

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

B E T W E E N

JOHN CHRISTOPHER DEPP II

Claimant

and

(1) NEWS GROUP NEWSPAPERS LTD

(2) DAN WOOTTON

Defendants

**ANNEX X TO CLAIMANT'S CLOSING STATEMENT –
SELECTED EXTRACTS FROM THE DAILY TRANSCRIPTS CONCERNING 14
INCIDENTS WITH CLAIMANT'S COMMENTS**

The Court has the transcripts for each day of the trial. Below, are selected extracts from the evidence given orally, grouped by reference to pleaded alleged incidents of violence.

Incident 1: The Tattoo Incident, early 2013

There is limited evidence on this alleged first incidence of violence. The Defendants' case seeks to say that it arose in the unlikely scenario that Mr Depp reacted badly to a joke about an infamous tattoo which he has, one which Ms Heard would have seen countless times by early 2013. Further how the incident allegedly panned out differed when put to Mr Depp in cross-examination (she "eyeballed" him) from how Ms Heard later described her reactions to when she was first allegedly hit, when she was cross-examined on DAY 11 (she was "kind of still laughing").

DAY 2, P.177 (Cross-examination of Mr Depp)

5 Q. The question was, do you accept that Ms Heard was making a joke out of your tattoo "Wino forever"?"

...

10 Q. And I suggest that that provoked disappointment, first of all,

11 in you and then anger in you, but you do not remember the
12 incident so you cannot say?

13 A. I do not recall any argument about any of my tattoos.

14 Q. I am going to put my case unless Mr. Sherborne objects. You
15 then, Mr. Depp, slapped Ms. Heard across the face. It was the
16 first time that you had ever used violence against her?

17 A. That is not correct. That is untrue.

22 A. It did not happen.

23 Q. That is what you are saying. You slapped her more than once
24 because after you slapped her the first time, she did not
25 react. She eyeballed you, she just stared at you, and that

P.178

2 made you more angry and you slapped her again?

3 A. That is patently untrue.

4 Q. This happened in exactly the same way a third time. So, all
5 together, you slapped her three times on that occasion at her
6 house in Orange Avenue?

7 A. I am sorry, but that is not true. You are mistaken.

8 Q. I understand what you are saying. Very soon, you came to your
9 senses. It was an outburst of anger on your part and very
10 soon you came to your senses and you realised what you had
11 done and you broke down. You broke down and you started
12 crying and you started apologising and you told her you would
13 never hit her again?

14 A. I did not hit Ms. Heard.

DAY 4 (Re-examination of Mr Depp)

P.625

24 Q. This supposed incident is said to have taken place in March
25 2013. Am I right in saying that at that time you had been

P.626

2 seeing Ms. Heard for at least 18 months?

3 A. Somewhere in that area, I would say, yes.

4 Q. Is the tattoo, which we are talking about, in a hidden place
5 on your body?

6 A. No, sir. Well, it is on my upper ----

7 Q. It is on your upper arm there?

8 A. On my shoulder up here, yes.

9 Q. Visible or not visible?

10 A. Visible if I have no sleeves or if my shirt is off.

11 Q. When did you get the tattoo changed from "Winona" to "wino
12 forever", was it the beginning of 2013?

13 A. No, sir. The tattoo was altered in about 1993.

14 Q. 1993?

15 A. Yes.

16 Q. So, throughout your relationship in the 18 months or so before
17 2013, that is the incident we are talking about, the tattoo
18 had always read "wino forever"; yes or no?

19 A. Yes, that is correct.

20 Q. Was March 2013 the first time Ms. Heard had ever seen your
21 tattoo?

22 A. No, sir.

24 ... MR. SHERBORNE: It is suggested to you, Mr. Depp, that this
25 incident in March 2013; Ms. Heard teased you about this tattoo

P.627

2 saying "wino forever" and you got so cross that you hit her,
3 as I said, three times so hard that her eye almost popped out
4 is how she described it. By this time, can you explain how
5 many times Ms. Heard would have seen your tattoo saying
6 "wino forever"?

7 THE WITNESS: By that time, it would be countless.

8 Q. Countless times?

10 A. Endless times. My tattoos are, they are not going anywhere,
they are not moving.

DAY 12 (Cross-examination of Amber Heard)

P.1922

19 MR. JUSTICE NICOL: Just a minute. Did you say paragraph 46?

20 MS. LAWS: 46, it is the last sentence. Then, the next thing that
21 happens physically is the last sentence of paragraph 48, do
22 you have that?

23 THE WITNESS: Yes, I do.

24 Q. "It felt like my eye popped out. Johnny wears a lot of rings,
25 one on every finger, this third hit knocked me off balance and

P.1923

2 I fell to the floor." Was that all true?

3 A. Yes.

4 Q. But this time, when you feel your eye popping out, or about to
5 pop out, you did not receive any injuries?

6 A. I did not know, it just, it was the first time I had been hit
7 like that since I was a child, you know. I just remember, it
8 did not feel painful necessarily, it just felt like a pop.
9 And the first two times he hit me, I did not, the first time
10 especially, I did not even know he was serious. I was kind of
11 still laughing, because I could only assume he was joking.
12 I just did not know. I was stunned. And it is that third hit
13 that just threw me off, because I was just trying to figure
14 out if it was a joke. And that is the pop.

15 Q. So, is the answer yes, there were no injuries?

16 A. Other than being hit?

17 Q. I was asking about the injuries; you agree?

18 MR. JUSTICE NICOL: Did you suffer an injury as a result of this?

19 THE WITNESS: I just, you know, redness on my face.

Incident 2: The Painting Incident/ Keith Richards Incident, March 2013

This alleged incident is considered in detail in Annex B attached to the Claimant's written submissions, setting out how the account of this alleged incident or incidents has changed, and changed, and changed again.

The sections below highlight that the Defendants' case appears to be that because Mr Depp smokes and therefore had a cigarette lighter he damaged a painting in a jealous rage – and then hurt Ms Heard. But despite being put to Mr Depp that because he could not remember his conduct and Ms Heard therefore took photos of damage he caused to show him, she never showed the photo of the faint bruise on her arm to Mr Depp. The fading bruise image is obviously unconnected to the questions put to Mr Depp about how the rings he wears could "cause more injury" than if a person does not wear rings.

Ms Heard has not produced any photographs showing damage to any painting. All images of paintings appear to show them intact (other than the "van Pee" annotation) and the Defendants case became that, by taking a cigarette lighter to a hung canvass, Mr Depp had (somehow) caused damage to the back of the canvas.

Further the basis of accusing Mr Depp of hitting and injuring Ms Heard appeared to be on the basis that there was a photo of lines of cocaine.

Passages from the cross-examination of Ms Heard demonstrate how her evidence has not only shifted as documents have come to light to undermine her account, but even where her account ends up she is inconsistent. She both sees injuries in photographs where there are none, and gives evidence that photographs of her are taken too long after (or before) alleged violence.

DAY 2 (Cross-examination of Mr Depp)

P.193

14 Q. When you asked her to remove the painting, according to your
15 recollection, what did she say?

16 A. Ultimately, no.

17 Q. No. She was not going to do what you told her, or asked her,
18 to do. Did you take no for an answer?

19 A. Yes.

20 Q. You tried to remove the painting yourself, did you not?

21 A. No, I did not.

22 Q. You tried to remove the painting, and Ms. Heard intervened,
23 and you slapped her?

24 A. That is not true.

25 Q. You took out your cigarette lighter, you had been smoking all

P.194

2 the way through the evening, I suggest, in the kitchen of that
3 house; do you accept that you smoked in Orange Avenue,
4 indoors?

5 A. Yes, I do.

6 Q. You had your cigarette lighter with you and you tried to set
7 fire to the painting?

8 A. That is not true.

9 Q. And you were very physical with Ms. Heard, pushing her about
10 and grabbing her by the arm?

11 A. That is also untrue.

19 ...I want the very first photograph on 148, it should be Ms Heard taking a photograph
in a mirror with a visible bruise on her arm.

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4 MS. WASS: Sorry, F894.001. Do you remember, Mr. Depp, causing
5 any injury to Ms. Heard's arm?

6 THE WITNESS: No, ma'am, I do not.

7 Q. I suggest when you said you had clear memories of events with
8 Ms. Heard, that quite the opposite is in fact true. You would
9 regularly behave in a way, you forgot how you behaved and
10 Ms. Heard started keeping records so that she could show you
11 what you had done. Do you agree with that?

12 A. I cannot make any statement as to Ms. Heard's motivations for
13 her photography of her various ----

14 Q. She made it plain, I suggest to you, that because you had no
15 recollection of certain rather important events, as far as she
16 was concerned, when she was the subject of violence from you,
17 she started keeping records in the form of photographs, and
18 would remind you of these afterwards. What do you say about
19 that?

20 A. I would say that I have never seen this photograph, so she did
21 not use it to remind me then.

P.196

6 Q. Hold your hand up now. You have some fairly serious rings on
7 your hand. You always wear those rings, do you not?

8 A. Yes, most of the time.

9 Q. There is no reason why you should not, but it means that if
10 you do hit someone with the back of your hand, it is likely to
11 cause more injury than somebody who does not have rings on, do
12 you agree?

13 A. I would say, yes, absolutely.

14 Q. I suggest that you hit her with the back of your hand and that
15 was very, very painful to Ms. Heard, and that was quite
16 obvious to you, that you had caused her considerable pain?

17 MR. JUSTICE NICOL: Do you agree with that, Mr. Depp?

18 A. I did not hit Ms. Heard, and furthermore I have never hit
19 Ms. Heard.

20 MS. WASS: The day after the night of the painting, you were due
21 to appear on a film set. I think the film set was at
22 Sweetzer, your house at Sweetzer, because you were filming a
23 documentary about Keith Richards?

24 A. Yes, ma'am, that is true.

...

P.197

18 Q. And there was a date in March 2013 when you were extremely
19 late on set?

20 A. Yes, that is true.

21 Q. And I suggest that was the date after the argument with
22 Ms. Heard about the painting during which you hit her with the
23 back of your hand, so we can date this?

24 A. I do not believe that that was the argument of that morning.
25 My recollection is that it is something very different.

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13 Q. And people were waiting for you, were they not, at the film
14 set?

15 A. Waiting for me? It was a day where it was not an interview
16 per se between Keith Richards and myself, which had already
17 been filmed. It was a day when Keith Richards and Tom Waits
18 were performing together in the studio, the live recording
19 studio, and I had made a call to my first assistant director,
20 my director of photography, and to the focus people, who were
21 all very dear friends and very talented. I told them I was
22 going to be held up for a while, but to go on without me
23 because essentially all they needed to do was capture. It was
24 just filming Keith and Tom ----

25 Q. I understand, I understand.

Further, Mr Depp gave evidence about the purported link between his cocaine use and violence. His evidence was that while he was at the Orange Avenue home and seeking to resolve his argument with MS Heard, Whitney also took cocaine, which undermines the link the Defendants seek to draw.

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2 ...The cocaine was, I believe there were
3 four lines laid out.

4 Q. There are in the photograph, but I suggest you had had quite a
5 lot before then?

6 A. Well, four lines is not always for one person, let us say.
7 I think -- no, in fact, I know that Ms. Heard's sister,
8 Whitney, was partaking of the cocaine as well.

9 Q. This was cocaine that you were taking on your own. Miss Amber
10 Heard did not take any cocaine on that occasion. I suggest
11 there were occasions when she rubbed her gums with it, but
12 this was not one of them.

13 A. She would chop the cocaine up for me to make the lines.

14 Q. Are you suggesting that is what she did on this occasion?

15 A. Ms. Heard, in a lot of ways, is a creature of routine, and
16 there were certain things that she needed to do for me that
17 I was not allowed to do for myself. So I am saying that she
18 was trying to sort of -- when I would arrive home, she would
19 take my boots off and that was a regular routine. So, it
20 would not be anything out of the ordinary for her to chop
21 those lines out, and again, as I see it now, in my memory, I
22 recall Nathan was called, Whitney was there, and she
23 participated in the cocaine.

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12 So the suggestion is, Mr. Depp, that
13 you are not telling the truth and Miss Amber Heard never took
14 cocaine. I think that was the question, was it not, Ms. Wass?

15 MS. WASS: Yes.

16 MR. SHERBORNE: She never chopped lines ----

17 MS. WASS: Never chopped lines.

18 MR. JUSTICE NICOL: And never chopped lines of cocaine preparing
19 them for you?

20 A. I am afraid that you are incorrect.

21 MS. WASS: In fact, Ms. Heard was extremely disapproving of
22 cocaine, above all things, when it came to your repertoire of
23 controlled drugs.

24 A. She poured me the whisky and the cocaine was visible in front
25 of her. I would, and I have experienced many times with

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2 Ms. Heard that she would in fact chop the cocaine up for me so
3 that I could do the line, and then she would press her finger
4 into it and ingest it orally. So, I am not suggesting that
5 she did that in this case, but I am suggesting that it was a
6 normal duty that she felt obligated to do early on.

7 Q. I suggest there is no truth in that whatsoever.

8 A. I suggest that you are sadly mistaken.

Ms Heard's rather unlikely version of events was put to Mr Depp, namely that he would only go to the set of the Keith Richards' documentary if she and her sister went with him (rather than wanting to go themselves) and that having insisted on that arrangement, he then abused the pet dog by holding it out of the car window. It is colourful but not credible. The reality – as set out by Mr Depp in re-examination (see below) was more prosaic and fits with his text exchange with Stephen Deuters for the filming to go ahead without him.

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16 Q. One of the conditions was that you would go in order to do
17 this filming of the documentary, but only if she went with
18 you, and she brought her sister in the car, and she brought
19 her dog, Pistol?

20 A. I never said that I am not going there without them, without
21 Whitney or Ms. Heard, or Ms. Henriquez, or Mrs. Henriquez.

P.213

10 Q. Right. You took hold of Pistol and you held her out of the
11 window and started making howling noises?

12 A. I can say it is a very enduring image, but it is absolute
13 utter falsity. It is fraudulent. It is not true.

14 Q. You thought this was a huge joke.

15 A. No, ma'am, I do not think hanging an animal, a small
16 defenceless dog that weighs three pounds, out of a window at
17 speed is -- that is not my idea of fun although my sense of
18 humour is slightly skewed.

DAY 4 (Re-examination of Mr Depp)

P. 629

5 Q. Then, if you turn over the page, you get a very clear view.
6 Now, looking at this painting, I will come to what is written
7 in a minute, did you at any stage set fire to this painting?

8 A. No, sir. It is suggested that I tried to light a wooden frame
9 with a glass front on it on fire with a cigarette lighter.
10 No, I did not.

11 Q. Can you just explain -- so you did not?

12 A. No.

13 Q. You explain it is suggested that you tried to set fire to a
14 wooden frame with glass. Why did you make reference to the
15 wooden frame with glass?

16 A. When I first heard the allegation that I tried to set the
17 painting on fire, I thought it was -- the image in my mind was
18 rather ridiculous, the idea of taking a cigarette lighter to a
19 glass-framed picture.

20 Q. As far as you are aware, is this the painting that you saw
21 that you raised some concern with and asked Ms. Heard whether
22 she would think about moving it?

23 A. Yes.

24 Q. That is in your witness statement, and that was put to you.

25 A. Yes.

P.633

21 Q. It is accepted by Ms. Heard that that incident took place on
22 22nd March, not 8th March, as she originally said. Now, on
23 this occasion, you were, as you have said, in the middle of
24 filming the Keith Richards documentary; is that right?

25 A. Yes.

P. 634

21 Q. Can you explain to this court then, what was the actual
22 argument that took place over the night and into the next
23 morning of the day that you were meant to be on set for the
24 Keith Richards documentary?

25 A. The night prior to Ms. Heard had had a dinner party with all

P.635

2 of her friends over. And it was, a Hispanic woman, a girl,
3 who was a friend of Amber's and we struck up a conversation
4 and she started to speak of a mutual friend of theirs in
5 Spain, I believe his name was Raphael, he was a police
6 officer. But Ms. Heard had explained to me he was an old
7 friend.

8 Q. Slow down slightly, his Lordship is taking a note.

9 A. Pardon me. Ms. Heard explained to me she was going to visit
10 him in Spain at one point that he was just a friend, all that,
11 that nothing had ever happened between them and she went and
12 stayed with him for, I believe it was ten days, two weeks. On
13 the night before the Keith Richards documentary day, I had,
14 the young lady had told me of a ----

15 Q. This is the Hispanic friend?

16 A. Yes. I cannot remember her name, sorry. She had told me that
17 she also, that he is a very nice guy, that she also goes and
18 stays there, and that they all sort of slept in his bed and
19 Ms. Heard was -- she put it to me that Ms. Heard had been in
20 a, had had an affair with him before. So, I for all intents
21 and purposes had found Ms. Heard to be lying about the
22 situation and her relationship with this man.

23 Q. That was the night before. Did that give rise to a
24 conversation between you and Ms. Heard?

25 A. Yes. There was -- because I brought the truth up to Ms. Heard

P.636

2 at the time, Ms. Heard was very upset. The young lady was

3 very upset, and I thought that we should sit and discuss it
4 and get to the bottom of it, and so that I could know the
5 truth, I wanted just the truth. She was still very reluctant
6 to give that to me. So, I wanted to stay until we got to the
7 bottom of it. I called ----

8 Q. I was going to ask, you said you wanted to stay. It was put,
9 or suggested in the witness statement -- I am not sure it was
10 put to you, but it is suggested in Ms. Heard's witness
11 statement that you were deliberately keeping everyone waiting
12 and that was irresponsible. Did you or did you not have any
13 contact with the film set?

14 A. I did. Once the argument had commenced, I called my first
15 assistant director and my director of photography and the gent
16 who pulls focus on the camera, and since it was not a day
17 where I had to interview Keith Richards, it was a day of Keith
18 Richards and Tom Waits were at my studio and they were
19 recording and playing and we were documenting it. So, I just
20 told them, there is nothing that I can do there, I am going to
21 be a bit late. All you have to do is point the camera and
22 shoot, just capture whatever Mr. Waits and Mr. Richards are
23 willing to give.

24 Q. I will not take you to the text as we do not need to go there.
25 So that is the argument that you were talking about, when you

P.637

2 said "the nasty argument" in answer to Ms. Wass?

3 A. Yes.

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21 Q. Now, Mr. Depp, the allegation against you was that on the
22 night or in the early hours of the morning of that day, the
23 night before the early hours of the morning, you hit Ms. Heard
24 so hard that it bust her lip so blood was left on the wall as
25 a result. That is what Ms. Heard said.

P. 639

2 A. Yes.

3 Q. Looking at that photo, were you aware of any mark to
4 Ms. Heard's face at the time?

5 A. No, sir. There was no mark, as I remember it.

6 Q. Ms. Heard says, in her account of this, that everyone was so
7 annoyed that the shooting of the documentary was held up, but
8 they were too scared to say anything to you; is that correct?

9 A. That is not correct. I was not particularly necessary there
10 on that day.

11 Q. Can I ask you this, Mr. Depp. If Keith Richards was annoyed
12 at you for messing him around, would he be worried to tell you
13 that you had messed him around?

14 A. No.

DAY 11 (Cross-examination of Amber Heard)

P.1792

2 MS. LAWS: I think there is an e-mail exchange which I can go to
3 which indicates that Keith Richards was looking forward to
4 seeing you. That was on 20th March. Is this you in the
5 photograph with Mr. Richards?

6 A. Yes, it is.

7 MR. JUSTICE NICOL: Just a minute. (Pause) Which one are you,
8 please?

9 A. I am in between Johnny and Keith. That is my sister next to
10 Keith.

11 MR. JUSTICE NICOL: Yes.

12 MS. LAWS: Do you agree that there is absolutely no injury on your
13 face in this photograph?

14 A. I cannot tell in this photograph.

15 Q. When do you say the incident took place? Are you sticking
16 with 23rd March?

17 MR. JUSTICE NICOL: 22nd March.

18 MS. LAWS: 22nd March, sorry. Are you sticking with that date,
19 22nd March?

20 A. For the painting incident or the one that we called disco
21 bloodbath?

22 Q. The painting incident where you say you went to Keith
23 Richards' filming?

24 A. The painting incident took place on the 22nd.

25 MR. JUSTICE NICOL: 22nd March 2013?

P.1793

2 A. Yes, exactly.

3 MS. LAWS: Does this photograph show you before or after you were
4 hit by Mr. Depp?

- 5 A. At which time? There were a lot of incidents.
- 6 Q. The one you have described ----
- 7 A. There were a lot of incidents in March.
- 8 Q. ---- the one you have described very graphically.
- 9 A. March was (unclear due to overspeaking) which is what I tried
10 to explain ----
- 11 Q. Let us go to the description -----
- 12 A. ---- in my witness statement, at the very end of it.
- ...
25 MS. LAWS: When you said moments ago you could not tell whether

P.1794

- 2 there was some sort of injury on that photograph, that was a
3 lie, was it not?
- 4 A. No, it is because when Johnny hit me on one of the many
5 occasions in March in which there was violence, the one
6 particular incident that I had referred to as disco bloodbath
7 is because it got some blood on a little of my T-shirt, but
8 also on the wall, and that was in relation to a different
9 incident. I remember that well because he had his rings on
10 and when he backhanded me, it cut the inside of my lip. So
11 even though this was taken before the incident ----

P.1796

- 9 Q. "Eventually we got him to come down enough, we got in the
10 car", and then you give quite a detailed, an elaborate account
11 of how he was holding the dog out of the car. When you got on
12 set, "he walked in as if he had not kept anyone waiting,
13 everyone welcomed him as if nothing had happened, even though
14 I knew people were really frustrated and pissed off that he
15 had not showed up all day."
16 So, what you are giving a very detailed description of
17 is an argument that goes on overnight, it is over the
18 painting, and during the argument, Mr. Depp attempts to set
19 fire to the painting, that is one aspect. The other aspect is
20 a very serious assault upon you with him hitting you in the
21 face with the back of his hand, drawing blood, some of which
22 ended up on the wall. Can you describe how that actually
23 happened, the blood went from your lip to the wall, tell us
24 how that happened?
- 25 A. I did not watch the blood itself.

P.1797

- 2 Q. How hard was it, just explain how he did this?

3 A. Johnny back in those days had not gotten to the point of
4 choking me or any of the other, headbutting me or any of the
5 other more violent things ----

6 Q. We will go a lot quicker if you answer the question about this
7 incident. How did he manage to assault you in such a way that
8 blood spattered on the wall? Can you explain in a little more
9 detail, please?

10 A. I am, I am trying to explain to you the best I can.

11 Q. Of this incident, please?

12 A. That is exactly what I was doing.

13 MR. JUSTICE NICOL: Let us get on with your description, as to how
14 this occurred.

15 THE WITNESS: Thank you, your Lordship. So, back then, it was
16 just slaps or backhands. And when he backhanded me, it was
17 still so early, it was a shock, it was fairly traumatic at
18 that time. In retrospect I feel different, but at the time
19 that is all I happened to notice. I felt his rings hit my
20 mouth, my teeth.

21 MS. LAWS: How close to the wall were you?

22 A. We were standing -- it was actually in his downtown place, we
23 were not at Orange. It happened on the 8th. That is what
24 I was trying to describe to you earlier.

25 MR. JUSTICE NICOL: You were not at Orange, you were where?

P.1798

2 A. We were at his downtown place.

3 Q. Is that Sweetzer?

4 A. No. A different, this is what we call the Eastern Columbia
5 Building. And as I tried to describe in my seventh of the
6 witness statement, all of the details of these incidents
7 remain true, I remember them perfectly. There has been a
8 mistake with dates and which incident happened when, and I, in
9 reviewing materials, have understood that that particular
10 moment, which we later called "disco bloodbath", happened on
11 the 8th downtown and this is ----

12 MS. LAWS: We will come on to -- sorry ----

13 A. -- (unclear due to overspeaking) ----

14 MR. JUSTICE NICOL: Please, I do want to hear one person at a
15 time.

16 MS. LAWS: My Lord, I was actually asking this witness to describe
17 how the blood got on the wall.

18 MR. JUSTICE NICOL: I thought that is what she was trying to do.

19 Let me hear from Ms. Heard how the blood got on the wall, as
20 far as you can tell.

21 THE WITNESS: Well, I did not look at the blood as it hit the
22 wall. I immediately grabbed my face and looked down. All
23 I can tell you is that Johnny wore these rings on every finger
24 and he backhanded me. I cannot tell -- we were maybe two,
25 three feet, we were in the kitchen of the downstairs of the

P.1799

2 Eastern Columbia Building in penthouse 3. We had gotten in an
3 argument because he was accusing me of having an affair with
4 two people, neither of which I have ever had a romantic
5 relationship with.

6 MS. LAWS: How did the blood get on the wall?

7 A. He backhanded me. His rings popped my mouth.

8 Q. You are demonstrating, can you explain it, which hand was he
9 using?

10 A. I do not recall which hand he was using, but one of his hands
11 went across my mouth, hit my teeth is what it felt like.

12 Q. Where was the wall in relation to you when he did this?

13 A. Next to me, it was in the kitchen.

14 Q. So, were you standing facing the wall or away from the wall?

15 A. I recall I was facing closer towards -- I was facing towards
16 the living room and there was blood next to the Smeg fridge,
17 there was this old Smeg fridge and I remember the next day
18 making a joke about it.

19 Q. Where was the wall, was it to your right or your left or
20 behind you, or to the side of you?

21 A. It was to my right.

22 Q. To your right. Was it, for example, as I am standing facing
23 his Lordship, was the wall to my right, literally where this
24 lectern is, or was the wall behind at an angle ----

25 MR. JUSTICE NICOL: I think Ms. Heard has said it was two to three

P.1800

2 feet away.

3 MS. LAWS: Yes, it is the angle I am interested in. Was the wall
4 to your right, literally facing your face there or was it
5 behind you?

6 THE WITNESS: I cannot quite recall exactly where the wall -- if
7 that was the doorway, I was closer to the doorway, or if I was
8 facing towards the wall, but I was facing towards the living
9 room.

10 Q. What did the blood spatter look like? You say you do not know
11 how it happened, but what did it look like? I am sure that
12 was memorable.

13 A. To be honest, we made light of it. It was remarkable because
14 of the, of what had happened, but I was quick to make light of
15 it. I know that sounds hard to imagine, but I was so ready to
16 believe that it would never happen again that we were quick to
17 make light of it.

18 Q. There was no blood on the wall, which is why you cannot
19 describe it in any way, is it not?

20 A. That is not true.

Ms Heard's account evolved further when she was shown a photograph of herself with Ian McLagan taken on 23 March 2013, but once again Ms Heard sought to cover herself by giving evidence that she might be able to see an injury on a photograph where she clearly had none.

P.1809

23 A. I do not know his name.

24 Q. You do not know his name. He is, and he is ----

25 MR. JUSTICE NICOL: Ian McLagan.

P.1810

2 MS. LAWS: He is the guitarist for Keith Richards.

3 THE WITNESS: Oh yes, I am vaguely familiar with this.

4 Q. You are familiar with this photograph. It shows you with a
5 clear face, does it not?

6 A. What do you mean?

7 Q. No injury?

8 A. No, I cannot see an injury to my face.

9 Q. No injury at all on that?

10 A. I cannot really tell if my lip is bruised.

- 11 Q. There might be an injury on that?
- 12 A. There might be an injury to my lip, if you look at my bottom
13 lip, it looks swollen to me.
- 14 Q. It looks swollen?
- 15 A. My bottom lip does.
- 16 Q. Does it?
- 17 A. My bottom lip looks swollen to me, yes.
- 18 Q. This was taken on 23rd March, and I will come to why in a
19 moment. This was taken the day after the assault ----

P.1824

- 3 Q. The one I showed you, both of the photographs. You have seen
4 both of them?
- 5 A. All I saw was a swollen lip in that one.
- 6 Q. I suggest you are making that suggestion now because you have
7 got quite a difficult path to tread because of the lies that
8 you have woven?
- 9 A. I still have not seen one so I disagree.
- 10 Q. You have produced a photograph -- well, you have seen two. I
11 have shown you two so I do not think I need go back to them.
12 Of the photographs I have shown you, you say there is one with
13 a swollen lip?
- 14 A. Yes.
- 15 Q. And I am suggesting to you that you have a difficult path to
16 tread because you have woven a web of lies that you have had
17 to shift and change according to when evidence has emerged
18 about this Keith Richards documentary; do you agree or not?
- 19 A. I disagree. The more evidence I have come across, the more
20 clarity I have on what happened.

Ms Heard was also compelled to give an incredible account of a painting by her former partner, Tasya van Ree. Her sister, Whitney Henriques, was forced to say she had merged an incidence of serious violence against her sister over one painting in 2013 with a joke with Mr Depp about defacing another painting by Ms Van Ree in 2014.

P.1826

- 15 We see in the picture is
16 a painting with "Tasya van Ree" scribbled out and a "P"
17 written on it, can we not?
- 18 A. Yes.

19 Q. This is a year after your sister has claimed Mr. Depp did that
20 before the Keith Richards documentary?

21 MR. JUSTICE NICOL: The date on the text appears to be

22 February 11th 2014.

23 MS. LAWS: It is almost a year, it is 11 months later. But it is
24 a long time after the Keith Richards incident, is it not?

25 THE WITNESS: Yes.

P.1827

2 Q. "Well done, my friend, well done", I think that is from your
3 sister, is it?

4 A. Yes.

5 MR. JUSTICE NICOL: Just a minute.

6 MS. LAWS: It is the bottom of the following page, it is the same
7 photograph.

8 MR. JUSTICE NICOL: It is now 3.4C.

9 MS. LAWS: The same photo we have seen before. "Well done, my
10 friend, well done".

11 MR. JUSTICE NICOL: Do you know who that is from and to?

12 THE WITNESS: It appears to be from my sister to Johnny.

13 MR. JUSTICE NICOL: Just a minute. (Pause)

14 MS. LAWS: At the top of the following page: "By the way you
15 never responded to my other text, the van Pee painting earned
16 you 20 points in my book, cunardo". That is from your sister
17 again, is it not?

18 THE WITNESS: Yes.

19 MR. JUSTICE NICOL: So, the one at the top of H23.4D is from
20 Whitney you think?

21 A. Yes.

22 MS. LAWS: To Mr. Depp. Then he responds: "Subtle ay, made me
23 laugh as I was doing it. Thanks sweetheart, can't stand that
24 fucking hovering vulture." Your sister responds: "She's the
25 worse. Did Sis notice the van Pee yet?" And Mr. Depp says:

P.1828

2 "Ah, yes, she laughed her arse off, nice."
3 What you and your sister have done is attempted to

4 construct an incident around innocent, silly texts between
5 Mr. Depp or Mr. Depp and you or your sister, and you have in
6 fact tripped yourself up over it, have you not?

7 A. How ----

8 MR. JUSTICE NICOL: Have you tried to construct an incident based
9 on these documents?

10 A. No, my Lord. This is a totally different painting.

11 MS. LAWS: So there are ----

12 MR. JUSTICE NICOL: Just a moment please. (Pause) Yes.

13 THE WITNESS: This is a totally different painting, and I do not
14 think Johnny realised that.

15 MS. LAWS: I suggest you are just lying as you go along, in order
16 to deal with the fact that what your sister and you were
17 saying about this incident has been proven to be total lies.

18 A. No, I believe we even provided a picture of the other one that
19 he defaced, he defaced multiple paintings. Johnny did not
20 remember that, when he was saying that he could not have
21 caught it on fire or tried to light it on fire because it was
22 in glass. What he forgot is that the one he tried to light on
23 fire was a canvass.

24 MR. JUSTICE NICOL: Just a minute. (Pause)

25 MS. LAWS: Multiple paintings now, is it, we have another detail

P. 1829

2 added?

3 THE WITNESS: Johnny defaced many things.

4 MR. JUSTICE NICOL: Just a minute. (Pause)

5 MS. LAWS: How many occasions?

6 THE WITNESS: Countless.

7 Q. You see, you are having to construct this new version of
8 events, are you not, to explain those texts?

9 A. No, I think we even gave you photos

DAY 13 (Re-examination of Ms Heard)

P.2032

5 ...what did you consider was the correct date of the painting
6 incident?

7 A. The 22nd.

8 Q. 22nd March, 2013?

9 A. Yes.

10 Q. Thank you very much indeed. As far as the painting incident
11 was concerned, what you said in your original statement was
12 that after the arguments, there was an episode of filming on
13 that date?

14 A. Yes, that is correct.

15 Q. With Keith Richards?

16 A. Yes.

17 Q. Was that the only date in March 2013 when there was filming
18 with Keith Richards?

P.2033

8 MS. WASS: How many incidents were there in March 2013 which
9 involved filming a documentary with Keith Richards?

10 A. At least three.

P.2052

6 Q. Mr. Depp accepts in his evidence that there was an occasion at
7 Orange Avenue when he politely, he says, asked you to remove a
8 painting done by Tasya van Ree which was on your bedroom wall.

9 Do you remember that part of the evidence?

10 A. I remember him saying that.

11 Q. Was it one of those two paintings that we see in those two
12 documents in the trial bundle?

13 A. Well, he defaced both and was upset about ----

14 MR. JUSTICE NICOL: No no. The question was whether you were able
15 to say whether the painting that Mr. Depp asked you to remove
16 was one of these two paintings.

17 A. Well, he did ask me to remove both of them, the one we have
18 been talking about the burning is the one that is part of the
19 text message screen grab between Mr. Hop, Johnny, and my
20 sister.

DAY 13 (Cross-examination of Whitney Henriques)

Ms Henriques radically altered her account of the 'painting' incident. Yet despite having quarantined with Ms Heard pre-trial and despite sitting in court throughout the trial, she claimed, quite incredibly, that her changed evidence was nothing to do with those matters

but instead was prompted by looking at old text messages with Nathan Holmes and seeing a reference to McDonald's

P.2140

5 MR. JUSTICE NICOL: I think that is the first page of the seventh
6 witness statement of Amber Heard.

7 THE WITNESS: Yes, it says seventh witness statement, yes.

8 MS. LAWS: The 6th July was the day before the trial starts. Were
9 you aware that she corrected her statement on that day? Or
10 were you in complete ignorance of that?

11 A. If it says it here, then sure but I ----

12 MR. JUSTICE NICOL: What you are being asked, Ms. Henriquez, is
13 whether you were aware that your sister had made a statement
14 on 6th July correcting the date or giving what she said was
15 the correct date of the incident?

16 A. I did not have knowledge of it at the time, but if that is
17 what happened, then that is what happened. I was not aware of
18 every step of this.

19 MS. LAWS: Looking at paragraph 5, if I can ask you then to look
20 at it.

21 MR. JUSTICE NICOL: Paragraph 5 is on page E606.92.

22 MS. LAWS: It starts "While reviewing this material". Do you have
23 that paragraph?

24 THE WITNESS: Yes.

25 Q. "I have been able to identify the dates of two incidents of

P.2141

2 violence that took place in March ...(reads to the words)...
3 which is apparent from the photographs now at tab 148.F, which
4 show Johnny's cocaine in my kitchen at my house on Orange and
5 was one of the days Johnny was due to be filming a documentary
6 with Keith Richards." I suggest to you that you would have
7 known full well that your sister, on being faced with that
8 photograph of her with a clear face, was forced to change her
9 evidence and account in relation to 8th March. Do you agree
10 or disagree?

11 A. I disagree. This is the first time I am seeing this
12 statement. I cannot speak to why.

13 Q. You have been here every day during this trial and so you have
14 seen that your sister has had to change her account and what
15 she says about it; is that right?

16 A. I agree with this.

17 Q. I am going to suggest to you it would have been really obvious
18 before the start of this trial, or on day one of the trial,
19 that there was a very serious problem with one of the
20 incidents that both you and her allege took place?

21 A. I disagree. There is not a problem with our accounts.

22 Q. Did you spend the days before this trial in quarantine with
23 your sister?

24 A. I did.

P.2142

2 MS. LAWS: So, are you really suggesting that the first you
3 realised that you had got the date wrong was literally the
4 moment you came into the witness box this afternoon at
5 two o'clock?

6 THE WITNESS: What are you asking me exactly?

7 Q. When did you first realise that you had got the date so very
8 wrong of this incident?

9 A. It was very recently. But I honestly, that is it, I just
10 realised recently.

11 Q. How did you realise recently?

12 A. I was going over text messages between Nathan Holmes and
13 I, his former assistant.

14 MR. JUSTICE NICOL: Just a minute. (Pause) Nathan Holmes, who is
15 the other person?

16 A. Nathan Holmes and myself. I was going ----

17 Q. When you say "I", you mean you yourself?

18 A. Yes, I was going over my own text messages, my own
19 conversation with his former assistant Nathan Holmes.

20 MS. LAWS: It certainly was not a case of Amber saying, "We have
21 got it wrong, we have got to sort this out"?

22 A. I disagree with that.

Ms Henriques was shown the photograph of Ms Heard with Ian McLagan and could see the same injury Ms Heard had claimed to be able to see when giving her evidence.

P.2152

21 MR. JUSTICE NICOL: Did you discuss this photograph with your

22 sister?

23 A. I did not.

24 MS. LAWS: There is no injury on the photograph of your sister, is
25 there; there is no injury on her face?

P.2153

2 A. I disagree. Her bottom lip looks a little swollen, but I have
3 no date reference or anything. I do not know, but it does
4 look swollen to me.

5 MS. LAWS: You heard your sister give exactly that evidence, did
6 you not, just yesterday, I think?

7 A. If she did, I cannot recall it.

8 Q. You do not remember it?

9 A. I might have stepped out. I did not glue myself to this
10 courtroom.

11 Q. So, do we take it then that you also say that this is an
12 injury relating to the painting argument?

13 A. I did not say that. I said her bottom lip looked swollen.

14 Q. So what do you say this relates to then, what incident, if
15 any?

16 A. I have no idea. I do not know the date of this photograph.
17 I do not know when it was taken. I do not know who that
18 person is.

P.2155

13 MS. LAWS: You heard your sister answering questions about this
14 photograph and, just to put it into context, you will have
15 heard the discussion that we have just had in relation to the
16 dating. You will have heard that all played out when she was
17 being asked about it. That is the assertion ----

18 MR. JUSTICE NICOL: Let Ms. Henriquez answer that first.

19 MS. LAWS: Do you remember hearing that?

20 A. I do recall when you were saying flight itinerary. I do
21 recall hearing that yesterday when I was up in the gallery,
22 but I do not recall listening to specific dates or anything.

