoma an attempt  
10 to get someone to stop Mr. Passage from making the online  
11 threats?

12 A. I wasn't so concerned about him making the threats as him  
13 hiring somebody to kill me or working people up into a frenzy to  
14 try and get them to kill me by saying I was responsible for them  
15 losing all of their rights and they couldn't do things with  
16 animals that they wanted to do because it was all my fault and  
17 just constantly trying to get people worked up into a rage.

18 Q. And on that point, did Mr. Passage have a number of online  
19 followers for his Facebook page and his Joe Exotic TV account?

20 A. He had a big following, and in -- I think more importantly,  
21 it was a following of --

22 MR. EARLEY: Your Honor, I'm going to object about any  
23 thoughts about what the following -- the followers thought or  
24 what they did. It's not attributable to Mr. Passage. There's no  
25 connection between him and what someone else may have thought

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1 about his position, so it's irrelevant.

2 THE COURT: Well, and I'm also -- and I do -- I think  
3 related to your earlier objection, it might be a little far  
4 outside the scope.

5 Do you have any response, Ms. Green?

6 MS. MAXFIELD-GREEN: I think -- the allegations in this  
7 case involve allegations that Mr. Passage tried to get someone  
8 else to harm Ms. Baskin. The evidence or -- evidence that he  
9 might have been trying to get people online to go harm her on his  
10 behalf I think is directly relevant.

11 MR. EARLEY: Those aren't even --

12 THE COURT: I'm going to sustain the objection.

13 Q. (By Ms. Maxfield-Green) Okay. With regard to the videos  
14 that Mr. Passage posted about Dade City Wild Things, again, you  
15 weren't involved in the litigation over Dade City Wild Things,  
16 correct?

17 A. That's right.

18 Q. But he named you specifically in his posts about the tigers  
19 he received?

20 A. I would frequently be credited for things I had nothing to  
21 do with.

22 Q. And it seemed in those videos that Mr. Passage seemed  
23 particularly upset that some of the cubs had been stillborn on  
24 the way to his facility. Now, your -- is that correct from --  
25 you saw the video.

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1 A. I personally think he saw it as lost revenue is why he was  
2 so upset.

3 MR. EARLEY: Your Honor, I'm going to object to that  
4 response and ask that it be stricken.

5 THE COURT: Sustained. The answer will be stricken.

6 Ms. Baskin, be careful and listen carefully to the  
7 government's question and answer the questions before you. If  
8 they have followup questions for more information, they'll ask  
9 you. Okay?

10 THE WITNESS: Yes, sir.

11 Q. (By Ms. Maxfield-Green) So the -- do you recall what month  
12 those tigers would have been shipped?

13 A. It was in the summer of 2017, I think.

14 Q. And what is summer in Florida like?

15 A. Temperatures can be extraordinarily high, in the high 90s,  
16 even the low hundreds.

17 Q. Do you have any awareness of what summer in Oklahoma is  
18 like?

19 A. No.

20 Q. All right. As part of the litigation on the Dade City Wild  
21 Things tigers, what was -- there was a court order. What was the  
22 court order that had been entered in that litigation?

23 A. Dade City Wild Things had been restrained by the judge from  
24 trying to ship the tigers away from the zoo because the court had  
25 ordered that PETA should be able to come to the zoo and see the

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1 condition of the tigers.

2 Q. Okay. So the tigers were supposed to stay in Florida?

3 A. Absolutely.

4 Q. Okay. Who made the decision to ship the tigers to Oklahoma?

5 A. Kathy Stearns, the owner of Dade City Wild Things.

6 Q. So it wasn't you that made that decision, correct?

7 A. No.

8 Q. And are you aware of the type of vehicle that those tigers  
9 were shipped in?

10 A. It looked like a cattle truck. Clearly it did not have any  
11 air conditioning or any way of protecting the cats against the  
12 extreme heat. And from the videos I saw, there didn't appear to  
13 be any way to give them water.

14 Q. And based on the video we saw, Mr. Passage agreed to accept  
15 that shipment of tigers in July who had -- were being shipped to  
16 him in a cattle trailer, correct?

