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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.

Emily Eakle, RMR, CRR

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1 (The following record was made in open court on March 27,
2 2019, in the presence of all parties, counsel, and in the
3 presence and hearing of the jury.)

4 THE COURT: Good morning, ladies and gentlemen.
5 Welcome back.

6 Ms. Green, you may continue.

7 Agent Farabow, if you would return to the stand, please.

8 ANDREW FARABOW,

9 DIRECT EXAMINATION (continued)

10 BY MS. MAXFIELD-GREEN:

11 Q. All right. Good morning, Special Agent Farabow.

12 A. Good morning.

13 Q. Okay. When we left off yesterday, we were talking about
14 your investigation into this case and the state of that
15 investigation in November of 2017, correct?

16 A. Yes, ma'am.

17 Q. Okay. Let's talk about November 6th. And we discussed
18 that, the events of November 6 yesterday, but on or about that
19 date -- well, first of all, refresh us on what happened on
20 November 6th.

21 A. That was the date that we learned about the plot involving
22 Alan Glover and the date on which the fake ID was purchased in
23 Dallas.

24 Q. All right. And on that date did you make contact with
25 Carole Baskin?

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1 A. No. I made contact with her husband.

2 Q. Okay. And what was the purpose of your contact?

3 A. I believe this was the second time I had contacted him, just
4 to advise him of what was going on and keep him apprised of
5 developments in the case.

6 Q. Now, did you tell him any specifics; for instance, that a
7 fake ID had been purchased?

8 A. No.

9 Q. What level of detail did you communicate?

10 A. I just told him that we had information that the threat was
11 credible and that there was an active plan in place, something
12 along those lines.

13 Q. And on or about that same day in -- in November, did you
14 contact the FBI in Tampa?

15 A. Yes, ma'am.

16 Q. And what did -- what was the purpose of your contact to
17 them?

18 A. I relayed the information we developed to an agent that I
19 knew down in the Tampa division, and I put him in contact with
20 Mr. Baskin. And then I also sent what we call a lead, a formal
21 document with information, to the Tampa office advising them of
22 the state of our case.

23 Q. Okay. In November of 2017, did you -- did you know that
24 Mr. Passage had given Mr. Glover money to murder Carole Baskin?

25 A. No.

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1 Q. When did you find that out?

2 A. Well, there were recordings that alluded to that fact
3 several months later, but it wasn't actually verified until we
4 interviewed Mr. Glover in July of 2018.

5 Q. Okay. So you were testifying yesterday that, from the
6 perspective of the FBI, that the Glover plot had fizzled on
7 November 16th; is that correct?

8 A. Yes. That was the information that we had.

9 Q. And did James Garretson have a conversation with Mr. Passage
10 on November 17th?

11 A. Yes.

12 Q. What did you learn from that conversation?

13 A. They discussed the Glover plot and it appeared that that was
14 not going to go forward, as I said. And they discussed
15 Mr. Garretson's friend who was going to be the undercover agent
16 and Mr. Passage seemed receptive to meeting with him.

17 Q. Okay. And by that date, by November 17th, had you already
18 lined up an undercover agent that could be introduced if the
19 opportunity arose?

20 A. Yes, ma'am.

21 Q. So did you start making plans for him to go with
22 Mr. Garretson for an introduction to Mr. Passage?

23 A. Yes.

24 Q. So what happened next?

25 A. On December 5th Mr. Garretson contacted Mr. Passage and

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1 arranged a meeting for December 8th.

2 Q. And did the undercover agent go with Mr. Garretson on
3 December 8th and meet Mr. Passage?

4 A. Yes, ma'am.

5 Q. And did he record that meeting?

6 A. Yes.

7 Q. Based on that meeting and listening to the recording of it,
8 did you believe at that time that it had ended with an agreement
9 between --

10 MR. EARLEY: Your Honor, I'm going to object to this
11 question. She's asking for a conclusion as to his opinion about
12 whether a crime had been committed. It's improper.

13 THE COURT: Overrule the objection at this time. You
14 can cross-examine about that, Mr. Earley.

15 Q. (By Ms. Green) Based on that meeting, did you believe that
16 it ended with an agreement between Mr. Passage and the undercover
17 agent that Mr. Passage would hire him to murder Carole Baskin?

18 A. Yes, I did.

19 Q. Now, during that meeting on December 8th, did Mr. Passage
20 give the undercover agent any money?

21 A. No, he did not.

22 Q. And did Mr. Passage ever give the undercover agent any
23 money?

24 A. No, he did not.

25 Q. Based on the recorded conversations between Mr. Garretson

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1 and Mr. Passage, what was your understanding as to why that was?

2 A. Mr. Passage indicated that he was trying to come up with the
3 money.

4 Q. Did Mr. Garretson record calls with Mr. Passage during the
5 spring of 2018 as well?

6 A. Yes.

7 Q. And in those conversations did Mr. Passage bring up the
8 undercover agent again?

9 A. There were ongoing discussions periodically between
10 Mr. Garretson and Mr. Passage about the undercover officer, for
11 several months up until March the 28th of 2018.

12 Q. And just -- just for ease of reference, what did
13 Mr. Garretson and Mr. Passage refer to that undercover agent as?

14 A. Mark.

15 Q. At some point in March or April of 2018, did Mr. Passage
16 stop talking to Mr. Garretson?

17 A. Yes. There was some kind of disagreement or falling out
18 that they had.

19 Q. How did that impact the investigation?

20 A. Well, it basically prevented us from moving forward with the
21 undercover operation, because the way it had been left was that
22 Mr. Passage and Mr. -- or the undercover agent would communicate
23 through Mr. Garretson and Mr. Garretson would be the point of
24 contact for both to arrange a subsequent meeting.

25 Q. So did Mr. Passage have any independent -- a way independent

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1 of Mr. Garretson of contacting Mark, the undercover?

2 A. No.

3 Q. So at that point when the -- the conversation between
4 Mr. Passage and Mr. Garretson had stopped, what was the plan for
5 the investigation?

6 A. Well, after a period of time and -- and we saw that the
7 undercover operation was not going to move forward, we decided to
8 do interviews of individuals who might have knowledge of the
9 schemes.

10 Q. What happened in May of 2018?

11 A. In May of 2018? Could you be more specific?

12 Q. Did you get a contact from Mr. Garretson with new
13 information in May of 2018?

14 A. Well, Mr. Garretson had a contact with Jeff Lowe. Is that
15 what you're referring to?

16 Q. Yes.

17 A. And he -- Mr. Lowe indicated that he thought that a payment
18 had been made by Mr. Passage to Mr. Glover in relation to this.

19 Q. So based on that, did Mr. Garretson coordinate a meeting
20 between Jeff Lowe and Special Agent Matt Bryant?

21 A. Yes.

22 Q. And did he have that meeting?

23 A. Yes.

24 Q. Was that on about June 5th?

25 A. Yes, it was.

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1 Q. After that meeting, did Mr. Lowe provide any physical
2 evidence to the government?

3 A. Yes, he did.

4 Q. What did he provide?

5 A. Well, he engaged in recorded conversations with Mr. Glover,
6 and then he also provided a cell phone to Special Agent Bryant.

7 Q. All right. What happened next?

8 A. Well, after the cell phone was provided, eventually Mr. Lowe
9 arranged for Mr. Glover to come back to Oklahoma and we
10 interviewed him here in Oklahoma.

11 Q. Did you also interview Mr. Lowe again in July of 2018?

12 A. Yes. We did a followup interview of Mr. Lowe on July 10th
13 of 2018.

14 Q. Did you participate in that interview?

15 A. Yes, ma'am.

16 Q. And prior to that interview was Mr. Lowe provided any form
17 of immunity from prosecution?

18 A. No.

19 Q. Did he request immunity?

20 A. He did.

21 Q. All right. When you interviewed Mr. Glover in July of 2018,
22 did he provide the government with any physical evidence?

23 A. He did. He provided two additional cell phones.

24 Q. So at this point you had three cell phones that had been
25 provided to you?

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- 1 A. Correct.
- 2 Q. And what did you do with those?
- 3 A. I submitted those for digital analysis.
- 4 Q. And did you have consent to search those phones?
- 5 A. Yes. Mr. Glover provided consent for the search of all
6 three phones.
- 7 Q. Okay. And when -- at the FBI, when you submit a phone for
8 an examination, what happens?
- 9 A. We have some computer specialists who handle that and they
10 do an extraction of data from the phone, and then that data is
11 put onto a computer that I can use to review the data and I go
12 through and I mark what I believe is pertinent to the
13 investigation.
- 14 Q. All right. If you would, take a look at Government's
15 Exhibit 25, 26 and 27.
- 16 A. Yes, ma'am.
- 17 Q. Okay. And what are these?
- 18 A. These are portions of the extraction report.
- 19 Q. And is the extraction report of any given cell phone, is
20 that a -- what's the kind of volume of information that's
21 produced?
- 22 A. The full extraction is quite voluminous. It took me several
23 days to review all the data on the three phones.
- 24 Q. Okay. And so is what you're looking at just some excerpts
25 of that more voluminous data?

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1 A. Yes, ma'am.

2 MS. MAXFIELD-GREEN: Government moves to admit Exhibits
3 25, 26 and 27.

4 THE COURT: Any objection?

5 MR. EARLEY: No objection.

6 THE COURT: 25, 26 and 27 will be admitted.

7 Q. (By Ms. Green) Let's look at Government's Exhibit 25. And
8 this is an extraction report of a cell phone, correct?

9 A. Yes, ma'am. This is an HTC cell phone.

10 Q. And is the HTC cell phone, which telephone was that? Whose
11 phone was it and when was it in use?

12 A. This was the phone of Mr. Glover and it was the one provided
13 to Agent Bryant.

14 Q. Okay. And does the data indicate that that cell phone was
15 in use in the fall of 2017?

16 A. Yes, ma'am.

17 Q. And is this the cell phone that the Government obtained a
18 ping for?

19 A. Yes.

20 Q. All right. Let's look at Page 2.

21 MS. MAXFIELD-GREEN: And if you can kind of zoom in
22 there, Jane. Yeah, that top -- yeah.

23 Q. (By Ms. Maxfield-Green) Okay. What information is this?

24 A. This is location data for that phone.

25 Q. Okay. And the location data, what -- when was the last

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1 location or -- sorry -- where was the last location that was
2 recorded on this phone?

3 A. If you see under the column that says "position," it lists
4 the latitude and longitude, which is in the area of Wynnewood,
5 Oklahoma.

6 Q. And what date was the last location recorded on this phone?

7 A. November 25th of 2017.

8 Q. Okay. And the fact that this is the last location data that
9 was recorded on the phone, what does that indicate?

10 A. Most likely that the phone was off after that time.

11 Q. Okay. And while we're talking about -- about dates and
12 times on this, so the top -- the last entry -- or I guess it's
13 the first entry there that reflects the last location
14 information, it shows 11/25/2017 at 2:59:42 p.m. and then there's
15 UTC plus 0. Can you explain that for us?

16 A. Yes. The time stamp here is in UTC time, which during that
17 time of year is six hours ahead of Central Standard Time.

18 Q. Okay. So if we want to know what time it was Central
19 Standard Time on that date, we look at that time and do what?

20 A. I'm sorry. You would add six hours.

21 Q. Add or subtract?

22 A. Yes, you would -- that says p.m. I'm sorry. I'm having
23 trouble reading. You would subtract the six hours from 2:59.

24 Q. Okay. And I hate to make you do math on the stand, but if
25 that's roughly 3 o'clock p.m., what time would it be in actual

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1 Central Standard Time in Oklahoma?

2 A. 8:59.

3 Q. Let's look at -- let's look at Government Exhibit 26,
4 please.

5 Okay. And this is -- is this an extraction report from a
6 cell phone that was received into evidence?

7 A. Yes.

8 Q. And which phone is this?

9 A. This is a ZTE phone.

10 MS. MAXFIELD-GREEN: And just with this example, Jane,
11 can you go to the last page?

12 Q. (By Ms. Green) Okay. And is part of this extraction report
13 photos of the actual phone?

14 A. Yes.

15 Q. Okay. So that's what the phone looked like that you
16 processed, correct?

17 A. Correct.

18 Q. Okay. And, again, was this a phone that Mr. Glover gave to
19 you or that Mr. Lowe gave to you?

20 A. That Mr. Glover gave to me.

21 MS. MAXFIELD-GREEN: Okay. Let's look at Page 3, Jane.

22 Q. (By Ms. Green) Okay. And this -- at the top it says
23 "images." What is shown on the -- this part of the extraction
24 report?

25 A. Well, the first two are images from the Internet, and then

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1 the others are photographs that were taken with the phone.

2 Q. Okay.

3 MS. MAXFIELD-GREEN: And, Jane, if you could zoom in on
4 the third entry there.

5 Q. (By Ms. Maxfield-Green) So this was a, like you said, a
6 photograph that appeared on the phone?

7 A. Correct.

8 Q. Okay. And what time -- from this information, can you tell
9 when that photo was captured?

10 A. Yes. It was captured on November 25th, 2017, at 9:05 a.m.,
11 which equates to 1505 UTC time.

12 Q. So that 9:05, because it does not have the UTC, that's a
13 real time, correct?

14 A. Correct.

15 Q. Or a Central Standard Time?

16 A. Yes.

17 Q. And did you review more closely that photo?

18 A. Yes.

19 Q. What does it appear to be a photo of?

20 A. Various photos of Carole Baskin.

21 Q. Okay. Could you take a look at Exhibit 143, please? I'm
22 sorry. 144.

23 A. Yes, ma'am.

24 Q. And what is that?

25 A. That's the same images.

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- 1 Q. Okay. Is that just a bigger version of what that image is?
- 2 A. Yes.
- 3 Q. Okay.
- 4 MS. MAXFIELD-GREEN: Government moves to admit 144.
- 5 THE COURT: Any objection?
- 6 MR. EARLEY: No objection.
- 7 THE COURT: 144 will be admitted.
- 8 Q. (By Ms. Maxfield-Green) Okay. So this is the full, large
9 version of the -- that thumbnail we were looking at, correct?
- 10 A. Yes, ma'am.
- 11 Q. And who's in these pictures?
- 12 A. Carole Baskin.
- 13 Q. Let's go back to Government's 26, Page 3, please.
- 14 MS. MAXFIELD-GREEN: Jane, the fourth block down.
- 15 Q. (By Ms. Maxfield-Green) And what does this data tell us?
- 16 A. The data shows the created date of that picture, and time.
- 17 Q. Okay. And what is the date and time that that picture was
18 captured on the cell phone?
- 19 A. November 25th, 2017, at 1505 UTC time.
- 20 Q. And is that 9:05 Central Standard Time?
- 21 A. Yes, ma'am.
- 22 Q. Okay. And the thumbnail that we're looking at there, what
23 does that appear to be a picture of?
- 24 A. Carole Baskin.
- 25 Q. Could you look at Government's Exhibit 143, please? And do

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1 you recognize that?

2 A. I do.

3 Q. What is it?

4 A. That's the same photo.

5 MS. MAXFIELD-GREEN: Government moves to admit 143.

6 MR. EARLEY: No objection.

7 THE COURT: 143 will be admitted.

8 Q. (By Ms. Maxfield-Green) Okay. So this is just a larger
9 version of the thumbnail that we were looking at on the
10 extraction report?

11 A. Yes, ma'am.

12 Q. Okay.

13 MS. MAXFIELD-GREEN: Jane, can you go back to 26,
14 Page 3?

15 Q. (By Ms. Maxfield-Green) And you testified earlier in those
16 first two blocks, those are -- that data, does it reflect that
17 the Internet was accessed?

18 A. Yes, the first two rows.

19 Q. Okay. And what does it appear that that phone was used to
20 access on the Internet?

21 A. There's a photo of Carole Baskin and the Big Cat Rescue
22 emblem.

23 MS. MAXFIELD-GREEN: Jane, if we can go to the next
24 page, Page 4.

25 Q. (By Ms. Maxfield-Green) Okay. Let's look at the -- well,

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1 the first block, is that -- what is that a photo of? Jane will
2 blow that up for you.

3 A. Again, those are photos of Carole Baskin.

4 Q. And were they captured on the cell phone on November 25th,
5 2017 at 9:05?

6 A. Yes, ma'am.

7 MS. MAXFIELD-GREEN: Let's go to the second block,
8 Jane.

9 Q. (By Ms. Maxfield-Green) And is this another photo that was
10 captured on the cell phone on November 25th, 2017, at 9:06 a.m.?

11 A. Yes, ma'am.

12 Q. And you see the thumbnail there. And if you could look at
13 that thumbnail and then look at Government's Exhibit 145, please.

14 A. Okay.

15 Q. And are you familiar with that image?

16 A. I am.

17 Q. What is that an image of?

18 A. It's a photo that shows the Big Cat Rescue address.

19 Q. Okay. And is it the same photo -- a larger version of the
20 photo that's in the thumbnail there?

21 A. Yes, ma'am.

22 MS. MAXFIELD-GREEN: Government moves to admit 145.

23 THE COURT: Any objection?

24 MR. EARLEY: No objection.

25 THE COURT: 145 will be admitted.

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1 Q. (By Ms. Maxfield-Green) And what does -- I'm sorry. I
2 think you have said this already, but what does this appear to be
3 a picture of?

4 A. It appears to be from the Big Cat Rescue website. It's --
5 lists the address at the bottom, in the center of the photo.

6 Q. Take a look at Exhibit 146 as well, please. And are you
7 familiar with that image?

8 A. Yes.

9 Q. And what is that?

10 A. Again, that's a photo of the address of Big Cat Rescue.

11 Q. Okay.

12 MS. MAXFIELD-GREEN: Government moves to admit 146.

13 THE COURT: Any objection?

14 MR. EARLEY: No objection.

15 THE COURT: 146 will be admitted.

16 Q. (By Ms. Maxfield-Green) And is that just simply an -- a
17 different photo that was on the phone of a close-up of the Big
18 Cat Rescue address?

19 A. Yes.

20 Q. Okay. If you could take a look at Government's 27,
21 please -- or actually, it's already admitted. So can we see
22 Government's 27.

23 Okay. And is this another cell phone extraction report?

24 A. Yes. This is from a Samsung cell phone.

25 Q. And where did this Samsung -- where did the Government

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1 obtain this Samsung cell phone?

2 A. I obtained it from Mr. Glover.

3 Q. All right. Let's look at Page 2, please. Page 2.

4 Okay. And what does this portion of the report show?

5 A. Text messages.

6 Q. All right. And if --

7 MS. MAXFIELD-GREEN: Jane, we can look at the very
8 first one.

9 Q. (By Ms. Maxfield-Green) And this text message, when was it
10 sent to this cell phone?

11 A. It was an incoming text message sent to this Samsung cell
12 phone on February 26, 2018.

13 Q. Okay. And this was a cell phone that was in the possession
14 of Mr. Glover, correct?

15 A. Yes, ma'am.

16 Q. All right. And the number there, 405-207-1168, based on
17 your investigation, the overall course of your investigation, who
18 did that cell phone belong to, cell number belong to?

19 A. That was a cell phone used by Mr. Passage.

20 Q. And what does that text message say?

21 A. "How soon can you get back?"

22 MS. MAXFIELD-GREEN: Jane, if you can go down to the
23 next one. It's Block 39.

24 Q. (By Ms. Maxfield-Green) Okay. Is this another text message
25 from Mr. Passage's cell phone to Mr. Glover's cell phone?

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- 1 A. Yes, ma'am.
- 2 Q. And what date did it come in to the phone?
- 3 A. The same date, February 26 of 2018.
- 4 Q. And what does the text message say?
- 5 A. "Miss you."
- 6 Q. All right.
- 7 MS. MAXFIELD-GREEN: And, Jane, let's look at Block 49,
8 please -- actually, 49, 50 and 51.
- 9 Q. (By Ms. Maxfield-Green) All right. And are these more --
10 are these two text messages from Mr. Passage's phone and one text
11 message to Mr. Passage's phone?
- 12 A. Yes. There's actually a total of three there.
- 13 Q. Okay. And when were these text messages exchanged?
- 14 A. On the same date, February 26, 2018.
- 15 Q. All right. The first one, from Mr. Passage's phone, what
16 does it say?
- 17 A. "Hey, you got ant (sic) of that cash left?"
- 18 Q. Okay. And what's your understanding of "ant," what that was
19 supposed to mean?
- 20 A. Any.
- 21 Q. All right. What was the response back to Mr. Passage's cell
22 phone number?
- 23 A. "Not really, sir, but I can get cash. Social Security still
24 owes me \$3,760, which I found out a way to get it all, but, yeah,
25 I'll have some money for you when I get there."

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1 Q. Okay. And what does -- what text message comes back in from
2 Mr. Passage's cell phone number on February 26, 2018?

3 A. "All good."

4 MS. MAXFIELD-GREEN: All right. Let's see the next
5 page, Jane.

6 Q. (By Ms. Maxfield-Green) And are these more text messages to
7 Mr. Glover's cell phone?

8 A. Yes.

9 MS. MAXFIELD-GREEN: Let's see that one there, Jane.

10 Q. (By Ms. Maxfield-Green) Okay. And is this another text
11 message from Mr. Passage's cell phone to Mr. Glover's cell phone?

12 A. Yes, ma'am.

13 Q. And when was it sent?

14 A. March 5th of 2018.

15 Q. And what does it say?

16 A. "Hurry, I need help."

17 Q. All right.

18 MS. MAXFIELD-GREEN: Next page, Jane. Let's look at
19 the first block there.

20 Q. (By Ms. Maxfield-Green) Is this another text message from
21 Mr. Passage's cell phone number to Mr. Glover's cell phone?

22 A. Yes.

23 Q. And what date is it on?

24 A. April 6, 2018.

25 Q. What does it say?

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1 A. "I could use your help."

2 Q. All right. And Block No. 83, another text message from
3 Mr. Passage?

4 A. Yes, ma'am, on the same date.

5 Q. And what does it say?

6 A. "It's killing me, can't find help."

7 Q. All right.

8 MS. MAXFIELD-GREEN: Down to the next one, Jane.

9 Q. (By Ms. Maxfield-Green) All right. Number 91, is this
10 another text message from Mr. Passage's cell number to
11 Mr. Glover's phone?

12 A. Yes.

13 Q. What date is it on?

14 A. April 24th, 2018.

15 Q. And what does it say?

16 A. "Been waiting on you."

17 Q. Okay. Could you take a look at Government's Exhibit 23,
18 please? Got it?

19 A. Yes, ma'am.

20 Q. Are you familiar with that document?

21 A. Yes. These are records provided by American Airlines.

22 Q. And did you obtain those records in connection with your
23 investigation?

24 A. I did.

25 MS. MAXFIELD-GREEN: Government moves to admit

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1 Exhibit 23, please.

2 THE COURT: Any objection?

3 MR. EARLEY: No objection.

4 THE COURT: 23 will be admitted.

5 Q. (By Ms. Maxfield-Green) Okay. And these documents were
6 provided by American Airlines, correct?

7 A. Yes, ma'am.

8 Q. And what do they show?

9 A. They show booked travel for Frank Alan Glover on
10 November 25th, 2017.

11 Q. Okay. And could you describe the flight itinerary for
12 November 25th of 2017?

13 A. Yes. He was traveling from Oklahoma City to Savannah,
14 Georgia, with a couple of stops in between.

15 Q. And when did that flight leave Oklahoma City on November 25,
16 2017?

17 A. 1553, or 3:53 p.m.

18 Q. And when did it arrive in Savannah, Georgia?

19 A. Early the following morning.

20 Q. Okay. And this shows ticket information.

21 MS. MAXFIELD-GREEN: There in the middle, can you blow
22 up the middle section under "phone information," Jane? Just that
23 block -- yeah.

24 Q. (By Ms. Maxfield-Green) And what information does this
25 show? What part of the airline ticketing information does this

Emily Eakle, RMR, CRR

1 show?

2 A. How the travel was booked and the phone number and email
3 address associated with this travel.

4 Q. Okay. So it was booked through Travelocity?

5 A. Yes, ma'am.

6 Q. And what's the email address it was booked with?

7 A. Roundfaceranch@gmail.com.

8 Q. Okay. Can you take a look at Government's Exhibit 24? And
9 are you familiar with that document?

10 A. I am.

11 Q. What is it?

12 A. It's a document pertaining to HomeWAV Access, which is a
13 video visitation program used by inmates.

14 Q. All right.

15 MS. MAXFIELD-GREEN: And the Government moves to admit
16 24, please.

17 THE COURT: Any objection?

18 MR. EARLEY: No objection.

19 THE COURT: 24 will be admitted.

20 Q. (By Ms. Maxfield-Green) Okay. And so is this -- well,
21 let's look at the visitor details that are listed here. And
22 again, what -- in what circumstance would someone need to provide
23 these visitor details to the HomeWAV program?

24 A. If they wanted to communicate with an inmate over video,
25 similar to Skype.

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1 Q. And based on the records you received, was this information
2 that was provided by someone attempting to contact Mr. Passage?

3 A. Yes.

4 MS. MAXFIELD-GREEN: All right. Let's look at the
5 blowup on visitor details, Jane. Just all the way down. There
6 you go.

7 Q. (By Ms. Maxfield-Green) Okay. What is the user name for
8 this visitor?

9 A. Anne Patrick.

10 Q. And what -- I'm sorry. The user name at the top.

11 A. Oh, roundface.

12 Q. Okay. And what email was provided?

13 A. Roundfaceranch@gmail.com.

14 Q. All right. And then the actual person's name was Anne
15 Patrick, correct?

16 A. Correct.

17 Q. Got a phone number. Where does that person list their --
18 their state?

19 A. Massachusetts.

20 Q. Through the course of your investigation, have you reviewed
21 a number of phone calls that Mr. Passage has made while he was in
22 custody?

23 A. I have.

24 Q. Did Mr. Passage make a number of phone calls to Anne Patrick
25 of Massachusetts?

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1 A. Yes.

2 Q. Is the -- the email address that was provided by Anne
3 Patrick on that registration, roundfacerranch, the same -- roughly
4 the same as the email address on the American Airlines record?

5 A. Yes, it is.

6 Q. All right. Was Mr. Passage in custody at the Grady County
7 Jail in October of 2018?

8 A. Yes, he was.

9 Q. And are all the phone calls at the jail recorded?

10 A. Yes.

11 Q. And during the course of your investigation you have
12 listened to a number of those calls, correct?

13 A. I have.

14 Q. Did you listen to a call made by Mr. Passage on October 23rd
15 of 2018?

16 A. Yes, ma'am.

17 Q. And was that call made to Dillon Passage, his husband?

18 A. It was.

19 Q. And is a copy -- an excerpt of that call located at
20 Exhibit 38?

21 A. I believe so, but I don't have one in the book.

22 Q. Okay. Is it -- you're looking at a DVD, right?

23 MS. MAXFIELD-GREEN: Government moves to admit
24 Exhibit 38.

25 THE COURT: Any objection?

Emily Eakle, RMR, CRR

1 MR. EARLEY: No, Your Honor.

2 THE COURT: Government's 38 will be admitted.

3 (Audio played in open court.)

4 Q. (By Ms. Maxfield-Green) All right. Did you -- in listening
5 to the calls made by Mr. Passage, did he make any statements in
6 any of those calls about shooting tigers?

7 A. Yes.

8 Q. What did he say?

9 A. He admitted that he had shot five tigers.

10 Q. Did he admit that in more than one phone call?

11 A. He did.

12 Q. Did you listen to a call made by Mr. Passage on March 16th
13 of 2019?

14 A. I did.

15 Q. And was that call made to a female friend?

16 A. Yes.

17 Q. And is a copy of an excerpt of that call at Exhibit 36, or
18 at least do you have a DVD there at Exhibit 36?

19 A. Yes, I do.

20 MS. MAXFIELD-GREEN: Government moves to admit
21 Exhibit 36.

22 MR. EARLEY: No objection.

23 THE COURT: Government 36 will be admitted.

24 (Audio played in open court.)

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

Emily Eakle, RMR, CRR

1 THE COURT: Cross-examination?

2 **CROSS-EXAMINATION**

3 **BY MR. EARLEY:**

4 Q. Agent Farabow, yesterday you had mentioned that you heard --
5 or had heard the name Joseph Maldonado-Passage before you
6 actually got into this investigation. Do you recall that?

7 A. Yes, sir.

8 Q. And had that been in connection with your position with the
9 FBI?

10 A. No, sir.

11 Q. All right. So do you have any information about whether
12 your agency had investigated any activity at the park where
13 Mr. Passage was actually the victim of a crime?

14 A. I believe that was the case.

15 Q. And tell us what that was.

16 A. I don't have the specifics on that. I know that agents had
17 responded down there a couple of years prior, and I believe it
18 was agents from our cyber squad, but I don't know the details
19 regarding it.

20 Q. Okay. What squad is that?

21 A. They investigate cyber crimes.

22 Q. Okay. But they had been called to the park to investigate
23 something that apparently the park or Mr. Passage had been a
24 victim of, correct?

25 A. Right.

Emily Eakle, RMR, CRR

1 Q. All right. Now, concerning this investigation, your first
2 contact was in February of 2017; is that right?

3 A. Yes, sir.

4 Q. And it concerned the alleged threats, I guess, to -- that
5 were made to Carole Baskin; is that right?

6 A. Correct.

7 Q. Now, I'm assuming those are portions of which we heard
8 yesterday on the audio and videos.

9 A. No, sir.

10 Q. Okay. Was that the phone call that you're referring to?

11 A. Yes, sir, the voicemail.

12 Q. Now, after you got involved in this investigation, did you
13 check to see whether or not the Wynnewood Police Department had
14 any record of a complaint made by Carole Baskin?

15 A. I did not.

16 Q. And did you check with the Garvin County Sheriff's Office to
17 see if there was any complaint made by Carole Baskin?

18 A. I did not.

19 Q. Why not?

20 A. I didn't see any need to contact them.

21 Q. And so after you reviewed the information that you had in
22 February of 2017, you determined that it didn't meet the criteria
23 for you pursuing a charge; is that right?

24 A. Are you referring to the online postings?

25 Q. Yes.

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1 A. Yes, sir. I met with the assistant U.S. attorneys and we
2 discussed it at length.

3 Q. All right. And you also had -- was Agent Bryant there at
4 that meeting?

5 A. Yes, ma'am -- yes, sir.

6 Q. Okay. So at that meeting you made a suggestion, did you
7 not, about how to perhaps proceed in this case?

8 A. At which meeting, sir?

9 Q. At the meeting you had with the U.S. attorney and Agent
10 Bryant.

11 A. Well, there were several of those.

12 Q. The first one, where you discussed the online threats.

13 A. Okay. The way that happened is we were receiving
14 information about those online threats over time, and so there
15 were actually several discussions about the nature of those and
16 whether it would rise to the level of a federal charge.