23 I do remember hearing about it. That jogged my memory.

24 Q. You know that this is a really important piece of evidence for
25 you and your sister, do you not?

P.2156

2 A. I am sorry, I do not know that.

3 Q. Which is why your sister herself, when I showed this to her
4 and informed her of the date, or the date we are saying it is,
5 your sister was forced to say she had an injury to her lip?

6 A. I disagree with that statement.

7 Q. And you know she is forced to say that because otherwise both
8 your story and her story would completely fall apart, would it
9 not?

10 A. I disagree.

11 Q. It is ridiculous to suggest that this photograph shows any
12 sort of injury?

13 A. I disagree.

14 Q. I think you have indicated that on the day of this assault,
15 her face -- and I have gone through it several times -- was
16 swollen, not just her lip, her face was swollen, her lip was
17 split?

18 A. Yes.

19 Q. Are you saying that is what we can see on this?

20 A. I see makeup and a split lip.

As noted above, Ms Henriques claimed she had merged two starkly contrasting events concerning two paintings by Ms Van Ree.

P.2162

18 Q. So, is what you are saying that that part of your statement
19 which you wrote in 2019, where you say you had a conversation
20 with your sister about the painting, what you had done was
21 added in a detail completely by mistake of something that
22 happened a year later?

23 A. I simply merged two paintings that he defaced into one event.
24 That is what happened. It was a mistake. It was two separate
25 paintings, but it was because I just merely merged the two.

P.2163

2 Q. And you are shifting and changing your account because it has
3 become quite clear, has it not, by the production of this
4 material, these photographs and texts, that you have lied
5 about this incident in several ways?

6 A. I disagree with that statement.

7 Q. It is a difficult lie to maintain because when we go back to
8 your statement -- I am afraid I am going to ask you to close
9 that file and get your statement back, just to see the nature
10 of what you have had to change. So, file 2, please, tab 61,
11 paragraph 37, page E106. Do you have that?

12 A. 37? One moment, please.

13 Q. Page E106?

14 A. I have that. Yes, I have that.

15 Q. Paragraph 37. So what you were saying, at the end of last
16 year, was that you did not look at it closely, Amber told you
17 a few days later he tried to burn it, and Amber also then, in
18 that conversation, told you that when that failed, so when him
19 trying to burn it failed, he had scratched out her signature
20 to Tasya van Pee. So the whole of that second part of that
21 sentence needs to be deleted, does it? Your sister did not
22 tell you that?

23 A. That is not true. She told me that he tried to burn the
24 painting and when I was recalling the accounts to put the
25 statement together, in my head, I mistakenly recalled that he

P.2164

2 wrote Van Pee on that same painting. I did not remember at
3 the time that it was two separate paintings.

4 Q. I think then we can agree, as a result of that answer, that
5 what you were doing was putting in a detail, based on a text
6 exchange we have just seen about the signature, to embellish
7 your account, have you not?

8 A. I disagree with that statement.

DAY 14 (Re-examination of Whitney Henriques)

p.2270

4 MS. WASS: You said in answer to Ms. Laws that somebody else
5 entirely was Nathan Holmes; is that correct?

6 THE WITNESS: Yes, ma'am.

7 Q. Tell us then, you went through the texts of Nathan Holmes, and
8 what happened then?

9 A. I came across a message about, you know, get Johnny something
10 from McDonald's, something to that effect, and it just sparked
11 my memory of that incident, the painting incident, and then

12 I flicked to see the date, that is all.

Incident 3: Hicksville, June 2013

The evidence at trial supports Mr Depp's account that Hicksville was a trip, which was meant to be fun, and both he and Ms Heard took illegal drugs, but it was spoiled by an argument with Ms Heard – his "feisty" girlfriend – but it was not, as Ms Heard alleges, by appalling violence.

DAY 2 (Cross-examination of Mr Depp)

P.236

7 A. On the trip to Hicksville, there was, of course there was
8 alcohol. In general, everybody had their drug of choice so
9 there were some people doing MDMA, mushrooms. I was drinking
10 myself and I was smoking marijuana. I ingested three,
11 probably three little, as they call them, stems of the
12 mushrooms, but to no effect.

13 Q. I think you had a quantity of white powder with you?

14 A. I was not using cocaine at Hicksville.

15 Q. What about MDMA?

16 A. I did not do any MDMA at Hicksville because it would have been
17 a waste of time. It does not do much to me.

18 Q. Well, you brought drugs to the party, to the Hicksville party,
19 did you not?

20 A. I brought marijuana and -- well, I brought marijuana.

P.238

2 Q. Kelly Sue was sitting very close to Ms. Heard and was being
3 rather affectionate?

4 A. Rather affectionate.

5 Q. You took exception to this?

6 A. Yes, I did. She was putting her hands on Amber and I thought
7 it was an uncomfortable position to put her in.

8 Q. To put Amber in, to put Ms. Heard in?

9 A. To put Ms. Heard in, yes.

10 Q. Ms. Heard was not saying -- I mean, Ms. Heard is quite a

11 feisty woman, as you have said more than once in your
12 descriptions of her. She is more than capable of saying to
13 somebody, "Get off of me" if they touch her and she does not
14 want them to. Why did you have to take exception to Kelly
15 Sue?

16 A. I suppose Ms. Heard did not have to.

17 Q. So you were being the Southern gentleman again, were you, that
18 night?

19 A. If you like.

20 Q. Because you actually became extremely angry with Kelly Sue,
21 and became quite unpleasant, shouting at her, and eventually
22 saying to her, "Do you know how much pressure it would take to
23 break your wrist?"

24 A. It never happened.

25 Q. How did you deal with this situation? What did you say to

P.239

2 Miss Kelly Sue?

3 A. As I recall the incident, it was not around the campfire where
4 I was playing the guitar. It was at nightfall when we were
5 looking around the place and there was a pool table and there
6 was a pool and you could climb the ladder to get to it. As
7 the girls were congregating, this Kelly Sue began to touch
8 Ms. Heard in ways that were beyond what one would accept as
9 normal affection. They were quite sexual and they were quite
10 aggressive and she was clearly very high.

11 Q. And your impression was that Ms. Heard did nothing to prevent
12 this show of an affection from Kelly Sue; is that right?

13 A. I remember that she just sort of was looking at her, smiling.
14 I believe Miss Kelly Sue was a friend of Raquel Pennington's.

15 Q. It perhaps does not matter who she was a friend of?

16 A. I think it does just in terms of maybe she did not want to be
17 rude to Raquel's friend.

18 Q. I see, so it was not a question of Ms. Heard going along with
19 this show of affection; it was a question of her not feeling
20 able to rebuff it?

21 A. I thought it was an uncomfortable situation for her.

22 Q. And how did you deal with that uncomfortable situation?

23 A. I removed Miss Kelly Sue's hand from Ms. Heard's body and
24 I told her not to do that, that first of all, that is my girl;

25 second of all, it is rude and invasive. She was quite

P.240

2 glassy-eyed and she seemed pretty unsure of her surroundings.
3 She seemed very unstable on her feet and I remember saying to
4 her, "If you are going to take this drug, MDMA, you should
5 know if you are able to handle it or not."

6 Q. Right?

7 A. "Do not take it if you cannot handle it."

11 But not only that,
12 you were actually quite angry with Ms. Heard about this.

13 A. No, ma'am.

14 Q. And you had a big argument with Ms. Heard when you got back to
15 your trailer?

16 A. We did have a big argument when we arrived back at the
17 trailer, yes.

18 The argument was really fuelled by two things: one was the
19 fact that you had consumed a lot of alcohol and drugs that
20 night, and you had become very aggressive, as we have seen in
21 that video that you are prone to become;

25 A. In a way, it did, yes, you are correct. The argument did

P.241

2 start because of the incident with this Miss Kelly Sue
3 because when we arrived back to our trailer, Ms. Heard began
4 to yell and scream at me that I had ruined everyone's weekend
5 and that, you know, once again I was the bummer, and you know,
6 I had ruined everyone's good time. So I was demeaned for
7 being concerned.

8 Q. Ruined the good time because of the Kelly Sue exchange?

9 A. Yes. I think when people are under the influence of MDMA and
10 mushrooms and alcohol at that level, you can get quite hyped
11 up, because in the MDMA, there is a lot of speed in the MDMA.
12 So, she was on a very good run, let us say, Ms. Heard. She
13 was quite pumped up.

P.242

4 Q. And I suggest you were very hyped up, very, very hyped up
5 indeed?

6 A. I was not on MDMA. As I did not have MDMA, I believe that was
7 left up to Ms. Heard's friends to bring that along. Again, if
8 they had MDMA, which they did, I would say there was not
9 enough to go around, let us say, so I did not do it because
10 I found it a waste, as it does not affect me in the same way

11 that it does others, as mushrooms do not affect me in the same
12 way as it does others. I am not saying I am unique, the only
13 person in the world, but ----

14 Q. That trailer that you stayed in with Ms. Heard got smashed up,
15 did it not?

16 A. A bathroom sconce got smashed up. I did get very -- I was
17 very upset at being yet again treated as the, pardon the
18 expression, the turd in the punch bowl, and that was quite
19 unpleasant. I did not feel that I deserved to be screamed at,
20 demeaned, and treated like garbage for having done something
21 that I felt was right and correct. So, during the height of
22 the argument, I punched the glass art deco light fixture in
23 the bathroom, above the bathroom mirror, and smashed it.

24 Q. The trailer was very, very badly damaged the next day. There
25 was a wall lamp, a sconce as you call it, hanging off the

P.243

2 wall, but there was mess everywhere, absolutely everywhere.
3 You had trashed the trailer?

4 A. I am going to have to say, no, I did not.

5 Q. You just limited your anger to tearing off the wall lamp; is
6 that right?

7 A. No, I did not tear off the wall lamp, Ms. Wass. I punched the
8 lighting fixture, the glass around the bulb.

9 Q. All right. Do you remember Kirsty Sexton coming into the
10 trailer the next morning?

11 A. I do not remember Kirsty Sexton coming into the trailer the
12 next morning. I remember going to the manager of Hicksville.

The Defendants, presumably to increase the seriousness of the damage, say that Mr Depp's "security team" had to deal with the owners/ managers about the damage. But Mr Depp dealt with it himself and Malcolm Connolly gave evidence that he was the only security with Mr Depp on that trip and he had nothing to do with the owners about damage to the trailer. Ms Sexton's echoing of Ms Heard's line about the "security team" should be rejected.

13 Q. Yes, with your security?

14 A. I am sorry?

15 Q. With your security team?

16 A. No.

17 Q. Were your security team there?

18 A. Yes, I had security there, but they ----

19 Q. Sorry, you carry on. You were about to tell us you went to
20 the manager?

21 A. Yes, all by myself. I did not feel threatened so I did not
22 need a security team to go talk to the manager. I found the
23 manager and I said, "I am sorry, but I broke a lighting
24 fixture in the trailer and I will pay for any damage there is.
25 I am terribly sorry." The manager came over to the trailer,

P.244

2 he came in, he had a look at the fixture, and he said, "No
3 problem". He left for about ten minutes, he came back with
4 another fixture, and he screwed it on above the light bulb.

5 Q. You see, that is not what happened at all. In fact, your
6 security team negotiated, or had to negotiate, with the owners
7 about sorting out the much more extensive damage that you had
8 done, and they were offering money to them. The owners became
9 very upset because do you remember a wedding party was due to
10 arrive within a couple of hours?

11 A. I do have a vague memory, yes, that we had to get out of
12 there, yes.

13 Q. The owners were saying, "You cannot just pay for it; we have
14 people coming in two hours."

15 A. They never expressed that to me. As I said, I spoke with the
16 manager, brought him to the trailer, showed him the damage,
17 and then he went to his office and returned with the
18 replacement bulb.

P245

19 MS. WASS: Mr. Depp, you were very angry with Ms. Heard and,
20 amongst other things, you physically hit her and pushed her
21 around in that trailer that the two of you had rented, and
22 during the course of that struggle, things got broken and that
23 is how the trailer was trashed. What do you say about that?
24 A. I say that is not the case, ma'am.

DAY 4 (Re-examination of Mr Depp)

P.670

2 ... The argument back in the cabin is what was then
3 put to you. You explained to Ms. Wass. The allegations were
4 put to you, you denied them, and you explained to her that it
5 started because Ms. Heard was telling you off for embarrassing
6 her in front of friends, I presume?

7 A. Embarrassing her in front of her friends and for ruining
8 everyone's weekend.

9 Q. Exactly, and there is no dispute that you caused some damage
10 to a bathroom sconce, which is a light fitting thing?

11 A. Yes, sir.

12 Q. Now, you say it was out of frustration. Why were you in the
13 bathroom, Mr. Depp?

14 A. The bathroom mirror and the sconce was in the trailer section
15 and then the bathroom would have been just the toilet. There
16 was a door for just the toilet and there was a sink outside
17 the bathroom. That is where the sconce was.

18 Q. I see.

19 A. It was in the proper trailer itself, not the bathroom.

20 Q. And as with the hotel in New York incident, did you admit to
21 what you had done or did you deny what you had done in terms
22 of damage?

23 A. No, I admitted it, of course.

24 Q. Have you tried, as Ms. Wass suggested, to play down the extent
25 of the damage that you caused?

P.671

2 A. Not at all, no.

DAY 6 (Malcolm Connolly in chief)

P.907

10 Q. As far as security, if I can put it that way, is concerned,
11 was there anyone other than you?

12 A. No one.

13 Q. What was your general recollection of the trip; was it a good
14 trip, a bad trip?

15 A. My general recollection of that trip was a good trip, yes.
16 Yes.

17 Q. Now, we understand that there was an argument at one stage in
18 Mr. Depp's cabin; is that correct?

19 A. So I was told. I did not witness this argument. I did not
20 hear an argument.

21 Q. Did you hear about anything which happened to the cabin, or
22 not?

23 A. I heard the following morning there was a light broken. I
24 think there was a light broken.

P.908

2 MR. SHERBORNE: Was it ever suggested to you that the whole cabin
3 had been smashed up and trashed?

4 A. No.

DAY 6 (Re-examination of Malcolm Connolly)

P.942

17 MR. SHERBORNE: Yes. I understand that, my Lord, but what was put
18 to him is that there was a whole lot of damage done and
19 Ms. Wass, in her questions to Mr. Depp, said that his security
20 team -- this is how it arose -- went to see the management of
21 Hicksville, and they had to sort out making reparation for the
22 extensive damage. I do not know if your Lordship remembers
23 that, but that was put to Mr. Depp and he said no, that is not
24 what happened, he went and sorted it himself.
25 Mr. Connolly gave evidence that he was the only security

P.943

2 member there. I am just going to ask him this. Mr. Connolly,
3 did you go and see the managers or owners of the campsite in
4 order to sort out paying for any damage?

5 A. No.

DAY 13 (Cross-examination of Kristina Sexton)

P.2240

3 (To the witness) Forget the question I have just asked
4 you, please, Ms. Sexton. I want to ask you about Hicksville,
5 which we know was in the summer of 2013.

6 THE WITNESS: Yes.

7 Q. Can you first of all confirm what damage you saw to the
8 trailer where Ms. Heard and Mr. Depp were living?

9 A. I saw broken glass strewn everywhere and it looked like window
10 coverings or cloth had been ripped and thrown around the
11 place.

12 MR. JUSTICE NICOL: Just a minute, please. Broken glass
13 everywhere, and you said something else?

14 A. A fabric, I remember seeing torn fabric, either like curtain
15 fabric or I do not know, bedding. It was fabric that was
16 strewn around, everything was in disarray. Like (unclear) and
17 some of it, like, broken things just everywhere.

18 Q. Was there any conversation between yourself and Ms. Heard

19 about that damage or anything to do with how it came about?

20 A. Yes.

21 Q. Could you tell us what that was, please.

22 A. I came in to check and see how she was doing and she was
23 really upset. I heard it was Johnny (unclear) was coming into
24 the trailer apologising to her saying "I'm so sorry ----"

25 Q. Could you please ----

P.2241

9 ... I think you said something about
10 Mr. Depp apologising.

11 A. I could hear him apologising as I went into the trailer and he
12 was out with his security team and they were trying to figure
13 out how they were going to proceed. I believe there was a
14 wedding or something coming soon and everything needed to be
15 taken care of. So, as he left to go and deal with the
16 managers with his security team, I heard him saying "I'm
17 sorry, I'll take care of it", stuff to that effect.

Incident 4: The plane incident, 2014

The evidence about this incident, including Stephen Deuters' evidence, and the totality of the evidence which the Court heard from those who work for Mr Depp including those not present on this plane journey mean that the Court should reject Ms Heard's account of being assaulted by Mr Depp on the plane journey in front of Mr Deuters, professional security personnel (such as the deceased Jerry Judge), and the flight crew. Ms Heard's account is dependent on the proposition that none of them would intervene to help her in the face of a physical assault or stop Mr Depp (even to protect him from himself if he had behaved as Ms Heard alleges).

The argument on the plane was sufficient that Mr Depp decided to try to placate Ms Heard afterwards, a task which a somewhat resigned Mr Deuters found himself undertaking. What was clear from evidence at trial was that Ms Heard could be demanding and difficult and Mr Depp preferred to placate her, and to try to avoid confrontation.

DAY 2 (Cross-examination of Mr Depp)

P.298

17 Q. You were screaming obscenities about James Franco to her on
18 the plane?

19 A. Screaming obscenities about James Franco on the plane?

20 Q. Yes.

21 A. With my two assistants or people who work with, and my chief
22 of security and two pilots and a stewardess?

23 Q. Yes.

24 A. And I am screaming at Ms. Heard with ----

25 Q. Yes.

P299

2 A. I would not do that.

...

21 MS. WASS: I suggest that the more offensive you became, the less
22 that Ms. Heard would engage with you?

23 A. Again, I disagree.

24 Q. Your staff simply allowed you to conduct yourself like this.
25 They did not judge you. They did not admonish you. They did

P.300

2 nothing to protect Ms. Heard from this tirade of abuse.

3 A. They had no reason to protect Ms. Heard.

4 Q. I suggest Ms. Heard moved seats on more than one occasion to
5 get away from you, and you started by throwing ice cubes at
6 her. At one stage, when she tried to move away from you, you
7 kicked one of the chairs so hard that it swivelled round and
8 hit her?

...

11 A. I have never seen anyone be able to push an airplane chair
12 that could assault someone. Aeroplane chairs are very --
13 well, we all know what they are like.

14 Q. You were in a blind rage, demanding to know how much she liked
15 getting off with James Franco, and she refused to answer. And
16 you were so angry that she would not engage with you during
17 this discussion, you slapped her across the face in front of
18 everybody?

19 A. No, ma'am.

P.301

19 Q. Ms. Heard got up again from her seat in order to move away
20 from you, and you said to her, extremely aggressively: "Are
21 you walking away from me?" And at that stage you kicked her
22 in the back as she was trying to get away from you.

23 A. Not true.

24 Q. And you were raging like a monster.

25 A. Not true.

P.302

2 Q. And you eventually went to the toilet, the bathroom, if you
3 prefer, of the plane, and you passed out?

4 A. After Ms. Heard, or as Ms. Heard was berating me, screaming at
5 me, and whatnot, as is her wont, she began to get physical,
6 I did get up and then go to the bathroom. I grabbed a pillow
7 from the couch and I slept on the bathroom floor. I have done
8 that on more than a couple of occasions.

Mr Depp was willing to accept that the recording of someone moaning could be him, although he had never heard the recording before and it did not accord with his recollection of that journey but sounded more like how he was in the Bahamas detox.

P.312

3 A. I am not saying it is Ms. Heard's voice. I am saying that it
4 sounds to me like it could be pretty much anyone's voice.
5 I have never heard that recording before. If it was submitted
6 into evidence, I have never heard that recording before.
7 I have never heard of the recording before. I would say that
8 it sounds almost like some animal in pain.

9 Q. Yes, it does, but I am going to suggest that you are that
10 animal and if you were in pain, it was because of the
11 over-consumption of drugs and alcohol that happened on that
12 flight?

13 A. I have to say that I cannot say that that is me. I cannot
14 identify that sound as me. Therefore, I am sorry I have to
15 disagree with you.

P.315

21 Q. Now, if it was Ms. Heard who was the badly behaved party on
22 that aeroplane, why are you apologising to her?

23 A. The very simple answer to that could be one of a couple of
24 things. I was apologising possibly after she was unresponsive
25 to me trying to make things better on the plane because she

P.316

2 was upset. Unfortunately, there was, in some way with
3 Ms. Heard, because she would not let go of her beliefs, I had
4 to condition, you have to condition yourself to use words that
5 she finds pleasing as opposed to something that will set her
6 off, so there is a great deal of placation that was always
7 going on, a great deal of it. But also it could be that I
8 could be apologising for something that I said to her if
9 things did get heated and we exchanged foul words. I could be
10 apologising for that or it could be straight-up placation, as
11 was the case in a lot of instances, and I am sure she feels
12 the same. She has probably had to placate me or hide ----

13 Q. Why did you say you were in a place of shame and regret?

- 14 A. Sometimes one has to say that because it will take the poison
15 out of her quill.
- 16 Q. But you had done nothing, if you are telling the truth, to
17 cause you shame or regret?
- 18 A. I do not know that to be true. I may have done something to
19 cause shame and regret, which is to say that I might have said
20 something ugly to her. I might have verbally insulted her or
21 made some comment, but when words are being hurled at you, you
22 hurl them back, and there are many times that one feels great
23 regret for having done that.

P.320

- Did
- 17 Mr. Deuters take you through what had happened on the flight?
- 18 A. Mr. Deuters and I had a conversation. Ms. Heard was still
19 very upset and I think very -- she was very stubborn about
20 hearing anything that did not ring true with her side of
21 things. And on many occasions, I am somewhat embarrassed to
22 say, that I had to tell Mr. Deuters, and I recall telling
23 Mr. Deuters, just agree with whatever she said, just placate
24 her. I can't take it any more, no more fights, no more

P.321

- 3 Q. That was the plan that you cooked up with Mr. Deuters, was it,
4 when he told you what had happened?
- 5 A. Yes. We cooked up a plan to placate Ms. Heard, but in fact
6 that was not cooked up then, it was cooked up a lot longer,
7 prior.
- 8 Q. Before the plane incident at all?
- ...
- 16 Q. Did you tell Mr. Deuters that you did not remember much about
17 the journey?
- 18 A. I do not recall telling Mr. Deuters that I did not remember
19 anything about the journey. I remember having a conversation
20 with Mr. Deuters saying, "Please, just tell her whatever she
21 wants to hear, placate her".
- 22 Q. I understand that. But that conversation was two years
23 beforehand, you tell us?
- 24 A. No no no. That placation started years before. It became a
25 necessary tool to be able to deal with Ms. Heard without her

P.322

2 going into a rather high energy screaming match.

10 Q. But can you think of a reason why Mr. Deuters would say, would
11 it placate Ms. Heard to say you did not remember much about
12 what had happened? Why would that placate Ms. Heard?

13 A. Because for her, that it looks like she was correct, and
14 Ms. Heard likes to be correct.

P.333

22 Q. You denied that completely screaming obscenities of any sort?

23 A. I did not recall screaming any obscenities, but I did say at a
24 certain point the argument escalated quite heavily into
25 screaming at one another. And I retreated to the bathroom,

P.334

2 with the pillow. I do remember that.

3 Q. Having heard that recording on the plane, do you think now
4 that might have been you making those animal noises?

5 A. I certainly hope not. But I do not -- I do not recognise that
6 as my voice. I would say that it is something that I have
7 heard once, just today, and ----

DAY 4 (Re-examination of Mr Depp)

P.672

21 Q. It was put to you what Ms. Heard's account was and you denied
22 it. At some point, you went to the bathroom. Why did you go
23 to the bathroom on the plane?

24 A. To escape Ms. Heard's onslaught.

25 Q. Is that a one-off thing? Is that the only time you have ever

P.673

2 been to a bathroom to escape her onslaught?

3 A. No, I am loathe to say, but I have slept on many bathroom
4 floors as a result of trying to avoid any violent
5 confrontation.

P.676

6 firmly in mind. Just in the context of the flight, you were
7 shown a document, a text that you sent to Mr. Bettany. It is
8 bundle 6, tab 119.

9 A. Yes, I recall it.

10 Q. It is page 13.4 of the schedule. You were taken through the
11 first bit of it: "Half a bottle of whisky, 1,000 Red Bull
12 vodkas and pills, 2 bottles of champagne on the plane, what do
13 you get? An angry, aggro Injun, in a fucking blackout,
14 screaming obscenities and insulting any fuck you got near."

15 It was suggested to you that this somehow demonstrated how you
16 had been physical on the plane in front of -- you denied it --
17 you said in front of all the people who were there with me,
18 the stewardess, the pilot and so on. You denied it, but you
19 were not taken to this part of the text. I just wanted to ask
20 you about this phrase: "I'm done. I am admittedly too fucked
21 in the head to spray my rage at the one I love." What did you
22 mean by that phrase, "I'm too fucked in the head to spray my
23 rage at the one I love"?

24 A. I felt that I could not, I mean, I could not continue arguing
25 and constantly continue going through the same arguments, the

P.677

2 same physical assaults, the same verbal assaults, and I do not
3 want to spray my rage, I do not want to have to react
4 verbally, and I do not want to fight.

5 Q. Were you suggesting that you had been physical at all with
6 Ms. Heard on that flight?

7 A. No, sir, not at all.

DAY 5 (Cross-examination of Stephen Deuters)

P.759

7 THE WITNESS: Again, I mean, I have to paint the picture of where
8 we were on the plane. Myself, Jerry were sat towards the
9 galley, so at the front of the plane. There is another set of
10 chairs in front of us. Keenan Wyatt was on one of them,
11 I think the other was empty. Where Johnny and Amber would
12 always sit, really, there is a table in the middle of the
13 plane, so there is a bit of a gap. So, it is loud on those
14 planes, so you cannot hear. For example, if someone is, where
15 Johnny was sat in the chair and where I was sat, there is no
16 conversation to be had. I can see him clearly, but I would
17 not be able to hear, if there was, if something was being
18 shouted, I would not be able to hear. Obviously I would be
19 able to see it, but I would not be able to hear it.

20 Q. Did you see he was very aggressive and shouting at Ms. Heard?

21 A. I do not recall it like that, no.

P.761

13 Q. Yes. Now, does that jog your memory at all, that scene of
14 Mr. Depp shouting obscenities at Ms. Heard in the terms that
15 I have said?

16 A. No.

17 Q. No?

18 A. No. I mean, no, because where we were sat, where we could
19 see, he was sort of doing his thing and there was clearly, you
20 know, they were, there was clearly talking going on between
21 them. That was apparent. But it did not seem to be, it did
22 not seem to be sort of like a screaming obscenities slanging
23 match. There was clearly an argument of sorts.

24 Q. There was an argument?

25 A. Well, you know, you could see she was being -- body language

P. 762

2 from her, whereas, and he very introverted, you know, very
3 little body language, I recall that.

4 Q. So, forgive me, are you suggesting that she was the animated
5 one and he was the quiet one?

6 A. Yes, certainly.

7 Q. Can you help us with any reason you know of why he would be
8 describing himself as screaming obscenities and insulting any
9 fuck who got near in his text with Paul Bettany in those
10 circumstances?

11 A. I could not. No, I could not, otherwise, you know, maybe he
12 had forgotten exactly how it went down. I am used to him sort
13 of speaking down about himself invariably. You know, making
14 sometimes things worse than they are, maybe it is that. Sorry
15 that, is me assuming that. I do not know.

16 Q. You see, Ms. Heard was not the aggressive one on this
17 occasion; it was Mr. Depp, and Ms. Heard moved seats several
18 times to try and get away from him?

19 A. I do not recall. I remember her moving away once and standing
20 up, I remember that. I do not remember the several seats.

21 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.

22 MS. WASS: Do you remember her standing up once, turning her back
23 to Mr. Depp, as she was trying to move away from him?

24 THE WITNESS: Yes. I think she turned sort of to her side.

25 Q. And he kicked her in the back?

P.763

2 A. No. She turned to her side.

3 Q. Did you ever see Mr. Depp kick Ms. Heard in the back?

4 A. I did not.

5 Q. Did you see any contact between Ms. Heard's back and
6 Mr. Depp's foot?

7 A. There was, yes, I do recall a raised foot or a raised leg ----

8 Q. Whose leg, sorry, just before you carry on?

9 A. Mr. Depp's leg.

10 Q. Mr. Depp's leg was raised?

11 A. Yes.

12 Q. And what did he do with his leg once it was raised?

13 A. Well, to sort of, to describe it, because it was quite a feat
14 for anybody, really. Where he was sat on the plane table
15 here, there is a window here, the table used to, you would
16 fold it in order to create more room and that particular seat,
17 those two particular seats, it sort of almost cements you into
18 the plane, you almost do not need to use a seat belt. So, he
19 was a bit rigid there. I remember books on the table. I am
20 sure there was a champagne glass. There was always an
21 ashtray, heavy thing. I think, I think there were bags
22 probably under the table, but there definitely these thick
23 table legs. So, you are sort of quite rigid in that position.
24 So, it would sort of take quite the gymnastic feat to
25 manoeuvre the little bit, the leg was slowly raised. I recall

P.764

2 that, yes.

3 Q. His leg was slowly raised, and aimed towards the back of
4 Ms. Heard?

5 A. Back or bottom.

6 Q. You said in your statement, Mr. Depp made a playful attempt to
7 tap her on the bottom with his shoe?

8 A. Yes, that is right.

9 Q. That is in your statement?

10 A. Yes.

11 Q. Is that your recollection?

12 A. Yes. That was how I would see it.

13 Q. I suggest this was not a playful attempt. This was a proper

- 14 kick to her back, an assault, and you saw that?
- 15 A. No. I did not see that.
- 16 Q. You saw him hit her in the back?
- 17 A. No.
- 18 Q. As she was trying to get away from him?
- 19 A. No. No. She was just standing there.
- 20 Q. And Mr. Depp on that flight was behaving like a monster?
- 21 A. A monster? No. No no. He was very quiet. I could tell
22 there was, he had probably the opiates because it was right
23 before he kicked them, I remember marijuana, champagne
24 obviously as he says, and those things, invariably, they make
25 someone very sort of low and small.

P.776

- 5 Q. When I am suggesting the order in which they happen, just so
6 that you are clear. The plane landed obviously before anybody
7 got off. Ms. Heard got off and went her separate ways. You
8 and Mr. Depp remained in the plane for a little while. Now,
9 is that consistent with the text that you send Ms. Heard:
10 "He's up, in the bathroom. Moving slowly. Will let you know
11 when en route." Yes?
- 12 A. Yes.
- 13 Q. We know Mr. Depp was in the bathroom in the plane, was he not?
14 He went to the bathroom.
- 15 A. Yes.
- 16 Q. And in fact remained in the bathroom for an appreciable part
17 of the ----
- 18 A. Yes.
- 19 Q. You then go on to say: "He is in some pain as you might
20 guess." What pain are you saying he might be in this text to
21 Ms. Heard?
- 22 A. Well, I mean, I mean, to the best of my recollection,
23 I suppose, yes, if he went to the bathroom and then fell
24 asleep, potentially he is hungover.

P.777

- 4 A. Or potentially, I mean, I recall sometimes he would be, before
5 he stopped using opiates, it would affect his sort of stomach.
- 6 MS. WASS: You thought he had tummy ache, did you?

7 A. You know, of that ilk. It could cause quite unpleasant
8 feeling in that area. It could be that. I do not know
9 specifically. I could not say specifically.

10 Q. We are on our way to 80, that is 80 Sweetzer Avenue, is that
11 right, where he had a property in Hollywood?

12 A. Yes.

13 Q. Over the page, you carry on: "He has been sick. We are going
14 to get him straight to bed"?

15 A. Yes.

16 Q. Is that just tummy ache?

17 A. I mean, I cannot recall specifically.

18 Q. Or do you think, having seen what he said he had drunk and
19 imbibed by way of controlled drugs, he might have just
20 overdone it, and that is what made him ill?

21 A. It is possible, yes.

22 Q. That is possible as well?

23 MR. JUSTICE NICOL: Just a minute. (Pause) By "overdone it", do
24 you mean that he was drunk?

25 A. The behaviour was not the behaviour of a drunkard, but

P.778

2 nevertheless, the consumption, as you said, because of the
3 consumption, it could be, you know, quite impressive, if you
4 will, and it could be a cause of that, yes. So, not
5 necessarily behavioural but physical, yes.

Mr Deuters rejected the description set out in Ms Heard's email to herself which he was taken to

P.778

16 Q. This is another e-mail from Ms. Heard to herself, but dated
17 25th May 2014 at 11.32 p.m; all right?

18 A. Yes.

19 Q. That is what the date is recorded as?

20 A. Yes.

21 Q. It reads as follows, and I am going to ask you about whether
22 you recognise the events that she is describing in case

P.779

22 The man I love and want to marry called me an embarrassment
23 and a whore amongst other things in front of a plane full of
24 people who did nothing before kicking me, kicking me in the
25 back and then mocked me for crying about it immediately

P.780

2 after."

3 Do you recognise that description of Mr. Depp's
4 behaviour on the plane?

5 A. You mean, with regard to the last two lines, you mean?

6 Q. Yes, exactly.

7 A. No, I do not.

8 Q. As far as you are concerned, she was never referred to as a
9 whore, amongst other things, and she was never kicked in the
10 back or kicked at all, if you are telling the truth?

11 A. No.

12 MR. JUSTICE NICOL: Never referred to as a whore. You say that
13 that did not happen.

14 A. Correct, it did not happen, yes.

15 Q. And never kicked in the back?

16 A. No.

P. 785

11 Q. And then you say to Ms. Heard, "His phone is fucking up, I'm
12 restarting it, you'll hear from him, I'm sure. There feels
13 like a sea change in him this morning. He's just spoken about
14 how bad he feels and he was not talking physically." So, not
15 indigestion; agree?

16 A. Yes. No.

17 Q. So, did you understand why he felt so bad?

18 A. Because I am sure that he loved her and he wanted to make the
19 relationship work, and any conflict was very painful,
20 upsetting to him.

21 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

22 MS. WASS: And then you said, "He's just texted you. He's
23 incredibly apologetic and knows that he has done wrong." What
24 were you referring to that Mr. Depp had done wrong, on your
25 account?

P.786

2 A. Probably by maybe breaking promises with regards to sobriety
3 or taking, you know ----

...

24 MS. WASS: Something you thought was playful, did you?

25 A. I mean, that is the term I used. I do not even know if it

P.787

2 connected. I just remember a foot going up.

3 Q. Was that not the time for you to say to Ms. Heard, "Come on,
4 it was not anything serious. He was just mucking around"?

5 A. I did not really interact with Ms. Heard at that point. I sat
6 down with Johnny. I believe it was Jerry and maybe Keenan
7 maybe -- I could be wrong -- but I believe those two spoke
8 with Ms. Heard after that incident. I think I sat with
9 Johnny.

10 Q. You sat with Mr. Depp?

11 A. Yes.

12 MR. JUSTICE NICOL: Just a minute. The question was, why did you
13 not say to her, "It was just playful"? At this point, you are
14 exchanging texts with Ms. Heard and your explanation for not
15 saying to Ms. Heard that this was just playful is what?

16 A. I suppose I do not have one. I mean, I was seeking to
17 probably sort of deflate the situation. I mean, and if --
18 sorry, deflate the situation, and had I used that terminology,
19 I do not think that would have been received very well. It
20 was not my job to be a relationship counsellor. I often find
21 myself in this position throughout my life, as the middle
22 person. As a domestic abuse survivor myself, I do not do well
23 with conflict. I always seek to mollify or appease and I was
24 not comfortable in this position, or sending these texts. All
25 I sought was to, you know, yes, deflate, appease, and kind of

P.788

2 just say what I thought was what people wanted to hear, to be
3 quite honest.

4 MS. WASS: So you did not say, to try and calm things down, "Look,
5 he did not mean to hurt you"?

6 A. No.

7 Q. You did not that that would have mollified her?

8 A. Yes, I think, having my opinion on it, I think it would have
9 created -- this would have gone south. I did not want that.
10 I just wanted to keep the peace, really.

- 11 Q. It would have gone south with her to say, "Look, he was
12 mucking around. He did not mean it"?
- 13 A. Yes.
- 14 Q. You think that would have inflamed Ms. Heard, do you?
- 15 A. Yes.
- 16 Q. And why was that, that inflaming?
- 17 A. Because I do recall on the plane that she used the adjective.
18 That is where I got the word from.
- 19 Q. So she said on the plane, "Johnny kicked me" or something like
20 that?
- 21 A. Yes.
- 22 Q. You and the other assistants did nothing; is that right? You
23 did not intervene or anything like that?
- 24 A. No, at that point because -- no, that is not true. When that
25 sort of playful attempt that connected or did not connect -- I

P.789

- 2 could not tell you -- occurred, Ms. Heard, you know, made a
3 point. She was very upset at that point and used the word. I
4 remember that because we got up from our seats, myself and
5 Jerry certainly, in order to intervene. You know, it had
6 clearly reached a point where, you know, we wanted to help or
7 stop or whatever so, no, we did intervene.
- 8 Q. So you did intervene?
- 9 A. Yes.
- 10 Q. All right, and she was upset because as far as she was
11 concerned, she had been kicked in the back?
- 12 A. Yes. That is what she was saying, yes.
- 13 Q. And I think you were way away and said you did not see this as
14 clearly as you could have done; is that right?
- 15 A. Yes, I saw it pretty clearly. I could not hear because I may
16 have had -- I remember I definitely had my headphones on for
17 the majority of it. Even if I did not have my headphones on,
18 I probably would not have been able to hear what was being
19 said, but you know, I had the visual. I could see quite
20 clearly, yes.
- 21 Q. You see, Ms. Heard, if we can carry on with this text exchange
22 between the two of you, said, "I don't know if I can stay with
23 him. I need time"?

24 A. Yes.

25 Q. She is referring to just a playful tap on the bottom, is she,

P.790

2 as far as you are concerned?