17 A. Yes.

18 MS. MAXFIELD-GREEN: That's all for the government,  
19 Your Honor.

20 THE COURT: Recross, Mr. Earley?

21 MR. EARLEY: Just maybe one question, maybe two.

22 **RECROSS EXAMINATION**

23 **BY MR. EARLEY:**

24 Q. Ms. Baskin, Ms. Green just asked you about your efforts to  
25 protect yourself. I take it from some of your testimony

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1 Mr. Passage was at your facility or close to it at one point when  
2 he was protesting, correct?

3 A. Yes.

4 Q. Did you ever have to take any steps to protect yourself  
5 personally from Mr. Passage at that time?

6 A. The same steps I was taking.

7 Q. Well, did you have to pull your gun on him? Did he ever  
8 approach you?

9 A. No.

10 Q. All right. So my question is: Did you have to take any  
11 steps to protect yourself from Mr. Passage when he was down in  
12 Florida at that protest?

13 A. I had to do all of the things that I had been doing to  
14 protect myself, so nothing in addition to that, other than not  
15 going up the road.

16 Q. Did he ever assault you when he was in Florida protesting?

17 A. The only time I have seen him has been in court and in a  
18 deposition, so it's been a controlled environment.

19 Q. All right. So I guess the answer is you have never had to  
20 protect yourself from any action by Mr. Passage, correct?

21 A. He's never had the opportunity.

22 Q. Now, have you ever had to protect yourself -- and what I  
23 mean by "protect yourself" is protect yourself from a physical  
24 assault or something like that from anyone that was claiming to  
25 be acting on behalf of Mr. Passage?

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1 A. No.

2 Q. So over this, well, about eight-year period now that this  
3 lawsuit's been going on and you and Mr. Passage haven't been  
4 seeing eye to eye, you have never had to fend him off personally  
5 or fend off anyone acting on his behalf personally, correct?

6 A. I have been physically attacked, but the person who attacked  
7 me did not say they were doing it on his behalf.

8 Q. Well, when was that?

9 A. That was at a Florida Wildlife Commission hearing that I  
10 attended.

11 Q. All right. So it was actually in a government body hearing?

12 A. It was outside the building, on the way back to my car.

13 Q. Well, it wasn't this man, was it?

14 A. No.

15 Q. And, to your knowledge, there's absolutely no connection to  
16 Mr. Passage at all, correct?

17 A. He didn't say that there was.

18 MR. EARLEY: Nothing further.

19 THE COURT: Thank you. Ms. Baskin, you may step down.  
20 Government's next witness.

21 MS. MAXFIELD-GREEN: Government calls Special Agent  
22 Andy Farabow.

23 (WITNESS SWORN.)

24 **ANDREW FARABOW,**

25 **DIRECT EXAMINATION**

*Emily Eakle, RMR, CRR*

1 **BY MS. MAXFIELD-GREEN:**

2 Q. Special Agent Farabow, could you introduce yourself with  
3 your name and your job title?

4 A. Yes, ma'am. My name is Andrew Farabow and I'm a special  
5 agent with the FBI.

6 Q. Mr. Farabow, how long have you been a special agent with the  
7 FBI?

8 A. About 24 years.

9 Q. All right. And have you always been stationed in the  
10 Oklahoma City area?

11 A. Yes, I have, ever since I completed the basic training.

12 Q. Over the course of your career -- your 24 years as a special  
13 agent, what kinds of investigations have you been involved in?

14 A. Various types of criminal investigations, violent crimes,  
15 white-collar crimes and narcotics investigations.

16 Q. Have you been involved in the investigation of Mr. Passage?

17 A. Yes, ma'am.

18 Q. When did the FBI open its investigation into Mr. Passage?

19 A. In February of 2017.

20 Q. At that time, in February of 2017, was there already an  
21 investigation into Mr. Passage underway?

22 A. Yes, there was.

23 Q. Which agency had already opened an investigation?

24 A. U.S. Fish & Wildlife.

25 Q. And which agent was working that case?

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1 A. Special Agent Matt Bryant.