17 Q. Okay. So -- but during this period of time, you had the
18 online threats, you also had that threat you referenced from a
19 woman in Colorado; is that right?

20 A. Yes, sir.

21 Q. So this meeting that I'm referring to occurred on March the
22 29th, 2017. Do you remember that meeting?

23 A. Not specifically, no, I don't.

24 MR. EARLEY: Can I approach and --

25 THE COURT: You may.

Emily Eakle, RMR, CRR

1 THE WITNESS: Yes, sir. This was following Agent
2 Bryant's interview of the lady in Colorado.

3 Q. (By Mr. Earley) All right. And what was your --

4 THE COURT: Hold on, Mr. Earley. If you'll wait until
5 you get back to the microphone, so we can all hear.

6 MR. EARLEY: I'm usually loud enough, Judge, but --

7 Q. (By Mr. Earley) And what was your recommendation at that
8 time?

9 A. I don't know that I would call it a recommendation, but I
10 documented that I mentioned the possibility of interviewing
11 people regarding the threats.

12 Q. You mentioned the option of bringing Mr. Passage in,
13 Mr. Lowe in, and even his -- Mr. Lowe's wife, correct?

14 A. Correct.

15 Q. And having a discussion about these alleged threats,
16 correct?

17 A. Yes.

18 Q. But that course of action wasn't accepted, right?

19 A. Well, we all determined that that was not the best course of
20 action.

21 Q. And why?

22 A. Because there was an ongoing investigation involving the
23 park and Mr. Passage and other individuals.

24 Q. Well, involving the -- the wildlife cases, correct?

25 A. Yes.

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1 Q. There was a consensus, I guess, drawn that we don't want to
2 interrupt the investigation of these alleged sales of tigers and
3 endangered species, correct?

4 A. That was part of it, and part to pursue an investigation
5 into the threats.

6 Q. Now, your next involvement in this case was when Agent
7 Bryant contacted you and said, hey, I have this confidential
8 source; is that right?

9 A. No, sir. Over the next several months we attempted to
10 identify people that we could interview that would have knowledge
11 of any threats that were made. And so we did attempt to
12 interview former employees of the park, and that continued for a
13 while, but then the next significant thing that happened was what
14 you mentioned.

15 Q. All right. So you were provided information, I guess, about
16 this particular confidential source, right?

17 A. Yes, sir.

18 Q. And were you provided information about others involved in
19 the investigation at the time, particularly Mr. Lowe?

20 A. Yes.

21 Q. And you learned that he was the -- the new owner of the park
22 over the course of this investigation, correct?

23 A. Correct.

24 Q. And that he had made efforts to separate himself from the
25 legal issues that the park and Ms. Baskin had, correct?

Emily Eakle, RMR, CRR

- 1 A. I'm not certain about that.
- 2 Q. Well, you learned that he also was having difficulty because
3 of the legal proceedings against the park?
- 4 A. That was my understanding, yes.
- 5 Q. Right. All right. So -- and you also learned he was a
6 convicted felon; is that right?
- 7 A. Correct.
- 8 Q. And you also learned about Alan Glover, correct?
- 9 A. Eventually.
- 10 Q. And he was a buddy of Mr. Lowe's from South Carolina; is
11 that right?
- 12 A. Yes.
- 13 Q. And he was also a convicted felon?
- 14 A. Yes.
- 15 Q. Now, during the course of your investigation you became
16 aware that Garretson was familiar with both Lowe and Mr. Passage
17 over a several-year period, correct?
- 18 A. I don't recall how long he had known them, but he was
19 familiar with both of them.
- 20 Q. And Garretson had advised the agents that he was closer to
21 Lowe, correct?
- 22 A. What I recall is that he said he was friends with both of
23 them.
- 24 Q. You don't recall him advising the other agents that he was
25 closer to Lowe?

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- 1 A. I don't recall. I don't recall him ever advising me that.
- 2 Q. All right.
- 3 A. If he told somebody else that, I don't know.
- 4 Q. Okay. Now, over the course of the next few weeks,
- 5 Mr. Garretson was provided recording equipment; is that right?
- 6 A. Yes, sir.
- 7 Q. Because the plan was to have him go and try to get
- 8 recordings?
- 9 A. Yes.
- 10 Q. What was the plan as far as what type of recordings and who
- 11 he was going to record?
- 12 A. Well, we had information that he had engaged in discussions
- 13 about the potential murder for hire of Ms. Baskin with
- 14 Mr. Passage, and that Mr. Lowe was also in the know, so to speak,
- 15 of that scheme. So we asked him to record conversations with
- 16 both of them.
- 17 Q. All right. And so how was he going to be able to record
- 18 these? Was he able to do that in person?
- 19 A. Yes, and on the telephone.
- 20 Q. So he had both options, he could either meet with the person
- 21 together or he could make these phone calls and record them,
- 22 right?
- 23 A. Yes, he did both.
- 24 Q. All right. Now, the first recording in this case that
- 25 Mr. Garretson made was on September 29th; is that right?

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1 A. Yes, sir.

2 Q. And that was a recording he did when he went to the park and
3 visited with Mr. Passage, correct?

4 A. Yes, sir.

5 Q. All right. And your testimony is that on November 6th it
6 was your understanding that Garretson became aware of this plot
7 that -- to send Glover to Florida; is that correct?

8 A. Yes, sir.

9 Q. And I assume you became aware of the plot based upon
10 Garretson's call to you, or another agent?

11 A. Yes. He contacted Special Agent Bryant.

12 Q. All right. So you had no independent information that
13 suggested that Glover was involved in anything until Garretson
14 advised you of this; is that correct?

15 A. Correct. I didn't even know who Glover was up until that
16 day.

17 Q. Okay. And that was based upon, I guess, Mr. Garretson's
18 contacts with Glover on November 6th on the way back on -- from
19 the trip to Dallas, correct?

20 A. As well as a conversation he reported that he had with
21 Mr. Lowe.

22 Q. All right. Well, he had a recorded conversation with
23 Mr. Lowe the next day, didn't he?

24 A. Yes, he did.

25 Q. All right. And, in fact, that is the first recording that

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1 Garretson had with Lowe in this case, correct?

2 A. I believe that's correct.

3 Q. All right. So a good month and at least a week had passed
4 since -- well, perhaps a little longer. Maybe a month and a half
5 had passed since Mr. Garretson was provided this recording
6 information before he ever attempted to record Mr. Lowe, correct?

7 A. I don't know when the first attempt was made to record
8 Mr. Lowe. I do know that he reached out to Mr. Lowe on several
9 occasions but was unable to record a phone call.

10 Q. Well, the first call comes November 7th, correct?

11 A. The first recorded call, yes, sir.

12 Q. And have you heard that recording?

13 A. I have.

14 Q. And Lowe talks to Garretson about the trip to Dallas to get
15 the ID, correct?

16 MS. MAXFIELD-GREEN: Your Honor, objection to the
17 hearsay.

18 MR. EARLEY: Offering it for the continuance of the
19 investigation, not for the truth.

20 THE COURT: Objection will be overruled.

21 You may answer, Agent.

22 THE WITNESS: I'm sorry. Could you repeat the
23 question?

24 Q. (By Mr. Earley) Sure. Lowe talks to Garretson about this
25 trip that Glover made to Dallas for the ID, correct?

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- 1 A. Yes.
- 2 Q. And it's very clear, is it not, that Lowe knows all about
3 Glover going down there to get the ID, correct?
- 4 A. I believe so.
- 5 Q. So it's not as if Garretson had to explain to Lowe the
6 circumstances around which, you know, Glover had traveled and
7 what he was doing in Dallas. It seemed that if -- Lowe already
8 knew, correct?
- 9 A. Correct. In fact, Garretson had reported that the previous
10 day.
- 11 Q. And during that conversation, Lowe tells Garretson that
12 Mr. Passage actually had contacted him about this, correct?
- 13 A. I'm sorry. Can you repeat that?
- 14 Q. During this conversation, Lowe told Garretson that
15 Mr. Passage had contacted him about Glover?
- 16 A. I believe that's correct.
- 17 Q. And, in fact, do you recall him saying that Mr. Passage
18 asked him, and I'm referring to Lowe, "Do you think this Glover
19 is serious?" Do you recall that statement?
- 20 A. I do.
- 21 Q. All right. And do you recall that Lowe advised Garretson
22 that Glover and this crew were clown assassins?
- 23 A. I do.
- 24 Q. Do you remember that?
- 25 A. Yes, sir.

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1 Q. And during that conversation Lowe is advising Garretson that
2 Glover isn't capable of doing this, correct?

3 A. I believe he said without getting caught, or something to
4 that effect.

5 Q. All right. And then I guess Lowe mentioned some plan that
6 there was that Glover was going to leave in a day or two. Do you
7 remember that statement?

8 A. I don't, not in that particular conversation.

9 Q. Okay. Do you recall at the end of that conversation
10 Garretson said, call me later and we'll talk about that other
11 stuff?

12 A. I don't.

13 Q. Did you ever take the opportunity to ask Garretson what that
14 other stuff was that he was going to discuss with Lowe?

15 A. I don't even recall him saying that, so no.

16 Q. You listened to these tapes, though, didn't you?

17 A. I did.

18 Q. So given the information that Lowe provided, Garretson also
19 called Mr. Passage on November 7, correct?

20 A. He did.

21 Q. All right. And it was after those conversations that the
22 agents, you or Agent Bryant, wanted Garretson to go down to the
23 zoo to see what was going on with Glover, correct?

24 A. Correct.

25 Q. And he, in fact, did that the next day, correct?

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1 A. He did.

2 Q. So after November the 8th, visiting Glover at the zoo, what
3 happened next?

4 A. That was when we put that plan in place to make that arrest
5 on the morning of November 17th, because we had developed
6 specific information that that was the day on which Glover was
7 going to leave and it would be via Greyhound bus.

8 Q. And what specific information was that?

9 A. That information came from Mr. Garretson.

10 Q. Is that all he said was it's going to be November 17th, or
11 was there any additional facts provided to you?

12 A. The Greyhound bus and that it was supposed to be that
13 morning.

14 Q. So that came exclusively from Garretson?

15 A. Yes, sir. And it was corroborated, obviously, by the
16 recordings.

17 Q. So you learned that -- the day before November 17th that
18 apparently the plan was off; is that right?

19 A. That's the information we had, yes.

20 Q. And do you know what that information was based on?

21 A. It was based on Mr. Garretson's conversations and text
22 messages with other people involved.

23 Q. And who in particular, do you recall?

24 A. I believe both Mr. Glover and Mr. Passage.

25 Q. During the course of your investigation, do you recall

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- 1 seeing a text message between Garretson and Glover --
- 2 A. Yes.
- 3 Q. -- around this time?
- 4 A. I'm not sure which particular message you're referring to,
5 but there were text messages.
- 6 Q. Well, there was an exchange between Garretson and Glover on
7 November the 16th where he asked Glover, or indicated, I thought
8 you might be on a beach in Florida by now. Do you remember that?
- 9 A. Yes, sir.
- 10 Q. And was it that text message that led Mr. Garretson to
11 contact you that the plan might be off?
- 12 A. I think that was part of it.
- 13 Q. Okay.
- 14 A. That was part of the reason.
- 15 Q. And that's because Glover had texted Garretson and said,
16 well, things change, correct, something to that effect?
- 17 A. Something to that effect, yes.
- 18 Q. So based on all of that, this investigation was kind of
19 stopped at that point in time; is that correct?
- 20 A. No, I wouldn't say that.
- 21 Q. Okay.
- 22 A. The plan for the 17th and the enforcement action that was
23 planned was -- was canceled.
- 24 Q. So you canceled that based on the communications that
25 Garretson had with Glover, at least in part, correct?

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1 A. In part, yes.

2 Q. And that's where Glover is saying, hey, things changed, not
3 doing anything, or something to that effect, correct?

4 A. Correct.

5 Q. Now, was there something else that happened on November the
6 16th, 2017, that involved Jeff Lowe?

7 A. I don't recall.

8 Q. Do you recall, based on reports in this case, that that was
9 the same day that Lowe was arrested in Las Vegas, Nevada?

10 A. No, I don't recall that.

11 MR. EARLEY: May I approach, Your Honor?

12 THE COURT: You may.

13 THE WITNESS: Okay. This is a report that was prepared
14 by Special Agent Bryant. My understanding of reading the report
15 is it involves a search warrant and the issuance of some
16 citations for wildlife violations.

17 Q. (By Mr. Earley) You're one of the case agents in this case,
18 are you not?

19 A. Yes, sir.

20 Q. All right. And during the course of your investigation you
21 were aware that Jeff Lowe had been arrested for violations in
22 Nevada, correct?

23 A. Yes, sir.

24 Q. He had court appearances in Nevada, correct?

25 A. Yes, he did.

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1 Q. And this report shows that that occurred -- the arrest
2 occurred on November 16th of 2017, correct?

3 A. I'm not certain of the date of the arrest. The report
4 indicates there was a search warrant served and citations issued.
5 I don't know -- I don't have personal knowledge of when he was
6 taken into custody or anything of that nature.

7 Q. But suffice it to say on November 16th, the same day that
8 Alan Glover decides to call it quits, his buddy Jeff Lowe gets in
9 trouble in Las Vegas, correct?

10 A. I don't know on what day Alan Glover made a decision about
11 this whole plot. That's the day that we got the information from
12 James Garretson, so...

13 Q. Correct. And that's the day that Glover texted Garretson,
14 correct?

15 A. That's the day there were text messages exchanged, yes.

16 Q. So given that it didn't appear that the Glover situation was
17 going to go anywhere, your agents ramped up the idea to get your
18 own person in, correct?

19 A. Well, actually, that idea, we had been pursuing that since
20 September. There was discussions in the initial conversation
21 between Mr. Garretson and Mr. Passage on September 29th regarding
22 Mr. Garretson's friend.

23 Q. But the efforts to try to arrange a meeting with Mr. Passage
24 increased at that point in time?

25 A. No. I would just say we continued on the same course.

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1 Q. Now, the meeting to arrange for the undercover agent to meet
2 with Mr. Passage, that initially occurred December 5th, that's
3 when it was discussed; is that right?

4 A. The actual date and time for that meeting, yes, sir.

5 Q. All right. And so that occurred on December the 8th, the
6 actual meeting, correct?

7 A. Yes, sir.

8 Q. That was all recorded?

9 A. Correct.

10 Q. All right. Now, during that December 8th meeting with the
11 undercover agent there were plans made on how to proceed next,
12 correct?

13 A. Yes.

14 Q. In fact, the undercover agent advised that Mr. Passage
15 needed to do several things before he actually went anywhere. Do
16 you remember that?

17 A. He suggested, yes, sir.

18 Q. Okay. He suggested that -- that Mr. Passage obtain a
19 firearm for him, correct?

20 A. Correct.

21 Q. He suggested that Mr. Passage go and get what was referred
22 to as a burner phone, correct?

23 A. Actually, two.

24 Q. Or two burner phones, correct?

25 A. Yes, sir.

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1 Q. And, of course, as Ms. Green's pointed out, there was a
2 discussion about money, but no money changed hands that day,
3 correct?

4 A. That's correct.

5 Q. And as the meeting on December the 8th ended, there was an
6 anticipation that there would be other meetings or get-togethers
7 to take care of the fine details, correct?

8 A. I think there was -- it was agreed that money would change
9 hands at a later date.

10 Q. And -- well, didn't Garretson try to arrange another meeting
11 with this Mark guy over the next several weeks?

12 A. Yes.

13 Q. And his efforts failed, correct?

14 A. There was no meeting that occurred.

15 Q. Mr. Passage never agreed to meet with the guy again,
16 correct?

17 A. Well, they engaged in ongoing discussions about meeting --
18 setting up a meeting between Mr. Passage and Mark all the way
19 through March the 28th.

20 Q. Correct. Do you remember how many times they discussed
21 trying to arrange a meeting between Mark and Mr. Passage over
22 those several-month period?

23 A. Multiple occasions. I know of at least three.

24 Q. Okay. And nothing ever came of it, did it?

25 A. There was -- there was never an actual meeting, no, sir.

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1 Q. Now, based on your recollection of the recordings that were
2 done by Mr. Garretson over the course of this period of time, it
3 appears that the next time that Garretson is able to record
4 anything with Lowe is January the 21st, 2018. Does that sound
5 right?

6 A. I don't recall the date.

7 Q. Would you like to look at the list of recordings?

8 A. Sure.

9 MR. EARLEY: May I approach?

10 THE COURT: Yes.

11 THE WITNESS: Yes, this list indicates that the next
12 recorded conversation with Mr. Lowe was on January 21st.

13 Q. (By Mr. Earley) So basically a good two-and-a-half months
14 had elapsed between the first recording of Lowe by Garretson and
15 the next recording of Lowe by Garretson?

16 A. Yes, approximately.

17 Q. So there were either a lot of failed attempts or no attempts
18 to get any recordings of Lowe by Garretson during that period of
19 time?

20 A. Yes, there were no recordings during that period of time.

21 Q. And do you remember the content of that January 21st, 2018,
22 recording?

23 A. I do not.

24 Q. If I advised you that it was primarily Mr. Lowe and
25 Mr. Garretson discussing how to --

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1 MS. MAXFIELD-GREEN: Your Honor, object to the hearsay
2 of this, and I'm unclear how it relates to the line of
3 questioning.

4 MR. EARLEY: Furtherance of the investigation, not
5 offering it for the truth, Your Honor.

6 THE COURT: Objection will be overruled.

7 Q. (By Mr. Earley) The content of that conversation was
8 essentially Mr. Lowe's desire or plans to sell the park out from
9 under Mr. Maldonado-Passage. Do you remember that?

10 A. I do not. Frankly, if it wasn't pertinent to the
11 murder-for-hire scheme, then I didn't review it.

12 Q. And maybe that's why you don't remember it, correct?

13 A. Could be.

14 Q. Because there was no discussion about murder for hire on
15 that tape?

16 A. Not to my knowledge, no.

17 Q. Well, was Mr. Garretson still supposed to be trying to
18 accumulate evidence for the government about this murder-for-hire
19 scheme during this period of time?

20 A. Yes, sir.

21 Q. But apparently no effort was made to engage Mr. Lowe in any
22 of those conversations, correct?

23 A. In any of which conversations?

24 Q. Well, the two or the -- the single one that he had in
25 January.

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1 A. I don't even recall that conversation.

2 Q. All right. Now, you testified that on April 18th or
3 there -- in April of 2018, Mr. Passage just pretty much quit
4 talking to Mr. Garretson; is that correct?

5 A. Yes, around that time frame.

6 Q. All right. So from December the 8th, 2017, up until
7 April 2018, there were no contacts between the undercover guy
8 that you were trying to run in and Mr. Passage, correct?

9 A. That's correct.

10 Q. No money was collected to give to the undercover agent and
11 provided to Garretson or anyone else, correct?

12 A. Correct.

13 Q. Based on your investigation, was there any evidence to
14 reflect that Mr. Passage had obtained a firearm for the
15 undercover officer?

16 A. Not to my knowledge.

17 Q. Based on your investigation, was there any information
18 gathered that would suggest that Mr. Passage obtained two burner
19 phones for the undercover officer?

20 A. No, not that I'm aware of.

21 Q. Now, in May of 2018 you stated that there was contact with
22 Lowe through Garretson; is that correct?

23 A. Yes.

24 Q. And what was the purpose? Was Garretson asked to see if
25 Lowe would cooperate?

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1 A. Eventually, yes.

2 Q. All right. And you mentioned that he did agree to cooperate
3 but there was no immunity. What -- what do you mean by that?

4 A. I mean that there was no agreement that he would not be
5 prosecuted for any offense for which he was responsible.

6 Q. So -- so he's told, hey, you're not getting a pass on
7 anything if you have done something wrong, but go ahead and talk
8 to us anyway; is that right?

9 A. Well, he was initially interviewed by Special Agent Bryant
10 on June the 5th, and then a followup interview was conducted at
11 the U.S. attorney's office on July 10th.

12 Q. Is there a name for that meeting that was held at the U.S.
13 attorney's office on July 10, a label?

14 A. Yes.

15 Q. What is it?

16 A. A Rule 11 interview.

17 Q. And you have participated in a number of those interviews,
18 have you not?

19 A. Yes, sir.

20 Q. And what is a Rule 11 interview?

21 A. The crux of the understanding is that information provided
22 during the interview will not be used against the person who's
23 providing the interview except under limited circumstances.

24 Q. And when did your interview of Glover take place?

25 A. Three days later, on July 13th.

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- 1 Q. Now, what was your understanding of when Glover came back to
2 Oklahoma?
- 3 A. Shortly before that.
- 4 Q. And do you know where he went?
- 5 A. He was in South Carolina.
- 6 Q. But, I mean, when he came back to Oklahoma where did he go?
- 7 A. He ended up back at the park.
- 8 Q. All right. With Jeff Lowe?
- 9 A. Yes.
- 10 Q. All right. Because Lowe was at the park at that time,
11 correct?
- 12 A. Correct.
- 13 Q. Mr. Passage was already long gone, correct?
- 14 A. Yes.
- 15 Q. So Glover gets back, he goes down to the park where Mr. Lowe
16 is located, correct?
- 17 A. Correct.
- 18 Q. All right. And when did you get this phone from Lowe, do
19 you recall?
- 20 A. Special Agent Bryant received that from Mr. Lowe, I believe
21 in June -- actually, I'm sorry, first week of July, I believe it
22 was.
- 23 Q. Okay. And then you said that Glover provided you two
24 additional phones; is that correct?
- 25 A. Yes, sir.

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- 1 Q. And when was that?
- 2 A. On the date of his interview, July 13th.
- 3 Q. So before he handed those phones over to you, he had already
4 been in Oklahoma for several days?
- 5 A. I believe so. I'm not certain when he arrived back here.
- 6 Q. All right. But did he come up from Wynnewood for his
7 meeting with you?
- 8 A. No, sir. We went down there.
- 9 Q. Okay. So he was already there when you were there, when you
10 met with him?
- 11 A. Yes.
- 12 Q. Whether it be a day or a week or two, you can't recall?
- 13 A. Yeah. I don't remember when he actually arrived here.
- 14 Q. Now, you have identified your extraction reports; is that
15 correct?
- 16 A. Yes, sir.
- 17 Q. Okay. If you would look in defendant's exhibit book. Turn
18 to Defendant's Exhibit 19.
- 19 A. Okay.
- 20 Q. Can you identify that?
- 21 A. Yes, sir. This is the extraction report for the HTC phone.
- 22 Q. All right. And that would be the same report that you
23 identified, I guess, as Government's Exhibit 25?
- 24 A. I believe that's correct.
- 25 Q. All right. This is for, I believe you said, the HTC phone;

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1 is that correct?

2 A. Yes, sir.

3 Q. All right.

4 MR. EARLEY: Move for admission of Defendant's Exhibit
5 19.

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

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

8 Q. (By Mr. Earley) If you would go to Defendant's Exhibit 20.

9 A. Okay.

10 Q. And what is that?

11 A. That is the extraction report for the ZTE phone.

12 MR. EARLEY: Move for admission of Defendant's Exhibit
13 20.

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

15 THE COURT: Be admitted.

16 Q. (By Mr. Earley) And I believe that corresponds with
17 Government's Exhibit 26, correct?

18 A. I believe so.

19 Q. And then if you would look at Defendant's Exhibit 21.

20 A. Yes, sir. This is the extraction report for the Samsung
21 phone.

22 MR. EARLEY: Move to admit Defendant's Exhibit 21.

23 MS. MAXFIELD-GREEN: Your Honor, on second thought,
24 with these exhibits, the Government is concerned that they are
25 unredacted versions of the phone extraction reports and they are

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1 full of text messages of -- lots and lots of text messages that
2 are, number one, hearsay, and I don't know that we can admit the
3 entire report without establishing the relevance of any -- the
4 relevance and the hearsay exception for any particular thing
5 they're trying to use, so --

6 THE COURT: Parties approach, please.

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

9 THE COURT: Mr. Earley, the two exhibits that you just
10 admitted --

11 MR. EARLEY: Yes.

12 THE COURT: -- correspond to Government's 25, the HTC
13 phone; and 26, the ZTE phone?

14 MR. EARLEY: Yes.

15 THE COURT: Are those unredacted versions?

16 MS. MAXFIELD-GREEN: No, Your Honor. The government --

17 THE COURT: So those are identical?

18 MS. MAXFIELD-GREEN: No. Government's 25, 26 and 27
19 are only -- essentially only the portions we showed. The only
20 statements via text message and that kind of thing that are
21 contained in Government's 25, 26 and 27 were the ones that we
22 showed that were Mr. Passage's statements.

23 These unredacted reports have text messages between multiple
24 parties in them and they're totally unredacted. So they -- their
25 defense exhibit is not identical to ours. We only picked a few

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1 things out of each extraction report to provide.

2 THE COURT: But 19 and 20 have been admitted, correct?

3 MS. MAXFIELD-GREEN: And, Your Honor, I would rescind
4 my agreement to that because as I was looking through them I did
5 not realize that they were also full of hearsay and --

6 THE COURT: Mr. Earley, what's your -- I'm sorry. I
7 didn't mean to cut you off.

8 MS. MAXFIELD-GREEN: That's okay.

9 MR. EARLEY: Well, Your Honor, with respect to the
10 report, it is the complete extraction report that was done, I'm
11 assuming, that was done on these three telephones. The
12 government has selected very narrow portions of these text
13 exchanges to admit. It's our contention that the complete
14 document is necessary. It shows the context of the conversations
15 between Mr. Passage or Mr. Lowe and Mr. Glover. It shows the
16 number of contacts between those parties and -- over the course
17 of this investigation. And it's necessary, I think, for the jury
18 to see the entire picture of the contacts between not only
19 Mr. Passage but also Mr. Lowe when Glover is conversing about the
20 facts that are before the jury on these crimes.

21 These aren't necessarily offered for the truth of the
22 individual texts. They're offered to show the context which
23 these communications were had.

24 THE COURT: So if -- if you're laying context and
25 you're talking about portions of a text exchange between two

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1 people that the witness testified about that the government
2 showed portions of, I understand you're moving to admit the
3 remainder of that text conversation, the text exchange. Are
4 there text exchanges in there with different people that
5 aren't --

6 MS. MAXFIELD-GREEN: Yes, Your Honor. There are text
7 exchanges, I mean, with Mr. Glover's apparent girlfriend. There
8 are text exchanges -- and they're text exchanges that I just
9 don't think we can wholesale admit an entire phone's worth of
10 text messages without them establishing the hearsay exception and
11 the relevance of each one of those.

12 MR. EARLEY: If I recall, there may be one or two
13 communications between Glover and someone else not related to
14 this investigation. And one of those exchanges to a woman by the
15 name of Cheryl actually is relevant as to Mr. Glover's receipt of
16 the telephone from -- and I believe it would be the second
17 telephone.

18 So I don't believe that -- you know, in whole there's hardly
19 anything in here that's not between Glover and Mr. Passage and
20 Mr. Lowe. And Mr. Glover is going to be a witness in this case,
21 unless the government 's changed their mind. So his exchange and
22 his communication with those individuals would be highly
23 relevant.

24 MS. MAXFIELD-GREEN: And, Your Honor, I just -- these
25 text messages are out-of-court statements, you know, by a

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1 declarant and I just don't see how they're anything but hearsay.
2 And unless they can tie them -- I know we have -- a lot of
3 hearsay has come in so far with the justification that it was
4 part of the investigation, but they're clearly trying to offer
5 them for the truth of the matter asserted and not just for the
6 effect on the investigation.

7 THE COURT: Well, I am inclined -- I don't think we can
8 piecemeal out the text exchanges. To the extent that you want
9 to, Mr. Earley, you want to admit the other portions of the
10 conversation that the witness has already testified to, that will
11 be permitted. You will not be permitted to introduce the
12 unredacted version in total.

13 I understand that Mr. Glover may testify. And if you want
14 to ask Mr. Glover about those conversations, it may become
15 admissible at this time, but I don't think it's admissible to
16 introduce every text exchange that was captured from that phone
17 that's outside of the text exchange the witness has already
18 described.

19 I do believe that, as you summed it up -- actually, I think
20 nonhearsay because it, in fact, did characterize what caused the
21 agent to take the next steps. And I have given quite a bit of
22 leeway about that, but I don't think that I'm going to permit
23 introduction of the entire exhibit containing the unredacted
24 conversations outside of what the witness has testified to.
25 That's subject to if there's some future testimony that comes up

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1 that might lay a foundation or relevance or -- we'll deal with
2 that at that time.

3 So the objection will be sustained in terms of introducing
4 those exhibits as a whole. Clear about that?

5 MS. MAXFIELD-GREEN: Yes, Your Honor. I would just
6 point out that many of the text message exchanges, all the ones
7 that were offered on direct were statements by Mr. Passage, and
8 those statements by Mr. Passage were statements to Mr. Glover.
9 Now, these -- a couple of these reports are -- two of them, at
10 least, have extensive text message conversations between
11 Mr. Glover and Mr. Lowe, and I can't think of a hearsay exception
12 that lets that come in. It is not a conversation with the
13 defendant, there's no context to be provided from those, and --

14 THE COURT: Right, and I don't think we're there yet,
15 in terms of whether Mr. Glover ultimately testifies or not and --
16 then that may be something we take up at that time. But as far
17 as Agent Farabow is concerned, I think the fact -- I think
18 that's -- I think that the objection will be sustained in that
19 regard, which is why I'm not inclined to admit the defendant's
20 exhibit in total at this time.

21 MR. EARLEY: All right.

22 MS. MAXFIELD-GREEN: So, Your Honor, we'll just, for
23 the record, formally withdraw -- we will formally object to
24 Defendant's 19, 20 and 21, despite the fact that we had earlier
25 stated no objection. We would withdraw that and now object.

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1 MR. WACKENHEIM: But, in the future, if we are able to
2 use some of that information, do I understand that we don't
3 object that that is an authentic document so --

4 MS. MAXFIELD-GREEN: I don't object to the
5 authenticity, no.

6 MR. WACKENHEIM: So we don't have to go through that --

7 MS. MAXFIELD-GREEN: Just the content, yes.

8 THE COURT: That's what I understand.

9 Is that clear?

10 MR. EARLEY: Yes.

11 THE COURT: Thank you.

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

15 THE COURT: Is that not the worst noise in the world?
16 You know, one of these days maybe I'll invent some soft white
17 noise that -- and then we'll all retire.

18 But anyway, ladies and gentlemen, let's take our morning
19 break, take a 15-minute break.

20 If everyone would remain seated as the jury leaves the
21 courtroom.

22 Please remember your admonition.

23 (Jury exited.)