3 A. I could not -- I mean, yes, I would suppose so, or how she
4 interpreted it. I am assuming on her behalf. I cannot ----

5 Q. "He wants to see you so much. He is distraught", you said?

6 A. Yes, I do recall. He was very low, and ----

7 Q. And then she said she would sort out her own flights back, and
8 then she said, in this slightly longer text, "Look, he thinks
9 he doesn't deserve this. Obviously, he has no idea what he
10 did or to the extent that he did it. If someone was truly
11 honest with him about how bad it really was, he'd be appalled.
12 The man Johnny is would be humiliated and definitely wouldn't
13 say to me that he doesn't deserve it. I am sad he does not
14 have a better way to really know the severity of his actions
15 yesterday. Unfortunately for me, I remember in full detail
16 everything that happened."

17 Having seen the way Mr. Depp behaved on that plane, do
18 you consider that he would have been appalled if he could have
19 remembered with clarity what he had done?

20 A. I have no doubt he would not have liked that sort of, you
21 know, kind of myopic condition he was in, not being very
22 communicative. I know he would not have liked that, but as to
23 anything else on the plane that occurred, I could not -- I
24 mean "appalled" seems ----

25 Q. You see your next text says ----

P.791

2 A. ---- a heavy word.

3 Q. ---- this. Can you see the next one down?

4 A. Yes.

...

10 Q. You see, on the face of it, Mr. Deuters, this series of texts
11 is a clear admission by you to Ms. Heard that Mr. Depp had
12 kicked Ms. Heard and that he did not remember doing so. Do
13 you agree with that interpretation of those texts?

14 A. I mean, it is not my interpretation because I know why those
15 were sent, why they were sent, but I understand that is how
16 they can be interpreted, yes.

17 Q. Your interpretation which you put in your statement is that
18 you were just saying what Ms. Heard wanted to hear?

19 A. Yes, and in my conversation with Mr. Depp at the time, he said
20 placate her, you know, say what you want to say, calm her
21 down. As I have said, often I find myself in this unfortunate
22 position and "kicked" was the adjective she was using on the
23 plane so "kicked" was the word I use here

The cross-examination of Stephen Deuters on a newspaper article of 2 June 2016 did not give any support to the Claimant's case.

P.792

11 MS. WASS: That is an article in a newspaper, do you agree, dated
12 2nd June 2016?

13 A. Yes.

14 Q. So, after the instigation of divorce proceedings; do you
15 agree?

16 A. Right, yes.

17 Q. This is an article about you, really, is it not, Mr. Deuters:
18 "Johnny Depp assistant says texts were doctored", and then
19 turn over to the other page, which is F1131?

20 A. Yes.

21 Q. "Johnny Depp's assistant, Stephen Deuters, tells TMZ that the
22 texts that were posted in which he allegedly apologised to
23 Amber Heard for Johnny's violent behaviour are heavily
24 doctored and he never said Johnny attacked her. Deuters said
25 he knows of no acts of abuse towards Amber at the hands of

P.793

2 Johnny and has never made such a claim to anyone. He added
3 Johnny has never been violent towards anyone he knows.
4 Deuters said the texts themselves are suspicious because they
5 don't even show a date. Bottom line, he says he will testify
6 under oath he never had a conversation about alleged violence
7 with Amber." That is what you were saying, Mr. Deuters,
8 publicly, about these texts?

9 MR. JUSTICE NICOL: Well, do you agree, Mr. Deuters, that the
10 article reflects what you were saying at the time?

11 A. No, your Honour. I never spoke to TMZ. I never had a
12 conversation with anyone about these texts outside of Johnny's
13 then counsel. I do not recall exactly who it was. They asked
14 me about the texts and I said to them that they were taken out
15 of context. I never used the word "doctored". I never said
16 that to a solitary soul.

17 MS. WASS: Let us take that in stages, if I may. TMZ is some sort
18 of celebrity publication.

19 A. As I believe, yes.

20 Q. And they asked you for your comment, did they?

21 A. No.

22 Q. How did they come to say that you said, it is my fault,
23 I thought you had said somebody asked you about the texts?

24 A. It was Johnny's counsel at the time.

25 Q. A lawyer?

P.794

2 A. A lawyer or somebody who worked with the lawyers. I guess his
3 divorce lawyers or his divorce team, and they asked me about
4 the texts, because they had come out. And they said, are
5 these real, and I said yes. And they said, can you say any
6 more about them? And I said, well, they are taken out of
7 context, you know, what I meant by that is really just the
8 bigger picture. I never spoke to TMZ and I never said to
9 anyone, even the counsel, that they were doctored.

10 Q. I mean, when did you first see this article?

11 A. Probably the day it came out. It was very distressing.

12 Q. Yes. Did you phone up the editor of TMZ and say, "Look,
13 I have been quoted as saying these texts are doctored, that is
14 not what I am saying at all"?

15 A. It did not occur to me. I did not really want to be involved
16 in any shape or form. I felt like my goodwill was being
17 thrown back in my face and somehow these texts got leaked.
18 Someone had a conversation with TMZ that was not me. In
19 retrospect ----

20 Q. Forgive me, I interrupted you.

21 A. In retrospect, I would have loved to have had the courage to
22 say that to TMZ. I may be even have asked his counsel at the
23 time, I do not recall though. I may have had a conversation
24 with them after the fact, but I do not recall.

Mr Deuters rejected the notion that Mr Depp had been (as Ms Heard would say), "the monster" on the flight from Boston and explained that the drugs (opiates and marijuana) which Mr Depp was using around that time had the effect of making him introverted; he described them as "down drugs"

P.798

3 (To the witness) It was not just the opiates,

4 Mr. Deuters, it was opiates, cocaine, pills, and excessive
5 quantities of alcohol, all of this, this cocktail of drugs and
6 alcohol turned Mr. Depp into "a monster" when he behaved
7 appallingly to Ms. Heard and he would forget what he had done?

8 THE WITNESS: Well, I refute that, because I never was witness to
9 it.

10 Q. You never witnessed it?

11 A. No.

12 Q. You do not suggest that the Boston plane incident was an
13 example of this?

14 A. No, I do not. Because, yes, his -- I describe what I recall
15 from his movement, his mood, it was all very introverted, and
16 that is what opiates will -- you know, taking too many,
17 especially if you are doing it with marijuana, because it is
18 similar down drugs that do that to you. They do not make you
19 jump around and scream; they do the opposite

DAY 5 (Re-examination of Stephen Deuters)

P.844

18 ...I remember the leg coming up very slowing,
19 because of the angle, the restrictions of where he was.

20 Q. What was Ms. Heard's reaction when this
21 happened, do you remember?

22 A. Yes. It was not positive. She was, you know, she reacted and
23 I remember her using the word "kicked" and saying to everybody
24 else on the plane, "Did you see him kick me?"

25 Q. When you say it was not positive, I understand ----

P.845

2 A. Sorry.

3 Q. ---- can you just explain, was her reaction mild, was it
4 moderate, was she quite angry, what was it?

5 A. Moderate to angry.

6 Q. And did you and Mr. Judge just do nothing when this happened?

7 A. Absolutely not. We obviously saw at that point the argument
8 had got to a stage where, you know, it was necessary to
9 intervene. You know, so myself and Jerry and Keenan, all
10 three of us did, and I think it was Jerry, Mr. Judge,
11 Mr. Wyatt, I think, went to Amber, particularly Mr. Wyatt,
12 I believe, and I sat with Mr. Depp for a minute, yes.

13 Q. What did you think about, what did you feel about her reaction
14 to what you had seen?

15 A. I remember thinking it was very much over the top, but I also
16 remembered thinking that, you know, Johnny was not in any way
17 engaging and that had upset her; so, you know, I felt for her
18 as well.

19 Q. His response, when she was arguing, was to not engage at all,
20 and this would make her angry?

21 A. I mean, as I witnessed, as I recalled, yes, that is precisely
22 that.

P.846

10 Q. What, if anything, did he ask you to do? Can you explain in a
11 little bit of detail?

12 A. Yes. I mean, as I said, you know, occasionally, more than
13 occasionally, put into the middle of these situations, I did
14 not really appreciate it, to be quite honest, I did not feel
15 like it was my job, but I wanted to help. I wanted to help
16 him because I know he loved her, and on occasion I wanted to
17 help her too. I felt that goodwill was leaned upon on
18 occasion. But, you know, I found myself in that position and,
19 as I said, I found myself in that similar position throughout
20 my life, it is not rare.

21 Q. Slow down a second. You said you found yourself in that
22 position a lot of your life. Can you just explain that a
23 little bit?

24 A. Sure. The middle man. The one, you know, particularly with
25 friends, certainly with family, but friends very much so, and

P.847

2 at work, just the middle person, the sort of person that gets
3 drawn in to sort of mediate, placate.

4 Q. Mediate and placate?

5 A. Yes.

6 MR. JUSTICE NICOL: You are talking here about your experience of
7 life generally, rather than specifically about Ms. Heard and
8 Mr. Depp.

9 THE WITNESS: Yes. Yes. That is a general comment, yes.

10 MR. SHERBORNE: Did it not apply to Ms. Heard and Mr. Depp as
11 well?

12 THE WITNESS: No no, it did apply to them as well; yes, certainly.

13 Q. You mentioned in response to Ms. Wass that you were yourself a

14 victim of domestic abuse?

15 A. Yes.

16 Q. I am not going to press you, unless you feel comfortable, but
17 can you explain why you said that was something that in this
18 role as an intermediary ----

19 A. Yes, obviously I have had time to think about it a lot and
20 when I think about it, I do not do well with conflict and
21 I never have, and that that I went through many years ago now,
22 I probably had this in me before then, but nevertheless more
23 so since and thereafter. I do not do well with conflict.
24 I do not run away from it. I do engage, but when engage my
25 instinct is always to nullify and deflate, never to enrage.

P.848

2 It is just instinctive, that is where I go, yes.

3 Q. In asking you to contact Ms. Heard, what did Mr. Depp want you
4 to achieve by those texts?

5 A. Quite simple, placate her. You know, basically, deflate the
6 situation. Create the peace. You know, get her on side, and
7 do whatever you need to do, type whatever you need to type.
8 He did not give me a script to type, it was not that specific.
9 It was just a blanket instruction -- not instruction, request
10 I would describe it as.

11 Q. Your brief was to try and placate?

12 A. Yes, again, that was not my job. I did this, it was just to
13 help.

14 Q. To help Mr. Depp, Ms. Heard or both of them?

15 A. Both.

16 Q. Were you instructed by Mr. Depp to get Ms. Heard to see
17 reason?

18 A. I do not know if I would go that far.

19 Q. Were you instructed to convince her about the truth of what
20 happened?

21 A. No.

22 Q. Now, obviously, we have the benefit of hindsight, sitting in
23 this court. But what did you believe, Mr. Deuters, at the
24 time, this time, what did you believe was the best way to
25 achieve your role of placating?

P.849

2 A. I had to simply -- well, I mean, I suppose specifically in

3 this instance, I used a word, the adjective that she used,
4 as ----

5 Q. You mean kicked?

6 A. Yes, kicked. I used that word as, yes, a method, I suppose,
7 that was the method that came -- obviously this is some time
8 ago now, I cannot remember my exact thinking, but yes, looking
9 back at it with the benefit of hindsight, I simply used a word
10 that she had used to me, because I thought that was a word she
11 would agree with, would get the desired effect.

12 Q. In your experience of Ms. Heard, do you think she would have
13 been placated had you told her that she was wrong about what
14 had happened in the incident?

15 A. No. I would not have taken that route.

16 Q. Do you think you would have made things better for Mr. Depp if
17 you has contradicted her?

18 A. No, definitely not.

19 MR. JUSTICE NICOL: Just a minute. (Pause)

20 MR. SHERBORNE: (To the witness) You said in answer to Ms. Wass,
21 if had you done that, you were afraid things would go south,
22 was the phrase you used?

23 THE WITNESS: Yes.

24 Q. Mr. Deuters, given what you knew of Mr. Depp and he had said
25 to you, how would Mr. Depp have felt if things had gone south,

P.850

2 because of what you had said?

3 A. He would not have been very happy with the situation, and,
4 yes.

5 MR. JUSTICE NICOL: Sorry, this is now about Mr. Depp's reaction
6 if things had gone south; is that the question?

7 MR. SHERBORNE: Well, Mr. Deuters had said in answer to Ms. Wass,
8 "Why did you not say he was just being playful?", and
9 Mr. Deuters said "Things would have gone south if I had."
10 I was asking him, given what Mr. Depp had asked him to do, if
11 the net result of telling her he was just being playful was
12 that things would have gone south, how would Mr. Depp have
13 reacted to that, and Mr. Deuters said he would not have been
14 very happy.

15 MR. JUSTICE NICOL: Thank you.

DAY 7 (Cross-examination of Kate James)

Ms James saw Ms Heard in the immediate aftermath of the plane journey in May 2014

P.1224

- 23 Q. Do you remember contacting Ms. Heard after she had returned on
24 a plane journey from Boston, having travelled from New York,
25 where she was filming *The Adderall Diaries* with James Franco?

P.1225

- 2 A. I believe she contacted me first, ma'am.
- 3 Q. She contacted you. What she says here ----
- 4 A. Yes.
- 5 Q. ---- in the text, and I will read it, is: "I have to leave
6 JD. He's just freaked out on me. He is drinking again. It's
7 bad, worse than ever. I need out. ...(reads to the words)...
8 Please, Stephen will help arrange". Then, the next text
9 reads: "Also, can you please see if you can redirect all of
10 his texts to me to Whitney's phone, or just block him
11 entirely. I need to make this move". Having seen those
12 texts, are you reminded about -- (Pause) Are you reminded
13 about what the subject-matter was?
- 14 A. Yes, I remember the day very clearly, trust me.
- 15 Q. Ms. Heard went to stay in a hotel?
- 16 A. I do not know why because she had an apartment, but yes.
- 17 Q. She had an apartment that she was sharing with Mr. Depp in the
18 Eastern Columbia Building?
- 19 A. No, excuse me, ma'am, she had her own apartment that was still
20 being paid for and maintained by Mr. Depp, which was on Orange
21 Avenue. You may have heard of that apartment before.
- 22 Q. We have heard of that apartment. I suggest ----
- 23 A. That apartment was still fully functioning and liveable, so I
24 do not know why she went to The Chateau.
- 25 Q. She did go to The Chateau, as you call it, the hotel?

P.1226

- 2 A. Yes, she went to The Chateau with four of her friends and they
3 basically had a pool party all day.
- 4 Q. She had friends who were supporting her in a traumatic event?

- 5 A. And drinking and swimming and sunbathing and having fun.

Incident 5: Bahamas Detox, August 2014

Mr Depp had not wanted Ms Heard to accompany him on the detox trip to the Bahamas and the trip was not the success which had been hoped for. Ms Heard's approach to the trip was complicated and inconsistent – she arranged to take (hallucinogenic) mushrooms with them, and while Mr Depp was able to recognise that Ms Heard had at times sought to help him and the experience was a difficult one, he was also critical of her for taking control of his medication regime. Mr Depp was not violent towards Ms Heard. He did not assault her – and was in absolutely no condition to do so. Further, Mr Depp's exchanges with Paige Heard, Ms Heard's mother, are inconsistent with the notion that they had had a violent altercation. The medical notes of Dr Kipper / Nurse Lloyd, put to Ms Heard in cross-examination, also rebut the suggestion that she was the victim of a violent assault.

DAY 3 (Cross Examination of Mr Depp)

P.352

- 14 Q. And Ms. Heard was effectively dedicating herself to your
15 wellbeing during this detoxification process, was she not?
16 A. Yes, she was trying to help me get through this.

P.353

- 2 A. No, no, she was in control of the meds, she was in control of,
3 when I was taking the meds, she would give me when it was time
4 to take the meds, I would be given the meds -- I am sorry to
5 refer to, you know ----
6 Q. Yes, we all understand what you mean ----
7 A. But she would also withhold the meds at times.

P.354

- 2 the detox trip -- "Ms. Heard often intervened and withheld
3 medicines from me, which caused substantial issues, including
4 spasms and other withdrawal symptoms. This was one of the
5 cruellest things she has ever done and I would not wish that
6 pain that I had gone through upon anyone." Now, the idea of a
7 detoxification process is that you come off drugs; do you
8 agree?

P.354

- 21 A. Why would she have drugs that I was not supposed to have? She
22 was withholding the drugs that I was, the meds that would stop
23 the process of the shakes and everything that goes along with
24 the process, the receptors going crazy in the body.

P. 356

13 "Yes". "Heading over now." Do you remember an episode on
14 17th August when the detox was so difficult that you started
15 flipping?

16 A. I remember that I was in a great deal of pain and
17 uncontrollable spasms, such as the receptors, if they are not
18 taken care of immediately, there is not much you can do for
19 the pain. So, "flipping" could be a word that is correct, but
20 in the right context.

21 Q. Did you hit and push Ms. Heard when you were flipping, or can
22 you not remember?

23 A. I did not push Ms. Heard or attack her in any way, certainly
24 I was not in any condition to do so in any case.

P.357

2 Ms. Heard may have written a text to the medics asking them to
3 come over, asking for help, because you were so mad that you
4 pushed her? Can you think why she might write that if it was
5 not the truth?

6 A. I can only say, from my point of view, that I was in no
7 physical condition to push anyone so I am denying the fact
8 that I pushed her. So, therefore, I am going to suggest that
9 her testimony is ----

10 Q. A lie?

11 A. Fabricated, yes.

P.359

16 Over the page at page 41, the top text on 19th August,
17 again you to Ms. Heard's mother: "I could not have made it
18 without her. I would have gone for a swim and swallowed a big
19 drink of ocean to be honest. It was a hell of my own doing,
20 but your little girl walked through with me step by step. I
21 know you are already proud of her, but if you had seen her in
22 action, amazing. It was an exercise of monumental patience
23 and instinct. I would not be alive, sweetheart. There were
24 more than a few times when I thought it would be more simple
25 to take that route. It was Amber and Amber only who got me

P.360

2 through it" and it goes on in that vein.

3 A. Yes.

4 Q. You are saying there, I suggest, telling the truth, namely,
5 that Ms. Heard was absolutely heroic in putting up with you
6 and the difficult medical position that you were in during
7 your detoxification process?

8 A. I am not saying that Ms. Heard was at all times withholding
9 meds and things of that nature. There were times when of
10 course she was very helpful. She does have a heart and she
11 did understand the pain that I was experiencing. When I wrote
12 the text to Paige, her mother, of course I am going tell Paige
13 that her daughter is perfect and she has been wonderful, and I
14 know for a fact, of course, that it was not easy for her to
15 deal with someone in that sort of remit of illness. It is a
16 very strange and difficult thing to deal with. So, she did
17 handle it very well most of the time. However, there were
18 other instances. I had nothing else to say to her mother
19 other than anything good because it is Ms. Heard's mother.

P.361

2 Q. That was not trying to tell Ms. Heard's mother what a nice
3 daughter she had; that was to Ms. Heard herself?

4 A. Yes, it was hopefully going to make her feel good and happy
5 and we would not argue.

6 Q. So when you describe in your witness statement Ms. Heard's
7 conduct on the island as "one of the cruellest things she has
8 ever done", that is not substantiated by any evidence at all,
9 is it?

10 A. Is it substantiated by evidence? I cannot say. I can say
11 that there were incidents where, for example, the time
12 allotted for me take my medication by the nurse or by
13 Ms. Heard, if it were 4 p.m. on the dot to take those, and it
14 was 3.15, and I began to get the heeby-jeebies, for lack of a
15 better explanation, I have told Ms. Heard that I needed the
16 meds as it was starting to come on, the ----

17 Q. The shakes?

18 A. The shakes, the stomach cramps, everything started to come on,
19 and I told her it was time for the meds, I needed the meds,
20 and she looked at the clock and said, "No, 4 o'clock."

P.362

14 A. Yes, your Lordship. I just wanted to flesh out or explain
15 what the situation was when I was going into the shakes and
16 the withdrawal symptoms, as you know, which are unpleasant.
17 My body clock was needing the medication to stop the onslaught
18 of this rush of nerves towards the receptors and I was not in
19 a good shape. For someone to be as low -- it is the lowest
20 point, I believe, I have ever been in my life, on the floor,
21 sobbing like a child, and would still not receive the meds.
22 The only thing you can do in that situation is take a very,
23 very hot shower to trick your body away, the nerves away from
24 the receptors and on to the top of the skin.

The following month, September 2014, Mr Depp and Ms Heard were clearly going through a difficult time, but the documents show only Mr Depp hurting himself – and not attacking Ms Heard.

P.369

- 2 A. Yes, those were the prescription drugs.
- 3 Q. "Upon arrival at the home" -- this is at 330 -- "the patient
4 was sitting in the kitchen...(reads to the words)... The fight
5 escalated." So, things were getting difficult again by 22nd
6 September, if that account is accurate. Do you agree?
- 7 A. I would say that things were difficult a lot of the time, yes.
- 8 Q. And the bloody knuckles, you are destroying some property and
9 your hand at the same time?
- 10 A. Yes.
- 11 Q. That seems to be how you are expressing your anger yet again?
- 12 A. I would rather express my anger by hitting an inanimate object
13 than to ever possibly think of taking it out on the person
14 that I love.
- 15 Q. But of course, there have been times when you have been so
16 under the influence of drugs that in fact you have done both?
- 17 A. No, ma'am. I cannot see that happening ----

DAY 4 (Re-examination of Mr Depp)

P.621

- 20 Q. Does your Lordship have that? If you look at the first text,
21 let us set in context what this is. You will see from Rocky
22 to you: "Steve, it's Rocky" -- Steve was the affectionate
23 name that Ms. Heard used for you and you used "Slim" for her;
24 that is right, is it not?
- 25 A. Yes.

P.622

- 2 Q. "Happy birthday dear sweet friend" -- this is from Rocky to
3 you -- "changed my life, I'm so grateful you're in the world.
4 Hope you have a wonderful day." It is quite clear from the
5 response: "I am happy you are happy, doll, that's all that
6 matters. Slim and I just fucking adore you." You are with
7 Ms. Heard?
- 8 A. Yes.

P.623

- 7 Q. If you look there, that is still 6th August 2014, and it is

8 from your phone number to Ms. Pennington; yes?

9 MR. JUSTICE NICOL: Just a minute, 17?

10 MR. SHERBORNE: 17.

11 MR. JUSTICE NICOL: Is the body: "It's Amber and I always get
12 what I want."

13 MR. SHERBORNE: Exactly. (To the witness) Can you help us as to
14 who sent that text: "It's Amber and I always get what I
15 want", did you send that or did Ms. Heard send that text?

16 THE WITNESS: Ms. Heard clearly sent the text.

17 Q. On your phone?

18 A. Yes.

19 Q. To her friend Rocky?

20 A. Yes.

21 Q. "It's Amber and I always get what I want." You are discussing
22 here over this text, going all the way from 5-17: "There's
23 some in the drawer, do you know if we can have Steve and
24 contact someone to procure more mushrooms" -- you will see
25 that at 9 -- "Where are yours? Don't you dare ...(reads to

P.624

2 the words)... money" and so on. This is Ms. Heard asking for
3 mushrooms. "It's Amber and I always get what I want." Can
4 I take you to the next document.

5 MR. JUSTICE NICOL: Sorry, was that a question?

6 MR. SHERBORNE: Yes. Was this Ms. Heard? What was Ms. Heard
7 asking for here, Mr. Depp?

8 THE WITNESS: It seems she was looking for, trying to acquire
9 drugs, mushrooms, and such.

P.624

15 MR. SHERBORNE: This is just a couple of days before you fly off
16 to the detox trip?

17 THE WITNESS: Yes.

18 Q. You have seen reference there to the island?

19 A. Yes.

P.678

10 A. Myself initially, the plan was not to bring Ms. Heard because
11 of the potential problems that we could have that would be

12 doing great damage to the process of unleashing the drug from
13 my body, but Ms. Heard was quite insistent on being there to
14 take care of me, as it were, and so she came along.

15 Q. So the answer is, no, you did not want her, but she insisted
16 on coming anyway?

17 MR. JUSTICE NICOL: To take care of Mr. Depp.

18 MR. SHERBORNE: Sorry?

19 A. Yes.

20 MR. JUSTICE NICOL: Mr. Depp said she insisted, to take care of
21 him.

P.679

2 drugs at a time when you were in a bad way. You described
3 that you in uncontrollable spasms, lying on the floor sobbing,
4 and you had to throw yourself into a scalding shower to trick
5 your receptors to the surface of your skin. Do you remember
6 that; yes or no?

7 A. I do, yes.

8 Q. Can I ask you this. Given the condition that you were in, it
9 is suggested that you were angry, you kicked and pushed
10 Ms. Heard to the ground during that, you slapped her with an
11 open hand, you grabbed her by the hair, and so on. Did you do
12 that; yes or no, Mr. Depp?

13 A. No.

...

19 MR. SHERBORNE: I was going to ask, in the condition you
20 described, could you have done that; yes or no?

21 A. When you are in that situation, when you are detoxing from a
22 drug as strong as those opiates, you are incapable of, it is
23 difficult to walk to the bathroom without every bone in your
24 body, to the very marrow, it is very painful and
25 unpredictable. No, I was not in any condition to fight.

P.680

19 MR. JUSTICE NICOL: Mr. Sherborne, before you leave that topic,
20 I have understood that you said that you wanted to be alone in
21 order to do the detoxing?

22 A. Yes, sir.

23 Q. And that was why you booked Ms. Heard into a hotel?

24 A. Yes, sir.

25 Q. The wish was then for you to be alone so that you could go

P.681

2 through the painful detox process on your own rather than with
3 her, is that right?

4 A. Yes, sir. That is exactly the ----

...

10 Q. Excuse me, the wrong hotel. This is the last question about
11 the Bahamas. There came a point, as we saw, where you were
12 found in a bar area on your own, sitting quietly. Just in one
13 sentence, why had you gone to the bar area?

14 A. I needed to get away from Ms. Heard.

DAY 12 (Cross-examination of Amber Heard)

P.1924

20 MS. LAWS: My Lord, there is another incident in the Bahamas,
21 which we will come on to, but this is 17th August. This
22 incident is the detox. "17th August, he kicked and pushed me
23 so that I fell on the ground and he grabbed my hair and
24 slapped me, such a rage that he smashed a door so hard that it
25 splintered." Now, can I ask you then, just to close that

P.1925

2 statement, put the file back, and take out file 4, please.

3 MR. JUSTICE NICOL: Have you got file 4?

4 THE WITNESS: I do.

5 MR. JUSTICE NICOL: Which tab, please, Ms. Laws?

6 MS. LAWS: It is tab 137. It is page F789, please. These are
7 Dr. Kipper's notes, because we have heard already he was at
8 one point on the island, was he not?

9 THE WITNESS: Yes.

10 Q. And we have his note here, at F789, for 17th August, so the
11 date we are talking about. "15.45, patient's fiancé came to
12 get MD and RN." MD? Do you know who that is?

13 A. That would be Dr. Kipper.

14 Q. RN was?

15 A. Debbie Lloyd.

16 Q. "Stating that the patient was erratic and paranoid." That is
17 you telling them that Mr. Depp was erratic and paranoid. "RN
18 and MD found patient sitting quietly on his porch, the patient

19 was calm, stated he was frustrated with the process of
20 detoxing, stated he thought he should be feeling better by
21 now." Then they all sat together. I suggest to you that he
22 did not assault you in any way on that day?

23 A. I even let them know.

24 MR. JUSTICE NICOL: Just deal with the question. Did Mr. Depp
25 assault you?

P.1926

2 A. Absolutely.

3 Q. On 17th August?

4 A. Absolutely.

...
20 MS. LAWS: Yes. I will read it out: "On August 17th, while in the
21 Bahamas, Johnny and I got into a fight during which Johnny
22 kicked and pushed me to the ground ...(reads to the words)...
23 copies of photographs of the broken door." If we flick a few
24 pages, we can see there exhibit 4. It is F326.2 and 3.

P.1927

2 MS. LAWS: Do you see that?

3 THE WITNESS: I can.

4 Q. That is not a photograph of a door from the Bahamas, is it?

5 A. No, it is not. It was a mistake in the divorce separation.

6 Q. You just include any photographs, anything you can, in a very
7 cavalier way, do you not?

8 A. No, this was incorrectly attached as an exhibit during the
9 divorce proceedings that carried on in my US proceedings
10 subsequent. This is a different door he kicked.

Incident 7: Tokyo Hotel Room, January 2015

Ms Heard's allegation that she was assaulted by Mr Depp in their hotel room in Tokyo when they flew in for the premier of one of Mr Depp's films lacks credibility. As Mr Depp explained his two children had come on the trip with them. They had an adjoining room. That fact not only undermines this specific allegation, but it also undermines the Defendants' more general narrative that Mr Depp carried out his heinous assaults on Ms Heard when he so drunk or out of control on drugs that he could not recall what he had done.

Further, Ms Heard then sought to explain away the lack of injuries on her back, pre-empting a question as to how her account of the assault fitted with her attendance at the film premier shortly afterwards wearing a backless dress.

Questions about documents referring to Mr Depp's trip to Tokyo also illustrated how the Defendants' attempts to give Mr Depp a violent alter-ego, called "The Monster", reached the point of absurdity.

DAY 4 (Re-examination of Mr Depp)

Page 681

17 Q. That is in January 2015. You explained that you were on a
18 trip to Tokyo and that you went not only with Ms. Heard, but
19 also with Lily-Rose, your daughter, and Jack?

20 A. That is correct.

21 Q. I think, to be fair, at that stage, I think Lily-Rose would
22 have been 15 or 16 and Jack 12 or 13?

23 A. Somewhere around that.

24 Q. Do not worry. You said they were sleeping in an adjoining
25 room to yours and Ms. Heard's?

Page 682

2 A. Yes.

3 Q. How do you remember the time in the hotel with the children
4 and Ms. Heard? Did you all interact together or were you very
5 separate?

6 A. I was doing -- mostly, I was doing press, but when we were all
7 together ----

8 Q. You were all together?

9 A. We were all together and it was fine.

10 Q. It was in that context that it was suggested to you -- and I
11 will not read out all the allegations again -- that you
12 shoved, wrestled her to the floor, grabbed her by the hair,
13 yelled at her, Ms. Heard said she was crying on the floor, and
14 this happened in hotel. Where would the children have been
15 when you were in the hotel bedroom?

16 A. They were either in our room or their room at all times.

17 Q. If Lily-Rose or Jack had seen any marks or injuries on
18 Ms. Heard's face or body at the time, would they have asked
19 her about that, do you know?

20 A. Certainly they would have.

Page 683

- 2 Q. You were shown a text two up saying, "Did you survive Japan?
3 No giant monster attacks, I hope." It was put to you by
4 Ms. Wass that this was two of your friends referring to your
5 alterego "the monster"; is that correct?
- 6 A. That is what they were saying, yes.
- 7 Q. Were they referring to the giant monster in Japan?
- 8 A. I believed it was a joke about being in Tokyo, Japan, and the
9 giant monster films, Godzilla versus, you know ----
- 10 Q. We see a text from Mr. Deuters to Mr. Gough saying, "I wish
11 I had been eaten by a monster, probably much more enjoyable in
12 comparison to how this month has panned out."

DAY 12 (Cross-examination of Amber Heard)

P.1928

- 18 MS. LAWS: My Lord, moving on to the Tokyo incident, incident 7,
19 please, this is an allegation you make dated January 2015,
20 where you say Mr. Depp slapped you, grabbed your hair, and
21 yesterday we had a reference in your evidence that Mr. Depp,
22 you say, knelt on your back and was hitting you. Is that all
23 true?
- 24 A. Yes.
- 25 Q. Did you attend a premier whilst in Tokyo?

P.1929

- 2 A. Yes.
- 3 Q. At what point did you attend that premier -- before or after
4 the assault?
- 5 A. Two days after. I remember being concerned about any visible
6 bruising on my back because my back was exposed.
- 7 MR. JUSTICE NICOL: Just a minute. (Pause)
- 8 MS. LAWS: So the premier was two days after this assault?
- 9 A. I believe somewhere around there.
- 10 Q. Do you remember wearing a backless dress to that premier?
- 11 A. Very well. Very well.

- 12 MR. JUSTICE NICOL: Just a minute. (Pause)
- 13 MS. LAWS: You did not have any injury on your back, did you?
- 14 A. Not visible. I remember checking obsessively as soon as I got
15 off the carpet.

Incident 8: Australia, March 2015

The cross-examination of Mr Depp focused on drugs, but not violence. It also focused on matters which are not probative of violence, for example Mr Depp's disappointment with the state of the film he was shooting and Mr Deuters' attempt to cheer him up. The dark language used by Mr Depp in a text message to his friend, Paul Bettany, relied upon by the Defendants, was nothing to the point.

The evidence of third parties, in particular Mr Ben King, is important. Mr King was frank about the damage to the house, but his evidence also shows that Ms Heard's more lurid account (in her statement and then in cross-examination) cannot be believed. There was no urine from Mr Depp "peeing on walls and carpet", no dripping blood, raw meat, potatoes and gravy smeared on a door. Further while he noticed diagonal cut marks on her arms, he saw no other injuries.

He did not see or learn about a telephone smashed to the point of disappearing which featured so graphically in Ms Heard's account of how Mr Depp injured his finger.

Had Ms Heard wanted to leave the house, she could have done so, whether through contacting security (who were hired by the production company), calling someone, or walking out the glass doors of the bedroom.

Instead she was a very active participant in the argument on 8 March 2015. The evidence supports the view that she was not just responsible for one broken bottle as she claimed, but other damage too – including some of the writing on the bathroom mirror. While Mr Depp takes responsibility for the damage which he caused, Ms Heard proved incapable of accepting that she had done anything – on her account it was all one-way – but despite that she did not leave at any point over the three days.

DAY 3 (Cross-examination of Mr Depp)

Page 389

- 16 THE WITNESS: I have already stated that I have asked Mr. Holmes
17 if he could provide me with the cocaine and the MDMA at the
18 time.
- 19 Q. But we know that Ms. Heard never took cocaine, you said she
20 rubbed some on her mouth once or twice.
- 21 A. No, ma'am. I said she had asked if it was a possibility that
22 I could acquire MDMA. I said earlier that the cocaine was for
23 me.

Page 399

11 Q. So, when you said in your witness statement that you had not
12 taken drugs in Australia, of any sort, that is clearly not the
13 truth, was it?

14 A. I do not recall taking any, taking possession, physically
15 taking possession of any drugs that I was searching for.

16 MR. JUSTICE NICOL: Just a minute. (Pause)

17 THE WITNESS: That is what I am saying.

18 MR. JUSTICE NICOL: Not recall taking physical possession of any
19 drugs that you were looking for?

20 THE WITNESS: Exactly. The controlled substances, your Lordship.
21 I do not recall taking possession of those controlled
22 substances.

Page 402

17 A. I lived in the house when Ms. Heard was not there. There were
18 two security guards just outside the front door of the house
19 and then there were two other security guards at the gate, who
20 would roam the property just to make sure that -- and they
21 were on 24 hours a day, yes.

22 Q. So the 24 hour guards were attached to the house. They were
23 not your employees; is that correct?

24 A. They were hired by the production ----

25 Q. Yes.

Page 403

2 A. ---- as security for me or us, Ms. Heard and I, while we were
3 staying in the house.

Page 408

5 MR. JUSTICE NICOL: Well, you are being asked, Mr. Depp, do you
6 accept the characterisation of Mr. Deuters as a "yes" man?

7 A. I do not accept that, my Lord. I am sorry I did not answer it
8 that way.

9 MS. WASS: All right. Well, Mr. Deuters, in answer to this text
10 which you accept was a display of your anger, said this: "When
11 I was a kid, I loved my writers, my directors, my musicians,
12 but there was only one actor I loved, one actor whose film
13 I would go and see every single one of at the cinema, and
14 I was not alone, nor am I now. You are a maverick, an artist,
15 a bona fide fucking legend, one of the all-time greats, all
16 time. You are loved out there in the world and all anybody
17 wants to see on that screen is the Johnny Depp they know and

18 love. That said, you deserve to take a break. Take some time
19 off, look after yourself for a while, and then we can discuss
20 other stuff." I have only read half of it, I am not going to
21 read more, but what he is saying is basically that you are
22 wonderful, yes, and secondly, take a break, look after
23 yourself?

24 A. I believe what Mr. Deuters is saying to me there is based on
25 the fact that I was miserable, simply miserable in my ----

Page 409

2 Q. And he was trying to cheer you up?

3 A. Yes, he was trying to make me feel better about myself. I was
4 not feeling great about myself and most of it was to do with
5 the relationship with Ms. Heard.

6 Q. Ms. Heard came from a film that she was filming in order to
7 see you. Why did you not just say, "Why do we not have a
8 break?" if that is how you felt about her?

9 A. Why did I not ask Ms. Heard to have a break?

10 Q. No, why did you specifically arrange that Ms. Heard should go
11 out to Australia to see you if you were feeling that the
12 relationship was making you feel not great about yourself?

13 A. In order to try to make the relationship work, we needed to
14 see one another.

15 Q. Right, I understand. Now, just to finish Mr. Deuters' texts,
16 at the last three lines, he said, "So as I have told you
17 before, to call it an honour to work for you does not do my
18 feelings on the topic...(reads to the words)... and by fuck
19 does this business need you." That text made you feel better,
20 presumably, with such adoration?

21 A. Upon looking at it, I would say it was a very, very kind
22 gesture and a wonderful attempt by a friend to pull me out of
23 what felt like a constant tailspin, and of constantly being
24 told that you are wrong and that you are, pardon the term, a
25 fuck-up, and many things like that. Those are things that

Page 410

2 I can very easily go into, which is a depression, and so he
3 was trying to take me out of it. I do not know that it would
4 have worked to the degree that he had hoped.

Page 412

17 Q. Were you also angry about friends who had been advising you
18 about whether you should have got a pre-nup when you married
19 Ms. Heard?

20 A. I was not angry about friends telling me that I should make
21 sure that I get a pre-nup or a post-nup. It did not make me
22 angry. What was frustrating is that Ms. Heard was avoiding
23 the pre-nup and the post-nup and rushing the wedding.