2 Q. What was the nature of his investigation?

3 A. He was focused on wildlife trafficking violations.

4 Q. And is it fair to say that you had not ever worked a  
5 wildlife trafficking investigation?

6 A. Yes, that is accurate.

7 Q. How long had Special Agent Bryant's investigation been going  
8 on?

9 A. About a year.

10 Q. Now, in February of 2017, was it -- did Special Agent Bryant  
11 request assistance from the FBI?

12 A. Yes, he did.

13 Q. Why did he request FBI assistance?

14 A. It was in relation to a reported threat on the life of  
15 Carole Baskin.

16 Q. Okay. And is the -- a threat like that within the  
17 jurisdiction of the FBI?

18 A. Yes, ma'am.

19 Q. Now, prior to Special Agent Bryant contacting you and  
20 getting you involved, was the FBI aware of Mr. Passage?

21 A. I believe the FBI was. I personally was aware of him, but  
22 did not know much about him.

23 Q. Now, at the time you became involved in the investigation in  
24 February of 2017, did you become aware of online threats against  
25 her?

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1 A. Yes, ma'am.

2 Q. And was part of your investigation to review some of those  
3 threats?

4 A. Yes.

5 Q. And was there an effort by you to determine whether those  
6 threats would meet the threshold for any type of federal criminal  
7 prosecution?

8 A. Yes, there was. Special Agent Bryant and myself met with  
9 the U.S. attorney's office to discuss those threats in detail.

10 Q. Okay. And what was the outcome of those conversations?

11 A. The determination was that they would not meet the criteria  
12 for a federal charge at that time.

13 Q. Okay. Now, the contact you received in February of 2017 to  
14 get you involved, now, was that based on an online threat or a  
15 different type of threat?

16 A. That was based on a voicemail message that was left for  
17 Ms. Baskin.

18 Q. And did that voicemail message convey information about an  
19 actual threat on her life?

20 A. Yes.

21 Q. Were you involved in interviewing the person that made that  
22 threat -- sorry -- that made the voicemail?

23 A. Yes.

24 Q. And about when did you interview that person?

25 A. February 21st of 2017.

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1 Q. And did you speak to her in person or on the phone?

2 A. On the telephone.

3 Q. Did Special Agent Bryant speak to her on the phone or in  
4 person?

5 A. In person. He did a followup interview to obtain more  
6 details.

7 Q. Okay. And where -- did he have to travel somewhere to do  
8 that?

9 A. Yes, ma'am. He had to travel out of state.

10 Q. Okay. And based on the -- that interview, the information  
11 you learned through that, was there enough information to  
12 continue the FBI keeping a case open?

13 A. Yes.

14 Q. Now, did Special Agent Bryant contact you in September  
15 of 2017 with a case update?

16 A. Yes. He and I maintained contact from February until  
17 September, and then he had new information to provide in  
18 September.

19 Q. Okay. What information was that?

20 A. He had developed what his agency referred to as a  
21 cooperating private individual who had information pertinent to  
22 the case.

23 Q. All right. And what information was that?

24 A. That person had advised -- provided information about an  
25 alleged murder-for-hire plot.

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1 Q. Okay. And was that person James Garretson?

2 A. Yes, ma'am.

3 Q. And what -- what type of cooperation was Mr. Garretson  
4 willing to provide?

5 A. He was willing to participate in recorded conversations with  
6 Mr. Passage and potentially to introduce an undercover agent or  
7 officer to Mr. Passage in relation to the murder-for-hire plot.

8 Q. And what's the -- what's the thinking behind attempting to  
9 introduce an undercover agent who's posing as a hit man?

10 A. Well, the information we had was that Mr. Passage had  
11 approached Mr. Garretson and asked him to find someone to kill  
12 Carole Baskin for money, and so the plan was to have the  
13 undercover agent introduced as that individual.

14 Q. And at the point of -- if the FBI can be successful in  
15 introducing an undercover agent, does that give the FBI more  
16 control over the investigation?

17 A. Absolutely.

18 Q. And does that tend to eliminate the potential harm to the  
19 victim?

20 A. Yes, ma'am.

21 Q. What kind of equipment, if any, was provided to  
22 Mr. Garretson to record conversations he was having?

23 A. Special Agent Bryant provided him with a recording device to  
24 use.

25 Q. And did Mr. Garretson record conversations with Mr. Passage?

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1 A. Yes, ma'am.

2 Q. And did he record conversations he had with a person named  
3 Alan Glover?

4 A. Yes.

5 Q. And did he also record conversations he was having with Jeff  
6 Lowe?

7 A. Yes.

8 Q. And during the fall of 2017, from roughly September to  
9 December of 2017, who were the main targets of the  
10 murder-for-hire investigation?