24 (The following record was made in open court, in the
25 presence of all parties, counsel, and out of the presence and

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1 hearing of the jury.)

2 THE COURT: The record can reflect the jury has left
3 the courtroom.

4 Counsel, just to make the record clear, my understanding --
5 so Defendant's 19 and 20, which were previously offered and
6 admitted without objection from the Government, are unredacted
7 versions corresponding to the other couple of the government
8 exhibits. And the -- the government has now raised an objection
9 to those in conjunction with the objection to Defendant's 21, to
10 the extent that they contain complete unredacted versions and now
11 object.

12 Having considered the argument at the bench, the Court is
13 going to sustain the objection as to Defendant's 19 and 20 at
14 this time subject to being re-raised at some future time with
15 another witness. And the objection will, likewise, be sustained
16 as to Defendant's 21 as it being a complete unredacted version.

17 Counsel, you will be permitted to admit as part of those
18 exhibits any component of the text exchange that the witness
19 testified about that wasn't contained in the government's
20 exhibit, but you won't be permitted to go into conversations or
21 text exchanges that were outside of what the witness testified to
22 without laying the proper foundation or what we discussed at the
23 bench.

24 Anything further from either party?

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

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1 MR. EARLEY: No, Your Honor.

2 THE COURT: Court will be in recess.

3 (Break taken.)

4 (The following record was made in open court, in the
5 presence of all parties, counsel, and in the presence and hearing
6 of the jury.)

7 THE COURT: Mr. Earley, you may proceed.

8 MR. EARLEY: Thank you.

9 Q. (By Mr. Earley) Agent Farabow, if you would turn to the
10 government's exhibits, please.

11 A. Yes, sir.

12 Q. And the first extraction report, Government's Exhibit 25.

13 A. Okay.

14 Q. I'm sorry. Go to 26. Apologize for that.

15 A. Okay.

16 Q. And the second page of that report.

17 A. Yes, sir.

18 Q. Now, there's some data on that report, and I would refer you
19 to the contents. Do you see that?

20 A. I do.

21 Q. And it reflects various portions, I guess, of the content of
22 the phone; is that correct?

23 A. Yes, sir.

24 Q. And there's call log, contacts, MMS messages, SMS messages,
25 timelines, data file; is that correct?

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1 A. Yes, sir.

2 Q. Now, over in the next columns associated with that there are
3 numbers. Could you explain what those are?

4 A. Yes. It just lists the numbers of each of those categories
5 that you mentioned, how many of each are included in the report.

6 Q. All right. So when this phone was put into process for
7 collecting the data that's in this report, it was generated in
8 the form of data in some sort of software; is that correct?

9 A. Yes.

10 Q. All right. And so -- so, if you would, just for example,
11 the call log, that line says 25 included in report, total 560,
12 and then deleted. Can you tell us what that means?

13 A. Yes. That out of the 560 calls in the call log, 25 are
14 included in the report.

15 Q. What does "60 deleted" mean?

16 A. I believe that that means that 60 of the 560 had been
17 deleted and were recovered during the extraction process.

18 Q. So Government's Exhibit 26 is a report that you provided,
19 correct?

20 A. Yes.

21 Q. And it was your decision to include, for example, in the
22 call log, 25 of the total of 560 calls in your report, correct?

23 A. Yes.

24 Q. So even though this phone had a lot more data on it, you cut
25 it down to what you thought was relevant; is that correct?

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- 1 A. Correct.
- 2 Q. And you did the same thing with the contacts; is that
3 correct?
- 4 A. Yes.
- 5 Q. So out of a total of 131 contacts, you decided that for your
6 report only nine of those were relevant?
- 7 A. Correct.
- 8 Q. Now, SMS messages, are those the text messages?
- 9 A. Those are text messages, yes, sir.
- 10 Q. And so there were apparently 531 of those on this phone?
- 11 A. Correct.
- 12 Q. And you cut it down to what you thought was -- 117 that were
13 relevant?
- 14 A. Yes.
- 15 Q. I assume -- and let me just ask you to look at Government's
16 Exhibit 25. Is that same information included in the
17 Government's Exhibit marked 25?
- 18 A. No, sir.
- 19 Q. And is that same information included in the exhibit marked
20 Government's Exhibit 27?
- 21 A. No, it's not.
- 22 Q. But did you do this same thing with those two phones?
- 23 A. I did.
- 24 Q. You went through and decided what you thought was relevant
25 to your investigation and the rest were left out of this report;

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1 is that right?

2 A. Correct.

3 Q. Do you know the phone numbers associated with each one of
4 these phones?

5 A. Not off the top of my head, I do not.

6 Q. All right. Now, looking at Government's Exhibit 26, the --
7 looks like Page 20 of the report. It's the one with the images.
8 Do you see that?

9 A. Yes, sir.

10 Q. And so these are -- these top two images that you testified
11 about, there's no date or time on those, correct?

12 A. Correct.

13 Q. And can you explain why that is?

14 A. I cannot.

15 Q. And with respect to the time that you have identified that
16 these other images were supposedly placed on this phone, I
17 believe you were referring to this capture time; is that right?

18 A. Yes, and also the created, modified and access time that's
19 listed above.

20 Q. All right. Those particular images, do you know where they
21 came from?

22 A. Based on this report?

23 Q. Originally. Like the images themselves, do you know where
24 they were obtained?

25 A. They're photos that were taken using the camera on the

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1 phone.

2 Q. Okay. Photos of information that's on a website, is that
3 your understanding?

4 A. Photos, appears to be, of a computer screen.

5 Q. So do you know if those were obtained from a Facebook page
6 or did you ever inquire where those photos --

7 A. I don't know where they were obtained from.

8 Q. You didn't ask anyone? You didn't ask any witness that you
9 interviewed if they had knowledge of where these particular
10 photos came from?

11 A. Yes, I did.

12 Q. And what were you told?

13 A. But I didn't receive that information, so...

14 Q. Okay. The image -- would you go to Government's
15 Exhibit 145?

16 A. Okay.

17 Q. And that is a blowup of one of the images that was on the
18 phone; is that correct?

19 A. Yes, sir.

20 Q. All right. And as far as this particular image is
21 concerned, I know it's fuzzy and there's a blowup of it in
22 another exhibit, but have you figured out where this particular
23 image came from?

24 A. I believe it's from the Big Cat Rescue website.

25 Q. All right. So something taken off the Internet that's

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1 generally available to anybody, correct?

2 A. Correct.

3 Q. Now, you looked at a report where all of the information was
4 drawn from each of these three phones, correct?

5 A. Wasn't actually a report, it was the full extraction from
6 each of the three phones and it took several days to review all
7 of the material.

8 Q. And I noticed that on Government's Exhibit 25 there is this
9 location -- or device location report; is that correct?

10 A. Correct.

11 Q. On the second page?

12 A. Yes.

13 Q. Was there a device location report for each of the other two
14 phones?

15 A. Yes.

16 Q. All right. But that's not included in these exhibits,
17 correct?

18 A. It's not.

19 Q. All right. With respect to the device location reports for
20 all three of these phones, was there any data that suggested that
21 any of these phones had been traced to an area in Florida?

22 A. No, sir.

23 Q. Now, you testified with respect to the American Airline
24 records that Anne Patrick's name was associated with that; is
25 that correct?

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- 1 A. Email address.
- 2 Q. Okay.
- 3 A. Yes, sir.
- 4 Q. And do you know who Anne Patrick is?
- 5 A. I know that she's a friend of Mr. Passage.
- 6 Q. Were you aware that she spent a significant period of time
7 at the park during this time frame?
- 8 A. Yes.
- 9 Q. So the fact that her name is associated with that ticket
10 could just be because she was in the office helping that day?
- 11 A. Could be.
- 12 Q. And, in fact, isn't that what Glover stated?
- 13 A. He didn't identify her by name.
- 14 Q. But somebody helped him get his ticket, correct?
- 15 A. Correct.
- 16 Q. And then you referenced the telephone call between
17 Mr. Passage where he mentions an individual by the name of Tim.
18 Do you remember that phone call?
- 19 A. Yes, sir.
- 20 Q. That was on March 16th, 2019?
- 21 A. Correct.
- 22 Q. And do you know who he was referring to?
- 23 A. I believe he was referring to Tim Stark.
- 24 Q. And during the course of that call he stated that all of
25 this money went to Lowe, correct?

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1 A. I don't recall if he stated all of the money went to Lowe.
2 I remember he said -- indicated that money went to Lowe.

3 Q. Now, there was another name that came up during your
4 investigation. Robert Engesser, do you remember that name?

5 A. Yes, sir.

6 Q. And how did that name come up?

7 A. He was mentioned as someone that would possibly purchase
8 animals from Mr. Passage.

9 Q. Okay. And why was he relevant to your investigation of this
10 murder-for-hire allegation?

11 A. There was some indication that he had purchased animals from
12 Mr. Passage immediately prior to Mr. Glover's departure, and that
13 that money may have funded the murder-for-hire plan.

14 Q. In fact, your -- your investigation, and based on your
15 interview of individuals, including Mr. Glover, suggested that
16 this sale that funded Glover's money to go to South Carolina or
17 Florida or wherever he was going, that sale of a cub occurred on
18 November 22nd, correct?

19 A. I'm sorry. Can you repeat that?

20 Q. The sale of the cub that supposedly funded this trip for
21 Mr. Glover, as alleged in the indictment, was supposedly a sale
22 that was on November 22nd, correct?

23 A. I don't recall.

24 Q. Do you recall witnesses advising you that it was the day
25 before Thanksgiving?

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- 1 A. I'm sorry. Which witness are you referring to?
- 2 Q. Ms. Verga, Brenda. Do you remember her?
- 3 A. I do not.
- 4 Q. Do you remember Alan Glover telling you the same thing?
- 5 A. Telling me what, exactly?
- 6 Q. That this Mr. Engesser met with Mr. Maldonado-Passage on
7 November 22nd and handed the money to him for the -- in exchange
8 for a cub?
- 9 A. Yes. I don't recall the exact date, but that's what he
10 said, that it was Mr. Engesser.
- 11 Q. In fact, when Jeff Lowe decided to start cooperating with
12 the Government, he actually showed Mr. Glover a picture of
13 Engesser, correct?
- 14 A. I don't know.
- 15 Q. You don't know that?
- 16 A. I do not know that.
- 17 Q. You have read no reports that suggest that Mr. Lowe provided
18 Glover a picture of Engesser and he identified him as the person
19 who purchased the cub?
- 20 A. I was told that Mr. Glover had identified Mr. Engesser as
21 the person that purchased the cub. I am unaware of Mr. Lowe's
22 involvement in that.
- 23 Q. But regardless, Mr. Engesser was supposedly the source of
24 this money, correct?
- 25 A. That was the information, yes.

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- 1 Q. And did you investigate that further?
- 2 A. Yes.
- 3 Q. So how did you investigate it?
- 4 A. We interviewed Mr. Engesser.
- 5 Q. And based upon his conversation with you, he provided you a
6 timeline of his whereabouts, correct?
- 7 A. I believe he did.
- 8 Q. All right. And one of the locations that he said he was at
9 was in Indiana the day before November 21st. Do you recall that?
- 10 A. Yes, sir.
- 11 Q. Did you do something to try to verify his statement?
- 12 A. I don't recall. Agent Bryant actually handled that aspect
13 of the case.
- 14 Q. So you haven't reviewed any of the reports that Agent Bryant
15 has generated in this case?
- 16 A. I have reviewed many of them.
- 17 Q. Well, do you recall a report where Agent Bryant asked the
18 police in Kokomo, Indiana, to verify Mr. Engesser's story?
- 19 A. I don't. I had no reason to question Mr. Engesser's story
20 at that time.
- 21 Q. All right. Well, based upon that subsequent investigation
22 and your knowledge of this case, do you have any reason to
23 question Mr. Engesser's story now?
- 24 A. I do not.
- 25 Q. So I take it, based on your testimony there, that you didn't

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1 involve yourself in the -- what I'll just generically say the
2 wildlife aspect of this case; is that correct?

3 A. My involvement in that aspect of the case was minimal.
4 Sometimes I would accompany Agent Bryant on interviews related to
5 the -- that aspect of the case.

6 Q. And is that because that's just not part of what you
7 generally investigate as an FBI agent?

8 A. That's correct.

9 MR. EARLEY: May I have a moment?

10 THE COURT: You may.

11 MR. EARLEY: No further questions.

12 THE COURT: Redirect?

13 **REDIRECT EXAMINATION**

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

15 Q. Special Agent Farabow, Mr. Earley asked you about a phone
16 call that took place between James Garretson and Jeff Lowe on
17 November 7th of 2017. Do you recall that?

18 A. Yes.

19 Q. And you discussed with Mr. Earley the -- what you recall to
20 be the contents of that call. Was there a recording of that
21 call?

22 A. Yes, ma'am.

23 MS. MAXFIELD-GREEN: The Government moves to admit
24 Exhibit 106, which is a recording of that call. And that is not
25 on our list, Your Honor. That is something we have added.

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1 THE COURT: 106? Counsel, Mr. Earley, do you have any
2 objection?

3 MR. EARLEY: No objection.

4 THE COURT: 106 will be admitted.

5 (Audio played in open court.)

6 MS. MAXFIELD-GREEN: And, Your Honor, I did just want
7 to clarify for the Court, that buzzing was on the original
8 recording.

9 THE COURT: Thank you. I wanted to make sure that was
10 as the recording was made, it was not due to playback in the
11 courtroom.

12 MS. MAXFIELD-GREEN: That's correct, yes.

13 Q. (By Ms. Maxfield-Green) So was that the phone call -- was
14 that a phone call that Mr. Garretson recorded in the course of
15 his cooperation with the Government?

16 A. Yes, ma'am.

17 Q. And that was part of the information that you had as you
18 were investigating about the development of the plot and the --
19 the state of the plot on November 7th, correct?

20 A. Yes, ma'am.

21 Q. Okay. Mr. Earley asked you about the fact that there
22 weren't really -- there weren't any recordings between
23 Mr. Garretson and Mr. Lowe, I believe between that recording and
24 in mid January of 2018, correct?

25 A. Yes, ma'am.

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1 Q. And Mr. Earley also established with you that Mr. Lowe was
2 -- apparently encountered some form of legal trouble in Nevada on
3 November 16, correct?

4 A. Yes.

5 Q. So that would have been, oh, a week or so after that phone
6 call?

7 A. Correct.

8 Q. Okay. So does it appear that from mid November forward,
9 Mr. Lowe was dealing with his own legal troubles in Nevada?

10 A. Yes.

11 Q. Now, during the spring of 2018, Mr. Garretson was still
12 recording phone calls with Mr. Passage, correct?

13 A. Yes, he was.

14 Q. And do those phone calls contain Mr. Passage's references
15 to -- or questions about using the undercover -- or Mark, the
16 undercover agent?

17 A. Yes. He would be referred to as Mark or Garretson would
18 refer to him as "my guy."

19 Q. And during the spring of 2018, no money -- Mr. Earley
20 established with you that no money was ever given to the
21 undercover agent, correct?

22 A. Yes, ma'am.

23 Q. Do the calls throughout the spring of 2018 indicate that
24 Mr. Passage was having financial problems?

25 A. Yes.

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1 Q. What did you understand from those calls?

2 A. He was trying to come up with the money.

3 Q. Okay. Was there -- was spring break mentioned as a kind of
4 a financial event for Mr. Passage?

5 A. Yes. He indicated that he expected to receive money at the
6 park over spring break.

7 Q. Did he refer to the birth of animals in connection with
8 money?

9 A. He did.

10 Q. Also through the spring of 2018, was Mr. Passage preoccupied
11 with a different aspect of his -- his professional life?

12 A. Yes.

13 Q. What was he preoccupied with in the spring of 2018?

14 A. Political matters.

15 Q. What was he doing?

16 A. Running for office.

17 Q. Which office?

18 A. I believe it was governor at that time.

19 Q. And, to your recollection, was the gubernatorial primary for
20 Oklahoma in June of 2018?

21 A. It was.

22 Q. Okay. And Mr. Earley asked you about the phone call that we
23 had on -- that we played on -- during your direct examination,
24 and that's -- let's just play -- and you were having trouble
25 remembering what exactly was said about money going into a bank

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1 account. So if we can just hear 36.

2 (Audio played in open court.)

3 Q. (By Ms. Maxfield-Green) Now, Mr. Passage says, we put
4 the -- "I put the money in Jeff's bank," correct?

5 A. Yes.

6 Q. During your investigation did you ever find any bank account
7 with Mr. Passage's name on it?

8 A. No.

9 Q. Did you find evidence throughout your investigation that
10 when Mr. Passage needed to use a bank account that he used the
11 zoo's bank accounts?

12 A. Yes.

13 Q. And who was the signatory on the zoo's bank accounts?

14 A. Jeff Lowe.

15 Q. So if Mr. Passage was putting money into -- I think I'll
16 just leave it there, Your Honor.

17 THE COURT: Anything additional, Mr. Earley?

18 MR. EARLEY: Can I have just a moment?

19 THE COURT: You may.

20 MR. EARLEY: No further questions.

21 THE COURT: Thank you, Special Agent Farabow. You may
22 step down.

23 Government's next witness.

24 MS. MAXFIELD-GREEN: Government calls James Garretson.

25 (WITNESS SWORN.)

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1 THE COURT: Mr. Garretson, if you would, please, you
2 can move that chair, situate yourself, adjust the microphone so
3 that you speak into that and we pick up what you're saying.

4 JAMES GARRETSON,

5 DIRECT EXAMINATION

6 BY MS. MAXFIELD-GREEN:

7 Q. Good morning, Mr. Garretson.

8 A. Good morning.

9 Q. Would you please state your name for the record?

10 A. James Brandon Garretson.

11 Q. Mr. Garretson, where do you currently live?

12 A. At Ardmore, Oklahoma.

13 Q. Did you grow up in Oklahoma?

14 A. No, I didn't.

15 Q. Where did you grow up?

16 A. In Dallas.

17 Q. What do you currently do for a living?

18 A. I have a store in Ardmore and I have a water sports business
19 in south Florida.

20 Q. Are you familiar with a person named Joseph Schreibvogel or
21 Joseph Maldonado-Passage or Joseph Passage?

22 A. Yes, I am.

23 Q. Do you see him here in the courtroom today?

24 A. Yes. He's over there. (Indicating.)

25 MS. MAXFIELD-GREEN: Let the record reflect that

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1 Mr. Garretson has indicated the defendant's presence.

2 THE COURT: Record will so reflect.

3 Q. (By Ms. Maxfield-Green) How long have you known
4 Mr. Passage?

5 A. Probably over a period of 20 years.

6 Q. Over about that same period, have you off and on owned
7 tigers and other exotic animals yourself?

8 A. Yes, over a period of about 25 years.

9 Q. What was your first contact with Mr. Passage?

10 A. We had a place in, I think in Texas. And the laws changed
11 and -- I think I met him before that. I don't recall the exact
12 time I met him, but we had a place and he boarded some animals
13 for us, you know.

14 Q. Let me break that down a little bit. So you had a place in
15 Texas. Did you have tigers at that place?

16 A. Yes.

17 Q. Okay.

18 A. Well, I think it was lions at the time, actually.

19 Q. Lions?

20 A. Yes.

21 Q. Okay. And in connection with having a place in Texas, I
22 know you mentioned the laws changed in Texas. What happened with
23 that?

24 A. I guess we needed a place to put the animals and my ex at
25 the time reached out to Schreiber to temporary board the

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1 animals.

2 Q. Okay. And is that one of the first times you had any
3 contact with Mr. Passage?

4 A. I think I met him before that, but I'm not sure.

5 Q. Okay. So you're -- you or your girlfriend at the time
6 boarded some animals with Mr. Passage?

7 A. Correct.

8 Q. Okay. Now, from about 1999 to 2007, did you own and operate
9 a traveling show of some kind?

10 A. Yes, I did.

11 Q. What kind of traveling show was that?

12 A. Traveled around with tigers and tiger cubs.

13 Q. Okay. Did that show involve cub petting?

14 A. For a while it did, yes.

15 Q. Okay. And when you were doing that traveling show, did you
16 spend part of the year in Florida?

17 A. Yes, I did.

18 Q. During that period of time, approximately 1999 to 2007, were
19 you in contact with Mr. Passage?

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

21 Q. Did you ever buy any tigers from him during that period of
22 time?

23 A. No, I did not.

24 Q. When you were living in Florida, did you become familiar
25 with a person named Carole Baskin?

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- 1 A. Yes.
- 2 Q. And how did you become familiar with her?
- 3 A. She's known in the industry as an animal rights activist.
- 4 Q. Okay. Did she ever make any complaints about your show or
5 about your facility in Florida?
- 6 A. I mean, I'm not really sure. You know, when you're in that
7 industry, a lot of people make complaints, so I'm not real sure.
- 8 Q. Did you ever meet Ms. Baskin in person?
- 9 A. No.
- 10 Q. Have you ever met Ms. Baskin in person?
- 11 A. No.
- 12 Q. Okay. In 2009 did you move to Oklahoma?
- 13 A. Yes, I did.
- 14 Q. And where in Oklahoma did you settle?
- 15 A. Outside of Ardmore.
- 16 Q. Did you own tigers at that time?
- 17 A. Yes, I did.
- 18 Q. How many did you have?
- 19 A. I think we had 13.
- 20 Q. And did you bring them with you to Ardmore?
- 21 A. Yes.
- 22 Q. If you're from the Dallas area, why didn't you move back to
23 Texas with your tigers?
- 24 A. The laws are a little different.
- 25 Q. Are the laws more strict in Texas?

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- 1 A. Correct.
- 2 Q. Were you exhibiting the tigers at the time?
- 3 A. At that time, no.
- 4 Q. Now, when you got back to Oklahoma in 2009 with your 13
5 tigers, did you run into Mr. Passage again?
- 6 A. I think I visited the park a time or two.
- 7 Q. Did you have any conversations with Mr. Passage at that
8 time?
- 9 A. I don't recall.
- 10 Q. All right. In about 2011, did you decide to take a break
11 from tigers for a while?
- 12 A. Yes, I did.
- 13 Q. And what did you do?
- 14 A. I actually ran bars and drove a truck, little bit of
15 everything.
- 16 Q. And did you -- what did you do with your tigers?
- 17 A. I retired them to a place in Indiana.
- 18 Q. Okay. You said you ran bars. From 2011 to 2014, what kind
19 of bar or establishment were you operating?
- 20 A. A gentleman's club and regular nightclubs.
- 21 Q. Okay. And by gentleman's club, do you mean a strip club?
- 22 A. Yes.
- 23 Q. Okay. And then you had some other just regular bars as
24 well?
- 25 A. Correct.

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- 1 Q. All right. And did the -- the strip club venture end in
2 about 2014?
- 3 A. About that, yes.
- 4 Q. Okay. What did you do next?
- 5 A. We opened a couple regular bars.
- 6 Q. Okay. Did you start any businesses in Florida?
- 7 A. Yes. I bought a Jet Ski business in Marathon, Florida.
- 8 Q. Okay. Now, in the summer of 2016 did you decide you wanted
9 to own tigers again?
- 10 A. Correct.
- 11 Q. Were you planning to stay in Florida at that time or where
12 were you planning to be in the summer of 2016?
- 13 A. I was planning on staying in Oklahoma.
- 14 Q. And were you going to -- was your plan in getting new tigers
15 that they would be in -- located in Oklahoma with you?
- 16 A. Correct.
- 17 Q. How did you go about getting some new tigers?
- 18 A. Contacted Joe Schreibvogel.
- 19 Q. And you mean Mr. Passage, correct?
- 20 A. Mr. Passage.
- 21 Q. And if it's more comfortable for you to call him
22 Mr. Schreibvogel, I think the jury will understand that we're
23 speaking about the same person.
- 24 A. Gotcha.
- 25 Q. Why did you contact Mr. Passage to get new tigers?

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- 1 A. He's a well-known breeder and dealer of tigers.
- 2 Q. All right. Tell us about the first tigers that you bought
3 from Mr. Passage.
- 4 A. I bought a -- the first two tigers, I bought a tiger -- they
5 call him a snow tiger. It's a -- basically a solid white tiger,
6 and a black and white tiger. And at the time I was in Florida
7 operating the Jet Ski stand, and then it goes on from there.
- 8 Q. Okay. Let's talk about those first two. You said you were
9 in Florida and it was a snow tiger and a white tiger. How did
10 you decide on those tigers? Did you pick them out?
- 11 A. Yeah. I actually visited the park. I don't recall what
12 time -- when I did, but, yes, I did look at them.
- 13 Q. So you decided to buy the snow and the white. How much did
14 you pay for them?
- 15 A. I think around 5,000.
- 16 Q. How did you pay for them?
- 17 A. At the time, I -- I used -- I think I used my debit card.
- 18 Q. Now, did you take possession of those tigers immediately
19 once you paid for them?
- 20 A. No, I didn't. He was -- I was under the impression that I
21 could pay for them and get them as soon as I built the facility.
- 22 Q. So while you were building your facility in Ardmore in
23 Oklahoma, the animals were still at the zoo in Wynnewood; is that
24 correct?
- 25 A. Correct.

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- 1 Q. Okay. So at some point after you have purchased these
2 tigers, you actually move -- physically move to Oklahoma,
3 correct?
- 4 A. Correct.
- 5 Q. And is it the Ardmore or Ringling area?
- 6 A. Actually, Ringling area.
- 7 Q. Okay. Were you planning on exhibiting those tigers?
- 8 A. At the time, my girlfriend, she wanted to open a little --
9 kind of a somewhat zoo or a bed and breakfast, and that's what we
10 did.
- 11 Q. Okay. Did you or your girlfriend get a USDA license?
- 12 A. She did.
- 13 Q. Okay. Once you got to Oklahoma, did you -- did you buy some
14 more tigers from Mr. Passage?
- 15 A. Yes.
- 16 Q. Which tigers were those?
- 17 A. I don't really recall the order, but I think it was Tommy
18 and Diesel.
- 19 Q. Their names are Tommy and Diesel?
- 20 A. Correct.
- 21 Q. Are those both males?
- 22 A. They're males. One's white; one's orange color.
- 23 Q. And how much did you pay for Tommy and Diesel?
- 24 A. I think they were around \$2,500, 25 to \$3,000. I don't
25 recall the exact price. It was basically buy the white one and

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1 you get the orange one free.

2 Q. And is -- okay. So were -- you got the snow and the white
3 the first two, correct? And then now an orange and a white, so
4 we have got four tigers. Were all of these tigers delivered to
5 you at the same time?

6 A. No. Actually, the smaller ones were first, Tommy and
7 Diesel, and actually picked them up.

8 Q. You picked them up?

9 A. Correct.

10 Q. Okay. And the -- the snow and the other one, they were
11 delivered and that's how that worked.

12 Q. Okay. Who delivered them to you?

13 A. One of -- one of Mr. Passage's employees.

14 Q. How far is it from Wynnewood to Ringling?

15 A. It's around an hour.

16 Q. And, in your experience, having transported exotic animals,
17 how much does it usually cost to transport an animal?

18 A. Really just -- I mean, if you pick it up yourself, basically
19 just gas.

20 Q. What if somebody delivers them to you, is there a
21 transportation cost sometimes?

22 A. Yeah. I mean, whatever they pay their employee plus fuel.
23 I'm not really sure.

24 Q. So the money you paid for the tigers that you bought from
25 Mr. Passage, the \$5,000 you paid for the first two and the 2,500

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1 or 3,000 you paid for the other ones, was that the cost for the
2 animal or was that the cost for the transportation?

3 A. For the animal.

4 Q. Did you believe that you violated any laws by buying those
5 four tigers from Mr. Passage?

6 A. No, because at the time we were -- we were in state.

7 Q. And is your understanding that an in state sale is not
8 illegal?

9 A. That's my understanding.

10 Q. Did you get some paperwork when the tigers were -- when you
11 either picked up the first two tigers and then the other ones
12 were delivered to you?

13 A. Yes, I did.

14 Q. What kind of paperwork did you get?

15 A. I think it was a USDA transfer form, I believe 7020.

16 Q. Okay. Did the forms indicate whether it was a sale or a
17 donation?

18 A. Donation.

19 Q. And so it was -- okay. So if it indicated it was a
20 donation, is that consistent with your understanding or is that
21 not true?

22 A. It's not true, but that's, I guess, standard practice in
23 this industry.

24 Q. What's standard practice in the industry?

25 A. Everybody marks "donation."

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- 1 Q. Does anybody ever mark "sale"?
- 2 A. In my years, I have never seen one.
- 3 Q. So once you're living full time in Ringling in 2016, did you
4 start to see Mr. Passage more regularly?
- 5 A. That's correct.
- 6 Q. Okay. Did you start to become friends with him?
- 7 A. Friendly, yes.
- 8 Q. And did you start spending some time at the park, making
9 visits?
- 10 A. Yes, periodically.
- 11 Q. And did you talk on the phone with him?
- 12 A. Yes.
- 13 Q. Now, around this same time in 2016, did you meet a person
14 named Jeff Lowe?
- 15 A. Yes.
- 16 Q. Had you ever met Mr. Lowe prior to the summer of 2016?
- 17 A. No.
- 18 Q. How did you meet Mr. Lowe?
- 19 A. I went to the park one day and Jeff Lowe was next to
20 Mr. Passage and he introduced me.
- 21 Q. At that time, what was your understanding of Mr. Lowe's
22 role?
- 23 A. That he basically owned the park.
- 24 Q. Okay. And over time did you get to be familiar with
25 Mr. Lowe as well?

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- 1 A. Correct.
- 2 Q. And talk to him on the phone sometimes?
- 3 A. Yes.
- 4 Q. And visit him in person sometimes?
- 5 A. Yes.
- 6 Q. Okay. In 2017, did you get a few more tigers from
- 7 Mr. Passage?
- 8 A. Yes, I did.
- 9 Q. All right. Tell me about the first one you got from him.
- 10 A. One was a tiger named Floyd.
- 11 Q. Okay. Tell us about Floyd.
- 12 A. His name was Forrest at the time. He was at the GW Park.
- 13 Saw him in the -- where they did the cub petting. And I didn't
- 14 buy him; he was given to me, actually.
- 15 Q. Why was he given to you?
- 16 A. For some -- basically money that was owed to me about an
- 17 investment that I had made.
- 18 Q. Okay. Was there a cub that -- was there a cub that you took
- 19 that had some health problems?
- 20 A. He had club feet.
- 21 Q. Was this Floyd?
- 22 A. Yeah. He was known as Forrest there.
- 23 Q. Okay. Forrest, or you came to call him Floyd?
- 24 A. I thought it was derogatory calling him Forrest, so I
- 25 renamed him Floyd.