Page 413

8 A. The three-day period that Ms. Heard speaks about, or alleges,
9 was not a three-day ordeal at all. It happened in one day,
10 on, I believe it was Sunday, March 8th. I think it was
11 Sunday. That was the morning where she had started yelling at
12 me because she had been forced to sign, asked to sign a
13 pre-nup or a post-nup, excuse me.

Page 415

21 A. The first time I had a drink of alcohol, a taste of alcohol in
22 a very, very long time, was March 8th, during the altercation
23 with Ms. Heard, that happened in a matter of hours, not three
24 days.

Page 417

6 Q. Do you recall drinking ----

7 MR. JUSTICE NICOL: Just slow down, please. (Pause) Yes.

8 MS. WASS: Do you recall drinking Jack Daniels from the bottle?

9 A. No, ma'am, it did not happen.

10 Q. And only a few pills left in the bag of pills on the breakfast
11 bar?

12 A. No, I do not recall that.

13 Q. And do you remember a time when Ms. Heard tried to take the
14 bottle off you and said you should not be drinking because of
15 the medication you were on, the prescribed medication from
16 Nurse Lloyd?

17 A. No.

18 Q. You do not remember her saying that to you?

19 A. It did not happen.

Page 421

6 Q. You remember those texts with Mr. Bettany: "Let's drown her
7 before we burn her, I will fuck her burnt corpse afterwards to
8 make sure she is dead", that was the sort of language you were
9 using to Ms. Heard in Australia?

10 A. That was a hideous sense of humour between Mr. Bettany and I.

...

15 MS. WASS: At one stage, when you were in the kitchen, screaming
16 at Ms. Heard, you picked up a wall-mounted telephone, do you
17 remember a telephone in the kitchen?

18 THE WITNESS: No, ma'am, I remember a telephone in the bar area.

19 Q. And this telephone that you picked up was made of bakelite --
20 do you know what I mean by that -- a retro telephone,
21 wall-mounted but retro?

22 A. It was a wall-mounted telephone, but it was not bakelite. It
23 was modern phone, it was plastic.

24 Q. A phone that was a wall-mounted phone that was picked up by
25 you, held in your right hand, and you were repeatedly smashing

Page 422

2 it against the wall in your right hand?

3 A. That is possible, but I do not, if that is the case I do not
4 believe I spent very much time on the phone. I remember
5 ripping the phone off the wall.

6 Q. By this stage, you were really, really angry, were you not?

7 A. I had just lost the tip of my finger. As a, as a human being,
8 and as a musician, it is a little upsetting when you see the
9 bone sticking out.

Page 426

3 MS. WASS: There is some lipstick, a message in lipstick, which
4 I presume is, "Call Carly, she said better babe" or something,
5 is that something different?

6 A. "Call Carly Simon, she said it better, babe", and there is a
7 little smiley face with ----

8 Q. Was that a message written on a different occasion, or the
9 same occasion?

10 A. That is Ms. Heard.

11 Q. Yes.

12 A. I never saw that.

13 MR. JUSTICE NICOL: Just a minute, "Call Carly babe"?

14 THE WITNESS: Carly Simon, sir, it is a reference to the song
15 "You're so vain", I believe.

- 16 Q. You say that had been written on a previous occasion?
- 17 A. No. The "Call Carly Simon, she said it better, babe",
18 I believe was written after I had left the house to go to the
19 emergency room.
- 20 MS. WASS: Why do you think that?
- 21 A. That is not my handwriting. It is at best an attempt to write
22 like me.
- 23 Q. The black, which is your handwriting.
- 24 A. That is me, yes.
- 25 Q. It seems to cover the words "call", can you see that, covers

Page 427

- 2 the A of "Carly" and "said", it was that after. The black
3 goes on after the lipstick.

Page 431

- 10 Q. Your security came and, at one stage, a record button was
11 pressed on a telephone, was it not, on a mobile phone?
- 12 A. I have recently, relatively recently found out that, yes,
13 someone did push a record button on a telephone.
- 14 Q. Somebody pressed it on but did not press it off, so it taped
15 for about five hours?
- 16 A. For about five hours? Not that I am aware of.
- 17 Q. What I am going to ask you to is listen to just a bit of that
18 tape, near the beginning.

Page 434

- 19 shouting at her and screaming at her. She has scratches on
20 her left arm." And then Mr. Judge said that as far as he was
21 concerned, Ms. Heard's scratches were self-inflicted. Now,
22 Mr. Depp, you can confirm that Ms. Heard has never been
23 engaged in self-harm, has she?

Page 439

- 21 A. As I said previously, on 8th March, I drank, I went down to
22 the bar in another attempt -- there were many -- to escape
23 Ms. Heard's violent and rage-filled rant. After hiding in
24 bathrooms for hours, I went downstairs to the bar and decided
25 to break my sobriety because I felt -- I did not care any

Page 440

2 more. I just decided I needed to numb myself.

Page 447

5 Q. Let us take it in stages. Amber Heard broke one bottle?

6 A. Well, in fact she threw two bottles at me. The first vodka
7 bottle went whizzing past my head and the second larger bottle
8 with the handle, that is what smashed my finger and cut the
9 tip off, so that is two bottles.

10 Q. I understand. Your account is that she broke two bottles.

11 The window was broken by you, the window to the house?

Page 448

4 Q. Of the damage that was done to the house, who did the most of
5 it?

6 A. I would say that it was -- I am sorry, but I would have to say
7 Ms. Heard.

8 Q. That is completely untrue, Mr. Depp?

9 A. Thank you, but it is not.

10 Q. What exactly is your recollection of all of this?

11 A. My recollection of all of this?

12 Q. All of this, yes.

13 A. Ms. Heard was very upset about this pre-nup, excuse me,
14 post-nup meeting that she had told me that she had had with an
15 attorney who was selected by my attorney at the time, to show
16 her a sample of what a postnuptial agreement would look like.
17 Ms. Heard, in tears and quite riled up, said to me that the
18 woman had kind of psychologically tortured her in the sense of
19 saying, you know, "This is it, you have to sign this", and
20 Ms. Heard said, "Johnny would never agree to me signing this",
21 and she said that the woman lawyer then laughed at her and
22 said, "Oh, he is well aware of this, what this is."

Australia 'Bruise'

Page 456

2 MS. WASS: So, Mr. Judge saw two separate injuries on Ms. Heard,
3 cuts to the forearm and bruises. Are you able to say how
4 those bruises came on Ms. Heard and how those cuts came on to
5 Ms. Heard?

6 THE WITNESS: No. I would imagine that when you are in a
7 situation where someone confronts you with aggression, with
8 violence, with an object, if you are trying to save your head

9 from being split open by something, you might want to try to
10 control that person, so that you do not end up with one eye,
11 or something hideous of that nature.

....
Page 456

12 Q. You see, when your staff arrived, they tried to take you to
13 hospital, did they not?

14 A. They did take me to the hospital.

15 Q. You did not go straightaway, did you?

16 A. No, I did not go straightaway.

17 Q. You went outside the front door and said, "I need to take a
18 fucking piss, it's my house". Do you remember saying that?

19 A. No, ma'am.

20 Q. No? And you urinated outside the front door.

21 A. I do not believe that happened.

22 Q. You do not believe that happened. Then you came into the
23 house and you did the same thing in the house?

24 A. I do not believe that happened, especially since I had a
25 severed finger on my right hand. I do not believe that

DAY 4 (Re-examination of Mr Depp)

Page 685

11 A. Yes, it was.

12 Q. Did she sign one or not; yes or no?

13 A. No, she did not.

14 Q. It is only fair, perhaps I suggest this to you, because the
15 case put against you is that you were controlling and
16 overbearing of Ms. Heard. In that context, can I ask this.
17 When she said she did not, when she did not sign the pre-nup,
18 did you want her to sign one, but she chose not to; or was
19 there some other explanation as to the reason why this was not
20 signed?

21 A. I do not recall exactly why it was not signed. It just seemed
22 to be a -- she just did not sign it or did not get around to
23 it, or whatever excuses there were.

24 Q. Given she did not sign it, did you refuse to marry her and
25 call the whole thing off?

Page 686

2 A. No, sir. The idea of a post-nup was brought up to me.

3 Q. Did she end up signing that or not?

4 A. No, sir. We had the argument of March 8th, the Sunday,
5 I believe where I lost my finger, that is where the argument
6 was born, from a phone call to my attorneys, where
7 I reprimanded them and the lawyer who Ms. Heard said had made
8 her cry and told her that I ----

Page 687

10 Q. Perhaps I do not need to take you to it in the interests of
11 time. You were quite clear, Mr. Depp, in your evidence, that
12 your writing in black that we saw on the mirror, first with
13 the blood from your finger in red and then the writing in
14 black.

15 A. Yes.

16 Q. Then we see in red lipstick there is written the words,

17 I think you said it was a Carly Simon song?

18 A. It is a reference to a Carly Simon song, You're So Vain.

19 Q. Do you know why -- and if you do not then please say you do
20 not know -- but do you know why Ms. Heard put a Carly Simon
21 song on the mirror?

22 A. In my experience with Ms. Heard, it was her practice or her
23 obsession to always have the last -- she had to speak last.
24 She had to have the last word. She had to say the last, she
25 had to have the final say.

Page 688

2 Q. Your evidence you said was that the lipstick goes over the --
3 was the last thing on that mirror?

4 A. That lipstick was not there when I painted on the mirror.

5 Q. Thank you, Mr. Depp. Now, it was suggested to you that in
6 relation to what happened to your finger, that somehow you
7 invented the fact that it was Ms. Heard who was responsible
8 for it and that you never said it to anyone, you have never
9 said it to anyone. Can I ask you to look at file 6 again --
10 sorry, it is in front of you.

11 A. Yes.

12 Q. Then we will look at schedule 119, and it is page -- I am so
13 sorry, I have lost my reference. I think it is page 64. If
14 you look at, we looked at this, but you were taken away from
15 it just before you answered. It is four lines down, do you

16 see there is a text from you to Paul Bettany, this is
17 18th March: "I love you so much, so very much, my Pauly, my
18 brother, my friend, so just has the tip of me finger lopped
19 off, as it happens, my all J." Then Mr. Bettany writes back:
20 "Fuck me, how? Or perhaps not for text." Did you have any
21 conversation with Mr. Bettany not on text about your finger?

22 A. Yes, I did.

23 Q. What did you tell him, just in one sentence, what did you tell
24 him about it?

25 A. I explained the argument and where it landed.

DAY 5 (Cross-examination of Stephen Deuters)

Mr Deuters did not see the house, but was concerned about the impact on the filming. As with Mr Connolly's evidence (below), the fact that he and Mr Depp's team discussed what should be said publicly to be the cause of the injury to Mr Depp's finger goes to nothing. Neither party suggests that the public 'line to be taken' was a true account, and there was every reason not to blame Ms Heard or any sort of argument between her and Mr Depp when speaking to the world at large.

Page 825

9 MS. WASS: Yes. What I am suggesting to you -- and tell me if you
10 agree -- is that you and Mr. Depp and Mr. Depp's sister and
11 Mr. Depp's associates were very keen to make sure that his
12 behaviour on the occasion when his finger was injured did not
13 become public. Do you agree or disagree?

14 A. I disagree in part just with regards to the fact that I think
15 it was more very specifically with regards to the injury
16 itself and how that was recorded with the production company.
17 Those things are very specific, and because the specifics are
18 a little bit vague at that point, right away, we -- yes, I was
19 informed not to rush out and say anything too specific to the
20 production company.

21 Q. Because the fact of the matter was that Mr. Depp had no
22 recollection of how his finger was injured?

Page 826

3 A. When he first came to where I was at the hotel, he generally
4 was not speaking. I think the facts started to come out while
5 we were at the hospital. I think that is where his (unclear).

6 MS. WASS: For the avoidance of doubt, I suggest that he did not
7 say to you or to anybody, in 2015, that Ms. Heard had been
8 responsible for injuring his finger.

9 A. Sorry, please repeat the question?

10 Q. Mr. Depp did not say in 2015, this is March we are talking

11 about ----

12 A. Yes.

13 Q. He did not say that Ms. Heard had injured his finger?

14 A. No. He said that Ms. Heard had injured his finger.

15 Q. And the account about Ms. Heard injuring it came out much
16 later, after the divorce proceedings?

17 A. Well, I suppose then it was maybe made common knowledge, but
18 we knew before then.

19 Q. Right. If you go to page 62, there is a text at the bottom of

20 that page between somebody called Chad Oman -- is he something
21 to do with public relations of ----

22 A. Yes, he was one of the executive producers.

23 Q. And it says, "Pirates steers off course. Johnny Depp injured
24 his hand go-carting with Mick Duhan at Australian motor bike
25 champion's luxury estate, forcing the star to fly home",

Page 827

2 obviously complete rubbish?

3 A. Yes.

4 Q. A lie, but certainly one that was told at this stage, on 12th
5 March, to try to explain why Mr. Depp was unable to work
6 because of his incapacitation?

7 A. Yes. I suppose it was, yes. I do not know who came up with
8 that story, but yes.

DAY 6 (Cross-examination of Malcolm Connolly)

Mr Connolly gave evidence about how Mr Depp appeared when he arrived at the house, the cigarette burn he saw on Mr Depp's cheek. He also gave evidence as to what he saw in terms of Ms Heard's demeanour and that he did not see any injury.

The fact that he and Mr Depp's team discussed what should be said publicly to be the cause of the injury to Mr Depp's finger goes to nothing. Neither party suggests that the public 'line to be taken' was a true account, and there was every reason not to blame Ms Heard or any sort of argument between her and Mr Depp when speaking to the world at large.

P.917

2 MS. WASS: Was there a time when you did get inside the house?

3 A. Yes.

4 Q. And what sort of state did you find Mr. Depp in, when you got

5 inside the house?

6 A. Distraught.

7 Q. Was he coherent?

8 A. Yes.

9 Q. Did he appear as if he had been drinking?

10 A. It is hard to tell with Johnny, because he can take some
11 amount of volume of alcohol. He was definitely having a
12 conversation with me, straight as a die.

13 Q. Straight as a die?

14 A. Yes.

15 Q. So, completely coherent?

16 A. Yes, yes.

17 Q. Intelligible, rational, all those things?

18 A. I would not say -- I do not about rational, because he was in
19 shock, the trauma of his injury.

20 Q. Because part of his finger, his right middle finger, had
21 been ----

22 A. Removed.

23 Q. ---- removed. Not only was he in a terrible state of shock,
24 you say, I am going to suggest he was drunk, I think we have
25 covered that, unless you want to say anything more about it?

P.918

2 A. He did not appear that drunk to me.

3 Q. Did he appear as if he had taken drugs?

4 A. No.

5 Q. Are you familiar with what he is like when he has taken drugs?

6 A. Medication, prescribed medication?

7 Q. My fault for not being clear. I am talking about controlled
8 drugs, illegal drugs, recreational drugs?

9 A. I am never privy to that sort of behaviour.

10 Q. You have never known him take drugs?

11 A. Yes, I have known, but I have never seen it with my own eyes.

12 Q. Mr. Depp, when you saw him, when you got to the house in
13 Australia, he was absolutely filthy, was he not?

14 A. Untidy.

15 Q. No, he was filthy. He was covered in black paint and dirt,
16 and he was dishevelled and did not appear as if he had washed;
17 he was properly filthy?

18 A. No.

19 Q. No?

20 A. No.

P.920

10 MS. WASS: When you were going to the hospital, did you not
11 discuss the lie that should be told to the hospital, that he
12 was slicing onions when he cut his finger off?

13 THE WITNESS: Yes.

14 Q. So, there were other explanations being put forward?

15 A. Only to protect Amber and to protect his, from the movie.

16 MR. JUSTICE NICOL: At the moment, Mr. Connolly, you are being
17 asked about whether other explanations for the injury to
18 Mr. Depp's finger were being discussed.

19 THE WITNESS: I understand, sir.

20 Q. Do I understand your answer to be, yes, there were?

21 A. Yes, sir.

22 MR. JUSTICE NICOL: Thank you.

23 MS. WASS: There was a suggestion that he had trapped the finger,
24 or the part of the finger, in what I am going to describe or
25 have been describing as accordion doors; do you know what

P.921

2 I mean by that?

3 THE WITNESS: Yes, that was my story.

4 Q. That was your story?

5 A. Yes.

6 Q. You cooked up that lie, did you?

7 A. Yes.

8 Q. There were accordion doors in the house?

9 A. Correct.

10 Q. They are sort of doors that have concertinaed ----

11 A. The technical term is bi-folding.

P.925

4 Q. You have said in your statement that as far as you were
5 concerned, Ms. Heard was uninjured.

6 A. That is correct, yes.

7 Q. What opportunity did have you to look at Ms. Heard to say
8 that?

9 A. Well, as I was sat outside trying to get Johnny in the car,
10 Amber came to the front door, screaming and shouting.

11 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

12 MS. WASS: I think her arms were bare, she was wearing something
13 with bare arms?

14 THE WITNESS: Yes.

15 Q. Did you see any scratches to her arms?

16 A. No.

17 Q. Did you look at her arms?

18 A. Yes.

19 Q. You are absolutely sure there were no scratches?

20 A. Yes, absolutely sure.

21 Q. Were you ----

22 MR. JUSTICE NICOL: Just a minute, please. Just pause, please,
23 Ms. Wass. (Pause) So, you did not see any scratches on her
24 arms?

25 THE WITNESS: No, sir.

P.926

2 MR. JUSTICE NICOL: Then, could you repeat your last question.

3 MS. WASS: I was about to ask her about her face, whether you

4 noticed a bruise on her face?

5 THE WITNESS: No.

6 Q. You would have seen a bruise had it been on her face; is that
7 your evidence?

8 A. Yes.

P.930

20 A. They simply were not there when I extracted Johnny, the
21 scratches were not there. Jerry Judge had four hours at that
22 house cleaning up after I left with Johnny. So, Jerry Judge
23 had four hours with Amber. I had roughly 30 minutes, and seen
24 her from a distance.

25 Q. Your suggestion is that if she had scratches on her arm, they

P.931

2 must have occurred after Mr. Depp had left?

3 MR. JUSTICE NICOL: Well, I think that I noticed that
4 Mr. Connolly's last remark was "I saw her from a distance".

5 MS. WASS: Thank you, my Lord.

6 (To the witness) Is your evidence, I do not want to be
7 unfair to you, that you believe she did not have scratches?

8 THE WITNESS: That is correct, yes.

9 Q. But it might be the case that because of the distance, and of
10 course the fact that you were looking after your boss in
11 fairly dramatic circumstances, that you may have missed them?

12 A. It appeared to me at the time Amber was completely unharmed.

13 Q. Do you agree that given the circumstances, you may have missed
14 them?

15 A. No.

16 Q. All right. You are trying to be fair, are you, to both
17 parties in this case?

18 A. Yes.

P.934

11 MS. WASS: And what you have done, I am afraid, Mr. Connolly,
12 having started from a position where you did not want to
13 become embroiled in the very tempestuous relationship between
14 Mr. Depp and Ms. Heard, is that whether you have been

15 pressurised or not, five years after the event, you have come
16 out with an account in order to support your boss's case
17 against the newspaper in this action?

18 A. Yes, that is correct. I want the truth out, yes.

19 Q. It is not true, what you have said?

20 A. Yes, it is true. My account is true.

DAY 6 (Re-examination of Malcolm Connolly)

P.945

9 Q. And you were asked whether it was Mr. Depp's voice that you
10 heard, and you said it was?

11 A. Yes.

12 Q. And Mr. Depp, you said, it was put to you, was upset and angry
13 and you said that that was how you remember him being.

14 A. Yes.

15 Q. Can you help this court why Mr. Depp was upset and angry?

16 A. He was in a lot of pain, a lot of distress and shock. You
17 know, he was in shock, distress, pain.

18 Q. And we have heard him angry, saying things about Ms. Heard.
19 Did he tell you why he was angry with Ms. Heard?

20 A. Yes. His words were, "She cut my fucking finger off".

P.946

21 MR. SHERBORNE: Mr. Connolly, I just want to be clear. The first
22 time you answered the question, you said, "The first words he
23 said to me were, 'She cut my fucking finger off. Just give me
24 a minute.'"

25 A. I do apologise. Those words were said when I removed him from

P.947

2 the premises and tried to get him into the car. He stood on
3 the driveway, holding his hand, and said, "She has just cut my
4 fucking finger off". I should have made it clear that was the
5 first words he said when I got outside the house.

P.948

6 MR. SHERBORNE: So I understand, you arrived at the door, Mr. Depp
7 said, "Just give me a minute", and then you went to get him

8 out and the first thing he said was "she's cut my fucking
9 finger off"?

10 A. Yes.

11 Q. You explained to Ms. Wass that other explanations were arrived
12 at for the finger; is that correct?

13 A. That is correct, yes.

14 Q. Why were other explanations sought?

15 A. To protect production and also the usual victim. I see it in
16 the prison, the usual victim pattern is to protect the abuser,
17 for some reason, you know. The psychological bullying,
18 physical bullying, but they fit the same criteria, they never
19 come forward with the information.

20 Q. We heard about the accordion doors, which I think was
21 something you thought up?

22 A. Yes.

23 Q. These various other explanations, were they true?

24 A. No.

P.949

14 MR. SHERBORNE: Can I ask you about the cigarette burn. You
15 mentioned that Mr. Depp had said that she had put a cigarette
16 out on his face?

17 THE WITNESS: Yes.

18 Q. Did you see the cigarette burn?

19 A. Yes.

20 Q. Can I ask you to look at a photograph for us. It should be in
21 file 6. It is the red file to your left. Turn to tab 148B.
22 Then there should be a page which ----

P.950

8 MR. SHERBORNE: Do you have behind B a page which is numbered on
9 the bottom right-hand corner F894.052?

10 THE WITNESS: Yes.

11 Q. Can you help us as to -- this is Mr. Depp lying in the
12 hospital?

13 A. Yes.

14 Q. And we can see his face, and then we can see something on the
15 right, a mark, a large mark on the left side of his face?

16 A. On the right side of his face.

17 Q. Right side of his face. Can you help us at all as to what
18 that mark is?

19 A. That is the said cigarette burn.

P.951

18 Q. Here, Mr. Judge is saying that Ms. Heard has said that "she
19 hit him, she slapped him", as in Ms. Heard hit and slapped
20 Mr. Depp. Is this something that you -- Ms. Heard hitting or
21 slapping Mr. Depp, is that something that you have heard
22 before?

23 A. I have heard before, yes.

24 Q. So, it is not a one-off that Ms. Heard hit Mr. Depp, but ----

25 MR. JUSTICE NICOL: Is the question, had you heard about this

P.952

2 before, are we talking about in Australia?

3 THE WITNESS: In Australia and in Los Angeles.

DAY 7 (Cross-examination of Ben King)

As noted above, Mr King's evidence about the damage to the house demonstrates how Ms Heard has exaggerated and lied about the damage to the house and the alleged injuries which she sustained, as Mr King accompanied Ms Heard back to Los Angeles. For example, he confirmed blood spots throughout the house but not the "tons of dripping blood" of Ms Heard's evidence on DAY 13, p.2067, lines 10-11.

He worked for both Mr Depp and Ms Heard when they were a couple, but has not worked for either of them for a number of years. .

P.1092

13 MS. WASS: We can see from that photograph a smashed window at the
14 top of the picture?

15 A. Yes.

16 Q. Smashed glasses, debris on the side, bottles of alcohol in the
17 fridge and out of the fridge?

18 A. Yes.

19 Q. And blood spots on the floor; is that right?

20 A. Yes, that is what I see in the photograph.

21 Q. This was simply part of a much greater picture of wreckage,
22 was it not?

23 A. I would say that was the predominant damage in the house in
24 that area.

P.1094

4 MS. WASS: You also said in your witness statement there was no
5 urine on the floors.

6 THE WITNESS: Yes.

7 Q. How did it come about that you said what there was not on the
8 floors, rather than what was on the floors?

9 A. Again, I understand there was something mentioned about
10 messages being written in urine on the carpets around the
11 house.

12 Q. I think there has been something got lost in translation,
13 because there is no suggestion that messages were written in
14 urine. The suggestion was that Mr. Depp had urinated over the
15 house, inside and outside?

16 A. I did not see any sign of that anyway.

17 Q. What I am asking you is, realistically speaking, with the
18 blood, paint and there was a lot of paint, was there not,
19 around the place on the walls, graffiti and the like?

20 A. The paint I was referring to was painted walls, but graffiti
21 is a different ----

22 Q. I am talking about the graffiti, do you remember the graffiti,
23 Billy Bob Thornton Amber (unclear)?

24 A. I remember graffiti in the bathroom, yes, on both mirrors.

25 Q. And on the lamp?

P.1095

2 A. On a lamp? I had to get lamps repaired, yes.

3 Q. And sofas were damaged with paint?

4 A. And lights.

5 MR. JUSTICE NICOL: Just a minute. You recall graffiti in the
6 bathroom and you had to replace lamps.

7 THE WITNESS: Yes, two, I believe.

8 MS. WASS: Amongst all this blood and paint, you say you are sure
9 that there was no urine?

10 A. Quite sure.

11 Q. And how can you be so sure?

12 A. Because when I came back subsequently to do the bigger
13 clean-up of the house, get everything sorted, the carpet
14 company who I brought in, and I chaperoned, did not mention
15 anything. And I think by that point I would have come back,
16 having, the house not being touched in that interim, I would
17 have seen any other stainage apart from blood on the floor.

18 Q. The fact that the carpeting company did not make a complaint
19 of urine led you to make the statement that there no urine?

20 A. No, that is not right. I made the statement because that is
21 how it was, in the sense of, I always chaperone people around
22 the house, as I think I said in my statement, houses that
23 I have worked at, prior to that and since, I always accompany
24 people just, you know, from a security point of view, as much
25 as a genuinely interested in their sort of working methods.

P.1096

21 Q. Of course, there was blood everywhere, was there not, upstairs
22 and downstairs?

23 A. Yes, several areas where there was blood, yes.

24 Q. The position is, Mr. Depp, because there is no suggestion this
25 was anything other than blood loss from Mr. Depp's fingertip,

P.1097

2 Mr. Depp must have been moving around quite a lot after having
3 sustained that injury; do you agree?

4 A. It looked to me like he had walked away from that area to go
5 to another area, yes.

P.1099

4 MR. JUSTICE NICOL: Just a minute. You recall on the flight from
5 Australia, and I think you went back with Ms. Heard to Los
6 Angeles from Australia.

7 THE WITNESS: Yes.

8 Q. You noticed what?

9 A. Some cuts on one of her arms, I do not remember which arm.

10 MS. WASS: Fresh cuts?
11 A. Cuts.
12 Q. Fresh cuts?
13 A. I am not an expert.
14 Q. That is true, but these were not mild scars, it looks as if
15 they had been made recently, they were red?
16 A. They looked like cuts. They were enough for me to say, "Maybe
17 you should put your sleeve down".
18 Q. Were they red in colour, the cuts?
19 A. I honestly do not remember the colour.
20 Q. All right. Was it as a result of hearing what Mr. Judge had
21 said that was read out in court about Ms. Heard's arms that
22 this came back to you?
23 A. It was a recollection of arriving in LAX, and my observation
24 then, yes.

P.1102

21 Q. Now, you said in your first statement that Ms. Heard made a
22 remark to you on the flight back to Los Angeles?
23 A. Yes.
24 Q. This was the statement where you said you did not notice the
25 cuts, and in that statement, you say Ms. Heard asked you,

P.1103

2 "Have you ever been so angry with anyone that you just lost
3 it"?
4 A. That is correct.
5 Q. And you specifically remember that, do you?
6 A. Yes.
7 Q. You said it had never happened to you?
8 A. That is correct.
9 Q. She did not, I mean, if it was said, nothing was said about
10 who she was talking about, was it?
11 A. She was asking me a question.

- 12 Q. She was asking you a question?
- 13 A. Yes.
- 14 Q. You did not enquire as to what she was referring to, did you?
- 15 A. I do not recall asking. I just know that she was asking me a
16 question and I gave her an answer.
- 17 Q. I am going to say that it may well be that that was said, but
18 Ms. Heard will give evidence that she has no recollection at
19 all of saying that; all right. Do you understand?
- 20 A. Right. I know she said it and I know my response.

DAY 7 (Re-examination of Ben King)

P.1110

- 7 Q. So, the first question you were asked was about your periods
8 of working for Mr. Depp, and that included Ms. Heard as well.
9 I think you suggested that you were working for Ms. Heard as
10 well; is that correct?
- 11 A. Correct, yes.
- 12 Q. And is that the only contract you have ever had, just for
13 Mr. Depp and Ms. Heard?
- 14 A. No. No. I have been freelance for many years as a
15 self-employed house manager/butler and I have had many
16 contracts with many people.
- 17 Q. Many high-profile people? I am not asking you to name anyone.
- 18 A. Yes.

P.1117

- 6 Q. You were asked some questions about what you saw had happened
7 at the house. You have said in your second witness statement
8 that you did not see urine. It is paragraph 22.
- 9 A. Yes.
- 10 Q. You explain how you chaperoned, as you said, for the reasons
11 you said, not just to make sure that nothing happened, the
12 cleaners did not take something as they were going round.
- 13 A. Or take photographs or whatever it might be, yes.
- 14 Q. But also out of professional curiosity?
- 15 A. And to oversee their work, yes.

16 Q. You said there were blood spots and paint spatters, but there
17 were no urine stains that needed to be cleaned and you said
18 that you did not smell it?

19 A. Correct.

23 MR. SHERBORNE: I will not. (To the witness) It was put to you
24 that you got it completely wrong, that anyone had suggested
25 that something had been written in urine. Just to be fair to

P.1118

2 you, can I read you a sentence of Ms. Heard's first witness
3 statement.

...

22 Ms. Heard says in her first witness statement,
23 paragraph 125, she is referring to Mr. Depp: "He went out
24 through the front door, though security tried to stop him. He
25 took out his penis and they asked him what he was doing

P.1119

2 ...(reads to the words)... walls and carpet walking through
3 the house."

21 ...
You said

22 that you saw blood spots in a number of different rooms around
23 the house and you concluded from that Mr. Depp had walked away
24 from where it happened?

25 A. Yes.

P.1120

2 Q. Was there a place in the house where there was more blood than
3 any other, or was the blood uniform throughout the house?

4 A. The bar area, of course, was probably the most, and then there
5 was a trail of blood spots up the stairs and there was one
6 bedroom at the end of the long corridor upstairs that perhaps
7 had more than other bedrooms. But there were a couple of
8 bedrooms with blood spots in, one bed probably had ----

9 MR. JUSTICE NICOL: Sorry, there was a trail up the stairs, and
10 then blood spots in bedrooms.

11 THE WITNESS: Yes. One bedroom, mainly, but a couple of other
12 rooms did have spots.

25 Q. You say: "On the flight back to Los Angeles, Ms. Heard asked

P.1121

2 me, 'Have you ever been so angry with someone that you just
3 lost it?'" And you replied that had never happened to you?

4 A. Yes.

5 Q. Then you say: "She seemed incredulous and asked again,
6 'You've never been so angry with someone that you have just
7 lost it?'" And again you answered you had not, and she did
8 not continue. When during the flight did she say this --
9 beginning or end of the flight?

10 A. The beginning, I believe, we waiting to take off, you know,
11 I think it was getting prepped for the flight.

12 Q. So, on the tarmac?

13 A. Yes, I think so.

14 Q. Did Ms. Heard speak much during the flight, or little, or?

15 A. Neither of us really spoke after that point, because we were
16 both pretty exhausted. I had been clearing up the house for
17 whatever, 12 or 13 hours, and she was quite emotional and
18 probably tired from that, being hysterical for that amount of
19 time.

P.1122

20 Q. There were a couple of marks, sort of diagonal downwards,
21 fairly uniform you describe them?

22 A. Yes.

23 Q. I think you said to Ms. Wass you did not know which arm it was
24 on?

25 A. I do not recall precisely I am afraid.

P.1123

2 Q. Then it was put to you that you had created this evidence
3 because you heard Mr. Judge had said this on the transcript;
4 is that how this evidence came about?

5 A. I did not create any evidence. Only from what I saw and what
6 I know.

7 Q. I am just going to read you what Mr. Judge said, and what was
8 on the transcript.

9 A. Right.

10 Q. He said, and this is the tape recording that Ms. Heard made by
11 leaving on -- it is not the recording you saw there, where
12 Ms. Heard has put her phone, to capture what she sees in the

13 kitchen -- this was, as we understand it, leaving a phone on.
14 Mr. Judge is heard saying: "She has scratches on her left
15 arm. I have seen those scratches before. As far as I am
16 concerned they are self-inflicted. I am convinced about it,
17 self-inflicted." Mr. Judge says he saw the scratches on her
18 left arm. Did you or did you not know which arm it was on?

19 A. It is entirely possible, probable, if Mr. Judge said that,
20 I would say that is correct.

21 Q. But at the time you gave your statement you did not know which
22 arm it was?

23 A. I did not recall which arm, to be honest.

P.1123

24 Mr. King, last question: it has been suggested
25 to you that you have come here in order to support Mr. Depp

P.1124

2 and -- and I am going to say this -- to lie on oath. What do
3 you have to say about that, Mr. King?

4 A. Well, first of all, I would not lie on oath at all. I have no
5 reason to, because everything is true ----

6 Q. Sorry, I cut across you. I was going to ask, do you depend on
7 Mr. Depp for your livelihood, Mr. King?

8 A. Not at all. I never have. I was hired as the sort of hired
9 help, if you like, for that period, which I did for many other
10 clients, and I was not dependent on him, no.

DAY 11 (Cross-examination of Amber Heard)

Ms Heard's account of a three-day hostage ordeal is not credible of itself. What she says happened, including slipping around on broken glass on the countertop, would have resulted in injuries for which there is no evidence. The one photograph of Ms Heard's arm, taking years later (Ms Heard dated it around 2019) is not corroboration of her account. As photographs put to her of the house in Australia show, there was no reason to "barricade" herself in a bedroom.

Further her accounts of the damage to property and the attack on her personally are unsupported by third party evidence.

P.1835

25 Q. He grabbed you against the front of your gown and had you up

P.1836

2 against the fridge, ripped your gown off. Paragraph 110, you
3 refer to a phone on the wall, next to the fridge. At some
4 point he picked it up, smashed it against the wall next to
5 you, right next to your face, smashing it so many times hard
6 that it was smashed to pieces. It is at that point that you
7 have said in earlier documents, and I can take you back to
8 them, that he sliced his finger?

9 A. I do not know. I did not see his finger go off.

10 Q. I think you say in this statement you developed your account
11 and said that you did not see it, and indeed saw it the next
12 day.

13 A. I did not see the fingertip ever, I believe, but I have been
14 able to go through those memories in my head and that was my
15 best guess for how it got severed.

16 Q. Then 112, glass broken everywhere on the floor, counter top,
17 he pulled you around by the neck, pushed you down against the
18 bar, at this point you were naked and he was pressing so hard
19 on your neck you could not breathe. This continued for some
20 time. You kept kicking your feet, using your forearms to try
21 and raise yourself up, cutting ----

22 MR. JUSTICE NICOL: Where are we now? "I was using my forearms to
23 raise myself up".

24 MS. LAWS: Yes. On the broken glass on the counter, pleading to
25 stop.

P.1837

2 MR. JUSTICE NICOL: "And cutting myself on the counter".

3 MS. LAWS: You were cutting yourself here on the broken glass on
4 the counter, using your forearms to essentially raise yourself
5 up to push him away or to run away?

6 THE WITNESS: There he was putting so much pressure on my neck
7 that I could not get any words out, I could not reason with
8 him to stop pushing, and he was pushing so hard and I could
9 not get a purchase of my arms because the counter tops were
10 covered in glass and liquid from all the broken bottles he had
11 thrown at me. I was naked and my feet were bare, so I also
12 could not get a purchase with my feet. So, I just --
13 I remember I just kept trying to get a purchase on the slick
14 floor and on the slick counter tops. So, I was trying to push
15 away from the counter top so it would alleviate the pressure
16 to my neck so I could breathe. It had been so long since
17 I could breathe and he was pushing so hard. I thought he
18 would not -- I thought he had lost control and would not know
19 what he had done. I thought he would not be able to know that
20 he had -- I was trying to get through to him and I just could

21 not, I was slipping everywhere, slipping on the glass, I was
22 slipping on the counter tops.

23 Q. Slipping on the glass, slipping on the counter top?

24 A. Yes, ma'am.

25 Q. And the glass[sic] was covered in broken glass?

P.1838

2 A. The counter tops were covered and the floor was.

3 Q. I think at 114, you say: "At some point, I got out. I had
4 cut myself all over and still have scars on the bottom of my
5 feet, and my arms from slipping on the glass." So, the marks
6 on your arm, because you produce a picture, would be as a
7 result of pushing yourself against all this broken glass with
8 both of your arms in order to get away from him and also
9 trying to run away, glass on the floor?

10 A. The cuts at least from what I remember, although I do not
11 really remember it hurting, the glass itself, weirdly, but
12 I think the cuts were from the slipping of my feet. I felt
13 like I kept hitting a ledge, like a grout or a tile or
14 something on the floor, and I kept feeling my feet push
15 against something but I could not get them to get purchase on
16 anything.

17 Q. You cut yourself all over, you have said here: "I cut myself
18 all over"; was that true?

19 A. Meaning my arms, my feet, my hands.

20 MR. JUSTICE NICOL: Just a minute.

21 MS. LAWS: Your hands.

22 THE WITNESS: My hands. (Pause)

23 MR. JUSTICE NICOL: Glass, hands and feet.

24 A. Bottoms of my feet were the worse, I guess they were some kind
25 of towards my wrist area.

P.1839

2 MS. LAWS: Palms, hands, feet, on your wrist?

3 A. Not palms so much. It was more of -- (unclear due to
4 overspeaking) ----

5 Q. Arms or palms?

6 A. Not palms. The bottoms of my arms, bottoms of the forearms,

7 top wrist, at the heel.