11 A. Mr. Passage, Mr. Lowe, and also Mr. Glover.

12 Q. Did you temporarily pause the investigation for much of  
13 October 2017?

14 A. Yes, we did.

15 Q. And why did you do that?

16 A. Mr. Passage's husband passed away on October the 6th.

17 Q. Okay. And so at that time did you make the decision to kind  
18 of lay off during that period?

19 A. Yes.

20 Q. Okay. Let's talk about November of 2017. On about  
21 November 6th of 2017, based on Mr. Garretson's recordings, was  
22 there evidence that led you to believe that Mr. Passage had  
23 developed a plan, an actual plan to have Carole Baskin murdered?

24 A. Yes.

25 Q. And what was your understanding of that plan?

*Emily Eakle, RMR, CRR*

1 A. That he was going to pay Alan Glover to murder Carole  
2 Baskin. And that was the first time that we became aware of  
3 Mr. Glover's involvement.

4 Q. And what was it that happened on November 6th that led  
5 you -- that informed you of -- that there was an actual plot  
6 involving Mr. Glover?

7 A. Well, Mr. Garretson learned of the plot, and that is the  
8 date that the fake ID was purchased in Dallas.

9 Q. Okay. And based on conversations that Mr. Garretson had  
10 recorded and information he provided, did you come to find out  
11 that Mr. Glover had traveled to Dallas?

12 A. Yes.

13 Q. And based on those conversations, you -- did you discover  
14 that he had obtained a fake ID?

15 A. Yes.

16 Q. And when you learned about the purchase of the fake ID, did  
17 you and Special Agent Bryant make efforts to obtain information  
18 from the business that sold the fake ID?

19 A. Yes. Special Agent Bryant had some agents from his agency  
20 contact that business and obtain that information.

21 Q. Okay. So that was on November 6th. On November 8th, two  
22 days later, did Mr. Garretson go to the zoo?

23 A. Yes, ma'am.

24 Q. And was he instructed to go to the zoo?

25 A. Yes, he was.

*Emily Eakle, RMR, CRR*

1 Q. What was the -- to be the purpose of his visit, as per the  
2 investigation?

3 A. To meet with Mr. Glover and attempt to find out more about  
4 the plot.

5 Q. Was Mr. Garretson successful in recording a conversation  
6 with Mr. Glover?

7 A. Yes, ma'am.

8 Q. And based on that conversation with Mr. Glover, did it  
9 appear to you that there was, in fact, a plot for Mr. Passage to  
10 hire Mr. Glover?

11 MR. EARLEY: Your Honor, I'm going to object to that  
12 question. It asks for his personal opinion about whether or not  
13 there was some actual plot. I don't think his opinion is  
14 relevant. He may testify to facts, but not his conclusions.

15 MS. MAXFIELD-GREEN: And, Your Honor, we would -- his  
16 opinion was absolutely relevant to what was going on. He was  
17 directing -- assisting in directing the continuing investigation,  
18 so his belief about what was going on is relevant to what he did  
19 next.

20 THE COURT: To the extent that it's describing his  
21 investigation, I'll overrule the objection.

22 MS. MAXFIELD-GREEN: May I grab a water, Your Honor?

23 THE COURT: Sure.

24 Q. (By Ms. Maxfield-Green) Okay. So did you believe, based on  
25 the conversation that Mr. Garretson recorded with Mr. Glover,

*Emily Eakle, RMR, CRR*

1 that there was, in fact, a plot involving Mr. Glover?

2 A. Yes, ma'am.

3 Q. So based on the conversation that Mr. Garretson recorded and  
4 other information that he had learned and relayed to you, what  
5 did you believe was about to happen there in early November?

6 A. Well, based on additional information gathered by  
7 Mr. Garretson, it was our belief that Mr. Glover planned to  
8 travel from Wynnewood, Oklahoma, to Tampa, Florida, on the  
9 morning of November 17th and that he was going to be traveling by  
10 a Greyhound bus and that the purpose of this trip was to murder  
11 Carole Baskin.

12 Q. Okay. And based on your understanding, through  
13 Mr. Garretson, of the plan, was there some kind of a holdup,  
14 something that was holding up the plan at that time?