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1 Q. Okay. And he had club feet?

2 A. Correct.

3 Q. Okay. And did Mr. Passage ever tell you anything about --
4 about Forrest or his --

5 MR. EARLEY: Your Honor, I'm going to object to the
6 leading nature of these questions.

7 MS. MAXFIELD-GREEN: Okay.

8 THE WITNESS: Yes, he mentioned -- they were doing a
9 playtime or photo session or whatever it was at and they
10 mentioned that he was going to be put down after he was too big
11 to do photos because -- they made fun of him because his feet
12 were -- both of his feet were turned inwards.

13 Q. (By Ms. Maxfield-Green) And when you heard that, what was
14 your response?

15 A. We'll take him.

16 Q. And how's Floyd now?

17 A. He's doing great.

18 Q. Were you able to address his club feet?

19 A. Yeah. We -- nutrition, and we actually -- he's a little
20 arthritic still.

21 Q. Okay. Later in 2017 in the -- after Floyd, did you get a
22 couple more tigers?

23 A. Yes.

24 Q. Okay. What tigers did you get?

25 A. There was a tabby -- it was a golden tabby named Tigger, and

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1 it was basically to knock off some of the money that was owed for
2 a pizza restaurant that I invested in.

3 Q. Tell us about the pizza restaurant you invested in.

4 A. Joe asked me -- or Mr. Passage asked me if I would invest
5 some money to get a pizza restaurant opened by spring break and
6 that we would split all the money three ways.

7 Q. Three ways between?

8 A. Passage, Lowe and myself. And he wanted to get it open in
9 spring break. Finally got it open; I invested \$10,000 towards
10 the building and then about 2 or \$3,000 worth of equipment that I
11 bought for the pizza restaurant. And I was told that the money
12 would just be split evenly and that never worked out. So we
13 had -- we took animals in trade for the money that was owed,
14 minus a \$5,000 check that he wrote me.

15 Q. Okay. So you -- did you ever get a third of the profits of
16 the pizza restaurant?

17 A. No.

18 Q. So I'm just trying to break down what you said here. Did
19 Mr. Passage pay you a check with some money in repayment of that
20 loan?

21 A. Well, I received a check at my store one day under -- under
22 the doormat, or under the door, and it was a check from Greater
23 Wynnewood Development and it was signed by Jeff Lowe, or stamped
24 by Jeff Lowe.

25 Q. Based on your understanding of the situation, was that a --

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1 supposed to be a repayment of your investment?

2 A. Correct.

3 Q. And then the tigers that you acquired from the park, was
4 that supposed to represent some kind of reimbursement for your
5 investment?

6 A. That was supposed to knock off the other 5,000, basically.
7 I was just getting less than the money that I invested back.

8 Q. And you said you got Tigger, a golden tabby, and did you get
9 any other animals?

10 A. One other tabby named -- we call him Jasper.

11 Q. Does Jasper have any health problems?

12 A. Yeah. He's pretty much blind.

13 Q. In connection with the pizza restaurant that you invested
14 in, did you put your name on any business paperwork for that
15 restaurant?

16 A. I acquired a tax EIN number from the federal government.

17 Q. All right. In 2017 did you and your wife acquire a
18 ring-tailed lemur?

19 A. Yes, we did.

20 Q. Tell me how you acquired that lemur.

21 A. I think Lauren Lowe had a lemur and then my girlfriend,
22 Brittany, she saw it and fell in love with it. And she asked me
23 if I could find a lemur -- or asked -- I think she was there at
24 the time with us and we asked Mr. Passage if he had any lemurs or
25 knew where any were. At the time, he made a couple phone calls

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1 and found one and -- and then about a week later it was
2 delivered.

3 Q. Were you standing there when he made the phone calls?

4 A. Yes, I was.

5 Q. Who did he call?

6 A. He called a lady named Lori Ensign first. And she had a
7 lemur, but she wouldn't -- she didn't want to sell it. And then
8 he called a gentleman by the name of Omar Villarreal in south
9 Texas and he had one.

10 Q. Okay. And so did you ultimately get that lemur?

11 A. Yes.

12 Q. Tell us about how that lemur arrived to you.

13 A. So basically, maybe a few days later Omar calls and asks if
14 we still want the lemur. And we were like, sure. And it was
15 around \$2,000 delivered, 1,500 for the lemur, 500 to deliver it.
16 And it showed up a few days later by a lady named Jenny Brister,
17 Jenny and Michael Brister. They delivered it.

18 Q. And did you give them the \$2,000?

19 A. Yes. I gave them \$2,000 cash.

20 Q. Now, Mr. Garretson, was the purchase of this lemur legal or
21 illegal, in your opinion?

22 A. It was illegal because they're not supposed to -- they're
23 not supposed to be transported across state lines.

24 Q. Did Mr. Passage help you with documenting your acquisition
25 of that lemur?

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- 1 A. Yes, he did.
- 2 Q. How did he help you?
- 3 A. He wrote me a form and told me to tell everybody that it was
4 born at his place.
- 5 Q. That -- I'm sorry, that the lemur was?
- 6 A. Was born at his place.
- 7 Q. Was born at his place.
- 8 Take a look at -- there's a book in front of you with
9 documents in it, the -- is that a black book or a white book?
- 10 A. It's a white book.
- 11 Q. Look at the black book and take a look at what's behind Tab
12 No. 49.
- 13 A. My vision's real bad.
- 14 Q. Take your time. You got it?
- 15 A. Yes.
- 16 Q. Okay. Do you recognize that document?
- 17 A. Yes.
- 18 Q. What is it?
- 19 A. That's the transfer form he filled out for me.
- 20 Q. And whose handwriting is on it?
- 21 A. Joe Passage.
- 22 Q. How do you know that's his handwriting?
- 23 A. Because he wrote it out in front of me.
- 24 MS. MAXFIELD-GREEN: Government moves to admit
25 Exhibit 49.

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1 THE COURT: Any objection?

2 MR. EARLEY: No, Your Honor.

3 THE COURT: Government Exhibit 49 will be admitted.

4 Q. (By Ms. Maxfield-Green) Okay. And so is this a -- a
5 transfer form, an animal transfer form?

6 A. Correct.

7 Q. Okay. You were -- you said you were standing there when he
8 wrote it, correct?

9 A. Correct.

10 Q. In fact, were you recording -- audio and video recording the
11 conversation you were having with him while he was filling this
12 out?

13 A. Correct.

14 Q. Okay. So who does it show that the -- who does it show in
15 the left-hand block as the original -- the original location of
16 the animal?

17 A. Joe Maldonado.

18 Q. And who does it show as the buyer?

19 A. The Ringling Animal Care.

20 Q. What is Ringling Animal Care?

21 A. The Oklahoma corporation.

22 Q. Is that your girlfriend's Oklahoma corporation?

23 A. Girlfriend's Oklahoma corporation, yes.

24 Q. And what does it show as being transferred?

25 A. I think it's a seven week old lemur, or ten weeks, in great

Emily Eakle, RMR, CRR

1 condition.

2 Q. All right. And what's written in the upper right-hand
3 corner?

4 A. Donated.

5 Q. Okay. You testified earlier that you became aware of Carole
6 Baskin when you owned tigers in Florida, correct?

7 A. Correct.

8 Q. Once you started associating with Mr. Passage more
9 frequently in 2016, did you ever hear him talk about Carole
10 Baskin?

11 A. Pretty much every time, yes.

12 Q. What did he say about her?

13 A. He would pretty much just rant about her, she's suing,
14 spending all this money on lawyers and always broke.

15 Q. All right. Did Mr. Passage ever say anything about wishing
16 harm to Ms. Baskin?

17 A. Yes.

18 Q. How often did he say things like that?

19 A. Bring it up quite obvious -- I mean, bring it up a lot. And
20 basically he wanted the, quote, the bitch dead, and he asked if I
21 knew somebody that would kill her.

22 Q. Okay. When did he -- when was the first time he asked you
23 if you knew somebody that would kill her, to the best of your
24 recollection?

25 A. In early '16.

Emily Eakle, RMR, CRR

- 1 Q. Did he mention money in connection with that?
- 2 A. He always referenced \$10,000.
- 3 Q. That he referenced that he would be willing to pay \$10,000?
- 4 A. \$10,000, correct.
- 5 Q. At the time, the first time he mentioned it to you in 2016,
- 6 did you think he was serious?
- 7 A. I thought so.
- 8 Q. What did you say to him when he asked you if you could find
- 9 somebody to kill Carole Baskin for \$10,000?
- 10 A. I'll look around.
- 11 Q. You told him you would look around?
- 12 A. Correct.
- 13 Q. Did you, in fact, look around for anyone?
- 14 A. Not really, no.
- 15 Q. Now, in the summer of 2016, did you bring some friends of
- 16 yours to the park?
- 17 A. Yes, I did.
- 18 Q. What was the circumstances of that?
- 19 A. We would go out there to shoot guns with his ex-husband, or
- 20 his husband at the time. And towards the end of it, when we were
- 21 done, we were sitting on the front office steps and these guys
- 22 were heavily tattooed and he made reference to, will these guys
- 23 do it, and he was referring to kill Carole Baskin.
- 24 Q. Okay. And what did you tell him?
- 25 A. I don't know if I responded to it. I think I just shook my

Emily Eakle, RMR, CRR

1 head no.

2 Q. Did you ever ask any of your friends to kill Carole Baskin?

3 A. No.

4 Q. So to the best of your recollection, from the first time
5 Mr. Passage asked you whether you could find someone to kill
6 Carole Baskin up until about August of 2017, about how many times
7 did Mr. Passage talk to you about finding someone to kill Carole
8 Baskin?

9 A. Maybe a half a dozen times.

10 Q. And in your mind -- or based on your conversations with him
11 and your experience with him, would there be anything in
12 particular that would prompt a question like that?

13 A. Not really. It was usually whenever she was suing or
14 something to do with the litigation, you know, about how much
15 money he had to spend on lawyers.

16 Q. So throughout maybe that -- those dozen times he mentioned
17 that to you over the course of about a year, did you continue to
18 believe he was serious?

19 A. Yes.

20 Q. Now, in about August of 2017 did you have a more detailed
21 conversation with Mr. Passage about a plan to have Carole Baskin
22 killed?

23 A. Yes, I did.

24 Q. What do you remember about that conversation?

25 A. I remember us sitting in the office.

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- 1 Q. And first, who -- okay. Who was in the office?
- 2 A. It was me, Jeff Lowe and Joe Passage.
- 3 Q. All right. And what was the discussion?
- 4 A. And Jeff Lowe had brought up some maps on his computer. He
- 5 was sitting on one side, Mr. Passage was sitting in the back of
- 6 the office. And something come up in conversation where
- 7 basically Mr. Passage knew everything about Ms. Baskin, so he
- 8 brings over a big stack of manila folders and throws them on the
- 9 desk and I guess it was everything about her or whatever. And I
- 10 didn't --
- 11 Q. Let me stop you and ask a question there.
- 12 What was your understanding of where he got that stack of
- 13 manila folders?
- 14 A. It was my understanding somebody in the inside of her
- 15 organization.
- 16 Q. Had provided those to him?
- 17 A. That was my understanding, yes.
- 18 Q. Okay. So sorry to interrupt, but he brought over some
- 19 manilla envelopes. What happened in the conversation then?
- 20 A. Sat them down, he went back to his desk and then Jeff Lowe
- 21 brought up some maps, it might have been Google Earth or
- 22 something, and started showing me ways -- easy ways to kill her
- 23 either from a bike path or showed me a gift shop, and then he
- 24 showed me pictures of her house, brought it all up on a computer.
- 25 Q. And was Mr. Passage also actively involved in that

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1 conversation?

2 A. He was talking about it, but he was more to himself at that
3 time.

4 Q. At that point were you becoming concerned that Mr. Passage
5 might actually develop a plan to try to carry through with
6 killing Carole Baskin?

7 A. Yes.

8 Q. Around this time, what was -- had your opinion of
9 Mr. Passage started to change?

10 A. A little bit, yes.

11 Q. Can you describe for us why?

12 A. Well, I mean, I just -- I would see different things when I
13 would go to the park, empty animal cages and everything was
14 changed all the time, so I just knew something was going on.

15 Q. Okay. Fair to say you started to have a negative opinion?

16 A. Yes. How he talked to his employees and things, yes.

17 Q. Okay. Also around this same time, in August of 2017, was it
18 your understanding that Mr. Lowe was thinking about ending his
19 association with Mr. Passage?

20 A. Yes. He wanted -- at the time, he was trying to get out.
21 He wanted out from underneath the park because of all the
22 litigation and -- and he wanted out of the park, yes.

23 Q. Did Mr. Lowe ask you to contact Carole Baskin?

24 A. He did.

25 Q. Why did he want you to contact her?

Emily Eakle, RMR, CRR

- 1 A. I guess he was represented by attorneys and Ms. Baskin's
2 represented by attorneys, so he wanted me to call her and ask if
3 she'd be willing to buy the park from Jeff Lowe since he was the
4 rightful owner.
- 5 Q. And you mentioned that he had attorneys and she had
6 attorneys. Did Mr. Lowe seem to believe he couldn't reach out to
7 her directly?
- 8 A. Correct.
- 9 Q. And is that why he asked you to do it?
- 10 A. Yes.
- 11 Q. Okay. Did you agree to contact him for her?
- 12 A. Yes.
- 13 Q. Contact her for him?
- 14 A. Yes.
- 15 Q. Why did you agree to do that?
- 16 A. Because he offered me \$100,000.
- 17 Q. Out of --
- 18 A. Out of the proceeds of whatever the park sold for.
- 19 Q. Okay. So did you attempt to contact her?
- 20 A. Yes, I did.
- 21 Q. How did you attempt to contact her?
- 22 A. I called her -- I think it might have been her cell phone.
- 23 Q. Did she answer?
- 24 A. No.
- 25 Q. Did you leave a message, to your recollection?

Emily Eakle, RMR, CRR

- 1 A. To my recollection, yes, I left a message.
- 2 Q. Did she ever call you back?
- 3 A. No.
- 4 Q. Now, as a result of those phone -- that phone call you made
5 to Carole Baskin, did someone else call you back in August of
6 2017?
- 7 A. Yes.
- 8 Q. Who called you back?
- 9 A. Matthew Bryant with the U.S. Fish & Wildlife Service.
- 10 Q. Did he immediately identify himself as an agent with the
11 Fish & Wildlife Service?
- 12 A. He did.
- 13 Q. And did you -- once you knew that he was a special agent,
14 did you continue -- agree to continue talking to him?
- 15 A. No. At the time I didn't really know if it was somebody
16 just portraying themselves as a U.S. Fish & Wildlife officer. So
17 what I had him do is send me an email from his work address
18 and -- because I wanted to make sure I was talking to a real Fish
19 & Wildlife officer.
- 20 Q. Okay. And once you had verified that, did you agree to
21 speak with him further?
- 22 A. Yes.
- 23 Q. And did you ultimately meet Special Agent Bryant in person
24 for an interview in mid September of 2017?
- 25 A. Yes.

Emily Eakle, RMR, CRR

- 1 Q. And what did you tell him about?
- 2 A. We just -- basically he asked me if I ever heard Mr. Passage
3 ask anybody to kill Carole Baskin and I said yes.
- 4 Q. Okay. And did Special Agent Bryant also ask you about
5 Mr. Passage's wildlife dealings?
- 6 A. Yes, he did.
- 7 Q. And did you provide him with information about that as well?
- 8 A. At the time we -- we talked -- I think we talked brief and
9 then -- and then he brought documents and I signed to be the
10 confidential informant.
- 11 Q. Okay. So you agreed to cooperate in the Government's
12 investigation of Mr. Passage?
- 13 A. Yes.
- 14 Q. Okay. Why did you agree to cooperate with the Government?
- 15 A. Just the right thing to do at the time.
- 16 Q. Okay. And so as part of your cooperation, did you agree to
17 record phone calls?
- 18 A. Yes.
- 19 Q. Did you agree to record phone calls with Mr. Passage?
- 20 A. Yes.
- 21 Q. And did you agree to record phone calls with Mr. Lowe?
- 22 A. Yes.
- 23 Q. And did you agree to record phone calls with anybody else
24 you encountered that seemed to have knowledge about these things?
- 25 A. Yes.

Emily Eakle, RMR, CRR

1 Q. And then did you voluntarily turn those recordings over to
2 Special Agent Bryant?

3 A. Yes.

4 Q. Did you also, in the same fashion, give him text messages
5 that you received from Mr. Passage or Mr. Lowe or anybody else in
6 association with the zoo?

7 A. Yes.

8 Q. What kind of technology did you use to record your phone
9 calls?

10 A. I had a -- Special Agent Bryant gave me a recording device
11 to use, and then when that device wasn't available I had an app
12 on my phone that recorded.

13 Q. The one that Special Agent Bryant gave you to use, were
14 there some technical problems with that working at times?

15 A. It was hard to use, yes.

16 Q. So then you said you had an app on your phone that you would
17 also use?

18 A. Yes.

19 Q. All right. What about any -- any video recording devices,
20 did Special Agent Bryant or Special Agent Farabow give you a
21 device to do that with?

22 A. Yes.

23 Q. And all the conversations that you were able to record, did
24 you hand them all over to Special Agent Bryant?

25 A. Yes.

Emily Eakle, RMR, CRR

1 Q. Now, in preparing for your testimony today, have you had a
2 chance to review some of those recordings again?

3 A. Yes.

4 Q. And based on your review of them, are they fair and accurate
5 recordings of the conversations as you remember them?

6 A. Yes.

7 Q. Have you also -- in connection with reviewing the audio and
8 video, have you had a chance to review the written transcription
9 of what's been played on those tapes?

10 A. Yes.

11 Q. Are those transcriptions fair and accurate recordings of
12 what's being said?

13 A. To the best of my knowledge, yes.

14 Q. Okay. Did you make a visit to Mr. Passage's zoo in
15 Wynnewood on September 29 of 2017?

16 A. Yes.

17 Q. And was that the first time you attempted to record a
18 conversation with Mr. Passage?

19 A. Yes.

20 Q. And did you end up speaking to Mr. Passage that day?

21 A. Yes.

22 Q. Did the special agents, Bryant or Farabow, give you any
23 instructions or -- for what to discuss or suggest with
24 Mr. Passage that day?

25 A. Not really specifics.

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1 Q. Okay. And that conversation was recorded, correct?

2 A. Yes.

3 MS. MAXFIELD-GREEN: Government moves to admit
4 Exhibit 50, which is the recording itself, and Exhibit 50-A,
5 which is the transcription of the recording.

6 MR. EARLEY: No objection to 50. I will object to
7 50-A, the transcript.

8 THE COURT: On what grounds?

9 MR. EARLEY: It is a superimposed, I believe,
10 transcript on the video itself. It is not, obviously, in the
11 original recording. The transcript in the screen is similar to
12 watching something with a transcription at the bottom, for
13 example, you know, if you're watching a foreign film. We believe
14 that the jury will be diverted from the content of the video and
15 audio recording and should be listening only to the oral
16 assertions on the tape itself.

17 THE COURT: Well, to the extent that it assists the
18 jury in understanding, the objection will be overruled. You can
19 cross-examine, obviously, about the accuracy.

20 Government's 50 and 50-A will be admitted.

21 MS. MAXFIELD-GREEN: Okay. And, Your Honor, I just was
22 looking at the time. This clip is about 11 minutes long and we
23 can go ahead and do it, or if you -- just up to you on timing.

24 THE COURT: I'm giving the hunger look to see. Let's
25 actually take our lunch break. Thank you, Ms. Green, for

Emily Eakle, RMR, CRR

1 bringing that to my attention.

2 Ladies and gentlemen of the jury, we'll take our lunch break
3 now. Again, with the usual admonition, don't discuss the case
4 amongst yourselves or with anybody else.

5 Please remain seated in the courtroom as the jury leaves.

6 (Jury exited.)

7 THE COURT: Anything else from either party before we
8 break?

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

10 MR. EARLEY: No, Your Honor.

11 THE COURT: Court will be in recess for an hour and 15
12 minutes.

13 (Break taken.)

14 (The following record was made in open court, in the
15 presence of all parties, counsel, and in the presence and hearing
16 of the jury.)

17 THE COURT: Ms. Green, you may proceed.

18 MS. MAXFIELD-GREEN: Thank you.

19 Q. (By Ms. Maxfield-Green) Okay. Mr. Garretson, we were
20 talking about the fall of 2017 when you started recording
21 conversations for the Government, correct?

22 A. Correct.

23 Q. And in the fall of 2017, did anybody outside of law
24 enforcement know that you were cooperating with the Government?

25 A. No.

Emily Eakle, RMR, CRR

1 Q. Did Mr. Lowe know that you were cooperating with the
2 Government in the fall of 2017?

3 A. Not at first, no.

4 Q. All through the fall, did he know?

5 A. No.

6 Q. When did he know?

7 A. Probably about five months in.

8 Q. Okay. I believe we were about to play Government
9 Exhibit 50.

10 (Video played in open court.)

11 MS. MAXFIELD-GREEN: I believe there's a second clip
12 with the same exhibit.

13 (Video played in open court.)

14 Q. (By Ms. Maxfield-Green) Okay. Mr. Garretson, just
15 following up on a couple of statements that were made in that
16 video. You say to Mr. Passage, one of my guys just got out of
17 jail recently. Was that true?

18 A. No.

19 Q. What was the purpose of that statement?

20 A. To introduce the undercover agent.

21 Q. And the -- it appeared that in part of that video
22 Mr. Passage was filling out a form with your assistance, asking
23 you questions like what date do you want on this, do you want me
24 to back date it about a month. What was he doing?

25 A. That was the transfer form for the lemur that I bought.

Emily Eakle, RMR, CRR

1 Q. At the end of that video, Mr. Passage says the hurricane
2 would have been the perfect time. What was he talking about?

3 A. Oh, he was talking about the hurricane in Florida be the
4 perfect time to kill Carole.

5 Q. And based on your conversations with him, why would that
6 have been the perfect time?

7 A. Because the power was out.

8 Q. And was that -- and you said your stuff in the Keys washed
9 away. Was that -- had that hurricane hit just recently?

10 A. Yes.

11 Q. Okay. So that conversation was on September 29th.

12 Now, on October 6th of 2017, did Mr. Passage's husband pass
13 away?

14 A. Yes.

15 Q. And did the special agents instruct you to put things on
16 hold for a while, for several weeks after that happened?

17 A. Yes.

18 Q. Now, on about November 4th of 2017, did Mr. Passage ask you
19 about fake IDs?

20 A. Yes.

21 Q. What did he ask you?

22 A. He asked me if I knew a place he could get a fake ID.

23 Q. What did you tell him?

24 A. I said, yes, in Dallas.

25 Q. And how did you know about a place in Dallas?

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1 A. Because when I worked in the bar business, that's where
2 everybody went to get IDs when they couldn't work.

3 Q. Did you know of any places in Oklahoma to get a fake ID?

4 A. No.

5 Q. Now, during that call did Mr. Passage say anything to you
6 about what the fake ID was for?

7 A. No.

8 Q. And were you able to get that call recorded?

9 A. Yes -- well, no. That call, no.

10 Q. Okay. Did you discover later that day, or thereabouts, what
11 the fake ID was for?

12 A. Yes.

13 Q. And how did you come to learn what the ID was going to be
14 for?

15 A. I think had a previous call with Jeff Lowe and he told me.

16 Q. Okay. And based on that conversation, what was your
17 understanding of what the fake ID was for?

18 A. That somebody that's at the park was going to go get an ID
19 and get on a bus and go kill Carole.

20 Q. And who was the person that was going to do that?

21 A. Alan Glover.

22 Q. And, to your knowledge, what was Mr. Glover's relationship
23 to the park and Mr. Passage and Mr. Lowe?

24 A. He was Lowe's -- one of Lowe's longtime employees and he was
25 currently working at the park.

Emily Eakle, RMR, CRR

1 Q. On November 6th did you get a call from Mr. Passage asking
2 for information about the location of the -- where to get the
3 fake ID?

4 A. Yes.

5 Q. What did he want to know?

6 A. Where I was located at.

7 Q. Were you able to record that call?

8 A. I don't think so.

9 Q. All right. Later on that same day, on November 6th, did you
10 get some kind of a communication from John Finlay?

11 A. Yes, through Facebook Messenger.

12 Q. And who is John Finlay?

13 A. John Finlay, I think, is the ex-husband of Joe Maldonado, or
14 Passage.

15 Q. And in that Facebook message, what did he want to know?

16 A. He was going to come by the -- my shop and let me look at
17 the ID.

18 Q. And was it your understanding that they were -- that
19 Mr. Finlay was involved in obtaining the ID on that day, on
20 November 6?

21 A. I think he was the driver of Mr. Glover.

22 Q. Did you see John Finlay later that day?

23 A. Yes.

24 Q. Where did you see him?

25 A. He came by my store in Ardmore.

Emily Eakle, RMR, CRR

1 Q. Was anyone with him?

2 A. Alan Glover.

3 Q. And why did they stop by?

4 A. On those IDs, there's a big stamp that says "entertainment
5 purposes only." They're like a novelty. And he brought the ID
6 back by to let me scrape off the back.

7 Q. Okay. When you -- on that day when you were holding the ID
8 to scrape things off the back, what did you notice about it?

9 A. It was just an Arizona ID with Mr. Glover's photo on it.

10 Q. Okay. And were you able to get a picture of the fake ID
11 that day?

12 A. No.

13 Q. Why not?

14 A. Because they were standing right in front of me.

15 Q. Did you manage to get a photo of Mr. Glover and Mr. Finlay
16 that day?

17 A. Yes, walking around, when they were playing with the toy
18 gun.

19 Q. Take a look at the book in front of you, at Government
20 Exhibit 19.

21 A. Wrong book?

22 Q. Yeah, wrong book. Is it the big one or the small one? I
23 think it's the big book, it would have 19 in it.

24 A. Yes, that's the photo I took.

25 MS. MAXFIELD-GREEN: Government moves to admit

Emily Eakle, RMR, CRR

1 Exhibit 19.

2 THE COURT: Any objection?

3 MR. EARLEY: No objection.

4 THE COURT: Government's 19 will be admitted without
5 objection.

6 Q. (By Ms. Maxfield-Green) Okay. And who's in this picture?

7 A. Alan Glover in the -- to the left, and then John Finlay.

8 Q. And are they standing in your store?

9 A. Yes.

10 Q. And that's a picture you took on November 6th?

11 A. Yes.

12 Q. Okay. Did you have a conversation with Mr. Lowe the day
13 after you saw Mr. Glover and Mr. Finlay?

14 A. Yes.

15 Q. And in that conversation did he seem to be aware that there
16 was a -- a plan to use Mr. Glover to kill Carole Baskin?

17 A. Yes.

18 Q. Now, did you also have a conversation with Mr. Passage the
19 day after you saw Mr. Finlay and Mr. Glover at your shop?

20 A. Yes.

21 Q. And was that phone call recorded?

22 A. I think so, yes.

23 MS. MAXFIELD-GREEN: The Government moves to admit
24 Exhibit 51 and 51-A, the audio and the transcript.

25 THE COURT: Mr. Earley?

Emily Eakle, RMR, CRR

1 MR. EARLEY: If I could have just a second, Your Honor.

2 THE COURT: Sure.

3 MR. EARLEY: No objection.

4 THE COURT: Government's 51 and 51-A will be admitted.

5 MS. MAXFIELD-GREEN: Go ahead and play that.

6 (Video played in open court.)

7 Q. (By Ms. Maxfield-Green) Okay. Mr. Garretson, what are you
8 talking about with Mr. Passage?

9 A. We're just talking about the ID that he picked up, or that
10 those guys got, and we're just basically, you know, discussing
11 the plan. He was discussing the plan.

12 Q. And Mr. Passage makes several references to as long as he
13 doesn't get busted, if they bust him red-handed, and talking
14 about a male going somewhere. Who was he talking about?

15 A. Talking about Glover.

16 Q. Mr. Passage mentions that he's waiting on money for liligers
17 to pay for it with. How much are liligers worth?

18 A. You know, he's the only one that sold them. So, I mean, I
19 was told 7,500 a piece, 5 to 7,500 a piece.

20 Q. And Mr. Passage makes reference to that he's going to be
21 paying for it with \$100 bills from Florida. What did he mean by
22 that?

23 A. Supposedly the buyer of the cats was coming from Florida and
24 bringing cash that came out of a Florida bank, so it wasn't
25 traceable to Oklahoma.

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1 Q. Okay. The next day -- that was November 7th. Now, the next
2 day, November 8th of 2017, did you make a visit to Mr. Passage's
3 zoo?

4 A. Yes.

5 Q. And on that day had Special Agent Bryant and Farabow asked
6 you to go there?

7 A. Yes.

8 Q. What was the purpose of your visit?

9 A. To get the name off the ID that was being used so they could
10 track if he boarded any buses or whatnot.

11 Q. And did you speak with Mr. Glover that day?

12 A. Yes.

13 Q. And were you wearing a camera at the time of that recorded
14 conversation?

15 A. Correct.

16 Q. Did you ask Mr. Glover to see the fake ID he got in Dallas?

17 A. Yes, I did.

18 Q. Did you take a picture of it at that time?

19 A. I did.

20 Q. Take a look at Government Exhibit 20. It should be in one
21 of those books.

22 You got 20?

23 A. Yes.

24 Q. And what is that?

25 A. It's a photo of the ID.

Emily Eakle, RMR, CRR

1 Q. Is that the photo you took on November 8th?

2 A. It appears so.

3 MS. MAXFIELD-GREEN: Government moves to admit
4 Exhibit 20.

5 THE COURT: Any objection?

6 MR. EARLEY: No objection.

7 THE COURT: Government's 20 will be admitted.

8 Q. (By Ms. Maxfield-Green) Okay. And is this an Arizona ID?

9 A. Yes.

10 Q. And who is that a picture of?

11 A. Appears to be Alan Glover.

12 Q. And what name is listed there?

13 A. John Allen McDowell.

14 Q. Was this the ID that you had previously filed the novelty
15 information off the back?

16 A. Correct.

17 Q. Okay. Based on the conversation you had with Mr. Glover on
18 November 8th, what did you believe was about to happen?

19 A. That he was waiting for some money and he was going to
20 either get on a bus or buy a car and go to Florida and kill
21 Carole Baskin.

22 Q. And did you believe that that was about to happen soon?

23 A. I was under the impression, yes.

24 Q. And did you relay all of that to the investigating agents?

25 A. Yes, I did.

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1 Q. So during that conversation with Mr. Glover that you had on
2 November 8, did you develop a plan or an excuse for keeping in
3 touch with him while he was waiting to go to Florida?