8 Q. Do we take it you did not have your hands on the counter, it
9 was your arms that were on the counter?

10 A. My arms were on the counter.

11 Q. Both of them like that against the glass, being scraped along?

12 A. Basically.

13 Q. Being scraped along the surface; yes?

14 A. Yes, I was trying to get -- one of my hands had gotten free at
15 some point and I was trying to push him off of me and
16 I remember I was trying to get through to him. I do not know
17 when I was saying "Johnny, Johnny, it's me, stop, it's me,
18 you're really hurting me, Johnny, stop, please", it was like
19 he could not hear me.

20 Q. Sorry, can I ask you to go to file 6, please.

P.1841

4 MS. LAWS: I think some photographs were produced by the defence,
5 high-resolution photographs of a number of the purported
6 injuries, but we do not have a high-resolution one of this.
7 Looking at it and taking into account the fact that it is a
8 bit blurry ----

9 MR. JUSTICE NICOL: Are we on 51?

10 MS. LAWS: 894.051. We do not have a high-resolution photograph
11 of this one, but what we appear to be looking at are two
12 scars; is that right?

13 A. No, there were more.

14 Q. How many on there?

15 A. I do not know. There is many more than that.

16 Q. These are not scars sustained while you are literally writhing
17 around trying to get away from Mr. Depp, jagged, uneven; they
18 are straightforward, straight in line, are they not?

19 A. No.

20 MR. JUSTICE NICOL: Well, it is suggested that these were not
21 scars that you sustained in the attack in Australia. Do you
22 agree or not agree with that?

23 A. I do not agree. I know they are.

24 MS. LAWS: I suggest that these are scars that are far more akin
25 and that they are self-harm scars, straight and inflicted by

P.1842

2 you, and certainly not by a struggle with Mr. Depp?

3 A. I have had these scars on my arm since that evening and I have
4 never self-harmed. Johnny is the self-harmer. I am not a
5 self-harmer.

6 Q. This photograph was taken how long after Australia?

7 A. This was taken by my lawyers in 2000, probably 19, fairly
8 recently I would say, in relation to my libel case. I am not
9 a party to these proceedings so ----

10 Q. So last year, some time last year?

P.1842

18 MS. LAWS: You have described this incident as a three-day hostage
19 situation, at one point barricading yourself into the bedroom.

20 A. Yes.

21 Q. I am just going to ask you to look at a photograph, ...

P.1843

4 MS. LAWS: My Lord, I am just double-checking. (Pause) It is file
5 11. Apologies, I have made an incorrect note of a reference.
6 So it is file 11, please.

7 MR. JUSTICE NICOL: File 11. Yes.

8 MS. LAWS: 160B.

9 MR. JUSTICE NICOL: Page P43.7?

10 MS. LAWS: That is right.

11 A. I have it.

12 Q. So this is a photograph. Do you recognise it as being the
13 bedroom where you stayed in Australia?

14 A. Yes, I do.

15 Q. With sliding glass doors?

16 A. Yes, I do.

17 Q. And it goes out on to a patio, we see?

18 A. Yes.

19 Q. In fact, there are some stairs down to go outside from that
20 patio, are there not, from the outside. Do you remember that?

21 A. No, I do not remember those stairs.

22 Q. I am going to suggest that you had the opportunity to leave
23 ----

24 MR. JUSTICE NICOL: I am sorry, you do not remember the stairs
25 down to the outside?

P.1844

2 A. Not from that balcony. There may have been.

5 MS. LAWS: You had the opportunity to leave at any point during
6 those three days, did you not?

7 A. I could have called someone to come and get me, yes, but the
8 property itself was quite isolated.

9 Q. You have described yourself as being a hostage, a hostage-type
10 situation. That is in your statement I read out earlier; yes?

11 A. I said it was like one.

12 Q. Is that true?

13 A. That is how I described it.

14 Q. That is total lies, is it not, because you had a cell phone?

15 A. Yes.

16 Q. If you are a hostage, you did not usually have one of those?

17 MR. JUSTICE NICOL: Just a minute. You had a cell phone and you
18 agree that you did.

19 A. I did.

20 MS. LAWS: You could have contacted anybody?

21 A. Yes, I could have.

22 Q. If you had wanted, at any point?

23 A. Absolutely.

24 Q. You could have left at any point. Even on your own account,
25 no one was stopping you?

P.1845

- 2 A. I would need to be picked up, but yes, I could have called
3 someone to do so.
- 4 Q. And you did not need to barricade yourself in at any point,
5 did you?
- 6 A. I disagree.
- 7 Q. So, do you accept that it is a total mischaracterisation, even
8 on your own account, to call yourself a hostage; do you
9 accept?
- 10 A. Absolutely not. This was my marriage. I lived in it.

And Ms Heard did call someone, namely her sister, Whitney Henriques, but did not tell her sister about a three-day assault she had allegedly suffered.

P.1848

- 5 MS. LAWS: So you recall that part of the conversation where he
6 recounts that you called your sister, and you have heard that,
7 but you do not actually remember whether you called her?
- 8 A. Exactly.
- 9 Q. I am going to take you to it, in fact, just so there is no
10 doubt about it. File 5, please. You can put the photograph
11 of the sliding doors away. Do you have tab 157, please?
- 12 A. Yes, ma'am.
- 13 MR. JUSTICE NICOL: Just a minute. (Pause)
- 14 MS. LAWS: Do you have page F987.2? Do you have that page?
15 A. F987.2.
- 16 Q. Yes, F987.2. In fact, we can see, on the first part of the
17 tape, that it is not just Mr. Judge recounting it. We see you
18 about halfway down: AH, do you see that?
- 19 A. I do.
- 20 Q. What do you say?
- 21 A. At what point?
- 22 Q. "That is the major difference between my sister and I,
23 ...(reads to the words).... whatever you need, I love you,
24 I am here." Then overleaf, in fact it goes indistinct. So we
25 have you on tape saying you called your sister?

P.1849

- 2 A. Yes.

3 Q. Do you remember that now?

4 A. No, again, I do not remember having done that. I do remember
5 reading it this second, but I do remember that Johnny's
6 doctors were trying to give me a lot of medication. They kept
7 trying to medicate me. I remember fighting them on that ----

8 MR. JUSTICE NICOL: Ms. Heard, let us just keep to the question.
9 So the last one, I think, was, do you remember the call,
10 having seen this transcript?

11 A. I do not ----

12 Q. The answer that you have given is that you do not, but you do
13 not dispute that you said that on this day?

14 A. Exactly.

15 MS. LAWS: The reality is that if what you are saying is true,
16 what has happened to you is really traumatic and serious. You
17 have called your sister and it would be the very first thing
18 you would tell her about, is it not, what had happened, all
19 the violence?

20 A. No.

21 Q. And you did not.

22 A. I do not know what I said to her because I do not remember a
23 phone call, but I certainly would not have ----

In fact, Ms Heard denied that the long recording taken in the house in Australia was recorded by her, despite it being on her phone. Her explanation that the recording – obtained from her phone – was somehow activated by Mr Depp, or that she did not do this herself, and was unaware of the recording for years, is completely implausible.

P.1850

24 Q. Are you saying that you did not make any recording whatsoever
25 of either the violence over those three days, or indeed when

P.1851

2 it ended, and the aftermath which we have heard? You made no
3 recording?

4 A. I was not the one to make the recording. Johnny picked up
5 what I believe is my phone, and at the time, I could not have
6 any lock or password on my phone. It would have been a whole
7 other war. He picked up my phone and he was not saying many
8 coherent things. I was trying to understand him. He pushed
9 "Record", hence why I did not know this recording existed
10 until way into my divorce or after.

11 MR. JUSTICE NICOL: Just a minute. (Pause)

12 MS. LAWS: So we have an acceptance by you that there was a
13 recording done on your phone? I think that is what you are
14 saying.

15 A. That I found out about years later.

16 Q. That you just found out later that Mr. Depp had done?

17 A. It was years later. I remember him picking up the phone and
18 saying he was going to record, but I could not possibly
19 imagine that he would actually have figured that out in the
20 state he was in. He was rambling incoherently. I thought he
21 threw it, but maybe he just threw it down, I cannot recall.
22 Then I went home some time later and found out about this
23 recording out of the sheer length. It went on for, as I
24 recall, seven or eight hours because the application on which
25 you record just runs in the background until you turn it off

P.1852

2 or the phone dies, so unbeknownst to frankly anyone, it was
3 sitting out on the floor or on the table at some point. No
4 one knew it was recording.

5 MR. JUSTICE NICOL: I think you have said that it was not you who
6 pressed the record button.

7 A. That is right.

10 MS. LAWS: Yes, it is on your phone.

11 A. Yes.

12 Q. You are just making this up as you go along, are you not?

13 A. No, ma'am.

14 Q. None of that is in your statement, none of it?

21 MR. JUSTICE NICOL: You accept that it does not say in your
22 statements that this happened, this happened with your phone,
23 but that is your evidence as to what did occur?

24 A. Yes.

P.1854

14 Q. So, how did you manage to call your sister if the phone was
15 recording?

16 A. I have no idea; maybe through my iPad or through FaceTime
17 audio, through a computer or iPad.

18 MR. JUSTICE NICOL: Slow down, please. (Pause) Yes.

19 MS. LAWS: In case I did not make it clear, I just asked you how
20 did you make the call to your sister and you said you thought
21 you did it on an iPad; is that right?

22 A. I have no recollection of that call.

23 MR. JUSTICE NICOL: Did you have an iPad?

24 A. I do have an iPad, yes.

25 MS. LAWS: Why would you make a call on an iPad if you have a

P.1855

2 phone?

3 A. If the phone was downstairs and I was upstairs, it could be
4 for that reason. It could be reasons of international,
5 sometimes it is cheaper to call through FaceTime, but again
6 I will reiterate I do not remember.

7 MR. JUSTICE NICOL: Just a minute. (Pause)

8 MS. LAWS: You are someone who uses your phone a lot, are you not?

9 A. Sometimes.

10 Q. And someone who does not like to be away from their phone very
11 much?

12 A. I would not characterise myself that way.

13 MR. JUSTICE NICOL: You say you would not characterise yourself
14 that way.

P.1856

13 MS. LAWS: When you were asked about why you would not have used
14 the phone, you said it may have been left downstairs. So,
15 that would give an explanation for you using an iPad or
16 something like that; yes?

17 THE WITNESS: Sure.

18 Q. So, if that is the case, how would you be able to have a
19 conversation on an iPad, if you are completely out of range of
20 your phone? How would you be able to do that?

21 MR. JUSTICE NICOL: Well.

22 MS. LAWS: All right. Do you know?

23 THE WITNESS: If I was upstairs?

24 Q. Yes.

25 A. And I didn't have my phone, my best guess is I could have used

P.1860

2 FaceTime audio, or potentially Skype.

3 Q. How would your phone pick up what you were saying on the
4 recording, if it was downstairs?

5 A. I went downstairs at some point in the evening, or maybe it
6 was the early hours of the morning at a different time.

7 Q. It sounds from the recording like you are simply saying you
8 called your sister?

9 A. Yes.

10 Q. You are saying it within a very short range of your own phone.

11 A. Sounds like it.

P.1861

8 Q. Why are you not looking for your phone, bearing in mind it
9 must be very close to you, right next to you, it is recording
10 away?

11 A. Unbeknown to me, and if you are asking me the other question
12 as to why I was not looking for my phone, I can tell you.
13 After everything I had been through, I had been strangled
14 assaulted, punched, sexually assaulted, strangled, amongst
15 other things, the last thing I was doing was concerned about
16 where my cell phone was.

DAY 12 (Cross-examination of Amber Heard)

By Day 12, Ms Heard was alleging that Mr Depp threw "30 or so" bottles at her, a further extraordinary exaggeration upon her original account

P.1875

15 A. I felt glass breaking behind me. I retreated more into the
16 bar and he did not stop. I was too scared to look behind me
17 because I just felt glass hitting the back of my arms and
18 I was just looking at him use one bottle after the other.

19 Q. So are you saying he threw several bottles in your direction?

20 A. He threw all the bottles that were in reach, all except for
21 one, which was a celebratory magnum-size bottle of wine that
22 I later noticed had been the only one out of 30 or so that
23 were on the bar. That was weirdly saved. I will never forget

24 it. It was just resting on its side unbroken. It was the
25 only one.

P.1878

10 MS. LAWS: It is inconceivable, is it not, that this injury was
11 caused by Mr. Depp smashing a phone on a wall; you have just
12 lied about it, have you not?

13 MR. JUSTICE NICOL: Just a minute. (Pause) Thank you.

14 THE WITNESS: Absolutely not, Ms. Laws. I was there, I watched
15 it.

16 MR. JUSTICE NICOL: Well, I have said before, Ms. Heard, of course
17 Ms. Laws was not there, but I am getting your response to her
18 questions, and her questions are, in part at least, based on
19 what her client's case is.

20 A. Sorry, maybe I should be more clear. What I meant is, I would
21 be shocked if Johnny remembers any of this himself, but I do
22 remember. I was there.

23 MS. LAWS: My Lord, I really do not want to interrupt this
24 witness, but I think we would get through events quicker if we
25 dealt with the question and the question was, it did not

P.1879

2 happen as a result of his hand smashing against the wall.
3 I was not inviting the witness to speculate about Mr. Depp yet
4 again or add in a negative comment or use it for that. We
5 will get through things a lot quicker if we deal with the
6 questions.

7 MR. JUSTICE NICOL: The question was that it is inconceivable that
8 the claimant had suffered that injury by smashing a phone on
9 the wall. Do you agree or disagree?

10 THE WITNESS: Disagree.

11 MR. JUSTICE NICOL: Thank you. Yes.

12 MS. LAWS: Because that injury was you throwing a second bottle in
13 his direction, smashing it down and severing the top of his
14 finger, was it not?

15 A. No.

DAY 13 (Re-examination of Amber Heard)

And then in re-examination, Ms Heard added further extraordinary and striking details to her account. She stated that Mr Depp managed to "shred" a bakelite phone to the point it "disappeared". An inherently implausible, actually impossible, event. But according to Ms

Heard it was during this that Mr Depp severed his finger – but she did not see it (despite the fact severing a finger must result in loss of blood).

In addition, she stated that despite having writhed broken glass on the floor during the alleged assault, she was leaving no bloody footprints as she walked about the house.

If it were possible, during re-examination her account become even more credible.

P.2064

19 MR. JUSTICE NICOL: Ms. Wass, you can ask the witness what damage
20 she saw.

21 MS. WASS: Yes.

22 MR. JUSTICE NICOL: And we will see where we go from there.

23 MS. WASS: Yes. What damage did you see to this house in
24 Australia at the latter stage of your account of what happened
25 to you?

P.2065

2 A. When I first opened the door that last morning, there was what
3 appeared to be mashed potatoes and gravy, or something, rubbed
4 all over the door. I had barricaded myself on the inside.

5 MR. JUSTICE NICOL: Just a minute. (Pause)

6 A. I remember there was a bird in the house that scared me to
7 death when I first left the room. I guess it had flown in
8 through a broken window. Then I started seeing all of this
9 blood on the carpet, which I thought was from my feet, but
10 there were drops of it. I was confused; there was just blood
11 everywhere. I walked down the stairs and there was paint, or
12 what I thought was paint because it was this brownish colour
13 on the walls, and then it started to become clear to me that
14 they were letters or messages, words. It was heavy at first
15 and then it kind of faded into a milky brown colour.
16 I started to make out words, English words, but it did not
17 make sense. It appeared to be a different kind of writing
18 next to it.

19 But these are on the walls leading down this kind of
20 curved stairwell at arm height, all the way down the stairs,
21 and then it changed into colour, and then it became clear that
22 that was paint as opposed to the blood all along the floor,
23 blood, tons of it, paint, blood on the walls, messages that
24 started to become clear to me. Blood on the couches, again
25 with messages. He wrote on lampshades messages to me.

P.2066

2 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

3 A. He had burned holes through some cushions and through some

4 lamp shades. With blood and paint, more messages on cushions.
5 There was a couch flipped over.

6 MS. WASS: Full of?

7 A. There was a couch, sofa, flipped over. It appeared to be that
8 he had set fire to one of the cushions because the carpet was
9 burned around it a little.

10 MR. JUSTICE NICOL: Just a minute. (Pause)

11 A. There was a broken window. This is now on the main level.
12 I was upstairs in the bedroom level so I have only made it
13 down one flight. There was one window broken and the
14 painting, in the living room area, where I had a painting area

15 set up in the corner, my paints were out. It appeared to be
16 that maybe he had either thrown or dropped paint on the floor
17 and on the wall, on one of the walls. More messages in paint
18 and blood. I could see both textures.

19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

20 A. I found raw meat -- at first I did not know what it was -- on
21 the floor. I bent over, I ----

22 Q. You said the raw meat was on the floor?

23 A. Yes, not just on the floor. I continued to find it for the
24 next day hidden in various places. He had taken my nightgown
25 and ripped it into shreds and had wrapped food ----

P.2067

2 MR. JUSTICE NICOL: Just a minute please. (Pause) Yes.

3 A. He had wrapped pieces of food. I had tried to make dinner the
4 night before. I had just set it out. I did not actually get
5 so far as to try to cook. He had taken various things from
6 the fridge and smeared it, a lot of, like, smeared mashed
7 potatoes and gravy and then blood. I walked down the stairs
8 where there was a significantly more, like pooling of blood on
9 the floor, on the steps leading downstairs. I could see my
10 own bloody footprints, but I could also see tons of what
11 appeared to be dripping blood. At the time, I assumed it was
12 from my own arms and hands and feet. I did not know what --
13 I think I just did not know what to make of it. I make it
14 downstairs and there is this deaf metal blasting really loud.

15 MS. WASS: Music.

16 A. Yes, tons of broken glass. The tiled floors were still wet
17 from the early ----

18 MR. JUSTICE NICOL: Just a minute. (Pause)

19 A. There were windows broken. There was so much glass on the
20 floor, I could barely find a pathway to walk, even shoving the
21 glass away. The ping-pong table was broken and on the ground.

P.2068

9 MS. WASS: My Lord is absolutely right. His Lordship has said
10 that it was put to you, fairly and squarely, that as a result
11 of you throwing a bottle at Mr. Depp's finger at a distance of
12 some feet or yards, Mr. Depp sustained the injury to his
13 finger which we know about. Is that how the injury to the
14 finger took place?

15 A. No.

16 Q. Are you able to say with any certainty at what stage of this
17 incident Mr. Depp sustained that injury to his finger?

18 A. Yes, about 24 hours into his binge, rage. You know, I had
19 previously come downstairs to try to calm him down, thinking
20 maybe he just needed to eat or sleep, and the moment
21 I described yesterday where he offered the bottle to me, this
22 is after he had held me up against the fridge by my neck. He
23 was screaming at me for ruining his life. He said over and
24 over again that I had ruined his fucking life, and that he
25 wished he had never met me, and that I did this.

P.2069

2 Q. Did what?

3 A. I did this to him. I made him this man. I made him drink. I
4 did this and I always do this. He told me at a later point
5 when he held the bottle up against my face, he told me that he
6 would slice up my face. I thought to myself, I just did not
7 want him to make me lose consciousness. I accept at some
8 point that I either pushed him or pushed his arms off of me to
9 try to get away. He grabbed my hair and kind of just ----

10 MR. JUSTICE NICOL: Ms. Heard, you have given your account
11 already.

12 A. Uh-huh.

13 Q. Just listen to the question that is being asked by Ms. Wass
14 and just keep to answering that point.

15 A. My apologies.

16 MS. WASS: It is quite all right. Ms. Heard, what I would like
17 from you, please, is, are you able to tell the court how
18 Mr. Depp damaged his finger in Australia during this event?

19 A. Yes, I believe so. After that moment, or after those moments,
20 he was so angry he punched the wall a few times. He was
21 screaming at me and he had me by the neck. I moved away when
22 he started hitting the wall. He was punching the wall. He
23 got carried away in that moment. He saw the phone, the
24 receiver of the phone. It was a like a mint green and cream
25 Bakelite sort of heavy plastic mounted phone on the wall.

P.2070

2 Q. A wall phone?

3 A. Yes.

4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

5 A. And he picks it up and the hand that had been on my neck
6 loosened a little bit as he focused on the phone, and
7 I stepped back, just with my upper body, while he proceeded to
8 instead of punching with his hand, fist, he used the phone.
9 He picked it up and hit it repeatedly over and over and over
10 again into the wall, screaming at the top of his lungs, and
11 I watched as this phone just was disappearing in front of my
12 own eyes. Just every time he made impact with the wall, it
13 just was breaking off in shreds and I just watched him do it,
14 thinking, "That phone has just disappeared." I did not know
15 he had severed his finger.

16 MR. JUSTICE NICOL: Again, if I can try and bring you back to the
17 question, is it your understanding or belief that the cause of
18 Mr. Depp's injury to his finger was the phone?

19 A. Yes, although I did not know it at the time.

20 MS. WASS: You did not know it at the time. (Pause) From the time
21 when that phone incident took place, how long was it until
22 anybody else came to the house, if you are able to help us?
23 If you are not, do not guess.

24 A. That happened in the early morning hours the previous night,
25 or that day.

P.2071

2 Q. When you say "that happened", do you mean the phone?

3 A. I am sorry, the phone incident happened in the early hours of
4 the morning. I discovered him downstairs and said we should
5 call security at around, I think, noon is my best
6 recollection.

7 Q. So, up to 12 hours on your estimate; yes?

8 A. Yes.

9 Q. Can you describe Mr. Depp's state of mind during the time that

10 you have told us about, during the time of the damage, the
11 smashing up of the phone, up until the time when other people
12 arrived?

13 A. He was unrecognisable, even as the monster in some ways. He
14 was out of his mind. I do not know how else to describe it.

DAY 13 (Cross-examination of Raquel Pennington)

Ms Pennington's vague account of what she allegedly saw in March 2013 was unconvincing.

P.2292

7 MS. LAWS: Thank you. (To the witness) If you can have a look at
8 paragraph 10. "The first time I became scared for her life
9 was the Australia incident. As soon as she returned from
10 Australia Amber came straight to the Eastern Building and told
11 me all about how Johnny had held her against a counter top
12 with broken glass everywhere." Do have you that paragraph
13 there? "Slicing her arms and legs. She had cuts on her arms
14 from the incident, which were more pronounced than they are
15 now. Then Amber showed me pictures of the painted messages
16 Johnny had written"; was that true?

17 A. Yes.

18 Q. You saw cuts on both arms?

19 A. I saw cuts on both arms, but one arm was worse than the other.

20 Q. What did you see on both arms, just describe it, please?

21 A. So, from about the wrist to the elbow ----

22 MR. JUSTICE NICOL: Just a minute. Ms. Pennington, what is going
23 to be recorded is your verbal answers. So, just as you have
24 done now, you will need to articulate what your response to
25 the question is.

P.2293

2 THE WITNESS: Yes, sir.

3 MR. JUSTICE NICOL: So, if you could just start again, you were
4 asked what did you see, and you were telling us what you saw.

5 A. Okay. What I saw were lacerations, deep scrapes or cuts from
6 the length of her wrist to her elbow.

7 MS. LAWS: And that is on both arms?

8 A. It was on both arms, but I believe it was on one arm more than
9 the other.

- 10 Q. From her wrists to her elbows; is that right? Also, that her
11 feet were cut as well?
- 12 A. Her feet were cut, but I did not see them at that point in
13 time because she had shoes on.
- 14 Q. So, you are saying, are you, that it is the soles of her feet
15 that were cut?
- 16 A. Yes.
- 17 Q. Describe what that looked like?
- 18 A. Well, I believe it was a couple of days later, so they were
19 healing, and to my recollection it was smaller cuts on the
20 bottom of her feet.
- 21 Q. Which of her feet, both of them or one of them?
- 22 A. I think it was both.
- 23 Q. On the heel? On the ball of her toes or all over? Which?
- 24 A. I do not remember exactly which part of the foot.
- 25 Q. Have you ever had to look at injuries on the soles of people's

P.2294

- 2 or a friend's feet before?
- 3 A. Maybe, but I do not recall that right now.
- 4 Q. Quite an unusual thing to be looking at ----
- 5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
- 6 MS. LAWS: It is quite an unusual thing to be looking at, is it
7 not, injuries and cuts to the sole of your friend's feet? It
8 is not the sort of thing one sees every day, is it?
- 9 A. No, I do not see cuts on people's feet every day.
- 10 Q. Or at all. Was there anyone else whose feet you have seen,
11 both of their feet, the soles of their feet having been cut in
12 the last ten, 15 years?
- 13 A. I maybe helped a friend take a splinter or a piece of glass
14 out, but I do not recall a specific time, no.
- 15 Q. So, this would be very different to taking out a splinter. If
16 what you are saying is true, this would be a very clear and
17 graphic image in your mind, would it not?

18 A. It is not clear and graphic in my mind at this moment.

19 Q. Put aside whether it is graphic. What was the nature of the
20 cuts on the soles of her feet? Were they very small, or were
21 they very long, were they jagged? Can you give us a
22 description?

23 A. No, because I do not recall the details, the nature of the
24 scratches of the feet from several years ago.

25 Q. You are making this up, are you not?

P.2295

2 A. No.

3 Q. You have lied and lied again on behalf of your friend,
4 Ms. Heard, have you not, in relation to injuries that you have
5 seen or claim to see?

6 A. Absolutely not.

Incident 9: Stairs at Eastern Columbia PH, March 2015

By every witness's account, Ms Heard and Mr Depp were having a serious argument on this occasion. Mr McGivern's account is that he went to the penthouse as a result of being called by Mr Depp because of the argument, and he was close by to both of them, facing Mr Depp, when Ms Heard landed her punch on Mr Depp. If Mr McGivern's account of where he was located is accepted, the account that Mr Depp was about to push Whitney Henriques down the stairs simply makes no sense. Mr McGivern would have been in the way.

Further, not only is Ms Heard's account of Mr Depp also grabbing her by the hair and punching her in the head fanciful, she had failed to take account of the fact that Mr Depp had his seriously injured finger in a cast. She (and Ms Henriques) then had to add those details into their accounts, where they had never previously appeared. Ms Heard even alleging that Mr Depp, in addition to hitting her with the cast, also hit Whitney with the cast.

Ms Heard's sudden allegation that Mr Depp had pushed Kate Moss down the stairs was not only a startling one, but was one of many examples when Ms Heard took the opportunity to further 'bad-mouth' Mr Depp from the witness box.

DAY 3 (Cross-examination of Mr Depp)

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15 Q. You started coming to the staircase, the part of the staircase
16 where Ms. Heard and her sister were standing, Whitney was
17 standing at the edge of the staircase and you pushed Whitney
18 out of the way so that you could hit Ms. Heard, and you struck
19 Whitney in the arm in an attempt to hit Ms. Heard?

20 A. Untrue.

- 21 Q. Untrue. Ms. Heard then shouted "Don't hit my sister", and
22 Ms. Heard then hit you?
- 23 A. Yes.
- 24 MR. JUSTICE NICOL: Just a moment. (Pause) Yes.
- 25 MS. WASS: That was the first time that Ms. Heard had ever caused

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- 2 injury to you, physical injury?
- 3 THE WITNESS: That is not true. And I -- Travis McGivern was in
4 the room, as was Ms. Lloyd.
- 5 Q. Travis McGivern of course on your payroll?
- 6 A. So was Debbie Lloyd, by the way.

DAY 5 (Re-Examination of Mr Depp)

Page 695

- 13 Q. What she describes there, she says, four lines up, "I lunged
14 at Johnny to stop him from hitting my sister and struck him to
15 protect her, instinctive reaction", then this, "Johnny grabbed
16 me by the hair with one hand"; do you see that?
- 17 A. I do.
- 18 Q. "And hit me repeatedly in the head with the other." So, the
19 allegation is that you grabbed her by the hair with one hand
20 and you hit her repeatedly with the other. I am just going to
21 ask you a few questions, Mr. Depp. The day your finger was
22 cut was 8th March?
- 23 A. Yes.
- 24 Q. So, this is about two weeks later. Can I ask you, after your
25 finger was cut off, was it left just unprotected with

Page 696

- 2 something on it, or how was it left?
- 3 A. I flew back from Australia to Los Angeles to have surgery on
4 the finger. At that time, they had put a pin in it, in the
5 broken bone, the fractured bone, but to no avail, and then
6 I ended up getting MRSA from it.
- 7 Q. You ended up getting?
- 8 A. MRSA. It is quite a painful disease.

Page 697

2 A. That is my cast from the finger injury, after the surgery,
3 post-op.

4 Q. Can you explain what the design is on that cast?

5 A. It is a little dinosaur.

6 Q. Was that the cast that was given to you or did you choose it?

7 A. I figured, since I was going to be wearing this ridiculous
8 cast with a giant finger, I should have the children's wrap
9 around so at least it would make more fun.

Page 697

22 A. I do not recall when the cast, when the cast was put on my
23 hand, but it was directly after surgery certainly, yes.

24 Q. Mr. Depp, were you wearing this cast on 23rd March, the date
25 of this incident when you had this argument with Ms. Heard on

Page 698

2 the stairs; yes or no?

3 A. Yes.

4 Q. With that cast on, would you have been able to grab her hair
5 with one hand and punch her repeatedly in the head with the
6 other?

7 A. No, sir.

DAY 7 (Cross-examination of Kevin Murphy)

P.1172

14 Q. Yes. In the foreground, there is a clothes rail that appears
15 to have been knocked over with many of the clothes thrown on
16 the floor, and in the background, there are two further
17 clothes rails that are upright?

18 A. I see it, yes.

19 Q. And then the bottom floor just shows the kitchen, the
20 downstairs?

21 A. Yes.

P.1173

4 Q. So, on 23rd March, do you agree that you were called to PH5 to
5 clear up the mess that we see in those photographs?

- 6 A. Well, I do not know that I was called to Penthouse 5. I was
7 being described something by Whitney. I did go there.
- 8 Q. Yes. What Whitney told you was, "Johnny destroyed Amber's
9 closet, there's some other damage, you're the lucky person
10 I should talk to", and in fairness to you, you said, "Yes,
11 I am coming", in effect, did you not?
- 12 A. No, I said I suppose so, because getting a phone call at that
13 time of the morning to me, it sounded like more drama.
- 14 Q. "I'm up" meant you were awake; yes?
- 15 A. Yes.
- 16 Q. Did you eventually go to the flat?
- 17 A. Yes, I did.
- 18 Q. And to deal with the damage or chaos that we see in those
19 photographs?
- 20 A. Yes. I, along with another co-worker, turned up -- picked up
21 the racks and put them back where they were.

DAY 9 (Cross-examination of Travis McGivern)

P.1414

- 16 Q. Did a time come when Ms. Heard and her sister, Whitney, were
17 on the mezzanine level of the staircase that goes from the
18 ground floor of the apartment to the upper storey of the
19 apartment? Do you remember seeing that?
- 20 A. Yes, ma'am.
- 21 Q. Do you remember Mr. Depp being very angry?
- 22 A. Yes.
- 23 Q. And do you remember Mr. Depp being very angry because
24 Ms. Heard had accused him of having an affair with someone
25 called Rochelle?

P.1415

- 2 MR. JUSTICE NICOL: Just a minute. (Pause) Do you recall that,
3 Mr. McGivern?
- 4 A. I do not. I do not remember the specifics of what they were
5 fighting about.
- 6 MS. WASS: But there was a scuffle -- do you know what I mean by
7 "a scuffle" -- at the mezzanine level of the stairs; do you
8 agree?

9 A. A scuffle? What do you mean by "scuffle"?

10 Q. Pushing and pulling and using physical contact with each
11 other?

12 A. Not with each other, no. That was one-sided.

13 Q. So you are saying this was a one-sided fight and Ms. Heard was
14 the only one at fault; is that right?

15 A. Ms. Heard was the only one that was physically aggressive.

16 Q. You do not remember Mr. Depp -- because Mr. Depp had some sort
17 of cast on his hand at this stage, did he not?

18 A. Yes, he did.

19 Q. You do not remember him hitting Ms. Heard with that hand that
20 was wrapped up in a cast?

21 A. Absolutely not.

22 Q. And you do not remember yourself and Ms. Lloyd, the nurse,
23 having to separate the two of them?

24 A. I do remember stepping in between the two of them, yes, if
25 that is what you mean by "separate".

P.1416

2 Q. It is what I mean by "separate". Did you see Mr. Depp shove
3 Ms. Heard's sister, Whitney, out of the way as Whitney tried
4 to get between the two of them?

5 MR. JUSTICE NICOL: Just a minute. (Pause) Did you see that?

6 A. No. At no time did Mr. Depp lay a finger on anybody.

7 MS. WASS: And it was straight after he tried to shove
8 Miss Whitney Heard out of the way that Miss Amber Heard did
9 hit Mr. Depp in defence of her sister?

10 A. As I said before, Mr. Depp did not touch Ms. Heard or her
11 sister at any point.

12 Q. What do you say to the suggestion that these two,
13 Miss Amber Heard and Mr. Depp, would have hurt each other had
14 you and Nurse Lloyd not intervened -- hurt each other?

15 MR. JUSTICE NICOL: Just a minute. (Pause) This is Amber Heard and
16 ----

17 MS. WASS: Mr. Depp.

18 MR. JUSTICE NICOL: Do you agree or disagree with that,
19 Mr. McGivern?

20 A. It is hard for me. You are asking me to speculate on what
21 would have happened if -- (Pause)

P.1419

18 Q. Both Ms. Heard and Mr. Depp had to be restrained, did they
19 not?

20 A. No, ma'am.

21 Q. Are you able to assist us as to Nurse Lloyd coming to that
22 conclusion, since she was there at exactly the same time,
23 looking at exactly the same argument?

24 A. You want me to tell you what Ms. Lloyd was thinking or confirm
25 how she felt was the situation?

P.1420

2 Q. Nurse Lloyd is describing something quite different from what
3 you are describing, is she not?

4 A. I will concur that all hell had broken loose. I will also
5 again say that the only person that got physical that night
6 was Ms. Heard.

7 MR. JUSTICE NICOL: Mr. McGivern, having seen those two texts from
8 Debbie Lloyd, does it change your evidence about this dispute
9 between Mr. Depp and Ms. Heard?

10 A. No, it does not.

11 MS. WASS: And you are giving evidence on oath, are you, that
12 neither you nor Ms. Lloyd had to restrain Mr. Depp at any
13 stage?

14 A. I did not restrain him. After Ms. Heard punched him, I walked
15 him down the stairs to get him out of the situation and to
16 protect him.

17 Q. You had to pull Mr. Depp off Ms. Heard when he was trying to
18 punch her: what do you say about that?

19 A. Is that a question?

20 Q. That was a question. What do you say about it?

21 A. That is an unequivocal no, I did not.

22 Q. You are lying about your description of this argument in order
23 to assist Mr. Depp, who was extremely angry and extremely

24 violent on that occasion?

25 A. No, ma'am. I am not lying.

DAY 9 (Re-examination of Mr McGivern)

P.1424

2 of what happened when you were inside the apartment, did you
3 ever see Mr. Depp hit Ms. Heard?

4 A. No, I did not.

5 Q. It was put to you that your evidence was that there was only
6 one side at fault, and you answered that by saying that there
7 was only one side that punched anyone, that used physical
8 violence. Are you able to say who was or was not at fault in
9 relation to the argument?

10 A. No, I am not.

11 Q. Thank you. You have described in your witness statement that
12 Ms. Heard punched Mr. Depp in the eye with a closed fist.
13 That was, as I understand it, when you were standing between
14 Mr. Depp and Ms. Heard; is that correct?

15 A. That is correct.

16 Q. Were you facing Mr. Depp or Ms. Heard at the time?

17 MR. JUSTICE NICOL: Just a minute. (Pause) Yes. Can you remember,
18 Mr. McGivern, whether you were facing Mr. Depp or Ms. Heard?

19 A. Yes. I was facing Mr. Depp.

20 MR. SHERBORNE: Ms. Wass asked you about whether or not Ms. Heard
21 was acting in self-defence of her sister. Did you see
22 Ms. Heard act in self-defence of her sister at all?

23 A. No, I did not.

24 Q. If you had seen Mr. Depp be violent towards Ms. Heard or punch
25 Ms. Heard, as Ms. Wass was suggesting, would you have simply

P.1425

2 stood by and let this happen?

3 A. Absolutely not.

4 Q. You see, it is suggested to you, Mr. McGivern, that you have
5 come here to lie on Mr. Depp's behalf. Do you agree with that
6 or disagree?

7 A. I wholeheartedly disagree with that.

DAY 11 (Cross-examination of Amber Heard)

P.1775

14 What I am going to ask you about is that
15 during the deposition you were asked about the two incidents
16 we have covered, in April and May. Also the stairs incidents
17 emerges during that deposition and also the tape that we have
18 played emerges in that deposition. The stairs incident
19 emerges because the lawyers were asking you about whether you
20 had ever used any violence upon Mr. Depp. Is that a fair
21 neutral summary of how it came to light?

P.1776

2 rather than having to read the deposition.

3 MR. JUSTICE NICOL: Let us get to the question.

4 MS. LAWS: The question is this: during the deposition, you are
5 covering in that deposition what happened on 21st April and
6 21st May. So, you deal with that. Do you remember that?

7 THE WITNESS: Yes.

8 Q. Also, in relation to other matters, you were asked about tapes
9 that were played, including that one tape we just heard. Do
10 you remember that, on the deposition?

11 A. I do not recall if they asked me about that one.

12 Q. All right. We will come on to that. Also, you were asked
13 time and again about whether you had ever been violent to
14 Mr. Depp. Do you remember those questions?

15 A. Outside of self-defence.

16 Q. You were asked the questions and you would always say it was
17 in self-defence. Do you remember that?

18 A. Specifically in self-defence of myself and my sister.

19 Q. The stairs incident is one where I am going to suggest to you
20 this was a very nasty row between you and Mr. Depp, and it was
21 you that was the violent one?