15 A. Yes, there was.

16 Q. What was the holdup?

17 A. Mr. Passage was waiting for some money, or trying to raise  
18 some money to pay Mr. Glover.

19 Q. And based on what -- the recordings that Mr. Garretson gave  
20 you, what was your understanding of how he was trying to get that  
21 money?

22 A. Through the sale of some cubs.

23 Q. Okay. So at this point, on November 8th, after learning  
24 this information from Mr. Garretson, what did you instruct  
25 Mr. Garretson to do?

*Emily Eakle, RMR, CRR*



1 A. Just to stay in contact with Mr. Glover and Mr. Passage and  
2 provide us any updates that he could obtain.

3 Q. Okay. And did Mr. Garretson have kind of a -- let's see how  
4 to put it -- an agreement or a discussion with Mr. Glover that  
5 gave him kind of an excuse to contact Mr. Glover repeatedly to  
6 keep track of him?

7 A. Yes.

8 Q. And what was his -- the excuse he was using to continually  
9 contact him to ask him his location?

10 A. Mr. Glover had asked Mr. Garretson to arrange for him to  
11 meet some females.

12 Q. Prostitutes?

13 A. Yes.

14 Q. And was Mr. Garretson playing along with that in an attempt  
15 to keep track of Mr. Glover?

16 A. Yes.

17 Q. Had Mr. Glover indicated he wanted to meet with a prostitute  
18 before he left Oklahoma?

19 A. Yes, he did.

20 Q. And so after November 8th, were there text messages  
21 exchanged between Mr. Garretson and Mr. Glover?

22 A. Yes, there were. And just to clarify, we didn't have the  
23 date of November 17th until after November 8th.

24 Q. Okay.

25 A. In other words, we got that information, I believe on the

*Emily Eakle, RMR, CRR*

1 15th or 16th.

2 Q. Okay. So because there was apparently a waiting period for  
3 money, to your understanding, you didn't find out until the 15th  
4 that perhaps Mr. Glover would be leaving on the 17th, correct?

5 A. Correct.

6 Q. Okay. Now, at the time that -- at the time, by  
7 November 8th, did you believe that Mr. Garretson had sufficiently  
8 gained the confidence of Mr. Passage and Mr. Glover that if -- if  
9 he was really getting ready to go, that Mr. Garretson would have  
10 been in the know?

11 A. Yes.

12 Q. At that time -- at the time in mid November, did the  
13 government take any other action to track Mr. Glover?

14 A. Yes.

15 Q. What action did the government take?

16 A. We obtained a ping warrant for his phone so that we could  
17 obtain the location data from his telephone.

18 Q. Can you explain for us how a ping, a phone ping works?

19 A. Yes. Basically, every 15 minutes or so we would get the GPS  
20 coordinates for that phone. It would be sent electronically. In  
21 this case, it was sent to Special Agent Bryant.

22 Q. And in order to ping someone's phone by GPS location, is  
23 that something that requires a court to get involved, a court  
24 order?

25 A. Yes.

*Emily Eakle, RMR, CRR*

1 Q. And so were you involved in obtaining that?

2 A. I assisted Agent Bryant. He obtained the court order.

3 Q. Okay. And at the time in mid November, was Mr. Glover's  
4 phone pinging in Oklahoma?

5 A. It was.

6 Q. Was it pinging at the zoo?

7 A. Yes, ma'am.

8 Q. All right. During this period of time -- well, let me talk  
9 about the phone pinging in a minute.

10 During this -- at some point did Mr. Glover's phone stop  
11 pinging?

12 A. Yes.

13 Q. And based on the information that's available from a phone  
14 ping, did you know why it stopped pinging?

15 A. Not exactly, but we believe the phone had been turned off or  
16 he had switched telephones.

17 Q. Okay. So a phone will stop pinging if it's just turned off?

18 A. Correct.

19 Q. Now, at this time, in mid November, where was Jeff Lowe?

20 A. He was in Las Vegas, Nevada.

21 Q. Was there evidence indicating that Mr. Lowe knew about the  
22 plot involving Mr. Passage and Mr. Glover?

23 A. Yes.

24 Q. What evidence did you have that he knew about it?

25 A. There was one recorded phone conversation that he had with

*Emily Eakle, RMR, CRR*

1 Mr. Garretson.

2 Q. Now, at that time in November, when you're investigating,  
3 was there any evidence indicating that Mr. Lowe had taken steps  
4 to further or assist this plan?