4 A. Yeah. They wanted me to keep -- keep him -- keep in contact
5 with him so I can track his whereabouts and -- if he did leave to
6 go to Florida.

7 Q. And did Mr. Glover ask you to do something for him that
8 would allow you to kind of check in on his whereabouts?

9 A. Yeah. He wanted me to supply him with some hookers.

10 Q. And did he want you to do that for him before he left for
11 Florida?

12 A. Yes.

13 Q. Okay. And so did you have some text messages back and forth
14 with Mr. Glover where you told him you were looking for hookers
15 for him?

16 A. Correct.

17 Q. So at this time, based on your prior interactions and the
18 things you had been able to record, did you believe that you
19 sufficiently had the confidence of Mr. Passage and Mr. Glover and
20 Mr. Lowe that you would know if -- if something was about to be
21 set in motion?

22 A. I thought so.

23 Q. All right. And let's look at Government Exhibit 25, and we
24 want to look at Page 3, please. It's been previously admitted.

25 Okay. And we're looking at some text messages here that

Emily Eakle, RMR, CRR

1 were extracted from one of Mr. Glover's cell phones. And if we
2 can zoom in here, we'll start at the bottom. It appears that
3 these go in reverse order.

4 Okay. And so the very bottom one that starts in the Block
5 No. 6 that was on November 17th -- it shows November 17th of
6 2017. And we have had previous testimony about the time of
7 the -- of that, how to interpret that time. If I represented to
8 you that the converted time of that would have made it at 7:14
9 p.m. on 11/16 of '17, would you have any reason to disagree with
10 that?

11 A. No.

12 Q. Okay. So that text message that would have happened on
13 11/16 at 7:14 p.m., is that a text message that you sent to
14 Mr. Glover?

15 A. Yes.

16 Q. What did you say to him?

17 A. "Thought you would be sitting on a beach in Florida by now."

18 Q. And was this one of your -- were you attempting to figure
19 out where he was?

20 A. Yeah. I was just trying to get his whereabouts.

21 Q. And what did he respond to you just, oh, about 30 minutes
22 later?

23 A. He said, "things change."

24 Q. Okay. And then what does he say just a minute later?

25 A. "Been to Florida before, didn't like it." Then, "I got to

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1 find me another beach."

2 Q. Okay. And then what does he say two minutes later?

3 A. "I got to go where the fish are biting, you know that."

4 Q. All right. Now, that was on the night -- or the evening of
5 November 16th, 2017. What was your interpretation based on your
6 understanding of all of your conversations that you had had and
7 then you get these text messages, so what did that cause you to
8 believe?

9 A. I didn't really know what to think. Maybe he didn't get the
10 money. I'm not sure.

11 Q. Did you believe that the plan was off?

12 A. I believed that, you know, he -- he didn't leave.

13 Q. Okay. And so did you relay all of that to the investigating
14 agents?

15 A. Yes.

16 Q. All right. And then if we look at text messages on
17 November 21st of 2017 -- and, again, based on prior testimony, I
18 believe that time would be at 1:26 a.m. on 11/21. That's a --
19 just to verify, that 817 number, is that your phone number?

20 A. My cell phone, yes.

21 Q. Okay. And is the text message that Mr. Glover sent to you,
22 No. 2 there, what did it say?

23 A. "Yes, I'll be leaving -- I'll be -- yes, I will be tomorrow.
24 I'm leaving Friday, going back home, tired of this shit."

25 Q. Okay. And what's the next thing he says to you?

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1 A. And then, "I guess Jeff, we got to be doing some things back
2 in South Carolina for a minute, these two got a house there in
3 the business."

4 Q. Okay. And so based on your -- what did you understand those
5 text messages to mean?

6 A. I understood it -- I mean, by the way it sounds, like he was
7 just going to go back home.

8 Q. Okay. And you believed at the time that if he was going to
9 carry through on the plan that you already knew about that he
10 would have let you know?

11 A. Correct.

12 Q. Okay. On the very next day, on November 17th of 2017, did
13 you go visit the zoo?

14 A. Yes.

15 Q. And did you have a recorded conversation with Mr. Passage?

16 A. Yes.

17 MS. MAXFIELD-GREEN: Government moves to admit
18 Exhibit 52 and 52-A.

19 THE COURT: Any objection?

20 MR. EARLEY: No, Your Honor.

21 THE COURT: 52 and 52-A will be admitted.

22 MS. MAXFIELD-GREEN: Let's play 52, please.

23 This takes place in four separate clips.

24 (Video played in open court.)

25 Q. (By Ms. Maxfield-Green) Okay. And in that conversation,

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1 what was the purpose of the conversation you were having with
2 Mr. Passage?

3 A. I was trying to stop the Glover plan and introduce Mark.

4 Q. Okay. And that was on -- just to clarify, that was on
5 November 17th that you had that conversation with Mr. Passage,
6 correct?

7 A. Correct.

8 MS. MAXFIELD-GREEN: And then, Jane, can you bring up
9 Page 25 -- I'm sorry -- Exhibit 25, Page 3 again? Okay. The top
10 two.

11 Q. (By Ms. Maxfield-Green) And we just looked at these and we
12 won't have to reread them, but these text messages on the 21st
13 that we had already talked about, those happened a few days after
14 the recorded conversation with Mr. Passage, correct?

15 A. Yes.

16 Q. Okay. And by the end of November had you learned that
17 Mr. Glover had, in fact, left the zoo?

18 A. Yes.

19 Q. How did you learn that?

20 A. I don't recall.

21 Q. All right. Did you have a call with Mr. Passage on
22 December 5th of 2017?

23 A. Yes.

24 Q. And was that call recorded?

25 A. Yes.

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1 MS. MAXFIELD-GREEN: Government moves to admit
2 Exhibit 53 and 53-A.

3 THE COURT: Any objection?

4 MR. EARLEY: No objection.

5 THE COURT: Government's 53 and 53-A will be admitted.
6 (Video played in open court.)

7 Q. (By Ms. Maxfield-Green) Okay. And you refer to "my guy."
8 Who were you talking about?

9 A. The undercover agent.

10 Q. Okay. And did Mr. Maldonado know who you were talking
11 about?

12 A. We referred to him as Mark.

13 Q. So December 5th, the day of the call was a Tuesday, and you
14 said you would be there by Friday. Would that be December 8th?

15 A. Yes.

16 Q. On December 8th did you make a visit to the park?

17 A. Yes.

18 Q. Did you take an undercover FBI agent with you?

19 A. Yes.

20 Q. And you said he went by the name of Mark, correct?

21 A. Yes.

22 Q. Did you introduce Mark to Mr. Passage?

23 A. Yes.

24 Q. And on that date did the three of you then discuss details
25 about a plan to murder Carole Baskin?

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1 A. Correct, yes.

2 Q. Did you leave that meeting with the impression that
3 Mr. Passage had changed the plan and was --

4 MR. EARLEY: Your Honor, I'll object. His impression
5 is irrelevant. What's on the tape will speak for itself.

6 THE COURT: Ms. Green?

7 MS. MAXFIELD-GREEN: I believe his impression is
8 relevant to what he did next.

9 THE COURT: To the extent that it guided what he did
10 next, he can testify to, if he knows.

11 Q. (By Ms. Maxfield-Green) Did you relay to the special agents
12 that you believed that you had been successful in convincing
13 Mr. Passage to use the undercover?

14 A. Yes.

15 Q. Now, did Mr. Passage give Mark any money that day?

16 A. No.

17 Q. What was your understanding about why, based on that
18 conversation you had?

19 A. He was waiting for money to come in.

20 Q. All right. After the meeting with Mr. Passage on
21 December 8th, did you communicate with him further about the plan
22 to use Mark to kill Carole Baskin?

23 A. Yes. A couple of times, yes.

24 Q. Did you have a recorded conversation with Mr. Passage on
25 December 18th of 2017?

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1 A. Yes.

2 MS. MAXFIELD-GREEN: Government moves to admit Exhibits
3 54 and 54-A.

4 THE COURT: Any objection?

5 MR. EARLEY: No, Your Honor.

6 THE COURT: Government's 54 and 54-A will be admitted.

7 Q. (By Ms. Maxfield-Green) Okay. So he -- the call mentions
8 Mark. Does that mean the undercover FBI agent?

9 A. Yes.

10 Q. And Mr. Passage mentions he's waiting on a litter of lions.
11 What did that have to do with it?

12 A. For the money.

13 Q. All right. On January 2nd of 2018, was Mr. Passage involved
14 in a car accident?

15 A. Yes.

16 Q. Did you have a recorded conversation with Mr. Passage on
17 January 9th, 2018?

18 A. Yes.

19 MS. MAXFIELD-GREEN: Government moves to admit
20 Exhibit 55 and 55-A.

21 THE COURT: Any objection?

22 MR. EARLEY: No objection.

23 THE COURT: 55 and 55-A will be admitted.

24 (Video played in open court.)

25 Q. (By Ms. Maxfield-Green) And was that conversation having to

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1 do with tigers and tiger breeding?

2 A. Correct.

3 Q. All right. Did you have a recorded conversation with
4 Mr. Passage on February 11th of 2018?

5 A. Yes.

6 MS. MAXFIELD-GREEN: Government moves to admit
7 Exhibit 56 and 56-A.

8 THE COURT: Any objection?

9 MR. EARLEY: No objection.

10 THE COURT: 56, 56-A will be admitted.

11 (Video played in open court.)

12 Q. (By Ms. Maxfield-Green) In that conversation Mr. Passage
13 says, that last guy ran off to North Carolina and drank it all.
14 What was your understanding of who he was referring to?

15 A. I assume he was talking about Glover.

16 Q. Okay. At the time that he made that statement, did you
17 understand what that meant?

18 A. I put two and two together.

19 Q. Okay. And what did you --

20 A. I just assumed it was Glover and he took off with the money
21 to kill Carole.

22 Q. All right. About a week later, on February 18th of 2018,
23 did you get a phone call from Mr. Passage that you were unable to
24 record?

25 A. Yes.

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1 Q. Where were you when you got that phone call?

2 A. I was in our barn.

3 Q. And why couldn't you get it recorded?

4 A. Didn't have the device near me.

5 Q. Okay. And what did Mr. Passage say on that call?

6 A. I think he just basically asked if Mark was still available.

7 Q. Okay. And what did you tell him?

8 A. Yes.

9 Q. Okay. Anything else of substance that you recall?

10 A. No.

11 Q. All right. Now, did you have a recorded conversation with
12 Mr. Passage on March 8th of 2018?

13 A. Yes.

14 MS. MAXFIELD-GREEN: Government moves to admit
15 Exhibit 57 and 57-A.

16 THE COURT: Any objection?

17 MR. EARLEY: May I have just a moment, Your Honor?

18 THE COURT: Sure.

19 MR. EARLEY: I just need a second. There's a reason
20 that --

21 THE COURT: Sure. No, take your time, Mr. Earley.

22 MR. EARLEY: May we approach, briefly?

23 THE COURT: Yes.

24 (The following bench conference was held outside the hearing
25 of the jury.).

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1 MR. EARLEY: Your Honor, my only concern is that this
2 is a part of a recording where there is the issue about the arson
3 that was discussed, and I believe the Court granted the motion in
4 limine on that. I just want to make sure Ms. Green has advised
5 Mr. Garretson not to get into that.

6 MS. MAXFIELD-GREEN: Yes, he has been advised of that.
7 And I'm just -- I'm really not going to ask him follow-up
8 questions. I think we're just going to play this, which the only
9 reference to that is that and there's no other explanation in
10 the --

11 MR. WACKENHEIM: And that is -- I'll -- around on --

12 MS. MAXFIELD-GREEN: Yes, so that's -- there's no other
13 context to indicate what they're talking about. So we thought
14 that that line was okay to include, because there's just no way
15 that the jury would get any inference about what that means.

16 MR. EARLEY: As long as there's no other reference to
17 it.

18 MS. MAXFIELD-GREEN: Right. And I will not ask him a
19 follow-up question about that that will tie any connection to the
20 arson.

21 THE COURT: Thank you.

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

25 MS. MAXFIELD-GREEN: Okay. Do you need this?

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1 And, Your Honor, I'm sorry, I don't recall, did you admit 57
2 and 57-A?

3 THE COURT: Subject to the discussion at the bench, 57,
4 57-A will be admitted.

5 (Video played in open court.)

6 Q. (By Ms. Maxfield-Green) Okay. In that conversation
7 Mr. Passage refers to "that one of Jeff's." Who was he talking
8 about?

9 A. Glover.

10 Q. And there's several references to the weekend and having
11 three good weekends. What did that mean?

12 A. I think that he meant when it was near spring break and the
13 zoo does really well financially.

14 MS. MAXFIELD-GREEN: Can I have just a moment, Your
15 Honor, so we --

16 THE COURT: Sure.

17 Q. (By Ms. Maxfield-Green) Did you have another recorded
18 conversation with Mr. Passage on March 28th of 2018?

19 A. Yes.

20 MS. MAXFIELD-GREEN: Government moves to admit
21 Exhibit 58 and 58-A.

22 THE COURT: Any objection?

23 MR. EARLEY: If I could have just one moment.

24 THE COURT: You may.

25 MR. EARLEY: No objection.

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1 THE COURT: Government's 58 and 58-A will be admitted.

2 MS. MAXFIELD-GREEN: And this takes place in a series
3 of five clips.

4 (Video played in open court.)

5 Q. (By Ms. Maxfield-Green) Okay. I believe that's the last
6 clip.

7 What was that conversation about?

8 A. Talking about Mark.

9 Q. Okay. And talking about using Mark for what?

10 A. To kill Carole.

11 Q. And the discussion of money, you're talking about getting
12 some 20s and Mr. Passage is asking about how to funnel the money.
13 What is that about?

14 A. How to give them the money without getting caught.

15 Q. Now, you refer to somebody that you call "that other
16 dipshit." You also refer to him as a drunk. Who were you
17 talking about?

18 A. Alan Glover.

19 Q. And in response Mr. Passage says, "He took 4,000 bucks and
20 never came back." Was he also referring to Mr. Glover?

21 A. Yes.

22 Q. Okay. And this was March 28th of 2018. Shortly after that
23 conversation, did Mr. Passage stop talking to you?

24 A. Yes.

25 Q. And why?

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1 A. It was when Jeff came back from -- Jeff Lowe came back from
2 Las Vegas.

3 Q. And what happened that caused Mr. Passage to stop talking to
4 you?

5 A. I'm not sure.

6 Q. Okay. In May of 2018 did you have a conversation with Jeff
7 Lowe that led you to believe that he had more involvement
8 about -- sorry -- that he had more information about Mr. Glover's
9 involvement?

10 A. Yes.

11 Q. And did you relay that information to Special Agent Bryant?

12 A. Yes.

13 Q. And shortly after that did you coordinate a meeting between
14 Jeff Lowe and Special Agent Matt Bryant?

15 A. Yes, I did.

16 Q. Was that pretty much the last thing you did to assist the
17 investigative phase of this matter?

18 A. Yes.

19 Q. And, Mr. Garretson, throughout the course of all of this,
20 has the Government offered you any form of immunity from
21 prosecution in exchange for your cooperation with the
22 investigation?

23 A. Nothing.

24 Q. Have you been offered anything in exchange for your
25 testimony here today?

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1 A. Nothing.

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

3 THE COURT: Thank you.

4 Cross-examination?

5 **CROSS-EXAMINATION**

6 **BY MR. EARLEY:**

7 Q. Mr. Garretson, what is it that you would need immunity for?

8 A. Really, I didn't ask for any immunity.

9 Q. I know, but if you needed it, what would it be for?

10 A. I bought a lemur illegally.

11 Q. And that was from Mr. Villarreal; is that correct? Omar?

12 A. Well, it was coordinated by Joe Passage.

13 Q. Well, he put you in touch with Omar. Omar sold you your
14 lemur, correct?

15 A. Correct.

16 Q. So with respect to that, have they threatened to prosecute
17 you for that?

18 A. I was looking for a charge, yes.

19 Q. All right. And has one been made yet?

20 A. Not yet.

21 Q. And they have known that for -- known about that for, what,
22 at least a year or so now?

23 A. Yes, sir.

24 Q. Now, when this all kind of got started you were in a room --
25 as far as really started, you were in a room with Jeff Lowe and

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1 you said Mr. Passage was in there, and was it June or August
2 of 2017?

3 A. June.

4 Q. All right. So in June you were in the office at the park,
5 correct?

6 A. Correct.

7 Q. And Jeff Lowe was there and Mr. Passage was there, correct?

8 A. Correct.

9 Q. Mr. Passage dumps a bunch of paperwork on a desk, correct?

10 A. Correct.

11 Q. And then Jeff Lowe proceeds to pull up the map and
12 information about where Ms. Baskin lives; is that right?

13 A. Yes.

14 Q. All right. And I believe your testimony was that
15 Mr. Passage was over in another part of the office while Mr. Lowe
16 was discussing all that with you, correct?

17 A. Correct.

18 Q. All right. So there was no question in your mind that
19 Mr. Lowe had some plan, at least in his mind at that point, about
20 killing Ms. Baskin?

21 A. That is correct.

22 Q. All right. And I believe that -- was it after that that you
23 and Mr. Lowe had your discussion about you calling Carole Baskin?

24 A. At that point that was -- that was after, yes.

25 Q. All right. And if I understood you correctly, Mr. Lowe had

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1 kind of gotten sick and tired of all this legal business,
2 correct?

3 A. That's correct.

4 Q. And he was going to take an opportunity, if you could
5 arrange it, to sell off the park, correct?

6 A. Correct.

7 Q. And since he had been put as the new owner, he expected to
8 be compensated for -- for the purchase price, correct?

9 A. That's correct.

10 Q. And as part of an incentive for you to act on his behalf, he
11 offered you \$100,000; is that correct?

12 A. That is correct.

13 Q. All right. So not only did Mr. Lowe have a financial
14 interest in getting rid of Mr. Passage, but you did as well at
15 that point, correct?

16 A. No.

17 Q. Well, if you got rid of Mr. Passage, then you get a hundred
18 thousand bucks, right?

19 A. Mr. Passage was an employee of the park. He could have been
20 fired at any time, is what I understood.

21 Q. Well, correct. But Mr. Lowe, for whatever reason, was
22 desperate enough to get rid of Mr. Passage that he was offering
23 you \$100,000 out of it, correct?

24 A. Correct.

25 Q. All right. I want to talk a little bit about these

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1 recordings, if we could. I believe the first recording is the
2 September 29th visit that you had at the park; is that right? Is
3 that correct?

4 A. Yes.

5 Q. All right. And I believe that the information associated
6 with that recording shows that you were out there for about 30
7 minutes; is that right?

8 A. About, yes.

9 Q. Seem about right to you?

10 A. Yes.

11 Q. All right. And, of course, the clip that we have shows that
12 it is about -- you know, the first clip is about two minutes
13 long. What was being discussed during the rest of this visit at
14 the park?

15 A. I'm not -- I don't recall.

16 Q. Okay. But it wasn't about Carole Baskin, right?

17 A. Not everything was about Carole Baskin.

18 Q. Right. And so there was, in this particular visit to the
19 park that was about 30 minutes, two references to Carole Baskin.
20 Would that be fair to say?

21 A. If that's what it is, yes.

22 Q. Okay. Yeah, the first one was that, you know, you had a
23 guy -- one of your guys that got out of jail recently. Do you
24 remember that?

25 A. Yes.

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1 Q. And you brought the subject up, correct?

2 A. Yes.

3 Q. Mr. Passage didn't say, out of the blue, hey, do you know
4 anybody who will kill Carole Baskin? I mean, that didn't occur
5 during this conversation, correct?

6 A. Not during that one, no.

7 Q. And it's because you brought it up and you were trying to
8 inject the idea into your conversation, right?

9 A. At that time, yes.

10 Q. And then after that there was some more general discussion.
11 And then as you're getting ready to leave, Mr. Maldonado-Passage
12 didn't say, hey, what about that guy; you actually bring it up
13 again, correct? Do you remember that?

14 A. Correct.

15 Q. So in this first meeting with Mr. Passage, you brought up
16 the subject of bringing somebody in to take care of his problem
17 twice. He didn't solicit that, correct?

18 A. On that occasion, yes.

19 Q. Right. And I believe your next meeting was a phone call on
20 November the 7th; is that right? Or at least the next recording
21 you heard?

22 A. Yes.

23 Q. Okay. And it was during that phone call again that you
24 brought up, hey, did your guys get everything handled,
25 everybody's gone away, or you got all that handled. Do you

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1 remember that?

2 A. Yes.

3 Q. Again, Mr. Passage didn't bring the subject up; you did,
4 correct?

5 A. Correct.

6 Q. Then you had another conversation with Mr. Passage on, looks
7 like November the 17th. That's the next recording that the
8 Government played. And that meeting actually lasted for about an
9 hour and 42 minutes. Do you recall that?

10 A. I don't recall it lasting that long, but yes.

11 Q. And if I'm not mistaken, maybe you-all went to lunch or
12 something to that effect?

13 A. We could have.

14 Q. All right. So again, during that conversation you once
15 again inject this Mark or your buddy into the conversation,
16 correct?

17 A. Correct.

18 Q. All right. Were the agents telling you to -- to bring this
19 up and to see if you could further this along?

20 A. Yes.

21 Q. And then there was a phone conversation, that was the next
22 recording that we listened to, Government's Exhibit 53, where you
23 called Mr. Passage, correct?

24 A. Correct.

25 Q. And you're talking about various things and he says he's got

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1 to go to a parade. And you're the one who brings up, hey, my
2 guy's going to be in town, I would like to arrange a meeting. Do
3 you recall that?

4 A. Yes.

5 Q. So Mr. Passage didn't call you and say, hey, you know,
6 where's that guy, what's up with him, can you bring him by
7 anytime. He didn't do that, did he?

8 A. Correct.

9 Q. So each time, as we progress along, you have to inject the
10 idea into the conversation that you're having, correct?

11 A. With the undercover, yes.

12 Q. Correct. And because they're wanting you to try to move
13 this along, correct?

14 A. Yes.

15 Q. Then there's a phone conversation on December the 18th, and
16 that was Government's Exhibit 54. It's very short. But once
17 again, there's a discussion about something at a Ford dealership
18 and then you again raise the issue. Do you recall that?

19 A. Yes.

20 Q. And again, you know, here we are ten days after this meeting
21 that the undercover person was at at the park and you're still
22 having to bring up whether or not he's interested, correct?

23 A. Well, he was interested the whole time, yes.

24 Q. Well, he didn't call you this day. You brought the subject
25 up, correct?

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- 1 A. Correct.
- 2 Q. Now, after the December 8th meeting up until, let's just say
3 the end of January, there are no recordings that the Government's
4 introduced where you are trying to solicit Mr. Passage into
5 agreeing to visit with Mark. Was there a reason for that?
- 6 A. His husband had passed away.
- 7 Q. Well, this is after December of 2017.
- 8 A. Oh, after December?
- 9 Q. Yes.
- 10 A. No.
- 11 Q. Any reason for that?
- 12 A. No.
- 13 Q. But you did have a conversation with Mr. Lowe, I believe in
14 January of 2018. Do you remember making a recorded call to
15 Mr. Lowe?
- 16 A. Yes.
- 17 Q. And would that be the very first recorded call that you had
18 with Mr. Lowe since your initial recorded call in November?
- 19 A. That's correct.
- 20 Q. Why?
- 21 A. Well, me and Lowe had talked in between and there are some
22 calls that were not recorded due to problems I was having with
23 the phone.
- 24 Q. Okay. Well, what were you discussing with Mr. Lowe?
- 25 A. Just normal --

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1 MS. MAXFIELD-GREEN: Objection, Your Honor; hearsay.

2 THE COURT: Sustained.

3 Q. (By Mr. Earley) Well, in this recorded conversation that
4 you had with Mr. Lowe you were discussing the sale of the park.
5 Do you recall that?

6 MS. MAXFIELD-GREEN: Objection, Your Honor; hearsay.

7 MR. EARLEY: I'm asking him what he was discussing, if
8 he recalls.

9 THE WITNESS: I don't recall that, no.

10 THE COURT: Overruled to the extent that -- what he
11 recalls, but not what Mr. Lowe said.

12 Q. (By Mr. Earley) Do you recall anything else out of that
13 conversation?

14 A. I don't recall.

15 Q. And it was recorded, right? You know that?

16 A. Correct.

17 Q. Did they play all these recorded calls for you?

18 A. Yes.

19 Q. And you reviewed them?

20 A. Yes.

21 Q. But you don't remember the substance of the call you had
22 with Mr. Lowe in January of 2018?

23 A. It's been a while. I made so many calls.

24 Q. Then the next time that there was some discussion, or at
25 least one of the next times you have a phone call or a recorded

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1 conversation with Mr. Passage in March of 2018. Do you remember
2 listening to that today?

3 A. Yes.

4 Q. And again, you brought the subject up, correct?

5 A. Yes.

6 Q. You had another conversation during a meeting on March 28th
7 and there were several times that you again brought the subject
8 up, correct?

9 A. Correct.

10 Q. Now, would it be fair to say that you were in constant
11 contact with Agent Bryant during this period of time?

12 A. That's correct.

13 Q. And, in fact, did you-all communicate by telephone and by
14 text?

15 A. That's correct.

16 Q. If you would get the other exhibit book, please. Does it
17 say "defendant's trial" --

18 A. Yes.

19 Q. All right. Thank you. And turn to No. 36.

20 A. Okay.

21 Q. All right. Now, I believe that these are text messages. Do
22 you recognize that?

23 A. Yes.

24 Q. And do you recognize who's participating in the text
25 message?

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1 A. That would be Mr. Bryant and me.

2 Q. Okay. Agent Bryant?

3 A. Agent Bryant, yep.

4 Q. All right. And if you would, just take a moment and go
5 through the rest of the exhibits, from 36 all the way up to
6 Exhibit 57. Just flip through there, if you would.

7 A. To 57 or all the way through?

8 Q. Through to 57, yes.

9 A. Okay.

10 Yes, those are all text messages.

11 Q. And they're all between you and Agent Bryant; is that
12 correct?

13 A. That is correct.

14 MR. EARLEY: Your Honor, I would move to admit
15 Defendant's Exhibits 36 through 51.

16 THE COURT: 36 through 51?

17 MR. EARLEY: No. Sorry. Missed that. 56.

18 THE COURT: 56 -- say your total number again,
19 Mr. Earley. I'm sorry.

20 MR. EARLEY: The beginning number is Exhibit 36 through
21 Exhibit 56.

22 THE COURT: 56. Government?

23 MS. MAXFIELD-GREEN: Your Honor, we object. They are
24 all hearsay.

25 MR. EARLEY: Your Honor, they are --

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1 THE COURT: Hold on just a second. Please approach.
2 (The following bench conference was held outside the hearing
3 of the jury.).

4 THE COURT: Go ahead, Mr. Earley.

5 MR. EARLEY: Your Honor, the purpose of introducing
6 these text messages between the agent and Mr. Garretson is for
7 the purpose of showing the ongoing nature of the investigation.
8 They show a contact between Agent Bryant and Mr. Garretson where
9 they are trying to get him to further this along. That's the
10 only purpose of introducing these. It shows the lack of contact
11 with Mr. Maldonado-Passage during this period of time, and I
12 think that they are relevant for purposes of showing the
13 direction of the investigation in this case.

14 THE COURT: Didn't Mr. Garretson testify to that, about
15 the lapses, and then admitted under cross-examination that he was
16 being pressed to move the investigation along?

17 MR. EARLEY: Well, these are specific instances on
18 specific days that -- that's exhibited by these text messages.
19 And I think it's important for the jury to see in document form
20 the continued requests by the Government agent that he contact
21 Mr. Passage and that he attempt to get some information about the
22 case and continue it forward.

23 THE COURT: Can't you accomplish the same thing by
24 asking him the questions on the specific instances without
25 admitting the hearsay side of the -- of the exhibit?

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1 MR. EARLEY: Well, I can, but I would still like to
2 have -- I plan to get the other half of the conversation in when
3 Mr. Bryant testifies, if I have to get to that extent, but I
4 thought it would be simpler and more time efficient to do it this
5 way.

6 THE COURT: Well, and I appreciate that interest. Tell
7 me, what's the relevance when you say you're using it to show the
8 nature of the investigation? I don't understand what you mean by
9 that.

10 MR. EARLEY: Well, the investigation and -- as the
11 Court's aware, there was no contact with the undercover agent
12 after December the 8th. The Government was attempting to insert
13 the agent back into having another conversation with Mr. Passage.
14 These text messages reflect their continuing efforts to do so,
15 and at the end of it nothing ever happened. That's the point.

16 THE COURT: Okay. Response?

17 MS. MAXFIELD-GREEN: Yes, Your Honor. I mean, these
18 text messages are classic hearsay. They are statements --
19 out-of-court statements. They are being offered for the truth of
20 the matter asserted, which Mr. Earley said he wants to establish
21 that Mr. Garretson was being pressed by the agents to introduce
22 an undercover. So he's offering them for that purpose.

23 Mr. Garretson has already testified that that was the case,
24 that the agents were pressing him to do it. The text messages
25 don't establish anything, according to Mr. Earley, beyond that.

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1 And there's just no purpose in admitting hearsay statements to
2 establish something that has already been established.

3 THE COURT: Anything further, Mr. Earley?

4 MR. EARLEY: No, Your Honor.

5 THE COURT: Well, Mr. Earley, I appreciate the going
6 about time efficiency, suggesting that Mr. Bryant -- or Agent
7 Bryant is going to testify, and I don't want to prerule, but it's
8 your supposition that they may come in at that point, but for
9 purposes of this witness, the objection will be sustained.

10 MR. EARLEY: May I inquire of the witness about his
11 statements in the individual texts of the --

12 THE COURT: Of the witness's statements?

13 MR. EARLEY: Yes, without admission.

14 THE COURT: I believe you can. In terms of asking him,
15 you might -- you might ask if he recalls. He might have to
16 refresh his recollection with that. I don't think it would be
17 appropriate for you to read all the individual texts that he said
18 and then ask him does he remember that. And then I think that
19 kind of defeats the purpose of --

20 MS. MAXFIELD-GREEN: May I object, Your Honor? Yeah,
21 that would essentially just be reading into the record the same
22 hearsay. And I -- asking Mr. Garretson even about his own
23 statements, they're still hearsay as to him. So it doesn't
24 really solve the problem just asking him about his own
25 statements. It's still hearsay.

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1 THE COURT: Well, and I'm aware there's some exceptions
2 in the code for even his own statement to come in; I'm aware
3 there are some exceptions to that. I'm not aware of it going
4 that direction yet, but I think you can have him read them and go
5 through them with him, but without -- I don't think you can read
6 those to him without establishing first one of those exceptions
7 to the hearsay rule in terms of a statement.