22 A. Johnny hit both myself and my sister.

23 MR. JUSTICE NICOL: Just a minute. (Pause)

24 MS. LAWS: You spat at him?

25 THE WITNESS: I never spit at anyone.

P.1777

2 Q. Threw a can of Red Bull at him?

3 A. I do not even drink Red Bull. No.

4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

5 MS. LAWS: And punched him in the face with a closed fist?

6 THE WITNESS: I did strike Johnny that day in defence of my
7 sister. He was about to push her down the stairs. And the
8 moment before that happened, I remembered information I had
9 heard very recently, which is that he pushed a former
10 girlfriend, I believe it was Kate Moss, down the stairs.
11 I had heard this rumour from two people and it was fresh in my
12 mind. When he moved to hit Whitney to push her out of the way
13 when she tried to intervene, I thought of that moment and in a
14 flash I reacted in defence of her. I had been for years, for
15 years, Johnny's punching bag and for years I had never ever
16 hit him. I had never so much as landed a blow, and I will
17 never forget this incident. I will never forget it, because
18 it was the first time after all these years that I actually
19 struck him back.

20 Q. You just added that bit in about Ms. ----

21 A. I have never changed my story.

22 Q. You have changed your story because ----

23 A. That is not true.

24 MR. JUSTICE NICOL: Just let Ms. Laws ask her question.

25 MS. LAWS: You have changed your story, because you have added in

P.1778

2 the detail about Kate Moss, have you not?

3 THE WITNESS: That is always what it has been.

4 MR. JUSTICE NICOL: Just a minute, please. (Pause)

5 MS. LAWS: It is not contained in any documents, and you were
6 asked about this in deposition and you gave a very long answer
7 and did not mention a thing about Kate Moss being in your
8 mind. You are just making this up as you go along, are you
9 not?

10 MR. JUSTICE NICOL: Just a minute.

11 THE WITNESS: Sorry, I thought you were asking me a question.

12 MS. LAWS: Let us go through it, I have asked it, I will ask it
13 again. In none of the documents, neither in your deposition,
14 do you mention that the person in your mind or that Kate Moss
15 had anything to do with this. This is the first time you have
16 mentioned it, in these proceedings, is it not? Do you agree?

17 A. In these proceedings?

18 Q. Do you agree?

19 A. In these proceedings I asked.

20 Q. It is the first time we have heard about it; do you agree?

21 A. I do not know.

22 Q. You do not know. When you were asked about it and you had
23 made a sworn deposition and you were given all the time you
24 needed to talk about it, and you did, you gave a very long
25 answer, did you not?

P.1779

2 A. I disagree.

P.1781 (Having shown part of Ms Heard's deposition to her)

17 MS. LAWS: Thank you, so you are giving a free narrative there, in
18 a very impassioned way, of what happened on the stairs, and at
19 no point in that do you say what was in your mind was that you
20 thought Johnny had done this before with, in fact, Ms. Moss?

21 A. I disagree with your characterisation of how free that was.

22 Q. Do you mention it in the deposition?

23 A. No, I did not have a chance.

24 Q. Have you ever mentioned it in any of your statements?

25 A. I do not know. I do not think so.

P.1782

2 Q. No, you have not.

3 MR. JUSTICE NICOL: Just a minute. (Pause)

4 MS. LAWS: You have not made that point in any of your statements
5 or in any document in these proceedings, have you; yes or no?

6 A. No. To be clear, I have not had the liberty of time or space,
7 or energy even, to list every thought that crossed through my
8 mind in one of the many, many instances that are referenced
9 specifically in this proceeding. During that deposition
10 I was, as you could hear, for the moments, minutes leading up
11 to being given a short chance to answer, I was interrupted by
12 14 different lawyers that were present. I had anything but
13 the freedom to speak freely about my experience that day.

14 Q. The question was, have you mentioned it in any of your
15 statements, and you said no. You have had every opportunity,
16 if you wanted to, to mention that, have you not?

17 A. I have not had every opportunity to list every thought that
18 went through my mind before any or all of the many instances
19 in which Johnny beat me up.

20 Q. You have had, if you listen to the question ----

21 MR. JUSTICE NICOL: Well, Ms. Laws, I think you have made the
22 point.

23 MS. LAWS: I have made the point about the statement. This was a
24 separate point, if I may?

25 MR. JUSTICE NICOL: All right.

P.1783

2 MS. LAWS: In relation to documents. It is not just statements,
3 it is documents drafted on your behalf in terms of the defence
4 document, the amended defence document, and the reamended
5 defence document, when you are able to go through whatever you
6 like, if you think it is relevant, to put in those documents.

7 A. I have not had the freedom, the opportunity, for the pages,
8 the incidences listed in all the pages, all the documents,
9 every instance of every moment of every memory that has gone
10 through my mind at every single moment before one of the many
11 instances which led to Johnny beating me up. I have not had
12 an opportunity to do that.

13 Q. You are just making this up as you go along at times, are you
14 not?

15 A. Absolutely not.

16 Q. Throwing in details, new details sometimes, or details that
17 you have thought of literally on your feet, to try and make
18 your account more detailed ----

19 A. Of course not.

20 Q. ---- and credible?

21 A. Of course not. I do not know how you could even ----

P.1785

2 You say: "Johnny grabbed me by the hair with one hand and hit
3 me repeatedly in the head with the other. His security
4 stepped in and separated us". Do you see that? Do you see
5 that sentence?

6 A. I am looking for it. Is it still 132?

7 Q. 132. It is the last two sentences. (Pause)

8 A. Yes, I do.

9 Q. Can I ask you, please, to go to photograph bundle tab 148C.

10 MR. JUSTICE NICOL: What is that volume again, please?

11 MS. LAWS: 148C.

12 MR. JUSTICE NICOL: I think that is the tab, is it not?

13 MS. LAWS: File 6. (Pause).

14 MR. JUSTICE NICOL: Yes. Which page, please?

15 MS. LAWS: F894.069.

16 THE WITNESS: 069?

17 MS. LAWS: Yes, F894.069. Has your Lordship got that? It is
18 148B so you might need to go back. You can tell from the
19 bottom numbers, 894.069. (Pause)

20 MR. JUSTICE NICOL: I think I have found it. Is it the one
21 with ----

22 MS. LAWS: The bandage.

23 MR. JUSTICE NICOL: Mr. Depp with the cast on his hand.

24 MS. LAWS: That is right. That is how his hand was in a cast on
25 that day, was it not?

P.1786

2 A. Yes.

3 MR. JUSTICE NICOL: Just a minute, please. (Pause) Yes.

4 MS. LAWS: He could not possibly have been grabbing you by the
5 hair with one hand and punching you with the other, as you
6 have described, could he?

7 A. I disagree with you. He did.

8 Q. It is a complete lie, is it not?

9 MR. JUSTICE NICOL: Just a minute. (Pause) You agree or disagree
10 with the proposition that it is a lie?

11 A. I firmly disagree. He grabbed me by the hair with this hand
12 and hit me with the cast. He also hit Whitney with the cast.

13 Q. He hit you with the cast?

14 A. Yes, it is a hard plaster cast. It does not feel pleasant.

15 MS. LAWS: He hit you with a hard plaster cast.

16 MR. JUSTICE NICOL: I think you said he hit Whitney with the cast
17 as well.

18 A. Yes, and I said it was especially unpleasant.

19 MS. LAWS: We have put your statement away in which you deal with
20 this incident. You do not mention the fact that you were hit
21 full in the face, as was your sister, with a plaster cast.
22 You do not mention it, do you?

23 A. I do not think it is in the statement.

24 Q. No, you do not.

25 A. I think it might be in other statements or in Whitney's

P.1787

2 statement.

3 Q. No, it is not in the statement ----

4 MR. JUSTICE NICOL: Just a minute. (Pause)

5 THE WITNESS: Again, I did not include every detail of every
6 thought or every item of clothing or accessory that was used
7 in the violence. There were so many.

8 MS. LAWS: Just one more question, if I may. If you were hit in
9 the face, struck as you suggest, with Mr. Depp's hand in a
10 cast, it would be a primary feature of the assault which you
11 would want to record, would it not?

12 A. No. This was weeks after Australia, in which he used that
13 same hand, before the cast, to paint bloody messages to me all
14 over the walls, after keeping me in a violent situation, days
15 after that, and that was just ----

16 MR. JUSTICE NICOL: I think your answer is no, that is not
17 something that would have played ----

18 A. Yes, a specific ----

19 Q. ---- a primary feature that you would want to record?

20 A. Specifically in context to the traumatic events weeks prior.
21 This incident itself did not seem that big of a deal in
22 comparison.

DAY 13 (Cross-examination of Whitney Henriques)

P.2167

17. When he got to the top of the stairs

18 he was pulling me backwards so he could get to Amber.
19 I remember being scared because I was worried that I would
20 fall backwards and fall down the stairs. Johnny reached out
21 to shove me out of the way, to lunge at Amber, reaching out to
22 try hit Amber, and instead, struck me, hitting me in the arm.
23 Amber suddenly lurched forward and hit him and said, 'I don't
24 see my sister' ----"

25 MR. JUSTICE NICOL: Sorry, "and said 'don't hit my sister'".

P.2168

2 MS. LAWS: "'Don't hit my sister'. I didn't see exactly how Amber
3 hit him, but it did not seem especially hard." Pause there.
4 You have your back to Mr. Depp?

5 THE WITNESS: I do.

6 Q. And you are facing your sister?

7 A. That is correct.

8 Q. And he is coming from behind?

9 A. That is correct.

10 Q. And you are able to say, despite the fact you did not see your
11 sister punch him, that in fact it was not especially hard?

12 A. When he lunged at me and made contact with me, I was quickly
13 looking from back and forth, to both of them, trying to assess
14 and get my balance, so no I did not especially see how she
15 made contact with him. I did not have a good visual on that.

16 Q. You were facing her with your back to him?

17 A. Correct.

18 Q. I am going to suggest it is a complete lie to say that he
19 struck you, is it not?

20 A. I disagree with that statement. He struck me.

21 Q. And there is no reason at all, if you are telling the truth,
22 why you cannot explain how your sister hit Mr. Depp.

23 A. I disagree with that as well. If you are trying to get your
24 balance on the top of the stairs in the middle of the fight,
25 you are not scouring everything around you, you are trying to

P.2169

2 not fall down a flight of stairs.

3 Q. This is your way of trying to minimise the fact that this
4 whole incident was Amber attacking Mr. Depp, are you not?

5 A. I disagree with that statement. I am telling the truth.

Incident 10: S.E. Asia Train Journey

The evidence about the nature of the train, its staffing and the presence of a security person, Malcolm Connolly, for Mr Depp and Ms Heard during their honeymoon completely undermine Ms Heard's account of an unprovoked attack in their cabin where she screamed and/or Mr Depp was screaming at her. There is no evidence of any injury and Mr Connolly did not see any injuries.

Day 5 (Re-examination of Mr Depp)

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10 MR. SHERBORNE: Can I take you then to the next alleged incident,
11 Mr. Depp, incident 10 on the Southeast Asia train. This was
12 part of your honeymoon; is that right?

13 THE WITNESS: Yes.

14 Q. It is July 2015. Can I ask, was it just you and Ms. Heard who
15 were present on the train?

16 A. We travelled with security, Malcolm Connolly, he was with us
17 for the entire honeymoon, for the trip.

18 Q. You were not asked many questions about this by Ms. Wass, so
19 I am going to keep it very brief. We know that Ms. Heard's
20 evidence is that you were very violent, according to her, you
21 hit her, you pushed her against the wall, you grasped her by
22 the throat and you caused her to fear for her very life; you
23 have seen that is what she says?

24 A. Yes, I have seen it.

25 Q. I want to ask you a few questions. Did you and Ms. Heard buy

Page 699

2 up the entire train?

3 A. No, sir.

4 Q. Did you just have your own cabin?

5 A. Yes.

6 Q. Did you keep yourself to yourself or did you mix with the
7 staff and so on; how did you conduct yourself during that?

8 A. Well, you become quite familiar with the staff after a few
9 days and they were kind enough ----

10 MR. JUSTICE NICOL: The staff you are talking about are the
11 railway staff or the security staff?

12 MR. SHERBORNE: Yes, the railway staff.

13 THE WITNESS: That is what I had understood, yes.

14 Q. My Lord was right to ask. We used the term before for people
15 who were working with you, as you describe?

16 A. Yes, indeed. Yes, we, the railroad staff were very
17 accommodating in terms of, when there is a crowded dining car,
18 things can tend to get a little bit strange, you know, people
19 take photographs of you eating and stuff. So, they were kind
20 enough to, at a certain point, they had one dining car that
21 was empty, just for us; Malcolm would sit at the opposite end
22 of the dining car.

23 Q. Other than dining, would you spend some time with the railway
24 staff or not?

25 A. Most of the time, because you cannot smoke cigarettes in the

Page 700

2 train, you have to go to the back of the train and smoke on
3 the outside, sort of, car, the bar car and then it is outside.
4 So, I would go down there quite a lot, and sure, got fairly
5 friendly with the staff, who were very kind.

6 Q. Mr. Depp, were you violent at all to Ms. Heard during that
7 train journey?

8 A. No. No, not at all.

DAY 6 (Malcolm Connolly in chief)

P.908

8 Q. Mr. Depp mentioned this yesterday and he said that you were
9 present; is that correct?

10 A. Correct. Yes.

11 Q. It was Mr. Depp and Ms. Heard's honeymoon, part of their
12 honeymoon?

13 A. That is correct.

14 Q. In July 2015?

15 A. Correct.

16 Q. Did Mr. Depp take over the whole train?

17 A. No, not at all, no.

22 Q. Now, it has been suggested by Ms. Heard that Mr. Depp punched
23 Ms. Heard, attacked her, grabbed her by the throat, she
24 screamed, and it caused her to fear for her life. If
25 Ms. Heard had suffered any injuries on that trip, would that

P.908

2 have gone unnoticed by you?

3 A. No. Not at all, no.

4 Q. You worked for Mr. Depp. Did you treat Ms. Heard differently
5 because you worked for Mr. Depp and not her?

6 A. No, not at all. I looked after Amber. I afforded Amber the
7 same professionalism, the same protection I gave to
8 Johnny Depp.

Re-examination of Malcolm Connolly

P.944

16 MR. SHERBORNE: Mr. Connolly, you were asked about an entry in a
17 diary that Ms. Heard wrote to herself. Did you ever see this
18 diary before?

19 A. No, never.

20 Q. We have seen her say in her diary that she was hit by Mr. Depp
21 and that she suffered injury as a result. Did you ever see
22 any injuries to Ms. Heard on the trip on the South-East Asian
23 train?

24 A. No, never.

25 Q. Did she ever tell you that she had received any injuries on

P.944

2 the South-Eastern train?

3 A. No.

4 Q. Did she tell you that Mr. Depp had hit her?

5 A. No.

6 Q. If she had suffered these injuries, would you or would you not
7 have seen them?

8 A. I would have seen them.

Day 12 (Cross-examination of Amber Heard)

P.1906

17 Q. All right. Let us move on to the Malaysia train incident,
18 which is incident 10. I am going to suggest this was yet
19 another occasion when you had a row and it was you that lost
20 your temper.

21 A. No. No, I disagree.

22 Q. Can I ask you to have a look at file 11, tab 168, please, so
23 you can put all the other files away. File 11, tab 168. Do
24 have you that?

25 A. Yes, I do.

P.1907

2 Q. This is a photograph taken on the train, is it not?

3 A. Yes.

4 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

5 MS. LAWS: Mr. Depp had an injury on his face, did he not? Did he
6 not?

7 A. No.

8 Q. On his nose, can you see?

9 A. No.

10 Q. This is yet another occasion when you have completely turned
11 an incident around and blamed Mr. Depp, is it not?

12 A. No. I have tons of pictures from this vacation and these days

13 and he is uninjured. He strangled me.

Incident 11: Thanksgiving, November 2015

Ms Heard changed her story about this incident materially. When the fact that her account of Mr Depp being violent to her and causing an injury was not consistent with the recently disclosed video of Thanksgiving, or Ms Pennington's evidence, Ms Heard changed her account while giving her evidence, and created a two part incident which was totally different from the account given in her witness statement (1st WS of AH at para 136).

DAY 11 (Cross-examination of Amber Heard)

P.1933 (having been shown the video of Thanksgiving at the Eastern)

18 You can see Mr. Heard at the
19 top. He is saying, "A little more room." It is Marilyn
20 Manson that we can see here saying, "He's a monster, he's a
21 monster, scaring me", and everyone is joking around, are they
22 not, on that video?

23 A. Yes.

24 Q. And then, "Jack, you're a savage, you're a savage", and
25 everyone is joking around, are they not?

P.1934

2 A. Yes.

3 Q. And then with the photograph, can I take you, please, in the
4 same file, back to tab 162? Is that a photograph with you in
5 it on the far right?

6 A. Yes.

7 Q. And Mr. Depp's son is in the middle?

8 A. Yes.

9 Q. Who is on the far left?

10 A. It looks like Marilyn Manson, if I had to guess, from the
11 fingernails.

12 Q. This was after you received the split lip?

13 A. No.

14 MR. JUSTICE NICOL: Just a minute.

15 MS. LAWS: It was before?

16 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

17 A. No, it was not. Our fights never happened in front of the
18 whole family. They typically happened behind closed doors
19 once everyone had gone home or gone to bed.

20 MS. LAWS: After everyone had gone home?

21 A. Or gone to bed.

22 Q. Can I ask you to flick over to P49. That is a close-up and it
23 is quite clear you have no injury on that as well?

24 MR. JUSTICE NICOL: Just a minute. Are you in P49?

25 A. Yes. It seems like all three of these photographs were taken

P.1935

2 around the same time.

3 Q. Then the question is, does that photograph show you with an
4 injury?

5 A. No. This was taken before.

6 MS. LAWS: Raquel Pennington is someone who you saw quite a lot of
7 when you were living with Mr. Depp, is she not?

8 A. Yes.

9 Q. And we can see that she is on that video, can we not?

10 A. Again, I could not tell who was whom, but she was there.

11 Q. She was there?

12 MR. JUSTICE NICOL: Just a minute. (Pause)

13 MS. LAWS: You know, do you not, that she has made a statement in
14 these proceedings?

15 A. I am aware of that.

16 Q. And also that she has dealt with this incident in her
17 statement or statement summary because she was there that
18 night?

19 MR. JUSTICE NICOL: Just remind me what we have -- can I put 11
20 away?

21 MS. LAWS: Yes, please.

22 MR. JUSTICE NICOL: Just remind me what we have from
23 Ms. Pennington.

24 MS. LAWS: It is a summary at F2.1.

25 THE WITNESS: Which file bundle?

P.1937

25 Q. It is Ms. Pennington's account: "I attended Thanksgiving

P.1938

2 Dinner with Johnny and Amber and a number of others at their
3 apartment PH5 in November 2015. At one point, late in the
4 meal, Amber went upstairs to look for Johnny and stayed up
5 there for a long time. After a long time, they both came

6 downstairs. When I asked Amber what had happened, she told me
7 that Johnny had thrown a bottle of wine at her in the bedroom.
8 I went to look and found that a full bottle of wine had hit
9 and broken a piece of art that Amber really loves above the
10 bed and that broken glass was scatted all over the bed. I
11 went back downstairs and spoke to Amber. She was upset, but
12 just wanted to get through dinner without further problems."
13 Now, what she is saying is that this assault took place
14 while everyone was there, and that you had to go back
15 downstairs?

16 A. No, she is saying ----

17 Q. She is wrong?

18 A. Excuse me?

19 Q. Is she wrong?

20 A. No. She is saying this part of it took place while she was
21 there and others were downstairs. She was just describing the
22 first part of the fight.

23 Q. So the incident has two parts now, does it?

24 A. Our fights typically involved many parts.

25 Q. You are just making this all up as you go along to try and fit

P.1939

2 with evidence that comes out later, are you not?

3 A. No. I have had this information.

4 Q. You see, this is a lying account, we say, from Raquel
5 Pennington, but we can deal with that with her. She has got
6 one thing very wrong, has she not, in that, because what she
7 says is that in Penthouse 5, she has gone upstairs, asking you
8 what is happening, and you tell her that Johnny had thrown a

9 bottle of wine at you in the bedroom. She went and looked and
10 found a bottle of wine had broken a piece of art that you
11 really loved above the bed and the broken glass was scattered
12 all over the bed. I think we heard from you this morning that
13 there were no beds in Penthouse 5, were there?

14 A. Not in Penthouse 5. You go upstairs in Penthouse 5 to go in
15 to the upstairs where the bedroom is in Penthouse 3.

16 MR. JUSTICE NICOL: Just a minute. (Pause) You go upstairs in
17 Penthouse 5 to go across to Penthouse 3?

18 A. Exactly. I am just trying to fill in the details for Ms. Laws
19 so she understands.

20 MR. JUSTICE NICOL: Ms. Laws, I do not know whether this is a
21 question that I can ask of you, or collectively the lawyers in
22 the room, but I would find it helpful to have some kind of
23 plan of ----

24 MS. LAWS: There is one, yes.

25 MR. JUSTICE NICOL: ---- all the penthouses so that I can get a

P.1940

3 MS. LAWS: My Lord, there is. In fact, there are several plans.

4 MR. JUSTICE NICOL: If it exists already, then perhaps somebody
5 could point me to it.

6 MS. LAWS: It does. I am sure we will get the reference for you
7 in a moment. While we are doing that, I think you accept that
8 there is no bedroom in Penthouse 5.

9 A. No, the only way she could enter Penthouse 3 without leaving
10 the apartment is to go upstairs to enter through the upstairs
11 of Penthouse 5 to enter into the bedroom of Penthouse 3.

12 Q. What you are doing is effectively trying to explain away the
13 fact that Raquel Pennington has got something fundamentally
14 wrong in her statement?

15 A. She has got nothing wrong in her statement. I was just trying
16 to explain the layout to you since you did not seem to
17 understand it.

18 Q. She does not describe the fact she had to go into Penthouse 3
19 and nor you do at any stage in either of your statements?

20 A. I do not understand why that is necessary. I am sorry.

P.1942

23 Q. These are Erin Burin's notes. We can see that on 26th
24 November 2015 she has made an entry, making it clear that in
25 fact she joined in on Thanksgiving: "RN visited client and

P.1943

2 husband/client JD's home in Downtown Los Angeles ...(reads to
3 the words)... client AH notified RN that she will need refills
4 on her routine", and then it goes on about your medication.
5 So she was there on that day, was she not?

6 A. Yes. This reminds me.

7 Q. She was there, was she, at the time before or after you had
8 been hit?

9 A. The first interaction I had with Johnny, he just threw a
10 bottle at me, and ----

11 Q. Sorry, I was asking about whether she was there or not?

12 A. She was downstairs.

13 MR. JUSTICE NICOL: I think you have established that Ms. Heard
14 agreed she was there. But then you asked whether she was
15 there before or after the altercation. Ms. Heard is giving
16 her answer.

17 THE WITNESS: So, the violence, what I would call violence, at the
18 time, no. She was there downstairs in penthouse 5 for the
19 bottle-throwing, the decanter breaking, the painting breaking.
20 I remember there was a slight altercation on the top of the
21 stairs involving wine and Johnny grabbing me by the short
22 collar ----

23 MS. LAWS: Can I ask you, was she there ----

24 A. ---- that was -- that is an altercation, so I was trying to
25 answer your question in full so you had the most information

P.1944

2 and I can answer you the best way possible. There was a
3 slight altercation, but it was not what it later became after
4 everyone left; which she was not there for.

5 MS. LAWS: Right. I was not asking for another description ----

6 MR. JUSTICE NICOL: Ms. Laws, you asked the question, Ms. Heard
7 has given her answer. As I have understood the answer, is
8 that she was there for the interaction that you have described
9 involving a painting, but when you were asked whether
10 Ms. Burin was there when you were assaulted, I think you said
11 she was not.

- 12 THE WITNESS: Correct.
- 13 MS. LAWS: She was downstairs, during part of the assault on you?
- 14 A. Part, yes.
- 15 Q. So was Rocky Pennington, and then Rocky Pennington comes down
16 and you say the second part happens after they have all gone?
- 17 A. It got much worse later.
- 18 Q. And after the video, after the photograph?
- 19 A. Yes, it got much worse later.
- 20 Q. It is just a lie, is it not?
- 21 A. No, ma'am.

P.1994

- 10 Q. This is a happy family event that we see on that video, is it
11 not?
- 12 A. Yes, it is.
- 13 Q. A Thanksgiving dinner for family and friends, is it not?
- 14 A. Yes.
- 15 Q. And there was no violence that day or evening at any stage,
16 was there?
- 17 A. No, that is untrue. The two are unrelated.
- 18 Q. This in fact is after midnight, so it is after the photograph
19 that I have showed you of you lying back next to Jack. This
20 is time-stamped after midnight.
- 21 A. Yes.
- 22 MR. JUSTICE NICOL: Just a minute. (Pause) What was your response
23 to that?
- 24 A. Yes.
- 25 MS. LAWS: So, on your account, by that stage, Mr. Depp had

P.1995

- 2 already been violent once to you; is that right?

3 A. We had a brief altercation at the top of the stairs.

4 MR. JUSTICE NICOL: Just a minute. (Pause)

5 MS. LAWS: That is just a lie, is it not?

6 A. No, but relative to other things, it was pretty minor.

Incident 10: December 2015

The Court heard Mr Depp explain that generally he tried to avoid arguments with Ms Heard, he would “run away from fights”. Ms Heard’s allegation that she was injured, escalated in her evidence to asserting that Mr Depp had inflicted a broken nose on her. Having maintained, falsely, that Mr Depp ‘head butted’ her, she then made up an injury which would – had it happened – have been consistent with a headbutt. But there was no broken nose. None of the photographs support that (as Mr Depp noted one seemed to show a chapped lip) nor does any third-party testimony support that or Ms Heard’s evidence (given on DAY 12) that she “had two black eyes, a broken nose and a broken lip, bruised ribs, bruises all over my body.” Ms Pennington’s description differed and no photographs show what she said she saw, namely a swollen nose.

Ms Heard account of her injuries is contradicted by what Tara Roberts saw, or in fact did not see, when Ms Heard went with Mr Depp to the Bahamas for Christmas and what Samantha McMillen saw, in terms of lack of any injuries on 16 December 2015. There was no reason for Ms McMillen to attend court in order to lie for Mr Depp. She was present when Ms Heard was being made up and would have seen if she was sporting two black eyes (and a broken/ swollen nose). Similarly Kevin Murphy left Mr Depp’s employment some time ago. He has no vested interest in lying for Mr Depp. He saw Ms Heard in her bedroom and took photos of a clump of her hair on the carpet. But he was firm that the did not see any injuries to her face, although she was upset.

Further, Ms Heard could not explain what her own nurse, Erin Boerum, noted as to the absence of any visible injury beyond a bleeding lip.

DAY 3 (Cross-examination of Mr Depp)

Page 491

14 Q. Can I move forward, then, to December 2015. Now, Mr. Depp, by
15 December 2015, you were routinely using violence against
16 Ms. Heard when you were intoxicated and when you were angry.
17 What do you say about that?

18 A. I say that is incorrect, most of the time I tried to get away
19 from her.

20 Q. During episodes when you would start by punching walls or
21 destroying property or shattering glass objects, that very
22 quickly escalated into a slap or pushing her over, or worse on
23 some occasions?

24 A. No, that is incorrect. Most of the time, Amber's, Ms. Heard's
25 problem was that I would run away from fights and I was then

Page 492

2 called a coward, and a pussy, for trying to avoid an
3 escalation of the fight. I would try to go -- I suggested
4 that we go to our own corners, and she had a great deal of
5 anger at those suggestions.

Page 502

24 Q. Do you see that Ms. Heard has an injury to her lip as well?

25 MR. JUSTICE NICOL: Just a minute, 116?

Page 503

2 MS. WASS: Yes

3 THE WITNESS: I see a bit of a, sort of a cold sore. I see
4 chapped lips, which she often had.

Page 506

5 Q. You have accepted you were with Ms. Heard that evening. Did
6 she suffer any injury at all while you were with her?

7 A. If she suffered any injuries, I can explain why, but this
8 injury that she would have suffered is not consistent with the
9 photographs that she has given to the court. She was swinging

10 wildly at me and from behind, as I was walking away from the
11 argument to my office, she is hitting me in the neck, ear,
12 back, head, everything. I turned, covering my head, and she
13 is swinging quite wildly so the only thing I could do in that
14 situation was to either run or try to get my arms around her
15 to stop her from flailing and punching me. So, I did so.
16 When I did so, it seems that there was a collision as when you
17 are in close contact, and she is kicking and moving. It is
18 very close contact. That is the only collision, the only
19 potential injury that Ms. Heard could have had. There was no
20 way that I did as she claimed and broke her nose. Blood did
21 not start pouring out. She ran immediately to her -- to
22 Penthouse 5 to her bathroom.

Page 507

6 A. She immediately said, "You headbutted me". In that moment,
7 when I tried to grab her around her arms and her body to
8 control the violence, she immediately said, "You headbutted
9 me" and screamed and then ran away, or "You headbutted me, you
10 broke my nose", and she ran to Penthouse 5.

11 Q. From Penthouse 4?

12 A. No, from the entranceway into my office. That is where the
13 ----

14 Q. The headbutt took place, the accidental headbutt?

15 A. Yes. Yes, there was no intentional headbutt.

Page 511

14 A. No, ma'am. The collision was head to head, forehead to
15 forehead, or maybe side of head to forehead. There was even a
16 moment where she says, "I cannot believe", in another tape, "I
17 cannot believe you headbutted me." I said, "I headbutted you
18 in the forehead. How does that break your nose?" I used the
19 word "headbutt" because that is how she referred to it. The
20 collision was up here (indicating) and she had said that I had
21 broken her nose. I do not see how that could break a nose.

Page 512

17 Q. You say you did headbutt her, but did not cause those
18 injuries?

19 A. I used the word "headbutt" in a later conversation, much
20 later, in fact, after we were well apart, and the divorce was
21 imminent. I repeated the word that she used, "headbutt" ----

22 Q. Let us listen to that ----

23 A. ---- and I said, "How does that break -- I headbutted you in
24 the forehead. How does that break a nose?" So, what I am
25 saying is headbutt as a collision.

Page 513

4 Q. So in that conversation, Ms. Heard accuses you of headbutting
5 her. You accept there was a headbutt, but you deny breaking
6 her nose. Do you agree?

7 A. I used the word "headbutt" as that was how Ms. Heard referred
8 to it. I said, "I headbutted you in the forehead. That does
9 not break a nose."

10 Q. Yes.

11 A. Yes, but it was not intentional headbutt.

12 Q. I understand your account. You say this was an accident.
13 When did you first hear or learn about that recording?

14 A. Very recently.

15 Q. Very recently, and very recently, I suggest, you have changed
16 your account about this headbutt to deal with this recording?

DAY 5 (Re-examination of Mr Depp)

Page 702

2 Q. But what you said to Ms. Wass was that during the argument, as

3 Ms. Heard was punching you and hitting you from behind, you
4 turned around and you grabbed her arms, you grabbed around her
5 arms was the gesture you did to stop her from punching you.
6 Do you remember giving that evidence?

7 A. Yes.

8 Q. I think, quite fairly to you, you said that your foreheads may
9 have clashed in that process, that was the description you
10 gave to Ms. Wass; do you remember?

11 A. Yes.

12 Q. Ms. Wass then took you to, I think you described it as close
13 quarters, her arms were flailing around. I think that was the
14 phrase you used.

15 A. Yes, that was the only way I could get my arms to lock her
16 arms from hitting me.

Page 704

2 you, and you explained she would have had very severe injuries
3 if that had taken place. I am sorry to ask you this again,
4 but given the way it was put by Ms. Wass, what she suggested,
5 for the avoidance of any doubt, Mr. Depp, were you violent

6 toward Ms. Heard in any way during this argument?

7 A. No, sir.

8 Q. To use Ms. Heard's phrase, did you intend to headbutt her; yes
9 or no?

10 A. Not at all. No, sir.

11 Q. Did you deliberately -- sorry, just watching his Lordship's
12 pen.

13 MR. JUSTICE NICOL: Yes.

14 MR. SHERBORNE: Did you deliberately strike her nose, causing it
15 to be bashed up, I think is her phrase at one point; yes or
16 no?

17 THE WITNESS: No, sir.

Page 708

14 MR. SHERBORNE: We are in 148C and it is page F894.103.
15 (To the witness) When Ms. Wass asked you before she
16 showed you, she said, you said you had not seen any injuries
17 at all. Do you remember, after the incident?

18 THE WITNESS: Yes. Yes.

19 Q. And then you were shown this photo?

20 A. Yes.

21 Q. If there had been these bruises or black eyes after the
22 incident, would you have seen them, Mr. Depp; yes or no?

23 A. I believe it would be visible immediately.

Page 709

3 MR. SHERBORNE: Can I take you, then, to file 4.

4 MR. JUSTICE NICOL: Just a moment. Can we put 6 away?

5 MR. SHERBORNE: My Lord, yes, we can. It is tab F139 and
6 page F880.

7 MR. JUSTICE NICOL: 880 is the first page in my tab 139.

8 MR. SHERBORNE: I am grateful, my Lord, I am just waiting for
9 Mr. Depp.

10 THE WITNESS: Yes, thank you.

11 Q. To help us, these were the notes of Nurse Erin Burin, I may
12 not be pronouncing her name right.

13 A. I believe that is right, Burin.

14 Q. You explained Friday that she was the nurse for Ms. Heard?

15 A. Yes.

16 Q. She was also a friend too, and she was at Ms. Heard's birthday
17 party; which we will come to in a minute.

18 A. That is correct.

19 Q. We can see that on 16th December, so the day after the
20 incident, she receives a call from Ms. Heard, can we see that,
21 "Client contacts RN by phone".

Page 711

8 "The nurse waited at the door for several minutes after
9 knocking. Client greeted the nurse at the door, looking
10 dishevelled, hair appeared unbrushed, client appeared weepy
11 and sad, posture slouched. Client told nurse about argument
12 with husband. Nurse offered emotional support, but reminded
13 client that the nurse could not stay as she was on duty with
14 another client and was only visiting in order to deliver
15 medication. The client said she had not had contact with the
16 husband since the altercation. The client had visible bright
17 red blood appearing at the centre of her lower lip. When the

18 nurse made the client aware she had actively bleeding on her
19 lip, she stated it was from the injury sustained in the
20 argument between her and her husband and it continues to bleed
21 actively.

Page 712

6 So, I am going to ask you this. The registered nurse
7 clearly does not see any bruises or any haematomas, as she
8 describes it, and she cannot find anything on the scalp to
9 show that hair is pulled out. All she sees is a bit of active
10 bleeding on her lip, which I will come to in a second.
11 Perhaps I can ask you this. Mr. Depp, in answer to your
12 question to Ms. Wass, when shown a photo of Ms. Heard with her
13 lips looking quite dry, you explained something about chapped
14 lips. Can you briefly expand on that?

15 A. She was always susceptible to, or it was normal that she had
16 pretty dry lips, so she was constantly using a lip balm
17 because they were very dry and would get chapped and she would
18 pick at ----

19 Q. She would pick at her lips?

20 A. Yes.

21 Q. You just did an action and actions do not, unfortunately, get
22 picked up on the transcript?

23 A. She would pick at the dryness and the dry skin.

24 Q. What would happen when she picked at the dry skin?

25 A. Just like anything, you would bleed, if you are pulling a scab

Page 713

2 off.

3 Q. Mr. Depp, given that the registered nurse saw none of bruises,
4 I am going to have to ask you this. Is Nurse Burin another
5 one of your supposed paid lackeys who would say whatever you
6 wanted them to say?

7 A. No, sir, on the contrary, she is a professional nurse.

...

17 Q. She gave her account to them, obviously, of what had happened
18 and you were taken to a text from David Paige, that is
19 Ms. Heard's father, to you?

20 A. David Heard.

21 Q. David Heard, sorry. I am not going to take you back through
22 it because we already have, but if you need to see it, please

23 tell me. Effectively, what he said to you was, "I understand
24 a little more about what went on. I know Amber needs help
25 with her temper, the same as you do with your problems with

Page 714

2 drugs and alcohol". Do you remember?

3 A. I do.

4 Q. Then he said, "but I still love you like a father or brother".
5 Do you remember he used that phrase?

6 A. I do.

7 Q. A sort of father-to-father type message. Did he send any
8 messages like that at all?

9 A. Yes.

10 Q. You remember that he wrote that in the text so my question is
11 this, Mr. Depp. If Lily-Rose -- and it is just a yes or no
12 answer -- if Lily-Rose told you that her husband had slapped
13 her ----

14 MR. JUSTICE NICOL: Just a minute. If Lily-Rose?

15 MR. SHERBORNE: If your daughter had told you, Mr. Depp -- so this
16 is Mr. Heard, Amber Heard's father texting you -- if your
17 daughter had told you that her husband had slapped her,
18 repeatedly punched her, deliberately smacked her in the nose,
19 grabbed her by the hair, dragged her upstairs by the hair and
20 large chunks of her hair had been pulled out, would you still
21 send a text to him saying, "I love you like a father"?

22 A. Definitely not.

DAY 6 (Cross Examination of Tara Roberts)

P.971

4 Q. Was that what she looked like on the island that Christmas
5 holiday?

6 A. No.

7 Q. You are sure about that?

8 A. I did not see that.

9 Q. You did not see that.

Day 6 (Cross Examination of Samantha McMillen)

P.1000

21 Q. Is that the way Ms. Heard looked to you when you saw her on
22 that date?

23 A. That is not how I remember her looking on that date.

24 Q. Because the photograph that you have looked at, would you
25 agree, shows that she has got bruising coming up underneath

P.1001

2 both eyes?

3 A. It is not a very clear picture, but it does look like there is
4 dark around her eyes.

5 Q. All right. If you want to go ahead, we see another photograph
6 at 894.107. Is that a better photograph than your copy,

7 showing bruising around the eyes?

8 A. It looks different.

15 MS. WASS: Can you see on F894.107 the bruising around the eyes on
16 your copy?

17 A. It looks different than in the previous picture, but yes, I
18 see some marking around her eyes.

P.1003

14 MS. WASS: I think this witness says the 16th. Ms. McMillen,
15 I think you were with Ms. Heard on 16th December because she
16 had to appear on a television show?

17 A. That is correct, yes.

18 Q. Are you saying that you never saw her with any of the marks
19 that we have looked at in the photographs that I have shown
20 you a moment ago?

21 A. That is correct.

22 Q. You say that you saw her without makeup?

23 A. She did not appear to be wearing makeup when I saw her.

24 Q. You saw no sign of any bruising to the eyes, marks on the lip
25 or she did not complain about any injury to the head?