5 A. No, not that we were aware of.

6 Q. All right. So the point at which you developed a belief  
7 that Mr. Glover was going to enact this -- Mr. Passage's plot,  
8 what kind of preparation was the FBI taking?

9 A. Well, we were planning to arrest Mr. Glover upon his arrival  
10 at the bus station if -- if he traveled that morning of the 17th.

11 Q. Okay. Again, this -- the date of the 17th, how did that  
12 come to be a date that you associated with him leaving?

13 A. That was the information that we had from Mr. Garretson.

14 Q. Okay. And had the FBI and the Fish & Wildlife Service put  
15 together an operation plan?

16 A. Yes, ma'am.

17 Q. What did that operation plan involve?

18 A. It involved surveillance at the park on the morning of the  
19 17th, and agents were going to be stationed at the two local bus  
20 stations, Ardmore and Pauls Valley, in the event that Mr. Glover  
21 arrived.

22 Q. Okay. And did you participate with Special Agent Bryant and  
23 the U.S. attorney's office in preparing search warrants?

24 A. Yes.

25 Q. And what did you have search warrants for?

*Emily Eakle, RMR, CRR*

1 A. For the park.

2 Q. Was there -- was it part of the operation plan to arrest  
3 Mr. Passage as well if Mr. Glover made it to a bus station?

4 A. Yes, it was.

5 Q. And so there was a search warrant for the park; is that  
6 correct?

7 A. Yes.

8 Q. Was there a search warrant for various electronic devices?

9 A. Yes, ma'am. And just to clarify, there was search warrants  
10 prepared, not actually --

11 Q. Thank you. So those search warrants were not ever presented  
12 to a judge?

13 A. No. They were ready to go, essentially, as were complaint  
14 affidavits.

15 Q. Okay. And would the complaint affidavit permit you to  
16 essentially arrest or preliminarily bring charges?

17 A. Yes, ma'am.

18 Q. Okay. And was this kind of a -- based on the plan -- so you  
19 were planning to go onto the zoo, if necessary, to arrest  
20 Mr. Passage?

21 A. Yes. Our preference was going to be to try to get him to  
22 leave the park, for safety reasons, and arrest him off the  
23 premises.

24 Q. Would executing a warrant or an arrest on a zoo property  
25 have been kind of a particular safety concern?

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1 A. Yes.

2 Q. Okay. So as of mid November of 2017, you believed you had  
3 probable cause to arrest Mr. Passage, correct, or you would if  
4 Mr. Glover went to a station?

5 A. Correct.

6 Q. And you believed, if he went to that station, you would have  
7 probable cause to arrest Mr. Glover as well?

8 A. Yes.

9 Q. Did you believe that you had probable cause to arrest  
10 Mr. Lowe at that time?

11 A. No.

12 Q. What was your plan -- did you have a plan that -- if  
13 Mr. Glover had gone to a station and he was arrested and  
14 Mr. Passage was arrested, did you have a plan for contacting  
15 Mr. Lowe?

16 A. Yes. We were going to have agents in Las Vegas contact him  
17 and attempt to interview him regarding his knowledge of the plot.

18 Q. Okay. So you believed this was all going to happen on  
19 November 17th. What happened on November 16th?

20 A. On November 16th we got information from Mr. Garretson that  
21 this deal was not going to happen.

22 Q. Okay. And what kind of information did he have that he  
23 relayed to you?

24 A. Well, he passed along information to Special Agent Bryant.  
25 And over the course of the next few days, there were also

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1 recorded conversations and text messages that indicated that  
2 Mr. Glover was going to travel back to South Carolina.

3 Q. Okay. And did that seem to be inconsistent with what you  
4 had heard about the plot for him to travel to Florida?

5 A. Yes. And our information was that the deal was off and that  
6 he was going back to South Carolina to be with his family.

7 Q. And were there also -- were there text messages between  
8 Mr. Glover and Mr. Garretson that supported that?

9 A. Yes.

10 Q. All right. And was that kind of the consensus of all the  
11 investigators, that the -- and Mr. Garretson, that the meaning of  
12 the text messages was that Mr. Glover was not going to Florida?

13 A. Yes.

14 Q. So in the opinion of the investigators, as of November 16th,  
15 had the -- the Glover plan, if you will, apparently fallen apart?