8 MR. EARLEY: All right.

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 Q. (By Mr. Earley) Mr. Garretson, I believe that the
13 Government showed you the texts from Mr. Glover where he, in
14 essence, was advising that he had changed his mind. Do you
15 recall that exhibit?

16 A. Yes.

17 Q. All right. And so as of that day -- which I think we have
18 established November the 16th was when that was texted to you.
19 Do you recall that?

20 A. Right.

21 Q. All right. And then after that was the focus, as far as
22 your conversations with the agents, the focus of trying to get
23 this undercover guy, was that kind of ramped up at that time?

24 A. Correct.

25 Q. Because nothing was going on with Glover, right?

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- 1 A. I wasn't -- I lost track of the Glover situation.
- 2 Q. All right. So do you have a recollection of whether or not
3 you received some direction from the agent to try to get this
4 undercover agent in there on -- on or about November 17th? Do
5 you recall having any conversation with him about that?
- 6 A. I don't recall.
- 7 Q. All right. Now, after the meeting on December the 8th, how
8 many times, if you can recall, did Agent Bryant contact you about
9 trying to set up another meeting?
- 10 A. I don't recall.
- 11 Q. Was that the goal, to try to get the undercover agent back
12 in to visit with Mr. Passage?
- 13 A. Yes.
- 14 Q. And obviously that never occurred, correct?
- 15 A. Correct.
- 16 Q. Did you try to do that on a number of occasions after the
17 December 8th meeting?
- 18 A. Yes.
- 19 Q. Did you try to do that on a number of occasions throughout
20 January?
- 21 A. I don't recall.
- 22 Q. Would you turn to Defendant's Exhibit 42?
- 23 A. Okay.
- 24 Q. And does that refresh your recollection --
- 25 A. Yes.

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1 Q. -- as to whether or not you received some direction?

2 A. Yes.

3 Q. Would you turn to Defendant's Exhibit 43?

4 Now, I want to ask you, does that refresh your recollection
5 about the phone call that you had with Jeff Lowe?

6 A. Yes.

7 Q. So what was the content of that conversation that you recall
8 from Jeff Lowe and yourself?

9 MS. MAXFIELD-GREEN: Your Honor, same objection;
10 hearsay.

11 THE COURT: Mr. Earley?

12 MR. EARLEY: Your Honor, I think we have been through
13 several conversations between Mr. Lowe and Mr. Garretson. It's
14 simply to establish if he recalls whether or not there was any
15 discussion of this alleged scheme or another topic. That's all.

16 THE COURT: Can you reask your question?

17 Q. (By Mr. Earley) All right. With respect to that meeting
18 with Jeff Lowe, or that conversation you had with Jeff Lowe in
19 January of 2018, did the issue of Carole Baskin come up at all
20 during that conversation?

21 THE COURT: Overruled as to that question.

22 THE WITNESS: On the 18th?

23 Q. (By Mr. Earley) Yes.

24 A. I don't recall.

25 Q. All right. Would you look at Defendant's Exhibit 44?

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1 A. Okay.

2 Q. Were you being asked to continue the investigation and
3 further the effort to have a meeting with this Mark by the agent
4 in February?

5 A. Appears to be, yes.

6 Q. Would you turn to Defendant's Exhibit 48?

7 A. Okay.

8 Q. Based on that, have you a recollection that, again, you were
9 attempting to set up a meeting between you and the undercover
10 agent in March?

11 A. That's correct.

12 Q. Now, to your knowledge, after the December 8th, 2017,
13 meeting at the park with the undercover agent, did Mr. Passage
14 ever provide money to anyone to further that along?

15 A. No, not that I'm aware of.

16 Q. Did he ever, to your knowledge, purchase a firearm for the
17 individual?

18 A. Not that I'm aware of.

19 Q. Did he ever, to your knowledge, purchase burner phones for
20 this individual?

21 A. Not that I'm aware of.

22 Q. And if any of that was going to happen, if this were going
23 to turn into an actual situation, that would have gone through
24 you, correct?

25 A. Yes.

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1 Q. Because you were the only connection to this individual that
2 Mr. Passage had, right?

3 A. Right.

4 Q. Do you know why Mr. Passage stopped talking to you in March?

5 A. I assume there was some hostility between Jeff and Joe.

6 Q. Was that relationship, to your knowledge, based upon your
7 observations, deteriorating pretty quickly?

8 A. When Jeff came back, yes.

9 Q. All right. Now, with respect to the November 4th
10 conversation with Jeff Lowe, he, in fact, was the one that
11 advised you that he had retained Alan Glover for purposes of the
12 Carole Baskin murder, correct?

13 A. I think Jeff -- in that conversation Jeff Lowe recommended
14 him to Joe.

15 Q. All right. So Jeff Lowe sort of planted the idea of getting
16 Glover to do something to Ms. Baskin before you were actually
17 trying to set up the other deal, correct?

18 A. I'm not sure. I wasn't involved in any of those talks.

19 Q. All right. But that came before any conversation that you
20 had with Mr. Passage about that, correct? Specific conversation?

21 A. Yes, correct.

22 Q. All right. So it was clear even before you spoke to him on
23 November the 7th after -- after the Dallas trip, that Mr. Lowe
24 was well aware of this plan, correct?

25 A. Yes.

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1 Q. In fact, Alan was his idea, correct?

2 A. I'm not sure.

3 Q. And who contacted you about information about the place to
4 get the IDs?

5 A. Joe.

6 Q. Do you know where he received that information or how -- how
7 he thought that you might know something about that?

8 A. I'm not sure.

9 Q. Now, Mr. Garretson, there's been some discussion and
10 testimony in this case about -- from individuals about receiving
11 dental care and your involvement in that. Did you provide some
12 assistance to individuals?

13 A. On one occasion.

14 Q. And what kind of assistance was that?

15 A. A friend of mine.

16 Q. And who was that?

17 A. Is that relevant to the case?

18 Q. Well, what kind of assistance did you provide?

19 A. He actually provided some credit for dental work.

20 Q. And was that legal credit?

21 A. From what I understand, yes.

22 MS. MAXFIELD-GREEN: Your Honor, I would -- I would
23 object to the extent that Mr. Earley hasn't established that has
24 anything to do with a witness in this case, or anything to do
25 with this case.

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1 MR. EARLEY: Well, I believe that Dylan West, I
2 believe, testified about some dental care that Mr. Garretson
3 provided.

4 THE COURT: Parties approach.

5 (The following bench conference was held outside the hearing
6 of the jury.).

7 THE COURT: Its relevance, Mr. Earley? And I'm sorry,
8 I didn't hear his answer in response to it not being relevant to
9 the case and I should have admonished him to answer the question.

10 MR. EARLEY: There was some testimony from Dylan West
11 that Mr. Garretson arranged for some dental care for him. It was
12 through Care Credit. And my good faith belief is that the Care
13 Credit that was used for those purposes was fraudulent.

14 MS. MAXFIELD-GREEN: And, Your Honor, Dylan West
15 testified that Joe told him that James Garretson would be somehow
16 assisting in the payment. He also testified he didn't know
17 anything about the payment details other than what Mr. Passage
18 had told him. And Mr. Garretson has not established that the
19 person he provided dental care for was, in fact, Dylan West. So,
20 I mean, we're kind of going down the road without linking it up
21 to any testimony that's actually been had.

22 THE COURT: If that is the case, that Dylan West is the
23 person that he's referring to, Mr. Earley, what position does
24 that put you in if I compel him to answer the question?

25 MR. EARLEY: Well, then I'll just simply ask him if he

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1 provided him with dental care based on fraudulent credit.

2 THE COURT: Fraudulent credit, you mean --

3 MR. EARLEY: Fraudulent credit card.

4 MS. MAXFIELD-GREEN: And, I'm sorry, I don't have the
5 transcript, but didn't Mr. Garretson just testify he didn't
6 believe it was fraudulent?

7 THE COURT: And I think that was the answer. But,
8 again, I mean, if you want me to compel him to answer the
9 question who it was, but I think he has answered the question.

10 I'm not reading an official certified transcript, for the
11 record, but it -- I agree that it does appear that he answered
12 the question that it was legal credit. I'll leave it up to you,
13 Mr. Earley, if you want me to compel him to answer the question
14 by naming the person he did it for.

15 MR. EARLEY: No, that's not necessary.

16 THE COURT: In that regard, the objection will be
17 sustained.

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

21 THE COURT: Mr. Earley, I don't want to rush you or cut
22 you off if you're in the middle of -- or if you're close, or we
23 can take our afternoon break.

24 MR. EARLEY: We can take a break. That's fine.

25 THE COURT: Okay. Ladies and gentlemen, we will take

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1 our afternoon break under the usual admonition. Please don't
2 discuss the case with anybody and keep an open mind.

3 Everyone please remain seated while the jury leaves the
4 courtroom.

5 (Jury exited.)

6 (The following record was made in open court, in the
7 presence of all parties, counsel, and out of the presence and
8 hearing of the jury.)

9 THE COURT: We don't have to take it up now -- let the
10 record reflect the jury is out of the room.

11 We don't have to take it up right now, but I wanted to give
12 the parties an opportunity to think about it. Mr. Earley, I know
13 you may have been discussing scheduling in terms of how we're
14 progressing. I don't want to put anybody on the spot now, but if
15 you-all would be thinking about, as we move through the rest of
16 the afternoon, at the -- when we adjourn for the day, once I have
17 excused the jury, before we adjourn for the day formally, I would
18 like to talk a little bit about to see where you-all are in your
19 witness lineup, if it's still looking to be about the same. And
20 I know that's an imprecise science on how long any particular
21 person is going to go, but just for the benefit of us being sure
22 that we have witnesses here at the right time and all that. So
23 if you-all would be prepared to discuss that after we adjourn the
24 jury for today, I would appreciate it.

25 Anything further before we break?

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

2 MR. EARLEY: No, Your Honor.

3 THE COURT: Court will be in recess.

4 (BREAK TAKEN.)

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 THE COURT: Mr. Earley, you may continue.

9 Q. (By Mr. Earley) Mr. Garretson, taking you back to August
10 and September of 2017, you agreed to assist the Fish & Wildlife
11 agency; is that correct?

12 A. Correct.

13 Q. And what was your understanding -- at the time you signed up
14 to assist them, what was your understanding of your undercover
15 activities?

16 A. It was to stop the illegal transport of wildlife.

17 Q. All right. And with respect to any investigation about some
18 alleged plot to harm Carole Baskin, was that part of your
19 understanding at the beginning?

20 A. Yes.

21 Q. It was also part of your understanding?

22 A. Yes.

23 Q. So when you were contacted in September, were you already
24 aware of the plot?

25 A. Everybody's been aware of the plot. I mean, it's not --

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1 Q. Well, but they had something specific in mind, right?

2 A. That's not true.

3 Q. All right. Now, with respect to your first call with Agent
4 Bryant, do you remember that call?

5 A. I do.

6 Q. And it wasn't recorded, was it?

7 A. No.

8 Q. All right. And do you remember during that call being asked
9 who the bad guy was between the two of them? Do you remember
10 that?

11 A. Yes.

12 Q. And what was your answer?

13 A. Mr. Passage.

14 Q. So your discussion with the agents from the very beginning
15 of this made Mr. Passage the primary target of this
16 investigation, correct?

17 A. Correct.

18 Q. To your knowledge, has Mr. Lowe been arrested for anything
19 in connection with this offense, or crime?

20 A. No.

21 MR. EARLEY: Nothing further.

22 THE COURT: Thank you.

23 Redirect?

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

25 **REDIRECT EXAMINATION**

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

2 Q. Mr. Garretson, Mr. Earley talked to you about the
3 conversation that you had with Mr. Lowe right before you
4 contacted Carole Baskin. Do you recall that?

5 A. Yes.

6 Q. And Mr. Earley characterized it that the -- the purpose of
7 the -- the motivating factor for that call, Mr. Earley said that
8 he was desperate to get rid of Mr. Passage. Now, was it your
9 understanding that Mr. Lowe's desire to sell the park was an
10 attempt to get rid of Mr. Passage?

11 A. No, that's not correct. He wanted to get out from
12 underneath the park because all the legal problems.

13 Q. Once Mr. Lowe got involved in the zoo, did he also start to
14 get sued by Carole Baskin?

15 A. From my understanding, yes.

16 Q. And from your understanding, had he attempted various legal
17 maneuvers to try to get the entity that he owned out from under
18 that litigation?

19 A. From what I understand, yes.

20 Q. Okay. So based on your conversations with Mr. Lowe, was it
21 -- the contact to Carole Baskin about getting rid of the park or
22 getting rid of Mr. Passage?

23 A. The park.

24 Q. Mr. Earley asked you a number of times, went through a
25 number of calls with you and, you know, established that in any

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1 given call it was you that brought up the subject of a hit man,
2 that you're suggesting your guy Mark in various conversations.

3 Now, you testified on direct that before you ever started
4 cooperating with the Government in September of 2017, you
5 testified that Mr. Passage had asked you at least a dozen times
6 to find someone to kill Carole Baskin; is that correct?

7 A. That's correct.

8 Q. And in connection with those times, that dozen or so times
9 that he had asked you to find someone to kill Carole Baskin,
10 prior to when you ever started cooperating with the Government,
11 how much money did he suggest he would be willing to pay?

12 A. It was always \$10,000.

13 Q. So when you started cooperating with the Government and you
14 had conversations with Mr. Passage in which you suggested using a
15 hit man, was that just part of an ongoing conversation you had
16 been having with Mr. Passage for over a year?

17 A. That's correct.

18 Q. Now, on direct we talked about a call that you had with
19 Mr. Passage on February 18th of 2018 when you were standing in a
20 barn. Do you recall that?

21 A. I do.

22 Q. And that call, it was not recorded, correct?

23 A. Correct.

24 Q. And why was it not recorded?

25 A. I couldn't get to the recording device and -- at the time

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1 I had broke my phone that had the recording app on it.

2 Q. And you say you couldn't get to the recording device. Is
3 that because Mr. Passage called you?

4 A. Correct.

5 Q. And tell us what Mr. Passage wanted when he called you when
6 you were standing in the barn?

7 A. Basically asking if my guy was still available.

8 Q. And did he mean Mark, the undercover?

9 A. I assume.

10 Q. Now, Mr. Earley was discussing with you a November 4th
11 conversation you had with Jeff Lowe, and Mr. Earley's words were
12 that Jeff Lowe planted the idea of using Glover. Now, do you
13 recall a phone conversation -- do you recall Mr. Earley asking
14 you about that?

15 A. I do.

16 Q. Do you also recall a phone conversation with Jeff Lowe on
17 November 7th of 2017 in which Mr. Lowe referred to the whole crew
18 as a clown assassin?

19 A. I do.

20 Q. And the -- and did Mr. Lowe also tell you in that phone call
21 that he believed essentially that Mr. Glover might be willing to
22 do it but that he was not able to do it?

23 A. That is true.

24 Q. Is that consistent with your understanding that Jeff Lowe
25 was in favor of using Mr. Glover as any kind of a hit man?

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1 A. Correct.

2 Q. And I'm not sure I asked that correctly.

3 Did you believe that Mr. Lowe had any interest in planting
4 the idea of using Mr. Glover as a hit man?

5 A. No.

6 Q. And finally, did Mr. Passage at the time -- in the fall of
7 2017, did he know that you had owned strip clubs in Dallas, or a
8 strip club in Dallas?

9 A. I assume, yes.

10 Q. And did he know that you had owned bars in Dallas?

11 A. Yes.

12 Q. And to your understanding, is that why Mr. Passage thought
13 you might know where to get a fake ID?

14 A. Correct.

15 Q. And did you ever -- did you approach Mr. Passage and ask him
16 if he needed a fake ID?

17 A. No.

18 Q. He contacted you and asked you where to get a fake ID,
19 correct?

20 A. Yeah.

21 MS. MAXFIELD-GREEN: That's all, Your Honor.

22 THE COURT: Anything additional, Mr. Earley?

23 MR. EARLEY: Just a couple of questions, Your Honor.

24 **RE CROSS EXAMINATION**

25 **BY MR. EARLEY:**

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1 Q. Now, Mr. Garretson, if I recall your testimony correctly,
2 these dozens of times that Mr. Passage inquired of you about
3 finding a hit man, you said that you thought he was serious,
4 correct?

5 A. Correct.

6 Q. And this spanned over how long a period of time?

7 A. A few years.

8 Q. All right. So after one of those or three of those or six
9 of those, did you ever think to contact law enforcement?

10 A. I was in touch with law enforcement right after, yes.

11 Q. Right after what? Right after each one of those
12 conversations?

13 A. It was a very short period that I was involved with Passage.
14 And then shortly after, that's when the Fish & Wildlife got
15 involved.

16 Q. Well, I'm talking about the 18-month period or two-year
17 period that you were talking about where these solicitations by
18 Mr. Passage to try to find a hit man occurred. Do you remember
19 you testified to that?

20 A. I remember, yes.

21 Q. At least a dozen times, I think you said. So those are the
22 ones I'm referring to. After one of those, let's say in 2016,
23 did you ever contact law enforcement?

24 A. No.

25 Q. And you thought it was serious?

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1 A. Yes.

2 Q. Now, this initial meeting that you had with Mr. Lowe and
3 where the discussion was about contacting Carole Baskin, it
4 wasn't just merely about Mr. Lowe trying to sell the park, was
5 it?

6 A. Basically it was, yes.

7 Q. Well, do you recall that there was another part of it?
8 Mr. Lowe was going to offer Joe up on a silver platter; do you
9 remember that?

10 A. What Lowe said is that he was going to give her all the
11 computers that belonged to the park, is what we talked about.

12 Q. Right. And you testified in front of the grand jury, did
13 you not, that he was going to offer Joe on a silver platter?

14 A. He may have said that, yes.

15 Q. Well, that was your testimony in front of the grand jury,
16 correct?

17 A. Correct.

18 Q. Is that what he said?

19 A. Yes.

20 MR. EARLEY: Nothing further.

21 THE COURT: Thank you, Mr. Garretson. You may step
22 down.

23 MS. MAXFIELD-GREEN: Your Honor, could we approach just
24 briefly before we call our next witness?

25 THE COURT: You may.

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1 (The following bench conference was held outside the hearing
2 of the jury.).

3 MS. MAXFIELD-GREEN: Your Honor, we're about to call
4 Alan Glover and we just wanted to advise the Court of a couple of
5 things. Mr. Glover has extremely bad back pain. I have
6 interviewed him a number of times and -- well, not a number of
7 times, a couple of times -- and he almost always needs to stand
8 up and stretch a little bit when he gets extremely uncomfortable.
9 I'm not really sure how we address that.

10 You know, we're at 3:30, I'm not sure he can make it a whole
11 hour and a half without having a little bit of a stretch break.
12 Is there any way we could build in like a three-minute stretch
13 break or something kind of halfway through that? I hate to do
14 that, but he's in a lot of pain.

15 MR. BROWN: He might ask to testify while standing.

16 THE COURT: I was going to say, I can't say I have ever
17 encountered this before.

18 Defense counsel, I'm not sure it's my preference for him to
19 just stand all the time, but if we get to a position where he
20 needs to stand as opposed to us taking multiple breaks, do
21 you-all have an objection to him standing there at the witness
22 box with the microphone?

23 MR. WACKENHEIM: No. I don't anticipate that it would
24 become overly distracting. And as long as the jury is made aware
25 that Mr. Glover's -- either through the Court, preferably -- that

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1 Mr. Glover, I understand you may need to stretch from time to
2 time, feel free do so.

3 THE COURT: Yeah. I don't want it to become any kind
4 of sympathy issue for the jury. I'll simply advise Mr. Glover
5 when he takes the stand, it's my understanding that you have some
6 back issues, if you get to a point that it would be preferable
7 for you to stand for your testimony, we'd be willing to
8 accommodate that. Is that --

9 MR. WACKENHEIM: That's fine.

10 MS. MAXFIELD-GREEN: And usually just, you know,
11 90 seconds of standing and stretching a little bit usually gets
12 him back to --

13 THE COURT: You guys are okay with that?

14 MR. EARLEY: That's fine.

15 MR. WACKENHEIM: Do you want to advise that --

16 MS. MAXFIELD-GREEN: Yes. And there's one more issue
17 with Mr. Glover, and I have tried to sensitize defense counsel to
18 this. Mr. Glover's ability to read is very limited. Most of his
19 text messaging has been through dictation software on his phone.
20 So I don't want defense counsel to walk into a situation where
21 they're asking him to read and that's upsetting or frustrating to
22 him.

23 I think we have agreed that to the extent they're going to
24 be looking at text messages with him that it would be fine for
25 them to read the text message to him and then essentially ask if

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1 that's consistent with what it says or what he remembers texting.

2 THE COURT: That okay?

3 MR. WACKENHEIM: That's fine. I will also advise the
4 Court, we're going to attempt to admit those text messages, too.
5 But I think we may have further discussion on whether or not
6 those come in.

7 THE COURT: Okay. Thank you.

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

11 MS. MAXFIELD-GREEN: Your Honor, the Government's
12 calling Alan Glover.

13 (WITNESS SWORN.)

14 THE COURT: Mr. Glover, if you would have a seat and
15 adjust yourself to the microphone. My understanding is that you
16 have some back issues that could complicate you sitting for
17 extended periods of time.

18 THE WITNESS: Yes, sir.

19 THE COURT: It would -- it's perfectly okay, if you get
20 to a position that you're becoming uncomfortable or in some level
21 of pain, if you would like to stand and use that microphone there
22 to your side or -- and stretch for a second and then return,
23 however you want to do it, just in order to accommodate for your
24 condition.

25 THE WITNESS: Thank you, sir.

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1 ALAN GLOVER,

2 DIRECT EXAMINATION

3 BY MS. MAXFIELD-GREEN:

4 Q. Good afternoon, Mr. Glover. Could you state your full name
5 for the record, please?

6 A. Frank Alan Glover.

7 Q. Mr. Glover, are you currently living in the State of
8 Oklahoma?

9 A. Yes, ma'am.

10 Q. Where are you living?

11 A. At the zoo, GW Exotic Animal Park.

12 Q. Is that in Wynnewood, Oklahoma?

13 A. Yes, ma'am.

14 THE COURT: Mr. Glover, can you pull that front
15 microphone a little bit towards you? Thank you.

16 Q. (By Ms. Maxfield-Green) And are you working at the zoo?

17 A. Yes, ma'am.

18 Q. Mr. Glover, where are you originally from?

19 A. South Carolina, Beaufort.

20 Q. Mr. Glover, how far did you go in school?

21 A. About fifth, sixth grade.

22 Q. What kind of jobs have you had throughout your life?

23 A. Tree work.

24 Q. Is that trimming, like --

25 A. Trimming trees, cutting trees down, yes, ma'am.

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1 Q. Okay. Are you familiar with a person named Joseph Maldonado
2 or Joseph Maldonado-Passage?

3 A. Yes, ma'am.

4 Q. And do you -- based on your association with him, is it --
5 have you mostly just called him Joe?

6 A. Yes, ma'am.

7 Q. Do you see Mr. Passage in the courtroom here today?

8 A. Gentleman sitting over there. (Indicating.)

9 MS. MAXFIELD-GREEN: Your Honor, can the record reflect
10 that Mr. Glover indicated the presence of the defendant?

11 THE COURT: So reflect.

12 Q. (By Ms. Maxfield-Green) And, Mr. Glover, I'll just refer to
13 the -- him as Mr. Passage or Joe. Okay?

14 Now, how was it that you came to meet Joe?

15 A. From a friend I knew back in South Carolina, Jeff Lowe.

16 Q. Okay. And how did you know Jeff Lowe?

17 A. I have worked for him before.

18 Q. Okay.

19 A. Through the years, through the years.

20 Q. Through the years?

21 A. Yes, ma'am.

22 Q. And you worked for him in South Carolina?

23 A. Yes, ma'am.

24 Q. Okay. And what was your understanding of how -- what
25 Mr. Lowe's position was with the zoo here in Oklahoma?

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- 1 A. He bought it and owned it.
- 2 Q. Okay. And how did you end up coming from -- how or why did
3 you end up coming from South Carolina here to Oklahoma?
- 4 A. How did I get here?
- 5 Q. Well, why did you come here?
- 6 A. Oh, to help Jeff out.
- 7 Q. Did he need some workers?
- 8 A. Yes, ma'am.
- 9 Q. And did you need a job?
- 10 A. Yeah.
- 11 Q. All right. So about when did you move from South Carolina
12 to Oklahoma?
- 13 A. Oh, it's been several -- I have been here several years. I
14 went back once, back to South Carolina.
- 15 Q. Okay. So did you come here after Mr. Lowe took ownership of
16 the zoo?
- 17 A. Yeah. I believe he had it maybe three years once I -- when
18 I got here, something like that. That's what I was -- heard.
- 19 Q. Okay. Once you got to the zoo, did Mr. Lowe put you to
20 work?
- 21 A. Yes, ma'am.
- 22 Q. What kind of jobs did you do at the zoo?
- 23 A. Just odd jobs. He knows my back was messed up, so he didn't
24 really put a lot on me.
- 25 Q. Okay. Did you do some -- did you do some landscaping and

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- 1 tree work?
- 2 A. Yes, ma'am.
- 3 Q. Okay. Did you get to -- was part of your job to interact
4 with the animals?
- 5 A. Sometime I got a chance to.
- 6 Q. Did you enjoy interacting with the animals?
- 7 A. Yes, ma'am. It was pretty nice.
- 8 Q. So when you first got to Oklahoma, was Jeff Lowe still
9 living and working at the zoo?
- 10 A. Yes, ma'am.
- 11 Q. At some point after you got here, did he go live somewhere
12 else?
- 13 A. Yeah. He went to Vegas.
- 14 Q. Now, when you got to the zoo, what was Joe's role?
- 15 A. He was like the caretaker for everyday stuff, made sure it
16 got done.
- 17 Q. Who did you consider your boss to be?
- 18 A. Jeff Lowe, and Lauren Lowe now.
- 19 Q. And what about on a daily basis when you were working around
20 the park and Mr. Lowe wasn't there, who was your boss?
- 21 A. Joe would be.
- 22 Q. What was it like for you working for Joe?
- 23 A. Really hard to describe. He's an asshole. Treat his
24 employees like dirt.
- 25 Q. Okay. And did you have personal interactions with him that

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- 1 made you feel that way?
- 2 A. Say it again, ma'am.
- 3 Q. Did you have personal interactions with him that made you
4 feel like dirt?
- 5 A. Yes, ma'am.
- 6 Q. How -- what did he do to make you feel that way?
- 7 A. Well, he had his little -- everybody's got radios, but he
8 would downgrade me to the point where it was coming close to
9 blows, that's how bad it got. And not only him; he would get
10 Eric or whoever, get Alan to do this and make sure he does not
11 stop all day. And he's just -- he's really a cruel, cruel
12 person.
- 13 Q. So he'd try to work you hard?
- 14 A. Like a slave.
- 15 Q. Okay. And you made reference to the employees having
16 radios. Did he say stuff over the radios that all the employees
17 could hear about you?
- 18 A. Absolutely. I was a rat, I was a -- all kind -- just really
19 bad stuff. Like I say, it come close to blows.
- 20 Q. Did you ever have blows with Mr. Passage?
- 21 A. Nope. I had many enough confrontations with him, though.
- 22 Q. Were there occasions when Mr. Passage was nice to you or not
23 as disparaging to you?
- 24 A. Yeah, there would be sometime, he'd take me to the store,
25 get me something to eat, whatever, go to the other restaurant and

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1 work up there.

2 Q. Okay. So it wasn't -- there were instances where it was
3 okay?

4 A. Yeah. Seems like he was fishing for stuff, information,
5 basically.

6 Q. Okay.

7 A. You can't be that bad of a person and then turn around and
8 be somebody else.

9 Q. So even when he was nice to you, you felt like that was --

10 A. Oh, I knew it was bullshit -- bull.

11 Q. Now, before you came to Oklahoma to work at the zoo, had you
12 ever heard of a person named Carole Baskin?

13 A. Before I came to the zoo?

14 Q. Right.

15 A. No, ma'am, but I heard about it every day after I got there.

16 Q. That was going to be my next question. What did you hear?

17 A. That he wanted to have that lady murdered or him murder her,
18 all kind of stuff. It was crazy. And not only did employees
19 hear it; people on the park could hear it.

20 Q. Do you think customers overheard him?

21 A. I'm sure they had to have. They may have not known what was
22 going on, but we knew.

23 Q. How often would he make comments about Carole Baskin?

24 A. Pretty much every day, especially if something -- he got a
25 letter saying, you know, he's got to go back to court, whatnot,

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- 1 he's flip a script.
- 2 Q. Flip a script, does that mean --
- 3 A. He would go apeshit.
- 4 Q. Okay.
- 5 THE COURT: Mr. Glover, I would ask you to please watch
6 your language unless you're delivering a quote.
- 7 THE WITNESS: Yes, sir.
- 8 Q. (By Ms. Maxfield-Green) Now, did you -- did you have a good
9 idea of what he had against Carole Baskin, what the problem was?
- 10 A. From my understanding, it was a major lawsuit.
- 11 Q. Did you come to -- from listening to Joe, did you come to
12 find out where she lives?
- 13 A. Yes, ma'am.
- 14 Q. Where did she live, to your knowledge?
- 15 A. He showed me on the computer one time of Big Cat Rescue.
- 16 Q. And what state was that in?
- 17 A. Florida.
- 18 Q. When he showed you that on a computer, who was in the room?
- 19 A. I was in the room only.
- 20 Q. Just you and Mr. Passage?
- 21 A. Yes, ma'am.
- 22 Q. All right. Mr. Glover, did Mr. Passage ever ask you to kill
23 Carole Baskin?
- 24 A. He -- we have talked about it several times.
- 25 Q. Did you have more -- did you have one conversation about it

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1 or more than one conversation?

2 A. We have had more than one conversation, several.

3 Q. Now, do you recall October 6th when Mr. Passage's husband
4 died?

5 A. Yes, ma'am.

6 Q. Okay. To the best of your recollection, was the first
7 conversation you had with Mr. Passage about killing Carole
8 Baskin, would that conversation have happened before October 6th
9 or after October 6th?

10 A. I believe it was before he died, I'm thinking.

11 Q. Now, what do you remember -- you have told us there was a
12 conversation where Mr. Passage and you were in a room and he
13 showed you her location on a computer. Was that the first
14 conversation you had with him?

15 A. No. We have had conversations before I seen the picture of
16 her.

17 Q. What do you recall about the -- to the extent you can
18 distinguish it in your mind -- the very first conversation you
19 had?