P.1004

2 A. There was nothing that I noticed.

P.1008

21 Q. Do you consider that your loyalties are more with Mr. Depp
22 than with Ms. Heard?

23 A. I am not sure what you are asking.

24 Q. Well, you have a longstanding relationship with Mr. Depp; yes?

25 A. Yes.

P.1009

2 Q. He is a big figure in Hollywood?

3 A. Yes.

4 Q. I am asking you whether, if there was a conflict of loyalties
5 between Mr. Depp, your loyalties to Mr. Depp on the one hand,
6 and any loyalty you might have to Ms. Heard on the other, who
7 would take priority?

8 A. I worked with them both at the time, and I had a -- I was
9 close with her at the time. I cared about her. I do not know
10 what you are insinuating, but I would not perjure myself for
11 anyone for any reason.

12 Q. I have not even come to perjury yet, Ms. McMillen, I am asking
13 you where your loyalties lie?

14 A. I do not know what you are saying. I am obviously loyal,
15 because he is kind and loyal back, but without any other
16 reason than that.

P.1017

12 Did you know nothing about any -- did

13 Ms. Heard ever make a complaint to you about anything that had
14 happened between herself and Mr. Depp just before
15 16th December, the date before 16th December?

16 A. The only thing she ever said to me was what is in my
17 statement, after she did the Cordon show, "Can you believe
18 I did that show with two black eyes?"

19 MR. JUSTICE NICOL: Just slow down, please. Can you repeat what
20 you said, Ms. McMillen, "Can you believe I did that show", and
21 then you said, something else.

22 THE WITNESS: With two black eyes.

23 MR. JUSTICE NICOL: With two black eyes. Yes.

24 MS. WASS: Can you go to file 8.

25 MR. JUSTICE NICOL: If you are going to move on from that, can

P.1018

4 THE WITNESS: I never noticed anything like that on her.

5 Q. Sorry, I could not hear your answer?

6 A. I never noticed her having two black eyes.

7 MR. JUSTICE NICOL: You do not remember her having two black eyes.

8 MR. SHERBORNE: My Lord, she said "I never noticed anything like
9 that".

11 MS. WASS: So, after Ms. Heard said to you, "Can you believe I did

12 this show with two black eyes", if you did not see any black
13 eyes, did you not ask her what on earth she was talking about?

14 THE WITNESS: I did not. We were leaving at the end of the show,
15 we were going separate ways, we were saying goodbye. I was
16 confused by it, and I think I said something like, "I do not
17 know what to say", and we hugged goodbye, because we were not
18 going to see each other for a while because of the Christmas
19 holiday, and that was, it was a long day ----

22 THE WITNESS: No, I said I think I said something like, "I do not

P.1019

23 know what to say".

24 MS. WASS: "I do not know what to say"?

25 A. I believe it was something along that line, because I did not
2 know what to say, because I did not see the black eyes, but
3 I also -- I did not want to, you know, raise any sort of --
4 I just wanted to go home, you know.

5 MR. JUSTICE NICOL: I did not want to -- can you repeat the
6 answer, please. "I did not want to ----"

7 MR. SHERBORNE: She said "I did not want to raise anything, I just
8 wanted to go home", my Lord.

9 THE WITNESS: Yes.

P.1020

10 Q. Were you there when her makeup was being done?

11 A. Yes. I was in the room.

12 MR. JUSTICE NICOL: Just a minute. (Pause) Is this the makeup for
13 the show?

14 MS. WASS: Yes, this was for her television appearance. Do you
15 agree?

16 THE WITNESS: Yes.

17 Q. Melanie Inglessis was the person who did her makeup?

18 A. Yes.

19 Q. And do you remember Melanie Inglessis saying she was going to
20 put a really bright red lipstick on Ms. Heard to try and cover
21 the mark on her lip?

22 A. I do not remember that conversation.

23 Q. You were in the room when this was going on, were you not?

P.1021

5 A. I am not sure how to describe it, but it is a sort of a
6 closet, a closet dressing room with seating, with a bathroom,
7 and also next to a large closet where she keeps all her
8 clothes. So I was between the bathroom, setting up the
9 jewellery, and between one area where there were clothes and
10 in the closet, either putting things away or getting things
11 out. So, I was not sitting in the room listening the entire
12 time.

13 MS. WASS: Do you remember Ms. Inglessis putting on particularly
14 heavy makeup on Ms. Heard that night to cover the injuries?

15 A. I did not notice it being any heavier than usual.

16 MR. JUSTICE NICOL: You do not recall it being heavier than usual;
17 is that your evidence?

18 A. That is correct.

P.1025

19 Q. An alternative scenario to your evidence, Ms. McMillen, is
20 that Ms. Heard was indeed injured. She had two black eyes, or
21 the beginnings of two black eyes, she had a cut to her lip or
22 an injury to her lip, and she had welts to her scalp where her
23 hair had been pulled out. You say those were not there when
24 you worked with her on the 16th?

25 A. I said I did not see anything like that when I saw her.

DAY 6 (Re-examination of Samantha McMillen)

P.1033

13 Q. Ms. McMillen, if you had seen Ms. Heard's face looking like it
14 did in the photos you were shown, would you have given the
15 evidence you gave in that paragraph?

16 A. No, I would not.

17 Q. Having seen those photographs that you were shown, do you wish
18 in any way to change your evidence in that paragraph as to
19 what you saw on that day?

20 A. My memory on that day remains the same.

21 Q. Thank you. You were then shown by Ms. Wass some text messages
22 of what Ms. Heard said to a few of her close friends and,
23 I think, to her mother. Did you see anything in those text
24 messages of what Ms. Heard told other people that she said
25 happened to her, did you see anything in those text messages

P.1034

2 which caused you to change your evidence in paragraph 5?

P.1034

4 Q. You were asked about your conversation with Ms. Heard that you
5 referred to, the conversation that happened after she came off
6 filming, and you said that she said to you, "Can you believe
7 I just did that show with two black eyes?"

8 A. Yes.

9 Q. Can you explain, was that statement made -- I think you said
10 you hugged her. Did you hug her before after statement,
11 during that statement or before that statement?

12 A. In my memory, she was sort of coming at me to give me a hug
13 during, you know, to say goodbye, and as she was walking
14 towards me, she said that.

18 MR. SHERBORNE: I am grateful. Ms. McMillen, in your statement,
19 you explain how, as she said that, you said -- sorry, that you
20 have said in your statement that although she said that to
21 you, she did not have any black eyes and had been visibly
22 uninjured throughout the day and at that moment. Has your
23 evidence on that changed at all?

24 A. No, it has not.

P.1035

2 Gottlieb. Jodi Gottlieb, as I understand it, is Ms. Heard's
3 PR. Do you know that?

4 A. Yes, she is her publicist.

5 Q. She is her publicist. Not her assistant, as was suggested to
6 you, but her publicist?

7 A. Yes.

8 Q. So, she was texting her publicist to tell her about the
9 injuries she claims she suffered and then you were taken to
10 texts between Ms. Heard and Nurse Burin. Do you remember?

11 A. Yes.

P.1045

2 MR. SHERBORNE: What we see on J1.13, is that Ms. Heard at the
3 filming of the Late Late Show with James Corden?

4 THE WITNESS: Yes, it is.

11 MR. SHERBORNE: You can see Ms. Heard's mouth and her face. Then,
12 if you turn over the page, her mouth is fairly wide open on
13 J1.13. Then J1.14, if you turn over the page, again.

14 THE WITNESS: Yes.

15 Q. And how would you describe Ms. Heard's face and complexion
16 there, Ms. McMillen?

17 A. It looks normal and beautiful to me.

18 Q. Is that how you remember it, or is it different?

19 A. That is how I remember her looking, once her makeup was done.

20 Q. And you said, you saw her before her makeup was done?

P.1046

3 Q. Where there was a conflict between your loyalty to Mr. Depp
4 and you having to lie to this court, which would win?

5 A. I would not commit perjury for any reason for anyone, friends
6 or family or anyone.

DAY 7 (Cross-examination of Kevin Murphy)

P.1176

11 MS. WASS: What it says, it gives the date of 15th December 2015,
12 but what you say in your witness statement is this: "I have
13 been told by Mr. Depp's solicitors that it is alleged that on
14 December 15th, 2015, Mr. Depp beat Ms. Heard so hard in the

15 face and body that their bed broke. I attended Mr. Depp's
16 penthouse at 849 South Broadway, Los Angeles, California on
17 16th December. Shortly after I arrived, Ms. Heard called to
18 me from upstairs in the master bedroom. When I went upstairs,
19 I found her sitting on the edge of the bed, crying. Ms. Heard
20 said that Mr. Depp had hit her in the face several times and
21 pulled out her hair. I remember standing roughly four feet
22 away from her and becoming suspicious, as Ms. Heard did not
23 appear to be wearing any makeup on this occasion, and there
24 were no marks, bruises, cuts, redness or swelling to
25 Ms. Heard's face, nor were there any area on the head where

P.1177

2 her hair appeared to have been pulled out. I believe she was
3 waiting for a stylist and/or makeup artist to arrive." I have
4 given you the context, do you remember the occasion that I am
5 referring to?

6 A. Yes, I do.

7 Q. This was an occasion, where you attended shortly after you had
8 received that text from Ms. Heard saying that the maids were
9 required. Do you agree, that was the sequence?

10 A. I believe so.

P.1178

12 Q. Ms. Heard told you that Mr. Depp had pushed her so hard on the
13 bed and with such force that the bed frame had broken. Is
14 that what you remember Ms. Heard saying to you?

15 A. No.

16 Q. What do you remember her saying?

17 A. I remember her saying, pointing to a tuft of hair and saying
18 that this is the hair that Johnny pulled out. I remember her
19 pointing at the bed and saying that the bed, this is where
20 Johnny broke the bed.

21 Q. All right. There may not be very much between us. There was
22 more than one tuft of hair, was there not, on the floor?

23 A. No.

24 Q. Contrary to what you say in your witness statement, Ms. Heard
25 had the beginning of bruising coming up underneath both eyes?

P.1179

2 A. That is incorrect.

3 Q. You are aware, are you not, Mr. Murphy, that if someone is hit

4 on the middle of the nose, either by a punch or, say, a
5 headbutt, it can cause bilateral bruising?

6 A. I am not a physician, but I have seen it before.

7 Q. That answers my question. And that is what Ms. Heard was
8 showing signs of when you saw her?

9 A. That is incorrect.

10 Q. I am going to ask ---

11 A. There were no marks, no bruising, no redness.

12 Q. I understand your evidence. I am suggesting that evidence is
13 deliberately untrue, and deliberately misleading for the
14 purpose of assisting Mr. Depp. Do you understand?

15 A. It is incorrect.

21 Q. I am going ask you to look at a photograph, please, we are
22 going to put it on the screen and when it is on the screen you
23 will not be able to hear me, but I want you to look at the
24 photograph before it comes up and tell me whether you are able
25 to see any bilateral bruising to Ms. Heard's eyes. (Pause)

P.1180

18 MS. WASS: Is that how Ms. Heard looked to you when you saw her?

19 THE WITNESS: Well, what I would reiterate is that what I saw her,
20 I saw no bruising, no redness, no scratches, no signs of any
21 physical abuse or confrontation.

22 MR. JUSTICE NICOL: Do I take it, Mr. Murphy, that you say that
23 Ms. Heard did not, on that occasion, look like she looks in
24 the photograph?

25 A. Well, you know, I am not a bruise expert or anything like

P.1181

2 that. What I am saying is when I saw her, with no makeup,
3 that she had no bruises, no marks, no scratches, no signs of
4 any physical confrontation that she described was very
5 violent.

16 Q. All right. Was that how Ms. Heard, how you remember
17 Ms. Heard?

18 A. I remember Ms. Heard as not having any bruises, no marks, no
19 contusions, none of the things that she described to me while
20 talking to me.

Re-examination of Kevin Murphy

P.1204

15 You were
16 shown some photographs by Ms. Wass of Ms. Heard's face. Do
17 you know how or in what circumstances those photographs were
18 taken of herself by Ms. Heard?

19 THE WITNESS: No, I do not.

20 Q. Had you seen Ms. Heard looking the way those photographs
21 appear to suggest, would you have said in your statement ----

22 A. No.

23 Q. ---- that there were no marks, bruises, cuts, redness or
24 swelling to Ms. Heard's face?

25 A. If I would have seen signs of physical abuse, I would have

P.1205

2 said so.

3 Q. It was said to you, Mr. Murphy, and perhaps it was a slip of
4 the tongue, but it was said to you that Ms. Heard pointed out
5 injuries. Did Ms. Heard point to any injuries on her face?

6 A. She just said she was hit about the face several times.

7 Q. She did point out to you, we know, the tuft of hair and the
8 bed; is that correct?

9 A. Yes, that is correct.

10 Q. And you took a photograph of the tuft?

11 A. Correct.

12 Q. And you took a photograph of the splinter of the bed, is that
13 correct; yes or no?

DAY 8 (Re-examination of Sean Bett)

Mr Bett, in fact, gave evidence that around this time he saw and photographed injuries on Mr Depp's face.

P.1305

2 Q. Ms. Wass then took you to what she herself described as "the

3 mix-up" -- that is the phrase she used -- over the
4 photographs. I am not going to go back over how that
5 happened. You have explained the mistake. Can I ask you
6 about your evidence. Now, in terms of what you saw on 21st
7 April, you said to Ms. Wass that you saw injuries that were
8 very similar to the ones in the photograph we now know is the
9 March photograph?

10 A. Correct.

11 Q. And Ms. Wass accepted, she said, that Ms. Heard had hit ----

12 MR. JUSTICE NICOL: March 2015.

13 MR. SHERBORNE: My Lord, yes. Ms. Wass said it is accepted by
14 Ms. Heard that she did hit Mr. Depp in March 2015. We have
15 your account of 21st April and the injuries you saw. Are
16 those the only two incidents of injuries that Ms. Heard caused
17 to Mr. Depp that you know of?

18 A. There was another incident in December in which he sustained
19 injuries from Ms. Heard -- Mr. Depp.

20 MR. JUSTICE NICOL: Just a minute. (Pause) In December. Can you
21 help me with which year?

22 A. That would be 2015, sir.

23 MR. JUSTICE NICOL: Thank you.

24 MR. SHERBORNE: Can I ask you to take bundle 6. It is the red
25 bundle to your right.

P.1306

14 MR. SHERBORNE: There, we see there should be a photograph on
15 F894.092.

16 A. Correct.

17 Q. Do you see there a photograph of Mr. Depp?

18 A. I do.

19 Q. Can you just explain. It says "Sean". Can you just explain
20 what you know about this photo?

21 A. I took this photo on December 15th, 2015.

22 Q. Can I just pause for one second. Just looking at the top, is
23 that IMG 2015, 12.15, a reference to the date you just gave
24 us?

25 A. It is.

P.1307

2 Q. Sorry, I interrupted you. If you can just explain this photo,
3 Mr. Bett?

4 A. When I saw this specific photo, it depicts an injury on the
5 top of his nose and it is a photo that I took with my personal
6 cell phone.

7 Q. Can I just ask you to turn over the page to F894.093?

8 A. Okay.

9 Q. Do you see there another photograph? Did you take this one?

10 A. I did.

11 Q. We can see that underneath -- perhaps you can describe rather
12 than me putting it to you. What can we see on Mr. Depp's
13 face, around his eyes, if anything?

14 A. You can see what appears to be slight redness. You can also
15 see what appears to be a one and a half to two-inch vertical
16 scratch, and you can see redness to the right of that scratch.

17 MR. JUSTICE NICOL: Just a minute. (Pause)

18 MR. SHERBORNE: Is that round the eye you are talking about?

19 A. That is correct, sir.

20 Q. Then, again, on F894.094, is this another photo you took?

21 A. It is.

22 Q. That is the same time?

23 A. That is.

24 Q. If you can just describe what you saw at the time when you
25 were taking a photograph of?

P.1308

2 A. I saw the injury, the scratch that was on the top of his nose.
3 However, in this frontal shot, it is very hard to depict, and
4 there was redness on the side of his right cheek, which, in
5 this specific photo, it is a little bit more difficult to
6 depict as well.

7 Q. What was the cause of these injuries, Mr. Bett?

8 MR. JUSTICE NICOL: Do you know the cause of the injuries?

9 A. Mr. Depp told me that Ms. Heard had slapped him in the face a

10 few times.

DAY 12 (Cross-examination of Ms Heard)

P.1911 (Having taken to notes of Nurse Erin Boerum following a visit to Ms Heard on 17 Dec 15)

7 Now, that was over the phone, that conversation, but the
8 very next day, so on 17th December, Erin Burin is in contact

9 with you to notify you that she will be able to deliver your
10 medications to your home. So she turned up -- this is quite
11 late -- at 11 o'clock at night, and waited at the door for
12 several minutes after knocking. You greeted her at the door
13 looking dishevelled, with your hair unbrushed, weepy and sad,
14 slouched posture, and you told Ms. Burin about an argument
15 with Mr. Depp. Then there is a discussion about her offering
16 emotional support and that she could not stay. It is this bit
17 I am asking you about, the last sentence: "The client had
18 visible bright red blood appearing at centre of lower lip.
19 When RN made client aware that she was actively bleeding on
20 her lip, client stated it was from the injuries sustained in
21 the argument between her and her husband, and that it
22 continued to bleed actively. Client also states that her head
23 is bruised and she lost clumps of hair in altercation. RN
24 briefly looked at client's scalp, but was unable to visualise
25 the haematomas the client had described. RN encouraged the

P.1912

2 client to be seen by physician, Dr. Kipper, or go to an
3 emergency." You did not have any bruising at all when you saw
4 Erin Burin, did you?

5 A. I had two black eyes, a broken nose and a broken lip, bruised
6 ribs, bruises all over my body.

7 MR. JUSTICE NICOL: Just a minute. (Pause) You were being
8 particularly asked about bruises and you said you had bruised
9 ribs ----

10 A. I had bruised ribs, bruises all over my body, bruises on my
11 forearms from trying to defend the blows. I had two black
12 eyes. I had a broken nose. I had a broken lip. I had
13 bruises primarily. The really bad ones were in my hairline,
14 in my scalp, my chin ----

15 Q. Just a minute. (Pause)

16 A. There were chunks of hair missing, there was pus in those
17 wounds, in my hairline, dark red bruises specifically, like,

18 purple/red on my temples and in my chin. The inside of my
19 upper lip was cut.

20 MS. LAWS: This is just nonsense, is it not? She did not see any
21 bruising on your face at all, did she?

P.1913

2 that your account of these injuries is nonsense; do you agree
3 or disagree?

4 A. I disagree.

5 MS. LAWS: Had you just bitten your lip because there was fresh
6 blood on it? Had you just done that for her benefit?

7 A. Of course not.

...

17 MS. LAWS: Ms. Heard, would you mind taking out file 6 again,
18 please, tab 148?

19 MR. JUSTICE NICOL: Yes.

20 MS. LAWS: In the bottom right-hand corner, so it is tab 148C,
21 then the bottom right-hand corner, the number is F894.103.

22 MR. JUSTICE NICOL: Did you say 148C?

23 MS. LAWS: Yes.

24 MR. JUSTICE NICOL: Then the page number was?

25 MS. LAWS: F894.103. Now, can I ask you to look at three

P.1914

2 photographs and then I will ask you a question about them.
3 894.103 and 894.103A appear to be the same photograph, but one
4 of them is larger; is that right?

5 A. Yes, I think one of them appears to be a bit darker in quality
6 perhaps.

7 Q. And then flick over, please, to 894.107A?

8 MR. JUSTICE NICOL: Just a minute. (Pause)

9 MS. LAWS: This is not exactly the same photograph, but we can see
10 that it would have been taken at around the same time. We can
11 actually see pieces of your hair that are in exactly the same
12 position, just to the right as we look at the photograph, on
13 collar of your T-shirt. So, although it is not exactly the
14 same photograph, it is showing the same thing in terms of what
15 your face looked like, is it not?

- 16 A. Yes.
- 17 Q. Have you played around with these images in any way?
- 18 A. I do not know how to, no.
- 19 Q. You do not know how to?
- 20 A. No.
- 21 Q. You do not know how to change the colouring ----
- 22 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.
- 23 MS. LAWS: You do not know how to change the colouring or anything
24 of that nature?
- 25 A. No, I do not know how to do that sort of thing.

DAY 13. Cross-examination of Raquel Pennington

P.2308

- 10 Moving on then to
- 11 15th December 2015, again, this was an incident where you did
12 not witness anything happening, but you claim to have seen
13 injuries afterwards; is that correct?
- 14 A. That is correct, and may I ask, is there a paragraph or file
15 that I should be looking at?
- 16 Q. I will take you to it in a moment. I am just establishing
17 your recollection of that. What do you recollect as being the
18 injuries that you saw on Ms. Heard?
- 19 A. On December 15th?
- 20 Q. Yes. What do you recollect? I will take you to your
21 statement in a moment, but what do you recollect?
- 22 A. The one that stands out the most in my memory is the injury to
23 the back of her head, the scalp, that was bloody, where hair
24 had been ripped out.
- 25 MR. JUSTICE NICOL: Just a minute.

P.2309

- 6 A. Additionally, she had a very swollen nose at that point that
7 was quite tender, and maybe another scalp or hair laceration
8 or scrape on the front of her scalp as well, and like an
9 injury to her lip.
- 10 Q. You just indicated with your hand, but I am just going to ask

11 you to confirm that what you were showing, as the position of
12 the laceration, was on the forehead above the right eye
13 towards the hairline; is that correct?

14 A. She had a couple of lacerations on her scalp.

15 Q. So, let us just break this down: a couple of lacerations on
16 her scalp, but what you have just gestured a moment ago on the
17 camera was on your forehead, so was there a laceration on her
18 forehead?

19 A. There was a scrape on her forehead. She may have been looking
20 down also -- I am sorry, I know I am not supposed to be
21 gesturing, there was also a laceration on the back part of her
22 scalp near the crown of the head.

23 Q. So, two injuries in very different positions, you have
24 described, one at the back of the head on the scalp and one on
25 the forehead, below the hairline, which you have indicated; is

P.2310

2 that correct?

3 A. Correct, in addition to the facial injuries that I just
4 mentioned.

5 Q. The facial injury being a swollen nose, was that?

6 A. Uh-huh.

7 Q. And I think ----

8 A. Yes.

9 Q. And what else?

10 A. And injury to her lip, a bloody lip.

11 Q. Do you remember that you have said that her face was swollen
12 still the very next day?

13 A. Sorry, was the question, do I remember it?

14 Q. Yes. Is it your recollection that her face was swollen the
15 very next day still?

16 A. Yes, ma'am.

17 Q. And that the laceration on her forehead and the swelling on
18 her nose had not gone away, they were still there; is that
19 correct?

20 A. Yes. Yes, that is correct.

A recently added incident: The Bahamas. Christmas 2015

Ms Heard could not deal with the evidence of Tara Roberts. Forced to accept that there was an argument, in cross-examination she said she threw something at Mr Depp while trying to run away. But that does not fit.

DAY 11 (Cross-examination of Ms Heard on Tara Robert's evidence)

P.1998

2 Q. Can you take file 2 out, please. I am not going to take you
3 to a document just yet, but you have given an account in
4 evidence of an incident whereby Tara Roberts' partner had to,
5 in effect, take Mr. Depp away from you; is that what you were
6 saying?

7 A. I believe my recollection is that towards the end of that
8 attack, Johnny only had me by the hair, and I was, there was a
9 bit of a scuffle trying to free myself from his grasp, and
10 they both approached us. I think at the same time, and it is
11 my recollection that Tara leaned towards me and CJ, her
12 partner, leaned more towards Johnny and put his hands on
13 Johnny's chest or upper shoulders, and that, we had about two
14 feet of separation for a moment.

24 Q. Can I ask you to go to page D229, please. I am going to ask
25 you about what her account is.

P.1999

2 A. All right.

3 Q. Which she gave a statement to, and which was not challenged.
4 So let us have a look at paragraph 10: "During the evening of
5 29th December 2015, Johnny drove to the office alone in his
6 John Deer Gator. He had said he just needed to get away from
7 Amber. Shortly afterwards, Amber showed up to the office.
8 Amber started pleading with him to come back to the house, and
9 at that point I walked out of the office. A few minutes later
10 I heard his vehicle start and I stepped outside. Amber was
11 standing in front of the vehicle, screaming at him and
12 apparently not letting him get away by blocking his path.
13 Then she climbed into the vehicle. He drove her back to their
14 house. I got in my golf cart and went to the café, which is a
15 short distance from the house. I called Christi Dembrowski,
16 Johnny's sister, as I was unsure how far this would go. While
17 I could not hear what caused the fight, Amber repeatedly
18 berated him with increasing ferocity. She was insulting him,
19 calling him names, and in the middle of this onslaught I heard
20 her specifically say 'Your career is over, no one is going to

21 hire you, you're washed up, fat. You will die a lonely man',
22 and also screaming things that were incomprehensible. At some
23 point Johnny tried to leave again as they were now in the
24 parking lot. He repeatedly asked for the key for the vehicle,
25 which she had taken out. She refused to give it back to him

P.2000

2 and which we later found in the house. He was responding to
3 her verbal attacks by saying 'Go away and just leave me
4 alone'. Amber's screaming and berating rose to a fever pitch
5 and Johnny continued to yell 'Go away and leave me alone'.
6 I asked Christi what I should do and she said I should keep an
7 eye on the situation as Amber's rage continued to escalate and
8 I described the scene to Christi. She said that I needed to
9 intervene and I should go to Johnny's assistance. I hung up
10 and immediately ran to the parking lot. I saw Amber lunge at
11 Johnny, clawing, tugging and aggressively pulling him. He
12 continued to stand there yelling at her to stop and leave him
13 alone. When he stepped back to leave, her onslaught would
14 start again. During the entire incident I never saw Johnny
15 hit Amber or push her back, nor did he physically react to the
16 attacks. She would calm down and hug and apologise. Then he
17 would say he needs to leave and it would start again. Finally
18 I stepped between them. She continued to reach for him but
19 maybe my presence stopped it. I walked into the cafe and he
20 laid on the couch and that is when I saw that he now had a red
21 swelling gash on the bridge of his nose. Amber, Johnny then
22 told me, had thrown a quart size can of lacquer thinner into
23 Johnny's face causing a gash." That is all true, is it not,
24 every single word?

25 A. There are a few correct words in here that "no one is ever

P.2001

2 going to hire you, you're washed up, and you will die", those
3 are correct.

4 MR. JUSTICE NICOL: Just a minute. (Pause) That is correct as
5 something that you said to Mr. Depp?

6 THE WITNESS: No. It is correct in that it was said, that was
7 Johnny saying that to me. Johnny from about a year on ----

8 Q. Where it is been attributed to you, it is wrong that it was
9 attributed to you, but it is right that those words were said,
10 but actually they were said by Mr. Depp?

11 A. Yes. He continued to say them to me throughout and even after
12 the divorce, as he continued to threaten my job. Also, I did
13 throw a can of something, I am later told that it was mineral
14 spirits. I threw it in Johnny's direction as I was running
15 away from him. But as I was running away from him, I had my
16 back to him, so I do not know if it actually made contact with
17 him. He just threatened my life, and sexually assaulted me,

18 so I was running as fast as I could. I did not pause to look
19 at where it landed.

20 MS. LAWS: What you have done in response to that statement, where
21 you are being accused of really serious violence, is to
22 concoct an account of violence by Mr. Depp where, yet again,
23 you are defending yourself, are you not?

24 A. I had to defend myself sometimes.

25 Q. It is just another lie, is it not, Ms. Heard?

P.2002

2 A. No, of course not.

Incident 13: Ms Heard's Birthday Dinner, April 2016

The evidence was that Mr Depp had come from a meeting, he may have smoked cannabis to calm himself but Nurse Erin's notes made clear he was coherent, sociable on arrival. The recording which Ms Heard made of her meeting with Mr Depp in July 2016 contains Mr Depp's impromptu account of what transpired that night as Ms Heard was furious that he was late for her birthday dinner, she 'haymaked' him. The violence was all one way and Ms Heard is attempting to deflect from her conduct by accusing Mr Depp of what she is guilty of.

DAY 4 (Cross Examination of Mr Depp)

Page 531

9 Q. Yes, I understand that. Your account of this evening is that
10 you went to bed after the guests had gone and you began
11 reading?

12 A. Yes, ma'am, in bed.

13 Q. In bed. No conversation with Ms. Heard, as far as you were
14 concerned?

15 A. Ms. Heard was voicing her, was voicing how upset she was that
16 I was so late for her birthday dinner, and that I had made a
17 fool of her, and that I did not care, and everybody was
18 talking about how awful it was of me to do such a thing and
19 that, and then she ramped up, as it were, and it became a bit
20 more, much more aggressive. She was very, very, very upset
21 and very angry.

22 Q. You were just reading, were you, when she was getting upset?

23 A. I was lying in bed. After the birthday dinner, we went back
24 to the penthouse. I got in bed and started reading, of course
25 trying to avoid any confrontation with Ms. Heard.

Page 532

2 Q. You were really reading a book on her thirtieth birthday

3 celebrations when she had expressed the fact that she was
4 upset that you turned up at her party two hours' late?

5 A. I thought that her behaviour regarding the subject of my
6 tardiness to her birthday dinner, I thought that it was too
7 much, her anger, her rage, for my tardiness, when I had been
8 texting Ms. Heard, telling her, "I am so sorry, but I am going
9 to be late, I know I am going to be late, and I will get out
10 of here as quickly as possible."

Page 533

2 A. I do not recall the book that I was reading or if it was a
3 published book or if it was a journal of mine, but the reason
4 that I went straight to the bed and started to read was
5 because I was trying to avoid yet another confrontation with
6 Ms. Heard about something that did not go exactly as she had
7 planned or expected, and I did not want to discuss it. She
8 was not talking about her sadness in the sense that she was
9 devastated by my hour and 15 minutes of lateness or whatever
10 it was. She was rather angry and aggressive. Therefore,
11 I tried to avoid the conversation or the fight.

...

20 A. I am sure we did have a conversation -- well, I am sure I did
21 have a retort. I did say things such as, "Look, I could not
22 help it, it was beyond my control." I was, again, trying to
23 calm her down, so there was an exchange, but anything I said
24 was not getting us anywhere other than, as I said, she was
25 ramping up and was -- I think she herself had drunk quite a

DAY 5 (Re-examination of Mr Depp)

Page 715

6 Q. I am going to do the same, I am sorry. You explained that you
7 came to Ms. Heard's birthday in your apartment from a meeting?

8 A. Yes.

9 Q. And you said it was a bad meeting. Can you just explain,
10 again very briefly, why it was bad?

11 A. I was in the early stages of learning from my recently
12 acquired new business manager that the former business
13 managers had absconded quite a lot of my money. They had
14 stolen my money.

15 Q. Do you mind telling the court how much? I do not know if it
16 is sensitive or not, but just to give an idea of scale, how
17 much money had they taken from you?

18 A. It was put to me this way, because I had no idea about money
19 or the amount of money it was, but it was put to me that since
20 Pirates 2 and 3, I had -- and this is a ludicrous number to

21 have to state and it is quite embarrassing -- apparently I had
22 made \$650 million, and when I fired them for the right
23 reasons, I had not only lost the \$650 million, but I was
24 \$100 million in the hole because they had not paid the
25 government my taxes for 17 years.

Page 716

2 Q. So, as you say, a bad meeting?

3 A. Very unpleasant and ugly, yes.

4 Q. You were asked by Ms. Wass, after the meeting, given how you
5 said you were upset, if you had taken cannabis, and you said,
6 quite fairly, that you are not sure, but you may have taken
7 cannabis, I think you said?

8 A. It is possible that from the meeting which was held at my
9 office in the conference room, that on my way down to
10 Ms. Heard's dinner, it is possible that I would have smoked
11 some cannabis in the car on the way.

12 Q. If you had smoked some cannabis, what effect would it have had
13 on you? Would it have made you angry or in a rage?

14 A. No, it is a calming agent.

Page 717

2 Q. You will see the second entry on that page of Nurse Burin's
3 notes. She explains that on 21st April, "Client invited ----

4 MR. JUSTICE NICOL: Sorry, this is dated 27th August, is it?

5 MR. SHERBORNE: No, my Lord, it should be ----

6 MR. JUSTICE NICOL: I beg your pardon. I have the wrong page.
7 Which page?

8 MR. SHERBORNE: K210, my Lord.

9 MR. JUSTICE NICOL: Just a moment. (Pause) Yes, and the entry for
10 21st April 2016?

11 MR. SHERBORNE: My Lord, yes. Do you have that? (Pause)

12 MR. JUSTICE NICOL: Mr. Depp, do you have that?

13 A. K210 at the bottom.

14 MR. SHERBORNE: Yes.

15 A. Yes, I do, thank you.

16 Q. So, as you said, Nurse Burin was a friend of Ms. Heard's as
17 well as a nurse?

Page 717

25 Q. And the nurse says this: "I arrived with client's UK

Page 718

2 assistant", if your Lordship notes that, "... arrived with
3 the client's UK assistant, Savannah, at nine o'clock. The
4 client was socialising with friends" upon Ms. Burin's arrival.
5 "She appeared irritable and upset." She reports being angry
6 with husband because he is late and then Nurse Burin provided
7 reassurance that he would arrive and encouraged her to
8 distract herself by socialising with friends. Then you will
9 see she appears to laugh, but her mood turns to depressed and
10 flat when she is alone. Then she says she cannot believe that
11 you are not there yet and so on.
12 Then you arrive. Can you see, "Client's husband, JD,
13 arrives at 10.15." Then it says this. You appear in good
14 spirits, you greet her guests, and during dinner you and
15 Ms. Heard sit next to each another. You appear affectionate
16 towards one another and then you socialise with Ms. Burin for
17 about 45 minutes. She says you appear coherent, oriented and
18 sociable. Does that reflect your recollection of how you
19 were?

20 A. Yes.

Page 719

17 Q. Can I take you back to that transcript, which should be in
18 file 5, and it is 161N. It is the secret recording Ms. Heard
19 did of your meeting on the second day in July 2016 in the
20 hotel room in San Francisco.

Page 720

4 MR. SHERBORNE: We are. It is internal page 14 for me, but I will
5 give you the reference. (Pause) I do not know if you have got
6 references at the bottom. Yes, it is F1009 -- do you have
7 internal pages at the bottom?

...

12 quite sensitive on the electronic bundle. There we go, it is
13 on page F1009.23. Do you have that?

14 A. I do.

15 Q. And do you see, round about the first hole punch, I hope it
16 is, that you are saying, "I don't want a divorce"?

17 A. Yes.

18 Q. "I don't want a divorce. I never wanted a fucking divorce. I
19 never wanted a divorce. I didn't want you to fucking go to
20 Coachella without fucking talking to me because I left you
21 because you fucking haymaked me, man. You came around the
22 bed to fucking start punching on me." Can you explained what
23 "haymaked" means, Mr. Depp?

24 A. Haymaker is a, it is just a type of a wild swinging, wild
25 punches, like a round house. A haymaker is ----

Page 721

5 A. A haymaker is a kind of round-house punch, as it were. It is
6 a bit of a wild swing, but effective if it reaches the target.

7 Q. I will just let my Lord make a note. It is not an English

...

20 MR. SHERBORNE: Yes, sorry. Yes, did she deny hitting you,
21 Mr. Depp?

22 A. At the time, no. No, she did not.

23 Q. It was suggested to you by Ms. Wass that lying in bed,
24 reading, on her birthday, when she came to bed, made Ms. Heard
25 so angry that you provoked her. Mr. Depp, did you deserve to

Page 722

2 be punched because you were reading a book on her birthday
3 night?

4 A. Under the circumstances of being harangued and forced into
5 some argument or altercation, I did not think that it was the
6 wrong thing to do. I thought it was best to remove myself
7 from the argument because it seemed ridiculous to me.

8 Q. Is that something you did only once during arguments?

9 A. No, sir, quite a lot.

DAY 14 (Cross-examination of Kristina Sexton)

Ms Sexton's evidence about birthday dinner and that Mr Depp was upstairs and various people tried to get him to join was patently false and undermines her credibility generally.

P.2230 (having taken her to her deposition)

8 Q. Yes. If you go to line 6, it starts: "One of those incidents
9 you were talking about, Amber's 30th birthday." You respond:
10 "Yes, but she wasn't caretaking him." "Okay." But you say:
11 "That was definitely an ugly night". "(Q): Let me ask this
12 question, you attended Amber's 30th birthday? (A): Yes.
13 (Q): What time about, if you remember, did you arrive?
14 (A): I don't remember what time I arrived but I know I was
15 there for a solid two or three hours before Johnny came down
16 and joined us. (Q): Uh-huh. (A): So we were trying to have
17 a good time but Amber had said they had been fighting, so she
18 was not having a very good time. She was kind of sad. We
19 were trying to just, you know, it's okay like let's have a
20 lovely time anyway." So, what you are saying is that he was
21 upstairs refusing to come down and was very late for the
22 party?

23 A. That was my understanding, yes.

24 Q. The reality is that Mr. Depp had been at a very long and
25 important meeting that evening with his lawyers. Did you know

P.2231

2 that?

3 A. No, ma'am.

4 Q. He was not upstairs refusing to come down for hours?

5 MR. JUSTICE NICOL: Just a minute. (Pause) So, you were asked,
6 Ms. Sexton, whether you knew that he was not upstairs, but
7 actually at a meeting. Did you know that?

8 THE WITNESS: No.

9 MR. JUSTICE NICOL: All right. Thank you.

10 MS. LAWS: I think I went on to suggest that it is quite false to
11 say that he was upstairs for hours, refusing to come down, was
12 it not?

13 THE WITNESS: Well, if he was at that meeting, yes. I was
14 relaying what I had heard at the party.

15 Q. You see, what has just happened is that you are relaying
16 something that Ms. Heard told you and then adding more detail
17 to embellish it, are you not?