16 A. Yes. That was the information that we had, was that that  
17 deal was off.

18 Q. Okay. On that date, November 16th, had you received any  
19 indication that Mr. Passage had received money from selling cubs  
20 that he was looking for?

21 A. Not to my knowledge.

22 Q. Now, the -- you have testified that the FBI operation plan  
23 was never enacted, correct?

24 A. Correct. We called that off the night of the 16th.

25 Q. Did the Fish & Wildlife Service continue with some

*Emily Eakle, RMR, CRR*

1 surveillance the next morning?

2 A. They did. I had spoke with Special Agent Bryant on the  
3 night of the 16th and he had already brought some people into  
4 town from other states, some other Fish & Wildlife agents. And  
5 so they did surveillance at two bus stations, the one in Pauls  
6 Valley and the one in Ardmore.

7 Q. And that was on the morning of the 17th?

8 A. Correct.

9 Q. And fair to say they didn't see Mr. Glover going to a bus  
10 station?

11 A. Correct. And his phone continued to ping at the -- in the  
12 area of the park for the next few days.

13 Q. Before it was apparently shut off?

14 A. Correct.

15 Q. So in November of 2017, did you have any information that  
16 there had been discussions between Mr. Passage and Mr. Glover?  
17 And by -- what I mean, did you have any recordings of  
18 conversations between just Mr. Passage and Mr. Glover discussing  
19 this plan?

20 A. No. We had no specific information regarding the nature of  
21 their discussions, just what Mr. Garretson had provided to us.

22 Q. So anytime in November of 2017, did you -- were you aware  
23 that -- or were you given any information that Mr. Passage gave  
24 money of any kind to Mr. Glover?

25 A. No.

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1 Q. In November of 2017 did you have information of any kind  
2 indicating that Mr. Passage had given Mr. Glover a phone?

3 A. No.

4 Q. Did you have any indication of any kind that Mr. Passage had  
5 mailed a package to Las Vegas?

6 A. No.

7 Q. All right. Also in November of 2017, did you have any  
8 information about whether Mr. Glover did, in fact, go to South  
9 Carolina?

10 A. Yes. We were told he did.

11 Q. Did you know at that time how he got to South Carolina?

12 A. Well, the information we had was that he had caught a ride  
13 with a third party.

14 Q. Did you eventually get information on all of these things,  
15 a -- conversations with Mr. Glover, cell phones and the things we  
16 just talked about, did you eventually get evidence of those  
17 things?

18 A. Yes.

19 Q. When did you get evidence of those things?

20 A. Several months later.

21 Q. Can you -- was that in 2018?

22 A. Yes.

23 Q. Do you remember the approximate month in 2018?

24 A. As to which?

25 Q. Well, the mailing of -- that Mr. Passage had mailed anything

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1 to Las Vegas in November.

2 A. That would have been in July, I believe, of 2018.

3 Q. And what about information regarding specific conversations  
4 between Mr. Passage and Mr. Glover, when did you get that  
5 information?

6 A. When we interviewed Mr. Glover on July 13th of 2018.

7 THE COURT: Ms. Green, is this a logical stopping point  
8 for you?

9 MS. MAXFIELD-GREEN: Yes.

10 THE COURT: Ladies and gentlemen of the jury, we'll  
11 break for the evening. We have put in a long, hard day.

12 I remind you of the admonition, please don't discuss the  
13 case amongst yourselves or with any other person, don't watch any  
14 news accounts, read anything online, do any kind of independent  
15 research. The case has not been submitted to you and you should  
16 still have an open mind. With that being said, if you will  
17 retire to the jury room and we will start at 9 o'clock sharp  
18 tomorrow morning.

19 Please remain seated while the jury leaves the courtroom.

20 (Jury exited.)

21 THE COURT: Anything further from either party before  
22 we break?

23 MS. MAXFIELD-GREEN: No, Your Honor.

24 MR. EARLEY: No, Your Honor.

25 (Court adjourned.)

*Emily Eakle, RMR, CRR*

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REPORTER'S CERTIFICATION

I, Emily Eakle, Federal Official Realtime Court Reporter, in and for the United States District Court for the Western District of Oklahoma, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 6th day of March 2020.

**/S/ Emily Eakle**  
EMILY EAKLE, RMR, CRR  
Federal Official Court Reporter