20 A. Went out on the front porch, right before we was getting off
21 work, or actually when we were getting off work, because it would
22 sometime be 11:00, 12 o'clock at night when we'd get off.

23 Q. And you're standing on the front porch -- and let me just
24 clarify, when you got there and were working at the park, did you
25 also live at the park?

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- 1 A. Yes, ma'am.
- 2 Q. About how far off was the trailer you lived in?
- 3 A. 500 feet maybe, or yards.
- 4 Q. So this conversation where you're on the front porch, the
5 front porch of what?
- 6 A. Gift shop.
- 7 Q. What do you remember about what he said?
- 8 A. We was talking about it and he wanted to know could I get it
9 done.
- 10 Q. Why do you think he asked you in particular?
- 11 A. Well, probably because I was -- have the teardrop on my eye.
- 12 Q. Did you say you have got a teardrop on your eye?
- 13 A. Yes, ma'am. It means two different things.
- 14 Q. Okay. Let me ask you first: Are you referring to -- do you
15 have a -- the jury's on the other side of you. Do you have a
16 teardrop tattoo under your eye?
- 17 A. Yes, ma'am, I do.
- 18 Q. Okay. And in your experience, what is -- what do people
19 believe a teardrop tattoo means?
- 20 A. You lost someone you really love or you have killed someone.
- 21 Q. And do you think that Mr. Passage believed that you'd killed
22 someone?
- 23 A. Yes, ma'am, I'm pretty sure.
- 24 Q. And did you let him believe that that's what it meant?
- 25 A. Yes, ma'am, I did.

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- 1 Q. Now, Mr. Glover, have you ever been convicted of a violent
2 crime?
- 3 A. Yes, ma'am, I have.
- 4 Q. What was it?
- 5 A. Assault and battery with a highly aggravated nature.
- 6 Q. When was that?
- 7 A. I think I was about 17.
- 8 Q. Okay. Was that in South Carolina?
- 9 A. Yes, ma'am.
- 10 Q. Did you serve time in jail?
- 11 A. Yes, ma'am.
- 12 Q. About how long did you spend in jail?
- 13 A. Probably about five years.
- 14 Q. Okay. Do you have any other convictions for violent crimes?
- 15 A. Yes, ma'am.
- 16 Q. What kind of crimes?
- 17 A. Assault charges.
- 18 Q. Okay. Have you ever done any other stints in prison?
- 19 A. Here and there.
- 20 Q. All right. So when he asked -- Mr. Passage asked you if you
21 could get it done, what did you tell him?
- 22 A. Yeah, I could get it done.
- 23 Q. Did he offer to pay you for killing her?
- 24 A. Yes, ma'am.
- 25 Q. How much did he offer to pay you?

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- 1 A. 5,000 at first, and then after it was done he would take
2 care of me, basically.
- 3 Q. And what did that mean to you, that he'd take --
- 4 A. More money.
- 5 Q. That he'd give you more money?
- 6 A. Yes, ma'am.
- 7 Q. So after that first conversation, did you have several more
8 conversations with Mr. Passage?
- 9 A. Yes, ma'am.
- 10 Q. In the other conversations you had with Mr. Passage about
11 this, were there other people around or was it typically just you
12 and him?
- 13 A. Typically just I.
- 14 Q. Did you discuss with Mr. Passage different ways of killing
15 her?
- 16 A. Yes, ma'am.
- 17 Q. How did he want you to do it?
- 18 A. Well, with a -- a bow, bow and arrow, which was kind of like
19 a side bow and arrow, it was -- what's it called?
- 20 Q. Is it a crossbow?
- 21 A. Crossbow. Thank you. That, or a rifle he had.
- 22 Q. Okay. And what were your thoughts about -- what did you
23 tell him your thoughts were about using a rifle?
- 24 A. Well, I couldn't because I'm a felon.
- 25 Q. And what -- can you explain for us why you couldn't because

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- 1 you're a felon? What does that mean?
- 2 A. If I got pulled over by a cop or anything, they would search
3 my vehicle, they always do because of my record.
- 4 Q. And --
- 5 A. I couldn't afford to get caught with anything.
- 6 Q. And is that because it's a crime for a felon to have a gun?
- 7 A. Yes, ma'am.
- 8 Q. In connection with his idea that you use a gun, did -- did
9 you ever go shooting guns with him?
- 10 A. Yes, ma'am.
- 11 Q. What was the purpose of shooting guns with him?
- 12 A. Target practice, shooting at Tannerite.
- 13 Q. What's Tannerite?
- 14 A. Explosives.
- 15 Q. Did he have any other gear that he thought you might be able
16 to use to go do it?
- 17 A. He had like a camouflage suit that, you go out in the woods,
18 it would be pretty hard to see you.
- 19 Q. And did he think that would be something you could take to
20 use?
- 21 A. Yes, ma'am.
- 22 Q. Did you ever have any conversations with him about where you
23 could be in terms of finding her?
- 24 A. Oh, he was showing me he'd seen on the Internet somewhere or
25 another that she likes to take walks, walks somewhere, and that

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1 would probably be a good place to do it.

2 Q. Now, you had said that you were uncomfortable with the idea
3 of guns because you have this felony conviction. Did you propose
4 any other ways of killing her to Mr. Passage?

5 A. Yeah, I would cut her head off.

6 Q. Did he seem okay with that?

7 A. He was fine with it.

8 Q. So over the course of those conversations, did you tell
9 Mr. Passage that you would murder Carole Baskin if he paid you to
10 do it?

11 A. Yes, ma'am, I did.

12 Q. At the time that you told him that, did you intend to
13 actually go kill Carole Baskin?

14 A. No, ma'am.

15 Q. What did you actually intend to do?

16 A. Take his money and run.

17 Q. Okay. And why would you want to take his money and run?

18 A. Because the way he treated me and the employees and the way
19 he acted, I was ready to get away from there because I had no
20 safety net when Jeff was gone.

21 Q. I'm sorry. Did you say you had no safety net?

22 A. Yes, ma'am.

23 Q. When Jeff was gone?

24 A. (Witness nodded.)

25 Q. Okay. So you were ready to go back home to South Carolina?

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- 1 A. Yes, ma'am.
- 2 Q. Now, during the time period that you were having these
3 conversations with Mr. Passage, or Joe, did you travel from the
4 zoo in Oklahoma down to Dallas?
- 5 A. Yes, ma'am, I did.
- 6 Q. And was anybody with you on that trip?
- 7 A. Yes, ma'am, John Finlay.
- 8 Q. John Finlay?
- 9 A. Yes, ma'am.
- 10 Q. And who is John Finlay?
- 11 A. One of his wives, or husbands.
- 12 Q. Is Mr. Finlay somebody who'd been in a relationship with
13 Mr. Passage?
- 14 A. Yes, ma'am.
- 15 Q. And did Mr. Finlay work at the park?
- 16 A. Yes, ma'am, between the park and the restaurant.
- 17 Q. Okay. What was the purpose of the trip that you took to
18 Dallas with Mr. Finlay?
- 19 A. To go pick up a fake ID, have one made.
- 20 Q. Say again.
- 21 A. To go pick up a fake ID, get one made.
- 22 Q. Okay. And why did you need a fake ID?
- 23 A. For travels, motels, stuff like that.
- 24 Q. Okay. And travels and motels to go where?
- 25 A. So I wouldn't be -- I wouldn't leave a paper trail.

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- 1 Q. And for your travel to where?
- 2 A. To Florida to kill that lady.
- 3 Q. Whose idea was the fake ID?
- 4 A. Joe's.
- 5 Q. Had you discussed with Joe how you were going to actually
- 6 travel from Oklahoma to Florida?
- 7 A. Yes. I think he wanted me to take a bus, but I wasn't going
- 8 for a seven-day ride.
- 9 Q. Why -- what was concerning to you about a seven-day ride on
- 10 a greyhound bus?
- 11 A. My back for starters, but that would still leave a paper
- 12 trail, so that's why I needed a fake ID.
- 13 Q. All right. Where did you go to get the fake ID?
- 14 A. Dallas.
- 15 Q. What kind of a place was it?
- 16 A. Kind of a sign shop, I think.
- 17 Q. How --
- 18 A. Never mind.
- 19 Q. Sorry about that.
- 20 How did you know where to go in Dallas?
- 21 A. Somebody told Joe about it.
- 22 Q. And did you have, like, an address or a location?
- 23 A. Yes, ma'am.
- 24 Q. Did you make it to that location?
- 25 A. Not at first, went to the wrong place.

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1 Q. Okay. And then did you get turned around and get to where
2 you needed to be?

3 A. Yeah. He got the correct address. GPS I guess sent us to
4 the wrong place.

5 Q. Who got the correct address?

6 A. John.

7 Q. John Finlay? Now, when you got there to the correct place,
8 did you and Mr. Finlay go inside?

9 A. Yes, ma'am, we did.

10 Q. Did Mr. Finlay help you fill out the paperwork?

11 A. Yes, ma'am.

12 Q. Okay. Did you have your photo taken for the ID?

13 A. Yes, ma'am, I did.

14 Q. Did they make the ID while you waited?

15 A. Yeah. It only took a couple seconds.

16 Q. Who paid for the ID?

17 A. Joe did. He gave -- he gave John 200 bucks, which it only
18 cost a hundred.

19 Q. What happened to the other hundred?

20 A. John put that in his pocket.

21 MS. MAXFIELD-GREEN: Can I have a minute to get my
22 exhibit list, Your Honor?

23 THE WITNESS: How do you work this fucking thing?

24 Q. (By Ms. Maxfield-Green) All right. And if we can see
25 Government Exhibit 20 that's been previously admitted.

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1 THE COURT: Hang on just a second.

2 THE WITNESS: I'm getting it. How you work it -- it's
3 heavy.

4 Go ahead, ma'am. I apologize.

5 MS. MAXFIELD-GREEN: That's okay. I think we have got
6 more water coming here.

7 THE WITNESS: Thank you. Thank you, lady.

8 Q. (By Ms. Maxfield-Green) Okay. And then while we're getting
9 some water, if we could get Government Exhibit 20 up. Oh, it's
10 up. I need to switch this. Okay. There we go.

11 Okay. If you'll look at that screen, do you recognize this?

12 A. Yes, ma'am. That's the photo ID I got from Dallas.

13 Q. Okay. And the name John Alan McDowell, how did you come up
14 with the name John Alan?

15 A. Because John was with me and I seen McDowell on the -- some
16 board that they had in there. I just ran with it.

17 Q. And Alan is your name, correct?

18 A. Yep.

19 Q. Okay. Is there any reason you picked an Arizona ID?

20 A. Not really.

21 Q. Okay. The date of birth that's on there, is that your
22 actual date of birth?

23 A. Yes, ma'am.

24 Q. Do you still have this ID?

25 A. No, ma'am. I have looked for it, but I don't.

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- 1 Q. Okay. Did you lose it somewhere?
- 2 A. I think I discarded it. That's a no-no too.
- 3 Q. What's that?
- 4 A. That's a no-no too. Can't have anything like that on me.
- 5 Q. Okay.
- 6 A. Being a felon.
- 7 Q. You discarded it because you didn't want it found on you?
- 8 A. I'm pretty sure I did, ma'am.
- 9 Q. Okay. Now, after you got the fake ID made, did you and
- 10 Mr. Finlay stay in Texas or did you head back to Oklahoma?
- 11 A. We was heading back to Oklahoma, but I think he got a call
- 12 and distracted us to go somewhere else for somebody to look at
- 13 the ID to tamper with it.
- 14 Q. Okay. So did you stop off on the way back to the zoo?
- 15 A. Yes, ma'am.
- 16 Q. And do you remember what town you were in?
- 17 A. No, ma'am.
- 18 Q. Okay. Do you know who you were there to see?
- 19 A. I met the guy before, but I didn't -- I don't really know
- 20 him know him.
- 21 Q. Okay. And you said that he was -- you went there so he
- 22 could tamper with the ID. Do you know what he did with it?
- 23 A. Took a file and files something off the bottom of it. So I
- 24 think it was -- stated something that's not used for government
- 25 use or anything like that, something along the lines of that.

Emily Eakle, RMR, CRR

1 Q. Okay. And this person who altered the ID, was it your
2 understanding that he knew about -- about Joe's plan to have you
3 kill Carole Baskin?

4 A. Yes, ma'am.

5 Q. On the -- during the day that you traveled to Dallas, did
6 you try to reach -- try to reach Joe on the phone?

7 A. I think we did because of -- first we didn't know the right
8 place, whatever. Can you say that one more time, please?

9 Q. Sure. At any time on the trip to Dallas did you try to call
10 Joe on the phone?

11 A. On the way to Dallas?

12 Q. On the way or on the way back, at any time.

13 A. Got lost. I mean, we had to call to find out something, do
14 you know the right place going. And I guess he either got a
15 phone call or he made a phone call to go get that scratched off
16 at that man's place. Other than that, we went back to Wynnewood.

17 Q. Okay. So let me see if I understand you. During the day,
18 either you or Mr. Finlay did, in fact, communicate with Joe on
19 the phone?

20 A. I think so. I didn't personally, I don't think.

21 Q. Now, when you got back to the zoo from Dallas, did you check
22 in with Joe and let him know that you got the fake ID?

23 A. Not really.

24 Q. Okay. At the point at which you had the ID, was Joe ready
25 to put the plan in motion and send you to Florida?

Emily Eakle, RMR, CRR

- 1 A. No, ma'am, he was not.
- 2 Q. Why wasn't he ready to do that?
- 3 A. Because our agreement was \$5,000 and he had -- he didn't
4 have five grand.
- 5 Q. Okay. And did -- did he think he -- did Mr. Passage say
6 anything to you about that he could get the money?
- 7 A. Yeah. He said just give him time, he was waiting on
8 somebody to come pick something up.
- 9 Q. And do you know what that something was?
- 10 A. Yes, ma'am, a liliger.
- 11 Q. Is that a liliger?
- 12 A. I think it's a liliger, yes, ma'am.
- 13 Q. Okay. So sometime after your trip to Dallas to get the fake
14 ID, did you have a conversation with the same guy that had
15 altered the ID?
- 16 A. Yes, ma'am. He came to the park one day.
- 17 Q. And did Mr. -- I'll refer to him as Mr. Garretson. I think
18 you have testified you weren't sure of his name.
- 19 A. Yeah. I'm pretty sure that's who it is, though.
- 20 Q. Okay. Did he ask you questions about the plan to kill
21 Carole Baskin?
- 22 A. Yes, ma'am.
- 23 Q. And did you tell him some of the details?
- 24 A. Did I tell any details about what I was going to do or --
- 25 Q. Did you tell him the details of the plan that you had

Emily Eakle, RMR, CRR

- 1 discussed with Joe?
- 2 A. He knew. He knew what was going on.
- 3 Q. Okay. Now, in that conversation did you try to make
- 4 Mr. Garretson, the guy that had altered the ID, did you try to
- 5 make him believe that you were going to go kill Carole Baskin?
- 6 A. Yes, ma'am, I did. I had to kind of -- because I thought he
- 7 was going to kind of like sneak in and take what I needed to get
- 8 out of there, was the money.
- 9 Q. Okay. You thought --
- 10 A. I just needed the money so I could leave.
- 11 Q. Okay. And you thought Mr. Garretson might try to take that
- 12 money?
- 13 A. Yes, ma'am.
- 14 Q. Why did you believe that?
- 15 A. He's a shady character.
- 16 Q. Okay. And did you think he might beat you to it?
- 17 A. Yes, ma'am, and I would be stuck there.
- 18 Q. Now, at the time you had that conversation with
- 19 Mr. Garretson, the guy that had tampered with the ID, did you
- 20 know that he was recording your conversation?
- 21 A. Not at the time.
- 22 Q. Are you aware that there is a recording of that?
- 23 A. Oh, yeah.
- 24 Q. And have you seen it before?
- 25 A. Yes, ma'am.

Emily Eakle, RMR, CRR

1 Q. And is that a true and accurate recording of your
2 conversation with him?

3 A. Yes, ma'am.

4 MS. MAXFIELD-GREEN: Government moves to admit
5 Exhibit 59 and -- 59 and 59-1, and that is the video of the --
6 video and a transcript.

7 THE COURT: 59 and 59-A?

8 MS. MAXFIELD-GREEN: Sorry. 59 and 59-A.

9 THE COURT: Mr. Earley -- or, I'm sorry,
10 Mr. Wackenheim?

11 MR. WACKENHEIM: Same objection as to the transcript
12 that we lodged earlier, but other than that, no.

13 THE COURT: Thank you. The objection will be
14 overruled. 59 and 59-A will be admitted.

15 MS. MAXFIELD-GREEN: And just for the Court's
16 knowledge, it takes place in six clips that are all incorporated
17 into 59.

18 (Video played in open court.)

19 Q. (By Ms. Maxfield-Green) Now, Mr. Glover, you were talking
20 to Mr. Garretson in great detail about a plan to kill Carole
21 Baskin; is that right?

22 A. Yes, ma'am.

23 Q. And at the time that you were -- and you put a lot of detail
24 in there, you seemed -- your attitude was pretty serious and you
25 talked about going after anybody that ratted on you.

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1 MR. WACKENHEIM: Objection, Your Honor; characterizing
2 his testimony.

3 THE COURT: Sustained.

4 Q. (By Ms. Maxfield-Green) At the time that you were telling
5 Mr. Garretson all that, did you plan on actually going to Florida
6 to murder Carole Baskin?

7 A. No, ma'am.

8 Q. Now, you testified earlier that you had by that point -- had
9 convinced Mr. -- convinced Joe that you would kill Carole Baskin.
10 Were those conversations that you had with Joe similar to that
11 one that you had with Mr. Garretson?

12 A. Yes, ma'am, sometime.

13 Q. Okay. So at some point after you got the fake ID did
14 Mr. Passage give you money, as you had discussed, to go to
15 Florida to kill Carole Baskin?

16 A. Yes, ma'am.

17 Q. About how long was it after you got the fake ID?

18 A. Wasn't but a few days, I'm guessing.

19 Q. To your recollection --

20 A. Well, we had to wait for the man to come get that cat. So
21 it was a couple of days later, few days.

22 Q. And to your recollection, were you at the park for
23 Thanksgiving?

24 A. This last one?

25 Q. No, the Thanksgiving in 2017, during the time of all of

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- 1 these conversations?
- 2 A. I'm not sure if I was there for it. I can't remember,
3 ma'am, I really don't, the date of it.
- 4 Q. Okay. So you testified that he did eventually give you some
5 money. Where did Joe get the money?
- 6 A. From selling that liliger.
- 7 Q. Were you there when he sold the liliger?
- 8 A. Yes, ma'am. I'm -- I was the one who went to the play area
9 to get it.
- 10 Q. And did you physically pick up the animal?
- 11 A. Yes, ma'am, I did.
- 12 Q. And what did you do with it?
- 13 A. Took it out to the back parking lot so the deal could be
14 done.
- 15 Q. Did you put the cub in the car?
- 16 A. Yeah. I handed it to the man and pretty -- yeah, pretty
17 much put it in the car.
- 18 Q. Did you see the person who was leaving with the cub?
- 19 A. Yes, ma'am. I didn't meet him, but I saw him.
- 20 Q. Okay. About how long would you say that you had the chance
21 to look at him?
- 22 A. Couple of minutes.
- 23 Q. Okay. Had you -- was he a person you'd ever seen before?
- 24 A. I can't say, ma'am.
- 25 Q. What did he look like, to the best of your recollection?

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ALAN GLOVER - Direct by Ms. Maxfield-Green

- 1 A. A hobo.
- 2 Q. A hobo?
- 3 A. (Witness nodded.)
- 4 Q. Okay. Was he?
- 5 A. Not very well-dressed, car looked like he'd been living in
6 it.
- 7 Q. Was he a big guy, little guy?
- 8 A. Kinda heavysset. Wasn't a very little guy, no.
- 9 Q. Did he have hair or bald?
- 10 A. He had hair, I'm pretty sure, I think. I'm not -- I can't
11 say yes or no to that, ma'am.
- 12 Q. And you only --
- 13 A. Just for a few minutes.
- 14 Q. You only observed him for a few minutes?
- 15 A. I was more paying attention to the cat than I was him.
- 16 Q. Okay. Did you see this man give Joe the money?
- 17 A. Yes, ma'am.
- 18 Q. What did you see him give him?
- 19 A. Envelope stuffed full of money.
- 20 Q. Okay.
- 21 A. Hundreds.
- 22 Q. Was it -- appeared to be a thick envelope?
- 23 A. About like that. (Indicating.)
- 24 MS. MAXFIELD-GREEN: If the record could reflect, I
25 believe Mr. Glover indicated a couple of inches.

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- 1 MR. WACKENHEIM: That seems accurate.
- 2 Q. Around this same time, did you book an airplane ticket to
3 leave Oklahoma?
- 4 A. Yes, ma'am.
- 5 Q. Where were you going to fly to?
- 6 A. To Savannah, Georgia.
- 7 Q. Now, had you discussed with Joe that you wanted to go to
8 South Carolina first?
- 9 A. Yes, ma'am.
- 10 Q. And was he -- did he agree to that plan?
- 11 A. He didn't care, as long as I got to Florida.
- 12 Q. Did you tell him that you would go to Florida after you got
13 to South Carolina?
- 14 A. Yes, ma'am.
- 15 Q. How did you tell him you would get to Florida?
- 16 A. I have got to get my license straightened out first and then
17 I'll get a vehicle and I'd be able to drive down there.
- 18 Q. At the time, did you have a driver's license?
- 19 A. No.
- 20 Q. So did you intend to go to South Carolina to --
- 21 A. Get my license straightened out? Absolutely.
- 22 Q. Now, did you book your own plane ticket or did you have some
23 help?
- 24 A. I used my card, but somebody else did it because I don't
25 know anything about computers, so --

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- 1 Q. Okay. And do you remember who the person was that helped
2 you book the ticket?
- 3 A. If I saw her, I could tell you, but it's a lady from Boston.
- 4 Q. How do you know she's from Boston?
- 5 A. Her accent.
- 6 Q. Okay. And who paid for your plane ticket?
- 7 A. I did.
- 8 Q. Did you ask Joe to pay for it?
- 9 A. Well, I was kind of getting the money out of it one way or
10 another, so I wasn't really worried about the little plane
11 ticket.
- 12 Q. Okay. After the man who bought the -- the liliger gave Joe
13 the money, did he give you some money?
- 14 A. Yes, ma'am.
- 15 Q. About how long after that liliger was sold did he give
16 you -- did Joe give you money?
- 17 A. I want to say like the next day or so.
- 18 Q. Okay. Where were you when he gave you the money?
- 19 A. In the office, at his desk.
- 20 Q. Okay. Did he give it to you in an envelope?
- 21 A. Yes, ma'am. It wasn't the same envelope, though.
- 22 Q. It wasn't the same envelope? What do you mean by that?
- 23 A. It wasn't as thick as it used to be.
- 24 Q. To your observation, it didn't have as much money as the
25 first envelope?

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1 A. No, ma'am.

2 THE COURT: Mr. Glover, be sure and let the lawyers
3 finish asking their question before you start to answer. Okay?

4 THE WITNESS: Yes, sir.

5 Q. (By Ms. Maxfield-Green) Okay. So, in your opinion, was it
6 less money than was in the original envelope?

7 A. Yes, ma'am.

8 Q. And did you count the money?

9 A. No, I did not.

10 Q. Okay. Did you eventually count the money?

11 A. Yes, ma'am.

12 Q. Okay. Did you wait to count it until after -- after you
13 were alone?

14 A. I went to the trailer to put it up.

15 Q. To your recollection, how much was it?

16 A. 3,000.

17 Q. Now, you had said earlier that you discussed \$5,000 as the
18 initial payment?

19 A. That's what it was supposed to be, ma'am.

20 Q. Did you say anything to Joe about that?

21 A. No, I didn't want to waste another minute there.

22 Q. Now, on or about this same day did Joe ask you to give him
23 your personal cell phone?

24 A. Yes, ma'am.

25 Q. Was it during the same conversation -- go ahead -- was it

Emily Eakle, RMR, CRR

- 1 during this same conversation that he was giving you the money?
- 2 A. Yeah, it was the same time.
- 3 Q. Okay. To your knowledge, why did he ask you for your --
- 4 A. It was right before I was leaving, I know that.
- 5 Q. He asked you for your phone right before you were leaving?
- 6 A. Yeah.
- 7 Q. Was it the -- maybe the same day that you took your flight?
- 8 A. Could be, ma'am. I won't swear to that.
- 9 Q. Okay. To your knowledge, why did he ask you for your phone?
- 10 A. I really don't know, didn't care.
- 11 Q. Did he give you a different phone?
- 12 A. Yes, ma'am.
- 13 Q. After your original phone, after you gave it to him, did you
- 14 ever see that phone again?
- 15 A. No.
- 16 Q. All right. Okay. Let's -- the phone that he gave you,
- 17 where did that come from?
- 18 A. It was a pizza restaurant phone. It belonged to the park.
- 19 Q. Did you say the pizza restaurant phone?
- 20 A. Yeah.
- 21 Q. Okay. And when he -- when he gave you that phone, did he
- 22 use it to give you any information he thought would help you?
- 23 A. Yes, ma'am, he did. He went back there to his desk, sat
- 24 down and he flipped up on the computer a Big Cat Rescue, what she
- 25 looked like, different pictures, different way she dresses and

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- 1 whatnot, so I wouldn't kill the wrong person.
- 2 Q. Did he use the phone to -- what did he -- what did he do
- 3 with the screen?
- 4 A. Just like that (indicating), took a picture of it and saved
- 5 it on the phone.
- 6 Q. Okay. So at this point you -- Joe had given you money and a
- 7 new cell phone. And then did you, in fact, take that flight to
- 8 South Carolina?
- 9 A. Yes, ma'am, I did.
- 10 Q. And did you fly out of Oklahoma City?
- 11 A. Yes, ma'am.
- 12 Q. Who drove you to the airport?
- 13 A. Daffrey (phonetic) Saff. I don't know her last name.
- 14 Q. Was she another zoo employee?
- 15 A. Yes, ma'am.
- 16 Q. And just for the court reporter, was she known as Saff,
- 17 S-A-F-F?
- 18 A. Guy or girl.
- 19 Q. Okay. That person was known as Saff?
- 20 A. Yes, ma'am. Female.
- 21 Q. Now, when you left, did you take your belongings with you?
- 22 A. Not all of it, just what I know I needed or wanted.
- 23 Q. Okay. When you left Oklahoma for South Carolina, did you
- 24 intend to come back?
- 25 A. Maybe one day when Jeff -- if Jeff ever would have came back

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1 here, I probably would have come back, but I didn't know when he
2 was coming.

3 Q. Okay. And where did -- where did you land? You left
4 Oklahoma City and where did you fly into?

5 A. Savannah, Georgia.

6 Q. And how did you get from Savannah, Georgia -- when you
7 landed in Savannah, Georgia, where did you go?

8 A. My daughter picked me up.

9 Q. And then did you drive to South Carolina?

10 A. Beaufort, yes, ma'am.

11 Q. All right. Once you were back in South Carolina, what did
12 you do?

13 A. Me? I -- I stayed at my daughter's house that night. She
14 dropped me off at a friend of mine's, so I just hung out.

15 Q. Okay. Did you get a job?

16 A. Yeah and no. I mean, I kind of stayed with a friend of
17 mine. Basically all I do is clean his house, and that was for
18 rent, so I was all good for that.

19 Q. Okay. So you had a place to live if you cleaned this guy's
20 house?

21 A. And the yard work, whatnot like that, so he didn't have to.

22 Q. Okay. Mr. Glover, after you made it to South Carolina, did
23 you ever, in fact, go to Florida?

24 A. Yes, ma'am, I did.

25 Q. About how long after you got to South Carolina did you go to

Emily Eakle, RMR, CRR

- 1 Florida?
- 2 A. Couple of weeks maybe. I'm not -- I'm not sure 100 percent
- 3 on that, ma'am.
- 4 Q. How did you get there?
- 5 A. Took a vehicle.
- 6 Q. Did you have a driver's license at that time?
- 7 A. No, ma'am.
- 8 Q. Did you take a phone with you?
- 9 A. No, I did not.
- 10 Q. Did you take the money that Joe had given you?
- 11 A. Oh, yeah. Yes, ma'am.
- 12 Q. Mr. Glover, before you left for Florida, when you got in the
- 13 car, were you drinking alcohol?
- 14 A. Yes, ma'am.
- 15 Q. How much alcohol?
- 16 A. Probably too much to be driving.
- 17 Q. Were you using drugs as well?
- 18 A. Painkillers, cocaine.
- 19 Q. So on the way driving from South Carolina to Florida, were
- 20 you drunk?
- 21 A. Pretty much, yes, ma'am.
- 22 Q. And were you high?
- 23 A. Yes, ma'am.
- 24 Q. Now, when you got to Florida, where did you go?
- 25 A. To a beach.

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- 1 Q. Okay. You ended up on a beach. To your best of your
2 recollection, what town in Florida were you in?
- 3 A. I'm not sure, ma'am, to be honest. I don't know. Wasn't
4 really paying attention.
- 5 Q. Okay. Did you believe you were in the Tampa area?
- 6 A. I could have been.
- 7 Q. But you're not sure?
- 8 A. No, ma'am.
- 9 Q. And again --
- 10 A. I didn't really pay attention to the signs or nothing. I
11 just found a beach and found some people to party with. I had
12 money.
- 13 Q. And were you consistently drunk and high during this trip?
- 14 A. Pretty much, yes, ma'am.
- 15 Q. When you went to Florida -- when you left for Florida, what,
16 to the best that you can recall, what was it your intention to
17 do?
- 18 A. Go tell Carole, at base, what Joe's intentions are, how
19 serious it is, that he wants her that dead.
- 20 Q. You intended to go warn her?
- 21 A. Yes, ma'am.
- 22 Q. Did you ever go to Big Cat Rescue?
- 23 A. No, ma'am.
- 24 Q. Did you ever try to actually make contact of any kind with
25 Ms. Baskin?

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- 1 A. I tried to look it up and then call her, but I don't
2 think -- I mean, she's done been threatened so many times she
3 ain't going to believe something like that over the phone. That
4 would have to be something you would have to do face to face.
5 Say, I'm the person that was supposed to kill you, ma'am.
- 6 Q. So that was your intent when you left South Carolina?
7 A. To go tell her?
- 8 Q. Yes.
- 9 A. Yes, ma'am, it was, that she was at a very high risk of
10 being murdered.
- 11 Q. And did you ever follow through with your intent to meet up
12 with her?
13 A. No, ma'am.
- 14 Q. And what did you do instead?
15 A. Got drunk, running out of money, and I made my way back to
16 South Carolina.
- 17 Q. About how long in total, to the best of your recollection,
18 were you in Florida?
19 A. I'm guessing maybe a day, and then the trip back.
- 20 Q. Okay. Did you stay overnight?
21 A. Yes, ma'am.
- 22 Q. Where did you stay?
23 A. On the beach with some people at their little resort.
- 24 Q. Okay. And then did you drive yourself back to South
25 Carolina?

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- 1 A. Yes, ma'am, I did.
- 2 Q. And after you got back to South Carolina, did you eventually
3 get a different cell phone from the pizza phone that you had?
- 4 A. Yes, ma'am.
- 5 Q. And I say the pizza phone, I mean the phone from the pizza
6 restaurant.
- 7 A. Right. I still had both of them.
- 8 Q. So for a period of time you had that phone that Joe had
9 given you, correct?
- 10 A. Right.
- 11 Q. And then did you also have a new phone?
- 12 A. Right.
- 13 Q. Do you have those phones now?
- 14 A. You do.
- 15 Q. I'm sorry?
- 16 A. The Government does.
- 17 Q. Okay. Now, around this time did Mr. -- did Joe ever call
18 you and ask you how things were going, if you'd done it?
- 19 A. He knows I haven't done it because it would be all over the
20 news. I doubt if he was really going to call me back and forth.
21 That wouldn't make much sense neither.
- 22 Q. Now, Mr. Glover, at some point you -- you stated that you
23 currently live in Oklahoma, so obviously you made it back here at
24 some point. When you got back to Oklahoma -- well, let me ask
25 you first: About when did you come back to Oklahoma?

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- 1 A. Day after July 4th, July 5th.
- 2 Q. Would that have been in 2018?
- 3 A. Let -- yes, ma'am.
- 4 Q. And since you have -- once you got back to Oklahoma, did you
5 see Joe again?
- 6 A. No.
- 7 Q. Did you have any other conversations with him once you got
8 back to Oklahoma?
- 9 A. This last time?
- 10 Q. Yes.
- 11 A. He wasn't even on the park. He was already --
- 12 Q. I'm sorry. Go ahead.
- 13 A. He had already been removed from the park.
- 14 Q. Okay. Now, after you came back to Oklahoma, were you
15 contacted by law enforcement about Joe's plan to kill Carole
16 Baskin?
- 17 A. Yes, ma'am, I did.
- 18 Q. And did you voluntarily agree to talk with federal agents?
- 19 A. Yes, ma'am.
- 20 Q. And did you voluntarily tell them the same things you have
21 told us here today?
- 22 A. Yes, ma'am.
- 23 Q. And did you voluntarily give them the phones that you still
24 had in your possession?
- 25 A. Yes.

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1 Q. Now, Mr. Glover, has anyone with the Government, me or any
2 other lawyer or any federal agents, has anybody from the
3 government made you any promises or agreements with you that
4 you'll have immunity from prosecution?

5 A. No, ma'am, I have not, which worries me.

6 Q. I'm sorry?

7 A. I said, I'm worried about that.

8 MS. MAXFIELD-GREEN: Pass the witness, Your Honor.

9 THE COURT: Cross-examination, Mr. Wackenheim?

10 **CROSS-EXAMINATION**

11 **BY MR. WACKENHEIM:**

12 Q. Mr. Glover, that last question was whether or not any
13 Government agent had promised you immunity. Do you remember
14 that?

15 A. Yes, sir.

16 Q. Isn't it true that Mr. Lowe assured you that you might be
17 able to get immunity?

18 A. No, not really. He don't have no idea either.

19 Q. Well, did he communicate to you that he appeared to have
20 some sort of deal worked out where all you had to do was follow
21 his instructions?

22 A. No, not really. He said that as long as I told the truth,
23 everything would be fine. That's how he put it to me.

24 Q. There's a book in front of you with a blue cover, a white
25 book. Do you see that?

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1 A. Uh-huh.

2 Q. Can you open that up to the Tabitha says 21?

3 A. I ain't going to be able to see it, so --

4 MR. WACKENHEIM: May I approach, Your Honor?

5 THE COURT: You may.

6 Q. (By Ms. Maxfield-Green) You have never seen that before,
7 have you?

8 A. Oh, I can't barely see it now.

9 Q. Yeah. It's very small, but I'll represent to you that this
10 is an extraction report for the Samsung phone that you had. Do
11 you remember which phone was the Samsung phone?

12 A. No, sir, not right offhand, only -- I have bought many in my
13 life.

14 Q. Was it the phone that had the broken screen on it? Do you
15 remember that phone?

16 A. I wouldn't be surprised if they all didn't have broken
17 screens.

18 Q. Well, do you recall having text message conversations with
19 Jeff Lowe?

20 A. Yeah, I'm sure I have had conversations. He wanted to know
21 when I was coming back.

22 Q. Did you also ask Mr. Passage when you could come back to the
23 park?

24 A. I can't remember if I did anything like that or not.

25 Q. Do you recall telling Mr. Passage that you missed the park?

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- 1 A. If I spoke to him, I'm pretty damn well sure I said that.
- 2 Q. Do you recall Mr. Passage asking how soon you could get back
3 to the park?
- 4 A. Seems like I have heard that, yeah.
- 5 Q. Does that sound around February 26, 2018?
- 6 A. Couldn't tell you the dates on that, sir.
- 7 Q. Is it true that you generally have a problem with dates?
- 8 A. I do, badly. Dates, times, you name it.
- 9 Q. Well, we'll get into those text messages in a bit.
- 10 Let's back up a bit. You came to the park because -- well,
11 I was unclear. How did you find out that Mr. Lowe had ownership
12 of the park?
- 13 A. I think seen it online, Facebook or something like that. I
14 was like, you know, let me give him a jingle.
- 15 Q. How did you know Mr. Lowe?
- 16 A. Met him from my brother.
- 17 Q. You worked for Mr. Lowe?
- 18 A. Have I or did he?
- 19 Q. Yes, sir.
- 20 A. My brother did; so did I.
- 21 Q. What kind of work did you do for Mr. Lowe?
- 22 A. Wholesale.
- 23 Q. What is wholesale?
- 24 A. He buys stuff that Walmart couldn't resell or whatnot, items
25 like that.

Emily Eakle, RMR, CRR

- 1 Q. Did you ever do any of that in Louisiana with him?
- 2 A. No, never knew he had a place in Louisiana.
- 3 Q. You have done that for years with Mr. Lowe?
- 4 A. I have known Mr. Lowe for years. I have worked for him for
- 5 a little bit here and there. True work is my gig.
- 6 Q. Is it fair to say that you look up to him a bit?
- 7 A. Yes, sir, because he took care of my brother.
- 8 Q. How did he take care of your brother?
- 9 A. My brother was dying of cancer and he helped him and helped
- 10 me.
- 11 Q. By providing you employment?
- 12 A. Say that again.
- 13 Q. Did he give you a job?
- 14 A. Yeah.
- 15 Q. Okay. And at -- I think you testified that you have had a
- 16 felony conviction since about 1985; is that fair? When you were
- 17 about 17?
- 18 A. Started, yeah.
- 19 Q. So that kind of changes things; is that fair?
- 20 A. Absolutely it changes things.
- 21 Q. So was it about that time that you got the teardrop tattoo?
- 22 A. Nope.
- 23 Q. When did you get that?
- 24 A. I got that in Louisiana. When, I don't remember, just when
- 25 I was locked up in prison.

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- 1 Q. And I'm not sure you actually explained what it means to
2 you. Why -- what does that tattoo mean to you?
- 3 A. That I have lost a loved one that I cared a lot about. My
4 grandmother, come to think about it.
- 5 Q. But you're aware that some people see that tattoo and think
6 it means something else?
- 7 A. I don't care what other people think.
- 8 Q. Well, did you use that tattoo to convince Mr. Passage that
9 maybe you were capable of doing this thing you say he asked you
10 to do?
- 11 A. To get that money from him, I would have let him believe
12 anything he wanted.
- 13 Q. And that would be that a teardrop tattoo means someone's
14 capable of violence?
- 15 A. I never said that.
- 16 Q. Well, then what would Mr. Passage have believed about that
17 teardrop tattoo?
- 18 A. I don't know what he believed. I didn't care what he
19 believed. I just wanted his money so I could leave him.
- 20 Q. When you came to the park, how did you get there from South
21 Carolina?
- 22 A. Which time?
- 23 Q. The first time.
- 24 A. I flew. Jeff picked me up.
- 25 Q. You didn't take a train ride?

Emily Eakle, RMR, CRR

- 1 A. Nope. Only been on one train and it didn't come here.
- 2 Q. When you communicate with Mr. Lowe, is it through text
3 messages?
- 4 A. To however I can get ahold of him.
- 5 Q. Which would be text messages is one way?
- 6 A. Phone calls, texts.
- 7 Q. Facebook?
- 8 A. Nope. I don't have Facebook.
- 9 Q. You do not?
- 10 A. I did a long time ago, but I don't even -- it won't even go
11 to Facebook no more. I don't know how to get to it. I lost how
12 to get into it.
- 13 Q. Before you lost it, were you able to use it to talk to Jeff
14 Lowe?
- 15 A. Yeah. That's how I found out about the zoo being -- needing
16 a place.
- 17 Q. There's been some discussion that you -- one of the reasons
18 you went back to South Carolina was to get some Social Security
19 payments set up.
- 20 A. Yeah, that too.
- 21 Q. What do you get that for?
- 22 A. I broke my neck and my back.
- 23 Q. Okay. So what -- is it disability for --
- 24 A. Yes.
- 25 Q. -- being unable to work?

Emily Eakle, RMR, CRR

- 1 A. Yes.
- 2 Q. So by working are you in violation of getting those
3 benefits?
- 4 A. No, I'm not.
- 5 Q. Why is that?
- 6 A. Because I don't make no money. I get a place to stay.
- 7 Q. How about the tree work that you do?
- 8 A. That was years ago.
- 9 Q. Were you getting Social Security disability at that point?
- 10 A. Probably not. I have lost it, got it back, lost it, got it
11 back. It's like a yo-yo with the Social Security people.
- 12 Q. These drug and alcohol problems that you have talked about,
13 when did those start for you?
- 14 A. Oh, shit. Alcohol, I probably started drinking when I was
15 maybe nine.
- 16 Q. And drugs?
- 17 A. Little later on in life.
- 18 Q. So I guess it's fair to say that when you came to the park
19 the first time you still had --
- 20 A. Yeah. I had my medication for my back.
- 21 Q. Okay. Let me -- I know what you're -- you know what I'm
22 going to ask, but I have to finish --
- 23 A. I have no idea what you're going to ask me.
- 24 Q. Okay. So let me finish the question.
25 When you were at the park that first time, did you have a

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1 drinking problem?

2 A. Yeah.

3 Q. Did that affect your ability to work at the park?

4 A. Little bit that I do, no.

5 Q. Did you show up to work drunk?

6 A. Nope. No drunker than I am right now.

7 Q. When you got off work late the night before, did you drink?

8 A. Night before what?

9 Q. That you showed up to work the following day?

10 A. What are you going at with this?

11 THE COURT: Mr. Glover, I'm just going to ask you to
12 listen to the question and do your best to answer it, if you know
13 the answer.

14 THE WITNESS: I don't even know where he's going with
15 it.

16 Q. (By Mr. Wackenheim) Okay. Let me rephrase. That's fair.
17 It's a confusing question.

18 What time would you show up to work?

19 A. Oh, sometime I would be out there 5 o'clock in the morning
20 working.

21 Q. Okay.

22 A. Because in the afternoon it's so hot you can't work.

23 Q. Five o'clock every day?

24 A. No, if I got up early.

25 Q. Okay. Were there times that you showed up to work hung over

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1 from the night before?

2 A. Never.

3 Q. Were there times you showed up to work drunk?

4 A. Never. I stopped drinking about 7 o'clock at night, and the
5 way I drink, should be nowhere near my system by the time I get
6 up.

7 Q. Can you understand that someone who supervises employees
8 might not want their employees to be drunk while working?

9 A. I'm sure. It makes good sense to me.

10 Q. Or high on any number of drugs?

11 A. Makes sense.

12 Q. You talked a little bit about what you did at the park. Do
13 you remember talking about that?

14 A. Yeah, I did odd -- odd jobs, whatever I could do before my
15 back started killing me.

16 Q. So what kind of odd jobs?

17 A. Taking out the trash to washing his truck, washing his
18 truck, his limo, this -- just odd stuff. Cutting the grass.

19 Q. Did you ever feel like Mr. Passage was asking you to do
20 stuff that you didn't want to do?

21 A. No, doing stuff that I couldn't do, or if I could, I
22 couldn't do it all day long like a slave.

23 Q. Would you tell Mr. Passage that?

24 A. In a certain type of way, yeah. I just ignored him.

25 Q. Would you tell Mr. Lowe that?

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1 A. I would tell him what was going on and he knew what was
2 going on.

3 Q. Mr. Lowe knew that you and Mr. Passage had a -- a
4 personality conflict is putting it nicely?

5 A. Yeah, you could say it like that.

6 Q. Or I could say significant -- or let me back that up.
7 You two didn't get along at the park; is that fair?

8 A. Nobody got along with him at the park. That's fair. How
9 long have you been with him?

10 Q. At the park you showed up in, is it 2016?

11 A. I'm not sure, sir.

12 Q. Okay. So there were people at the park before you got
13 there; is that fair?

14 A. Oh, yeah.

15 Q. And there's people that have been at that park for years,
16 yes?

17 A. Uh-huh.

18 Q. Is that a "yes"?

19 A. Yes, sir.

20 Q. Okay. So they were able to work with Mr. Passage for years,
21 yes?

22 A. Because he had nowhere else to go probably, or didn't have
23 enough --

24 Q. And in the end -- in the end, that's your situation. You
25 had nowhere else to go at that point. You were looking for a

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- 1 place to get out from, yes?
- 2 A. Not from the zoo; Joe.
- 3 Q. Okay. Because Jeff Lowe was in Las Vegas, Nevada, correct?
- 4 A. Yes, sir.
- 5 Q. What was he doing out there?
- 6 A. Whatever he was doing.
- 7 Q. Well, you're close with him, right?
- 8 A. Not that close. I mean, he was doing play times on a bus,
- 9 as far as I know. Other than that, no.
- 10 Q. Would he ever send you photographs of some of the things he
- 11 was doing out there in Vegas?
- 12 A. Oh, yeah.
- 13 Q. Did it ever make you jealous to see some of the things he
- 14 was doing in Vegas?
- 15 A. Not really. I was having fun where I was at.
- 16 Q. I thought you said you didn't like being at the park.
- 17 A. No. Not under his thumb, no.
- 18 Q. So what did you like about being at the park?
- 19 A. The meeting of women, girls, something he wouldn't allow.
- 20 Q. I think you said you enjoyed working with the animals.
- 21 A. Yes.
- 22 Q. Is that fair?
- 23 A. That's where that enjoyment comes from.
- 24 Q. You like doing the play times?
- 25 A. Anything. I haven't done -- done a play time since I have

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1 been back, if that's where you're going with this.

2 Q. You learned quickly that Mr. Passage didn't like Carole
3 Baskin; is that fair?

4 A. No, he didn't dislike her; he hated her. There's a
5 difference between --

6 Q. Right. What I'm asking is that you learned that quickly?

7 A. I learned that like the first day I got there.

8 Q. Right. Because he'll tell anybody that, right?

9 A. Yes, sir.

10 Q. He'll tell employees and the public?

11 A. Yes.

12 Q. He'll tell people so loudly guests might hear it?

13 A. I'm sure they have heard.

14 Q. Not a secret; is that fair?

15 A. Ain't no secret.

16 Q. How did Jeff Lowe handle these disagreements between you and
17 Mr. Passage?

18 A. He called me up and asked me what actually happened, and I
19 would tell him exactly what would happen, and that would be the
20 end of it. He would either reprimand me about it or stay away
21 from me.

22 Q. Did you ever get the impression that Mr. Lowe was just tired
23 of hearing about you and Mr. Passage?

24 A. Oh, I'm sure he was sick of hearing it, because I'm sure he
25 was on the phone every day with some thing.

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1 Q. So in the fall of 2017 you were ready to get out of that
2 park?

3 A. Yes, sir.

4 Q. You had had enough?

5 A. Yes.

6 Q. Yes? Now, it's at this point that you claimed that
7 Mr. Passage asked you to kill Carole; is that right?

8 A. Say that again, please.

9 Q. This time period when you're ready to leave the park, that's
10 when you say Joe asked you to kill Carole?

11 A. No, prior to that.

12 Q. Okay.

13 A. Way prior to that. I'm not exactly sure how long, but, no,
14 it wasn't that close together by far. We have spoke about it
15 many times.

16 Q. When was the first time?

17 A. I don't know the date. I could tell you where it was, how
18 it was said, what -- you want me to go through that?

19 Q. I believe the prosecutor can do that. What I'm interested
20 in is the date.

21 A. I don't know the date.

22 Q. Well, I believe you testified on direct examination --

23 A. I'm not sure --

24 Q. Can I finish my question, please?

25 THE COURT: Mr. Glover, I'm going to warn you again,

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1 please don't interrupt. Let him finish the question.

2 Mr. Wackenheim, I ask you to do the same, let him finish his
3 answer.

4 MR. WACKENHEIM: Yes, Your Honor.

5 Q. (By Mr. Wackenheim) I believe you testified on direct
6 examination that the first time was before the death of
7 Mr. Passage's husband.

8 A. Yes, you're right.

9 Q. And if I told you that date was October 6th, 2017, would you
10 have any reason to think that's wrong?

11 A. No.

12 Q. Okay. How much before that death?

13 A. A month maybe. I --

14 Q. You just don't know?

15 A. Within weeks.

16 Q. Within weeks?

17 A. Weeks, months. I would go for a good month because all
18 the being pissy and then giving me rides to the store, doing
19 this, that, whatnot, taking me out to dinner, yeah, it had to be
20 a good month that I had to put up with that.

21 Q. Have you had any conversations -- let me start over.

22 Before you left the park in 2017, did you have any
23 conversations with Mr. Lowe about what you were planning on
24 doing?

25 A. No. I was told not to.

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1 Q. Okay. So is it what you're trying to -- your testimony is
2 that you were trying to make Mr. Passage believe you were serious
3 about this; is that right?

4 A. Yes, sir.

5 Q. And how did you tell Mr. Passage you were going to do this
6 plan? What were you going to do to Carole?

7 A. So I would not get picked up with a rifle or a crossbow, I
8 would get a knife when I got down there, in his little suit
9 thing, and kill that lady.

10 Q. By doing what to her?

11 A. Cutting her head off.

12 Q. Have you ever done that before?

13 A. No.

14 Q. Have you ever helped anybody do that before?

15 A. Never.

16 Q. Do you have any experience with that?

17 A. Never. I can't even cut up a cow in the back.

18 Q. What kind of -- well, and the reason you say you told
19 Mr. Passage this is because you're a felon and can't be found
20 with a gun, correct?

21 A. Absolutely no.

22 Q. Now, have you done some shooting practice with Mr. Passage
23 on the zoo?

24 A. I have been out there when he was shooting.

25 Q. Have you yourself fired --

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- 1 A. I have been out there with him shooting.
- 2 Q. Have you yourself shot the gun --
- 3 A. Nope.
- 4 Q. -- with Mr. Passage?
- 5 A. Nope.
- 6 Q. I thought you also said that you can't have a fake ID. Do
- 7 you remember that?
- 8 A. I don't think you probably can, not by law, I guess. I'm
- 9 not sure, but it wouldn't be good.
- 10 Q. So circling back, the different methods discussed included a
- 11 knife, yes?
- 12 A. Yes.
- 13 Q. Tannerite, do you remember that?
- 14 A. We were using Tannerite out there to shoot at.
- 15 Q. What happens when you do that?
- 16 A. It explodes.
- 17 Q. Okay.
- 18 A. If you hit the target.
- 19 Q. Was that one of the methods discussed?
- 20 A. Yes, sir.
- 21 Q. Was that different than the rifle?
- 22 A. No, that was the rifle. I can't stab Tannerite.
- 23 Q. So also a crossbow?
- 24 A. Yes.
- 25 Q. Okay. Now, was this going to happen on this walking path

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1 that you have talked about?

2 A. Wherever I could find her that wouldn't be caught,
3 basically. I had no idea where to even think about looking to
4 kill her, but that was where he made that choice is to do it on
5 that walk path. What's the chance of me catching her on the walk
6 path?

7 Q. So this November 6th journey down to Dallas to get a fake
8 ID, do you remember talking about that?

9 A. To?

10 Q. Just now.

11 A. Yes, sir.

12 Q. And that was done to hide your trail; is that right?

13 A. I'm sorry. Say that --

14 Q. That's okay.

15 What was the reason for getting the fake ID?

16 A. So I could get rooms or something like that so I didn't
17 leave a paper trail with my name on it.

18 Q. But in the end you got a plane ticket with your name on it?

19 A. Yes, but I was going to South Carolina, not Florida.

20 Q. Did anyone ever purchase a bus ticket for you from -- to get
21 to Florida or South Carolina?

22 A. No.

23 Q. Any of these conversations in which Mr. Passage allegedly
24 asked you to kill Carole, was anyone else there during those?

25 A. No, sir.

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- 1 Q. Were those recorded?
- 2 A. Oh, it was recorded. We just watched something.
- 3 Q. Okay. You're correct, we did watch some of those exhibits.
- 4 Did any of those exhibits show Mr. Passage asking you to kill
- 5 Carole Baskin?
- 6 A. Did you -- I didn't see any.
- 7 Q. So is it your testimony that Mr. Lowe had no involvement in
- 8 any of this?
- 9 A. None that I knew of. I was told not to tell him. The less
- 10 people knew the better off and -- go ahead. I'm sorry.
- 11 Q. Are you finished? Is there anything --
- 12 A. Yes, sir.
- 13 Q. Okay. But according to your testimony, Mr. Finlay knew
- 14 about this, correct?
- 15 A. Yes.
- 16 Q. Mr. Passage knew about this, correct?
- 17 A. Yeah. He was the one that orchestrated this.
- 18 Q. And Mr. Garretson knew about this, correct?
- 19 A. I believe so. I didn't know 100 percent if he knew
- 20 everything or not, but I wasn't taking no chances, that's why I
- 21 tried to bully him from doing -- going in behind me.
- 22 Q. You testified on direct examination that the only thing you
- 23 were waiting for was the money. Do you remember that?
- 24 A. Yes, sir.
- 25 Q. But weren't you -- I'll direct the Government to

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1 Exhibit 59-A.

2 You had additional conversations with Mr. Garretson about
3 getting a -- a prostitute?

4 A. Yep, a hooker.

5 Q. Had you previously gotten a hooker from him?

6 A. No.

7 Q. Why did -- go ahead.

8 A. He was supposed to send me one, but he bowed out, I guess.

9 Q. Why did you expect him to be able to get you one?

10 A. Because he's that type of person. We spoke about it when he
11 was scratching that stuff off the ID. I asked him about getting
12 me pills, drugs. Where I live, you can't find nothing.

13 Q. We watched another clip -- and to be clear, you didn't know
14 that these were being recorded, right?

15 A. No, sir.

16 Q. So at one point you say -- well, you explain your reasons
17 why you're going to do what you're going to do. Do you remember
18 watching that?

19 A. Yeah.

20 Q. Quote, "That's going to hurt me worse than anything else.
21 This is good for the fucking animals. This is not about Joe."
22 Do you remember that?

23 A. I'm pretty -- yes, sir, I do.

24 Q. What did you mean about this is good for the animals?

25 A. So his train of thought, if she's dead, she can't sue me.

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1 She can't take all these animals and my property.

2 Q. Right. But the next thing you say is, this is not about
3 Joe.

4 A. Right. The animals come first.

5 Q. And you said this why? Why are you telling Garretson these
6 things?

7 A. Because the animals come first, like I just said. He's
8 secondary. He's just fronting the money, giving me -- getting me
9 to go murder some lady to save that park, basically. So, yes,
10 that does go first.

11 Q. And you were talking to Garretson to make him think you were
12 serious?

13 A. Yeah -- yes.

14 Q. Because why?

15 A. Did not want him getting into the money for me to leave on.
16 He would probably say that he knew somebody or he could get it
17 done, so I was just going to squash that right there, intimidate
18 him.

19 Q. This is going to be your deal, no one else, you want to take
20 care of this?

21 A. No. You wording that one wrong.

22 Q. Okay. You don't want Garretson undercutting you --

23 A. Involved. I don't want him involved. Me and him had a
24 deal, that's what was going to happen. Nobody else is jumping
25 involved with it, screwing this up.

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1 Q. So you knew at that point that Garretson had the
2 conversations or the -- the ability to do this?

3 A. He would go in the office with Joe at night several times
4 after me and Joe's communications about murdering this lady, and
5 I could think in my head that he is trying to convince Joe not
6 for me to do it, let him have somebody do it.

7 Q. There was another clip when Garretson's asking if you're
8 going to take a bus. Do you remember that?

9 A. Yeah. I remember on tape, but I don't remember we
10 discussing no bus. I probably did, but -- I mean, I know I did.
11 It was on the --

12 Q. And he's asking you if you're going to take a bus, and you
13 explain, when I came in with the boss, it was four days on a
14 train. Do you remember saying that?

15 A. I might have.

16 Q. If that was part of the transcript, do you have any reason
17 to believe you didn't say that?

18 A. No. If it was on there, I said it. It takes like a week on
19 a train or a bus. I'm not riding on that.

20 Q. But I thought you said you didn't take a train out to the
21 park.

22 A. I did not take a train out of here or in here. I may have
23 said that but didn't do that.

24 Q. Were you drunk when you were making these statements?

25 A. Nope.

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1 Q. Were you --

2 A. I'm just like I am. But when I'm aggravated, I get rattled.
3 I could show you.

4 MR. WACKENHEIM: May I have a moment, Your Honor?

5 THE COURT: You may.

6 Q. (By Mr. Wackenheim) Do you recall giving testimony in the
7 grand jury proceeding?

8 A. Yes, sir.

9 Q. Page 28 and 29. You were under oath then, yes?

10 A. Yes, sir.

11 Q. And you were being asked about the video in which today you
12 say you were not drunk --

13 A. Pretty sure I wasn't drunk that day. I was just aggravated.

14 Q. May I finish my --

15 A. It was my day off.

16 MR. WACKENHEIM: Your Honor, I would ask that the Court
17 instruct the witness to wait for the question.

18 THE WITNESS: Sorry about that.

19 THE COURT: Mr. Glover, I know it's late in the day,
20 but again, please let him finish the question. Don't interrupt
21 him. And then you can answer, if you know the answer.

22 THE WITNESS: Yes, sir.

23 Q. (By Mr. Wackenheim) Now, do you recall being asked, quote,
24 "Now, in that conversation I showed you that video of, had you
25 been drinking that day?" And you answered yes.

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1 A. I may have been.

2 Q. So were you drinking that day?

3 A. May have.

4 Q. It's your testimony today that you may have?

5 A. It was my day off.

6 Q. Were you wearing a park uniform in that video?

7 A. I don't wear uniforms.

8 Q. Were you wearing a park uniform in that video?

9 A. It looked like a shirt, basically like this right here.

10 Q. So no?

11 A. I don't think it was. I hardly ever wore uniforms.

12 MR. WACKENHEIM: Your Honor, this may be an appropriate
13 breaking point.

14 THE COURT: I was going to ask you, how much do you
15 think you have left? If you have a fair amount left, we will
16 break, but if you're anywhere close to wrapping up, it may be
17 better that we can go ahead and finish. How close are you?

18 MR. WACKENHEIM: I cannot accurately estimate that
19 right now.

20 THE COURT: More than 10 minutes, 15 minutes?

21 MR. WACKENHEIM: Probably.

22 THE COURT: Okay. Ladies and gentlemen, we will take
23 our break for this evening. Again, the usual admonishments:
24 Please don't discuss the case amongst yourselves; don't do
25 anything that would expose you to any kind of media accounts of

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1 what's happened; you're limited to those things that happened
2 here in the courtroom only. Please keep an open mind. Don't
3 form any opinions yet. And we will see you at 9 o'clock in the
4 morning.

5 Court will remain in attendance and seated while the jury
6 leaves the courtroom.

7 Mr. Glover, if you could hang on just a second.

8 (Jury exited.)

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

12 THE COURT: Mr. Glover, you may step down. I would
13 remind you, you're still under subpoena and you'll be back at
14 9 o'clock in the morning for testimony.

15 THE WITNESS: Yes, sir.

16 THE COURT: Counsel, let's talk about timing real
17 quick. I think what was represented to me, Mr. Earley, is that
18 you may have a witness that's not coming in until Monday?

19 MR. EARLEY: Yes, that's the plan.

20 THE COURT: Yeah. Is there any risk, Government -- and
21 I'm not going to hold you to this, but just for estimate
22 purposes, is there any risk that you-all conclude your evidence
23 before 5:00 on Friday?

24 MS. MAXFIELD-GREEN: Yeah, Your Honor -- yes, Your
25 Honor. And depending on how much more Mr. Wackenheim has with

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1 Mr. Glover, we could, I think, get to our last witness tomorrow.

2 THE COURT: Why don't we do this, I would ask counsel
3 to get together after we recess and if you-all could kind of
4 discuss that, I -- I know counsel will do that in good faith
5 and -- and if there is -- if it looks like that's a possibility,
6 I -- Mr. Earley, I think I -- you might be prepared to -- should
7 you choose to put on any evidence, you might be prepared to do
8 that Friday, but even -- I'm going to charge you two with kind of
9 coordinating that and see.

10 MR. EARLEY: I will advise the Court, as the Court's
11 aware, when we are appointed in cases and we have out-of-state
12 witnesses, those travel arrangements are made through the United
13 States Marshal's office in the district where the individual
14 resides. I will get a message to those offices and to the
15 individuals, but I'm not quite sure about the short notice on
16 that, but I would --

17 THE COURT: Yeah. I understand the intricacies of
18 government travel.

19 MR. EARLEY: Yes. So anyway, I will get on it.

20 THE COURT: Okay. Well, I understand these are things
21 that may be out of our control, but I would -- my intent is is
22 that we not have to adjourn early for the week. I would like to
23 keep charging ahead. But again, if there's anything you can do
24 in that regard, please do so.

25 In the meantime, anything else from either party?

Emily Eakle, RMR, CRR

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MS. MAXFIELD-GREEN: No, Your Honor.

THE COURT: Mr. Earley?

MR. EARLEY: No, Your Honor.

THE COURT: Court will be in recess.

(Court adjourned.)

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

Emily Eakle, RMR, CRR

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