18 A. No, ma'am.

19 Q. You go on to say, and I am looking now at page 89, and it
20 continues over other pages, but lines 20-21.

21 MR. JUSTICE NICOL: Page, internal page 89.

22 MS. LAWS: Internal page 89. So if you go to perhaps line 17: "We
23 waited for a couple of hours, like the food was ready and we
24 had wine and we were going to the little outdoor area of the
25 side and everything was ready to go and there were efforts

P.2232

2 made to go get him. (Q): By who? (A) I know Amber went a
3 couple of times, maybe Whit went, or Rocky....(reads to the
4 words)... (Q): When he did come down, did he appear to be
5 inebriated? (A): Yeah."

6 You knew full well that he was not skulking upstairs,
7 refusing to come down. He was out of the house and at a
8 meeting, was he not?

9 MR. JUSTICE NICOL: Well, you are being asked -- just a minute
10 Ms. Sexton -- you are being asked whether you knew that he was

- 11 not upstairs and that you knew he was at a meeting. Do you
12 agree or disagree?
- 13 THE WITNESS: No, I did not know that.
- 14 MS. LAWS: Your statement ----
- 15 A. And he came from upstairs when he entered the party, he came
16 down the stairs.

DAY 6 (Cross-examination of Ms Vargas)

In the aftermath of the party, the evidence of Ms Vargas was clear that she could tell the difference between the faeces of the teacup Yorkshire terriers and human faeces.

P.1052

- 19 MS. WASS: Sorry, the smaller dog was called Pistol?
- 20 A. Yes, ma'am.
- 21 Q. And the larger dog was called Boo?
- 22 A. Yes, ma'am.
- 23 Q. And Boo had had a number of accidents in terms of soiling the
24 flat; do you agree?
- 25 A. On the floor.

P.1053

- 2 Q. On the floor. You had never known either dog to defecate in
3 the bed, had you?
- 4 A. No, never.
- 5 Q. Because they were so small, they could not jump on to the bed
6 on their own?
- 7 A. No, ma'am.
- 8 Q. You agree, you agree with that, they could not jump on to the
9 bed?
- 10 A. Yes.
- 11 Q. The only way they could be in the bed is if they were lifted
12 up and put on the bed?
- 13 A. Yes, ma'am.
- 14 Q. Because you had never seen the dogs or had no experience of
15 the dogs defecating in the bed, you formed the view that it

16 was human faeces that was in the bed?

17 A. Yes, because of its size.

DAY 7 (Cross-examination of Kevin Murphy)

Ms Vargas's assessment was shared by Mr Kevin Murphy

P.1185

23 Q. Going back to your text from Ms. Vargas with the photographs
24 of faeces on the bed, you reported that to Mr. Depp; is that
25 correct?

P.1186

2 A. I believe at the time Johnny was busy, had a very busy day, or
3 the day after and I sent the photographs to the security
4 person that was with him, Sean Bett, and then Sean showed
5 Johnny.

6 Q. You said in your witness statement about this: "I remember
7 him" -- that is Mr. Depp -- "being sullen and disgusted."

8 A. Yes.

9 Q. Is that the truth?

10 A. Yes.

P.1187 (having been taken to text messages about the matter)

17 Q. In fact, it appears from those texts that Mr. Depp found the
18 subject quite amusing. Do you agree?

19 A. I believe he was being sarcastic. I would not agree with
20 that, no.

P.1188

14 Q. Now, your witness statement suggests that on 12th May, you had
15 a telephone call from Ms. Heard that she was angry. She
16 referred to the picture of the faeces and she said it was just
17 a harmless prank?

18 A. Yes.

19 Q. That conversation never took place?

20 A. I can assure you that it did.

21 Q. And this detail of the case has been an attempt to make
22 Ms. Heard appear disgusting and absurd in the public eye.

23 That is the point?

24 A. It is just the truth.

Mr Muphy has no reason to lie for Mr Depp

P.1206

7 It is suggested by
8 Ms. Wass on a number of occasions that you have lied in your
9 witness statement. In December 2019, which is the date of
10 your first witness statement, were you working for Mr. Depp
11 still or not?

12 A. What was the year, sorry?

13 Q. December 2019.

14 A. I was not.

15 Q. To be fair to you, I think in your witness statement you say
16 you stopped, you parted company with Mr. Depp in August 2016;
17 is that correct or not?

18 A. That is correct.

19 Q. In relation to your second witness statement, on 23rd June
20 2020, were you working for Mr. Depp, or doing anything for
21 Mr. Depp at that time?

22 A. I was not.

23 Q. Mr. Murphy, the final question: did you have to come here to
24 give evidence for Mr. Depp and be accused of lying on oath by
25 Ms. Wass?

P.1207

2 A. I definitely did not have to come here.

DAY 8, (Cross-examination of Starling Jenkins)

The events of Coachella, including Ms Heard partying hard with her friends, strongly support Mr Depp's account of the night of 21 April 2016. Ms Heard partied so hard, she was sick. Mr Starling Jenkins was in attendance as security for Ms Heard. That was his job. He was not going to confuse the subject of his security assignment with someone else.

P.1329

3 Q. Were you ever invited to be part of that group that was
4 enjoying the music festival, or were you simply a part as a
5 driver who was not engaged in the music festival but simply
6 there on duty?

7 A. I was working.

8 Q. You were working and they were partying; is that right?

9 A. Yes.

10 Q. And you ----

11 A. That is correct.

12 Q. You said at one stage in your statement that you saw Ms. Heard
13 throw up in the parking lot. Do you remember that?

14 A. Yes.

15 Q. And you said that she asked for ginger ale and crackers?

16 A. Ginger ale, crackers, Pedialyte and water.

17 Q. Sorry. I missed the third thing.

18 A. And possibly Gatorade also.

P.1330

16 Q. And you remember the vomiting, somebody vomiting, and you said
17 that was Ms. Heard?

18 A. Ms. Heard vomiting.

19 Q. I think you said Ms. Heard vomiting or did you say her
20 vomiting?

21 A. Ms. Heard vomiting.

22 Q. Mr. Jenkins, there is no dispute that a Ms. Heard vomited, but
23 in fact it was Ms. Heard's sister, Whitney Heard, who was the
24 one of the party who was ill on that visit to Coachella. So,
25 you have the wrong sister, that is what I am suggesting to

P.1331

2 you?

3 A. No, it was Ms. Heard was sick.

4 Q. That is your evidence, and as I have made plain ----

5 MR. JUSTICE NICOL: Just a moment, please.

6 THE WITNESS: Ms. Amber Heard was sick.

7 Q. Do you know Whitney Heard or Henriquez, Mr. Jenkins?

8 A. Yes, I do know Ms. Whitney Heard. I know the difference
9 between the two sisters.

- 10 MS. WASS: Presumably, whoever was vomiting had their face
11 pointing away from you?
- 12 A. Ms. Heard was vomiting. Amber Heard was vomiting.
- 13 Q. You are insistent about this, but what I am suggesting is that
14 what you saw, what you actually saw, was a blonde woman, a
15 woman with long blonde hair, vomiting and you saw the back of
16 that woman's head?
- 17 A. That is incorrect.
- 18 Q. Are you saying that the person who was vomiting was actually
19 facing you at the time of vomiting?
- 20 A. She was not facing me, but the dress she was wearing, the
21 outfit she was wearing, was Miss Amber Heard. She was
22 vomiting.
- 23 Q. So you identified this person by their clothing rather than
24 any other feature; is that right?
- 25 A. Correct.

Re-examination of Starling Jenkins

P.1333

- 16 Q. Thank you. Mr. Jenkins, are you in any way confused about the
17 difference between Miss Whitney Heard and Miss Amber Heard?
- 18 A. No.
- 19 Q. Have you any doubt at all that the person who you saw throwing
20 up in the car park was Amber Heard?
- 21 A. I have no doubt.
- 22 Q. It was said to you by Ms. Wass that your role at Coachella was
23 to be as part of your job and not partying with Ms. Heard, but
24 the question is this, Mr. Jenkins: when you were there, did
25 you stay well away from the group or were you in close contact

P.1334

- 2 with the group?
- 3 A. I was shadowing the group.
- 4 Q. You were shadowing them.
- 5 A. Yes.

P.1337

Mr. Jenkins,

11 have you got file 9 to your left?

12 A. Yes, sir.

13 Q. I am grateful. Behind tab 91A, if your bundle has been
14 updated, do you have there a document entitled "J5.1"?

15 A. Yes.

16 MR. JUSTICE NICOL: Just a minute.

17 MR. SHERBORNE: I am just waiting for his Lordship to find it.

18 MR. JUSTICE NICOL: Sorry, 91A?

19 MR. SHERBORNE: 91A.

20 MR. JUSTICE NICOL: Just a moment. (Pause) Yes, J5.1.

21 THE WITNESS: Yes, I have it. That is my photo.

22 MR. SHERBORNE: Mr. Jenkins, I was going to ask you if you can
23 identify it. That is your photo, you said?

24 A. That is my photo.

25 Q. We can see at the top that it says 23rd April 2016?

P.1338

2 A. Yes.

3 Q. That is the day of Coachella. Can you identify
4 Miss Amber Heard in that photo?

5 A. Right in the middle, wearing the white dress.

6 MR. JUSTICE NICOL: Just a minute. The dresses are all rather
7 coloured, but which is Ms. Heard?

8 A. She is the third one right on the left.

9 MR. SHERBORNE: Right in the middle.

10 A. (Unclear) next to her, the one in the striped shirt, (unclear)
11 in the striped shirt, then Ms. Heard, then Rocky, then her
12 male friend, then I believe this is her stylist, and her
13 sister, Whitney, is at the end.

14 MR. JUSTICE NICOL: So, Ms. Heard is the one in the dress that
15 looks slightly green; is that right?

16 A. Yes, that is correct.

17 MR. SHERBORNE: Next to the striped T-shirt?

18 A. Yes, correct.

19 Q. While his Lordship was taking a note, you identified everyone
20 in the photo and then you pointed to Whitney Heard on the far
21 right; is that correct?

22 A. That is correct.

23 Q. I do not think I need to ask you to differentiate. I think
24 you just have. Thank you, Mr. Jenkins, I have no further
25 questions.

DAY 11 (Cross-examination of Ms Heard)

Ms Heard punched (haymakered) Mr Depp on the night of 21 April 2016.

P.1761

17 So what happened after the guests left is that
18 you started on Mr. Depp, started complaining about the fact
19 that he was late, and you were going on and on at him. Do you
20 agree or not?

21 A. No. I was sad he missed my birthday.

22 Q. He started to read, you became really annoyed, because one
23 thing you get annoyed about is if he does not pay you
24 attention or if he leaves?

25 A. No, ma'am. He was not reading and I was upset because he had

P.1762

2 missed my birthday. He also had scheduled his business
3 meeting, even though he was having, you know, he had all day
4 and the days before, and he was taking these kinds of meetings
5 at this point in our lives quite a bit. He scheduled this
6 meeting, I believe, right before. I think he scheduled it for
7 30 minutes before my thirtieth birthday party began and he was
8 still late on top of that, to the point of missing the ----

9 Q. During the row about this, it was you who punched him, was it
10 not, twice in the face; yes or no?

11 A. Absolutely not. He has no evidence to speak towards that and
12 honestly, I could not ----

13 MR. JUSTICE NICOL: You just need to answer whether you punched
14 him in the face or not.

15 A. No, absolutely not.

P.1763

11 Q. When you met Mr. Depp in July 2016, so after the restraining
12 order, when it was still in place in fact but before the
13 divorce was finalised, do you remember that recording that we
14 have heard a lot about that was made of the meeting?

15 A. Yes.

16 Q. And do you remember there is a part of it in which he makes it
17 quite clear that he said, "I did not want you to go to
18 Coachella, I left you because you haymakered me, you came
19 around the bed to start fucking punching on me" and you did
20 not deny it, did you?

21 A. No, that is not what I was having a conversation with him
22 about.

P.1764

4 MS. LAWS: After the 21st, we are on the 22nd, so the morning you
5 saw Rocky, she came into the penthouse; that is right, is it
6 not?

7 THE WITNESS: Yes.

8 Q. You, in fact, did not mention or say at all that Mr. Depp had
9 hit you or assaulted you in any way, did you?

10 A. That is not true. I did.

11 MR. JUSTICE NICOL: Just a minute. (Pause)

12 MS. LAWS: I suggest that is absolutely untrue?

13 THE WITNESS: I texted her that night and said, we had another
14 real bad one, which at that point was a well-recognised,
15 almost euphemism for a physical altercation. Rocky knew very
16 well I meant that Johnny had hit me. And I asked her to wake
17 me up specifically once she was ready -- well, ready to go in
18 the morning, and I managed to get a few hours of sleep.

P.1765

8 MS. LAWS: What you said to Rocky is that you had a row. I will
9 repeat the question again. You at no stage informed Rocky
10 that Mr. Depp had hit you or assaulted you?

11 A. Again, I was ----

12 MR. JUSTICE NICOL: Just a minute.

13 THE WITNESS: Sure. (Pause)

14 MR. JUSTICE NICOL: Yes.

15 THE WITNESS: Again, yes, I did.

16 MS. LAWS: The mood that morning with you and Rocky was
17 excitement, and you were looking forward to Coachella.

18 A. Of course not, I could not be excited. My husband had beaten
19 me up on my thirtieth birthday and I fell asleep once again
20 alone in that house, having woken up on my thirtieth birthday
21 alone, covered in glass.

22 MR. JUSTICE NICOL: So, the answer is you were not excited about
23 the prospect of Coachella?

24 A. Sorry. I was heartbroken.

DAY 13 (Cross-examination of Whitney Henriques)

P.2178

19 Q. Moving on to Coachella, who was sick that weekend?

20 A. I was. I was pregnant.

21 Q. Who else?

22 A. Who else was sick?

23 Q. Yes.

24 A. Amber was not feeling well, no, she was also not feeling well.

25 Q. Perhaps I should be more specific.

P.2179

2 MR. JUSTICE NICOL: Just a minute. (Pause) Do you remember Amber
3 vomiting?

4 THE WITNESS: No. I did.

5 MS. LAWS: That is a complete lie, is it not?

6 A. It is not a lie.

7 Q. You know full well that your sister took MDMA, marijuana and
8 alcohol, and vomited and was high for 24 hours, do you not?

9 A. I know she took MDMA and mushrooms, but not marijuana.

10 MR. JUSTICE NICOL: Just a minute.

11 THE WITNESS: That has never been disputed. (Pause)

12 MS. LAWS: What do you mean by that last comment, "that has never
13 been disputed", by whom?

14 A. Amber admits herself that she took MDMA.

15 Q. So, when you are giving your evidence, you are making sure
16 that you and your sister are saying the same things?

17 A. That is not what I am doing. I am telling the truth. That is
18 all I am doing.

19 MR. JUSTICE NICOL: Just a minute. (Pause)

20 MS. LAWS: You have heard the evidence, we have gone over it
21 several times, that your sister told Erin Burin that she had
22 taken MDMA, marijuana, and alcohol, and had vomited and had
23 been high for 24 hours?

24 THE WITNESS: Do I recall that is what Erin said?

25 Q. You have heard the evidence of that, is the first question,

P.2180

2 have you not?

3 A. I do not recall marijuana being mentioned, though. I do
4 remember notes being read, but I do not remember specifics.

5 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

6 MS. LAWS: You know also, you have heard the evidence that
7 Starling Jenkins was the one who actually saw her vomiting?

8 THE WITNESS: I heard him give that evidence, yes. Is that what
9 you are asking me?

10 Q. You heard that evidence, did you not?

11 A. I did hear that evidence.

12 Q. In a parking lot?

13 A. Are you asking me what I heard him ----

14 Q. Did you hear him say that?

15 A. Yes, I did.

16 Q. Are you saying that that was you?

17 A. Yes. I threw up a few times that weekend.

18 Q. Were you taking drugs that weekend?

19 A. I was not.

20 Q. You see, Starling Jenkins was there with an eye on you and
21 Amber and the others for the whole time, was he not?

22 A. I do not recall him being around. I recall him driving us to
23 and from.

P.2181

19 MS. LAWS: So, Starling Jenkins has got it wrong, he has mistaken
20 your sister for you, and he did not buy anything and hand it
21 over to you, you got it from room service?

22 A. He is mistaken about who was sick. I do not recall if he
23 actually went to go get those things. I am not saying that is
24 incorrect. I just do not recall actually receiving those
25 things from Starling.

P.2182

19 Q. It is a message between your sister and iO Tillet Wright. Can
20 you see that there on the left, AH, then iO, then AH?

21 A. Yes. The lines are separated by ----

22 Q. We have the date of 26th April 2016, so just at the end, so
23 Coachella would have ended by then, five days ----

24 A. I do not remember the dates of Coachella, I apologise.

P.2183

7 MS. LAWS: Ms. Heard, Amber Heard, to iO Tillet Wright: "Please
8 sit down, will you. The worse experience of my life...(reads
9 to the words)... in Palm Springs for mine." There are just a
10 few questions. The first question: what your sister is
11 talking about is Coachella, is it not, and the fact that
12 iO Tillet Wright left early?

13 A. I am assuming so, yes.

19 Q. But is what your sister said about the weekend true?

20 A. What about it?

21 Q. From what you witnessed, the bit I read out?

22 A. There is a bunch of information here. Which are you asking me
23 to confirm?

24 Q. I think you know that what I am talking about is that she said

25 she went into convulsions and had the worst trip of her life,

P.2184

2 et cetera?

3 A. Yes. She did not have a good time here.

4 Q. It was your sister who vomited, was it not?

5 A. It was not.

6 Q. And you are doing your absolute best to lie and support her,
7 are you not?

8 A. Untrue.

9 Q. Even in the face of evidence that it was her that vomited, are
10 you not?

11 A. I was the one that vomited.

DAY 13. Cross-examination of Raquel Pennington

P.2319

12 Q. And you spent the next, well, you spent the whole weekend,
13 I am going to suggest, with Ms. Heard, inebriated and having
14 fun. Do you agree or disagree?

15 A. We spent the weekend together.

16 Q. Did you drink?

17 A. At parts.

18 Q. And take drugs?

19 A. At parts.

20 MR. JUSTICE NICOL: Sorry, you were asked did you drink and you
21 said yes. Then you were asked, did you take drugs? I am not
22 sure whether you were asked whether Ms. Heard took drugs or
23 you took drugs. Which was the question?

24 MS. LAWS: It is you took drugs first and then I am going to ask
25 about Ms. Heard in a moment.

P.2320

2 MR. JUSTICE NICOL: Do you agree that you took drugs,
3 Ms. Pennington?

4 A. Yes.

5 MS. LAWS: And Ms. Heard took drugs as well?

6 A. I believe so, yes.

7 Q. And the drugs that were taken at Coachella, can you say what
8 you were taking, please?

9 A. I took magic mushrooms and MDMA.

10 MR. JUSTICE NICOL: Just a minute. (Pause)

11 MS. LAWS: What about Ms. Heard?

12 A. I believe she took the same.

13 Q. And Ms. Henriquez, what about her? She was with you,
14 Ms. Heard's sister, Whitney?

15 A. Sorry, excuse me, Whitney?

16 Q. Yes, she was taking drugs, was she?

17 A. Whitney was -- excuse me, no, let me go back. She was with us
18 that weekend.

19 MR. JUSTICE NICOL: Sorry, Whitney was with you.

20 MS. LAWS: What do you say about whether she was drinking and
21 taking drugs?

22 A. She was not.

23 Q. During that weekend, Ms. Heard at one point became so
24 intoxicated she was vomiting?

25 A. Excuse me, what is the question?

P.2321

2 Q. Do you remember that?

3 A. Do I remember her vomiting?

4 Q. Yes.

5 A. Privately, yes.

Incident 14 – 21st May 2016 in PH3 at Eastern Columbia

Events immediately prior to 21 May 2016

Ms Heard knew that the relationship with Mr Depp was beyond repair by this stage, and was determined to come out of it on top.

DAY 10 (Cross-examination of Ms Heard)

P.1639

21 Q. We also know, just going back through the chronology of
22 things, before 21st May, so before the incident that brought
23 about the application for the restraining order, on 18th May,
24 do you remember, you may not remember the date at all, that
25 before 21st May, so in the period between those two incidents,

P.1640

2 your birthday celebration and then in the final incident at
3 Eastern Columbia Building, you actually spoke with a
4 matrimonial lawyer called Susan Wisener?

5 MR. JUSTICE NICOL: Just a minute. Give me the name again,
6 please.

7 MS. LAWS: Susan Wisener.

8 MR. JUSTICE NICOL: Did you meet with Susan Wisener?

9 THE WITNESS: I did not meet with her. I spoke to her briefly on
10 the phone as an anonymous Jane Doe, because I was seeking
11 advice as to whether or not I could legally change my name.

12 Q. You do not need to tell me what the advice that you were
13 seeking was, but you spoke to her briefly on the phone
14 anonymously?

15 A. That is correct.

16 MS. LAWS: By the 21st May you were taking steps in preparation
17 for a separation from Mr. Depp, even if they were just
18 preliminary, that is what it was about?

19 A. I am not sure I would characterise it as that. I was trying
20 to find the resolve to leave him, but more practically
21 speaking, as I mentioned before, that was not why I spoke to
22 the family attorney, I spoke to anonymously. I spoke to her
23 for five minutes about a different matter.

24 Q. If you want to change the locks, we take it that you want to
25 keep someone from entering the property; yes?

P.1641

2 A. Yes, that is correct.

14 MS. LAWS: So by the time he came over to the apartment, were you
15 making preparations in any way for a separation from him?

16 THE WITNESS: Emotionally, yes.

17 Q. You knew he was coming over, because you had had text contact
18 between the two of you?

19 A. Yes.

DAY 4 (Cross-examination of Mr Depp)

21 May build up

Page 540

9 Q. You had an arranged on 21st May to go to the flat, PH3, to
10 discuss the relationship?

11 A. I was going to retrieve some of my personal things, the more
12 sensitive things, and Ms. Heard wanted to talk.

Page 541

8 Q. Ms. Heard. I suggested to you, Mr. Depp, that the witness
9 statement, the passage I have read out, gives the impression
10 -- and it may be an impression I have wrongly drawn -- that
11 Ms. Heard was somehow pestering you, let me read it again.
12 "Since the incident on 22nd April Ms. Heard has repeatedly
13 tried to contact me either directly or through her sister,
14 Whitney Heard, who continuously asked me to get in touch with
15 her."

16 A. That is true.

17 Q. It would be wrong to suggest she was pestering you and you
18 wanted nothing more to do with her; is that right?

19 A. I was in the mindset that I did not want anything to do with
20 her any more. I thought that was a fitting, strangely, oddly
21 fitting end to the relationship.

22 Q. You wanted nothing to do with her; is that right?

23 A. As difficult as it was, as I had very strong feelings for
24 Ms. Heard at the time, it was not an easy decision to make,
25 but since we had gone back and forth, back and forth, for

Page 542

2 years now, I had to leave.

3 Q. Right. So, it was not a question of her, you saying, in
4 effect, "Look, she can contact me if she wants, she knows how
5 to get hold of me", and you not wanting to get hold of her?

6 A. I did not really, I was not ready to go back there and get
7 myself in the same situation that I had been in for all those
8 years. I was not prepared for that.

May 21st

Mr Depp rejected the rather crass suggestion put to him that he numbed the pain of losing his mother, and of his financial difficulties by taking drugs on 21 May 2016

Page 547

13 Q. Did you deal with the stress and the sadness of losing your
14 mother by numbing the pain with the usual methods?

15 A. No, ma'am.

16 Q. No?

17 A. No, ma'am. There was quite a lot going on, aside from the
18 fact that I had, I was in very bad financial straits as my
19 business managers and lawyers had conspired to steal a lot of
20 money. My mum was in a coma, she then passed away. Amber and
21 I were on the outs and it was looking like forever on the
22 outs, but I tried to maintain a good relationship with
23 Ms. Heard, a friendly relationship.

24 Q. My question was, you have answered it partially, there was an
25 awful lot of stress going on in your life, business-wise, your

Page 548

2 mother, your marriage?

3 A. Yes.

4 Q. It was all coming on top at the same time, was it not?

5 A. Yes, ma'am.

6 Q. I am suggesting to you that the combination of those things
7 would have created a lot of pain and a lot of stress, and I am
8 suggesting that you dealt with the pain and the stress in the
9 way you have always done, which is by hitting controlled drugs
10 and hitting the alcohol?

11 A. My answer to that is that is not the case. There was so much
12 to deal with that on such profoundly important and sensitive
13 levels that I could not escape into any drug-induced pain-free
14 setting. I did not inebriate myself to the point of numbness.
15 I had too much to deal with and I had to be on the ball, if
16 you will pardon the expression.

It is agreed that after he arrived Mr Depp and Ms Heard called Kevin Murphy

Page 551

10 A. Ms. Heard brought up the subject, and then I said, "Let's call
11 Kevin Murphy and see what he has to say about it." She then
12 dialled Mr. Murphy and we spoke to him on speaker phone.
13 I asked Mr. Murphy to tell her what she had told him and he
14 said that Ms. Heard had told him it was just a harmless prank,
15 which she had denied to me.

16 Q. She denied to Mr. Murphy, as well?

Page 552

9 Q. Was it a wise thing to do? You say you were worried about her
10 conduct, and most of the meeting, actually, involved
11 discussions about who had defecated in the bed, as it turns
12 out, did it not?

13 A. We had conversations, Ms. Heard was, she was very much looking
14 forward to clearing that matter up, by saying that it was the
15 dogs who had done it, which is physically impossible. That is
16 when I suggested we call Mr. Murphy.

17 Q. Right.

18 A. But I, within the context of what I was going through, this is
19 a day and a half or two after my mother had passed away, I can
20 promise you that I was not going into Ms. Heard's space
21 looking for an argument.

Page 558

The Defendants' case is that Mr Depp "grabbed the phone from Ms Heard for a second time" and then somehow got far enough away from Ms Heard to throw the phone at her as if it were a baseball

10 Q. And you threw it not at the sofa this time, but you wound your
11 arm round, like someone bowling a baseball, and you threw the
12 phone at Ms. Heard's face and it made contact with the right
13 side of her face?

14 A. Not correct.

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2 Q. There were texts, I suggest, between Mr. Tillet Wright and
3 Rocky Pennington, who we will come to in a moment, saying, "JD
4 attacking Amber. She told me to call 911." Have you got the
5 text messages in front of you?

...

13 Q. As I understand it, your suggestion is that these series of
14 texts are a carefully choreographed hoax?

15 A. A choreographed hoax for sure, yes.

...

The Defendants further contend that Ms Pennington had to physically put herself between Mr Depp and Ms Heard to protect Mr Depp

20 A. Ms. Heard was on the couch and I was about 20 feet away, in
21 the kitchen by the island, so between us, no, she did not.

Having seen Ms Pennington give evidence, the Court is invited to reject the case that Mr Pennington would have made herself some sort of human shield against an angry and raging Mr Depp.

Page 561

2 A. Mr. Judge and Mr. Bett came into the, ran into the flat when
3 they heard Ms. Heard screaming, "Stop hitting me, Johnny, stop
4 hitting me, Johnny". They ran in and when they ran in, she
5 was still screaming, "Stop hitting me, Johnny" and I was 20
6 feet away from her, standing in front of the refrigerator by
7 the kitchen island. When she saw them, she then changed it to
8 the past tense, "You'll never hit me again, now you'll never
9 hit me again" and Jerry Judge said, "Boss, let's get out of
10 here" and we left.

Page 564

8 Q. On her cheek. So 21st, 22nd and 27th are photographs of a red
9 mark on her cheek. I suggest you caused that red mark when
10 you threw the phone at her?

11 A. No, ma'am. It is not true.

Page 567

11 Q. "Why did I even come there in the first place, to be yelled at
12 by you? I'm an idiot. PH5 is Rocky's studio. You are
13 shameless. I tried to make it work and you just turned more
14 and more into a spoilt brat. All you wanted was to make me
15 fucking miserable. Well, I'm finally there. I'll never be
16 able to understand how I fell in love with you. You are not
17 her. I loved you more than anything. I did everything I
18 could, but you never fucking loved me. It was merely
19 convenient for you. I hope our divorce goes as quickly as

In the aftermath, Ms Heard seized the media opportunity

Page 570

8 A. No, ma'am, I did not orchestrate the petition. By saying I
9 wanted her replaced on the Aquaman film, I had been
10 characterised globally as, as the Sun put it, "a wife
11 beater" and I went from, if you pardon the analogy, Cinderella
12 to Quasimodo in 0.6 seconds and I was without a voice at that
13 point. Ms. Heard had made sure that the news media had caught
14 it and that is where I was in my life at that point, so it was
15 very unpleasant place to be.

DAY 10 (Cross-examination of Ms Heard)

It was put squarely to Ms Heard that her account of Mr Depp's alleged assault on her on 21 May was a lie conjured up with her friend, and that her previous account of Ms Pennington having come to her rescue was untrue because Ms Pennington does not say (quite correctly) that she ever saw Mr Depp assaulting Ms Heard.

Further Ms Heard worked together with her best friend Ms Pennington and her fiancé John Drew to create some damage to photograph it – all taken close up.

P.1641

20 Q. Was Raquel Pennington already in your apartment?

21 A. No.

22 MR. JUSTICE NICOL: Was Raquel Pennington, at what stage are you
23 asking?

24 MS. LAWS: Before Mr. Depp arrived.

25 MR. JUSTICE NICOL: Just a minute (Pause)

P.1642

2 THE WITNESS: No. She was in penthouse 5.

3 MS. LAWS: You smiled, as if you had heard that suggestion before?

4 THE WITNESS: I was not smiling.

5 Q. You were not? I am going to suggest that she was already in
6 your apartment by the time he arrived?

7 A. No, she was not. I was alone in penthouse 3.

P.1649

6 Q. In all of the accounts you gave, and we can go through them,
7 but if you agree I need not go back to them, you gave several
8 accounts of this incident in your divorce declaration, libel
9 declaration, amended defence, in your statement, there are a
10 number of documents where you have had to go over this?

11 A. Yes, ma'am.

12 Q. And in each one of them I am going to suggest you say the
13 same, that essentially, Rocky came in while you were still in
14 an altercation, according to you, with Mr. Depp, and you only
15 managed to escape from him after Rocky came in.

16 MR. JUSTICE NICOL: Just a minute. (Pause) Do you agree?

17 THE WITNESS: Yes, absolutely. My account has not changed at all
18 throughout any of these.

19 MS. LAWS: You see, you said the same thing about Rocky coming in
20 before it had all ended, but ----

21 A. Yes.

22 Q. I will take you to the statement if I need, but Rocky says

23 when she came in, you were both 12 feet apart?

24 A. It might be what she said.

P.1650

19 MS. LAWS: So, in each of those accounts, what you have not said
20 is that by the time you saw Rocky you were apart, but that is
21 the truth, is it?

22 A. I do not recall exactly how far apart we were.

23 Q. You are shifting your account to coincide with what she said
24 about it now?

25 A. I have never shifted my account from day 1 till now, as you

P.1651

2 can see.

3 Q. I have just suggested to you how you have shifted your
4 account, but we will move on.

5 A. Forgive me, I do not see it.

23 Q. Kevin Murphy was confirming that had you said to him that it
24 had all been a prank, that you were ----

25 MR. JUSTICE NICOL: Just a minute. (Pause) Do you agree with

P.1652

2 that?

3 THE WITNESS: No. Mr. Murphy did not say that to me on the phone.
4 We were on speakerphone. But only when Johnny took the phone
5 and started speaking to Mr. Murphy did Johnny suggest that,
6 and Mr. Murphy made a vague blanket agreement with whatever
7 Johnny said. He said, whatever, you know, whatever you say,
8 something to that effect, and then hung up.

9 MR. JUSTICE NICOL: Just a minute. (Pause)

10 MS. LAWS: I suggest that is just a lie, is it not?

11 THE WITNESS: Absolutely not.

12 Q. You have just made that up. In fact, the later parts of your
13 account, so by the time you give your deposition, in fact you
14 indicate that Mr. Depp did throw this phone on the sofa, but
15 that was the first thing that he did. Then we know you say it
16 happened. I am going to suggest that he did throw the phone
17 on the sofa or towards the sofa, but not at you, and only
18 once. Do you agree?

19 MR. JUSTICE NICOL: Just a moment. (Pause) You say that he did
20 throw the phone at you?

21 THE WITNESS: Yes. He did both. I was limited to the amount of
22 words that we could use in the declaration, that was my
23 understanding for the initial TR.

24 MS. LAWS: In that declaration, you miss out details but you also
25 miss out incidents, do you not, you just rely on the two?

P.1653

2 A. I do not miss out anything. I just, I only needed to list the
3 most recent ones.

P.1654

10 Q. And then after he left, you, Ms. Pennington and Mr. Drew were
11 quite busy, were you not?

12 A. I do not know what you mean by that.

13 Q. You call your publicist and you call your lawyer, do you not?

14 A. I believe I called both of them that night.

15 MR. JUSTICE NICOL: Just a minute (Pause)

16 MS. LAWS: This is before the police arrived?

17 A. I do not recall when I called them.

18 Q. We can look at your phone records, but I will give you the
19 opportunity to think about it again. You were on the phone to
20 your publicist and the lawyer before the police arrived, were
21 you not?

22 A. I do not recall the sequence of calls.

23 Q. I will take you to it then.

24 A. Okay.

25 Q. It is file 8, tab 58. Once you have that, it is H420.

P.1655

2 A. Can you give me a tab?

3 Q. Yes, it is tab 58 of file 8, H420 in the bottom right-hand
4 corner.

5 MR. JUSTICE NICOL: So what are these particular records, please,

6 Ms. Laws?

7 MS. LAWS: Are you there on the page?

8 A. H420?

9 Q. Yes. These are texts between Ms. Pennington and
10 iO Tillet Wright because at that point, you know now that
11 after you called out on the phone, "Call 911", iO Tillet
12 Wright called the police?

13 A. Yes.

14 MR. JUSTICE NICOL: These are texts or messages of some kind.

15 MS. LAWS: These are text messages between Ms. Pennington and
16 iO Tillet Wright. What you can see here, if we just look at
17 this -- we do not need to look at them all -- is that on 21st
18 May, it says, 20:16, about a fifth of the way down, "Are you
19 at Eastern? JD attacking Amber. She told me to call 911.
20 I am doing it."

21 MR. JUSTICE NICOL: Just a minute. (Pause) I am sorry, this is
22 H420. Yes, "JD attacking Amber. She told me to call 911. I'm
23 doing it."

24 MS. LAWS: So that is Mr. Tillet Wright. On the right,
25 Ms. Pennington says, "Call me." Mr. Tillet Wright says, "Does

P.1656

2 she have her phone with her?" Ms. Pennington says, "Yes, she
3 is talking to her lawyer." Mr. Tillet Wright is saying, "The
4 cops have her number" and there is a question, "Are they
5 indeed coming?" Does that jog your memory?

6 A. Yes.

P.1657

21 MS. LAWS: Now, do you say that Sean Bett was lying when he
22 indicated that Mr. Depp had not caused any damage in the
23 penthouse?

24 A. I hesitate to call anyone a liar, but I do know for a fact
25 that Johnny did not have his own keys to that apartment, to

P.1658

2 Penthouse 5. Penthouse 5 is not the apartment where he
3 initially started to cause damage, but when he left, he not
4 only went into Penthouse 5, but he had to be let into it by
5 his security.

6 MR. JUSTICE NICOL: Just a minute. (Pause) You, I think, with

7 him, were in Penthouse 3; is that right?

8 A. I was in Penthouse 3.

9 Q. So you are saying that Mr. Depp, after what you have described
10 in Penthouse 3, went into Penthouse 5?

11 A. Yes. He smashed some things on his way out of Penthouse 3.
12 He went into the hallway with Sean Bett and Jerry Judge, his
13 security team. I heard a loud bang in the hallway and then
14 I heard the keys rattling and later became aware, from all the
15 damage, that he had gone into Penthouse 5, which he had to be
16 let into.

17 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

18 THE WITNESS: Penthouse 5, he did not have keys to, only security
19 did, and Penthouse 5 was where I kept all my property. He
20 went through Penthouse 5.

21 MR. JUSTICE NICOL: Just a minute. (Pause) He went through

22 Penthouse 5.

23 A. And started smashing things. Penthouse 5 was only my
24 property. It is where I kept my personal belongings, my
25 wardrobe, my art, my personal effects, my office, and he went

P.1659

2 through Penthouse 5 to destroy everything he could. He
3 punched all the pictures on the walls ----

4 MR. JUSTICE NICOL: Just wait now for Ms. Laws's next question.

5 MS. LAWS: I think the question was, was Sean Bett lying?
6 I think, as a result of what you have just said, is the
7 conclusion that you are really suggesting he must have been
8 lying when he said there was no damage?

9 A. I do not want to call anyone a liar, but I definitely know he
10 would have been responsible for letting Johnny once again
11 enter into that apartment to do damage.

12 Q. So you are suggesting he would have seen it?

13 A. Yes, I am.

14 Q. That is the whole point of you giving us that long answer?

15 A. That is exactly what I am saying.

Further Ms Heard was completely unable to respond to the evidence of the responding police officers – and at times was unable to recall clearly which of the two officers she spoke to or inspected the property

16 Q. So he must be lying. What about the two police officers who
17 turned up? Were they lying as well?

18 A. I believe it was four in total.

19 Q. You know the two I am talking about, Saenz and Hadden?

20 A. Yes.

21 Q. The two who said they did not see anything?

22 A. They had to walk through a considerable amount of broken
23 glass, spilled wine, which even Isaac talked about, damaged
24 doors, broken sconces, also some of which I believe Isaac has
25 said. I do not know why they would say what they said, but I

P.1660

2 know very well they had to walk through a considerable amount
3 of damage.

4 Q. Damage in the kitchen as well?

5 A. Yes.

6 Q. I think Rocky Pennington has described that?

7 A. Tons of damage.

P.1662

7 MS. LAWS: As a result of the description of all the damage, all
8 three of you, in order to maintain it, have to say that the
9 officers must have seen that damage because it would be hard
10 to miss?

11 A. Are you asking me?

12 Q. Yes.

13 A. Yes, it seems like it would be very hard to miss.

14 Q. And do you agree that Raquel Pennington -- I will take you to
15 it if I need to -- indicated, as did Josh Drew, that the
16 officers saw the damage, not just in the hallway but in the
17 kitchen?

18 A. Are you asking me if they saw it -- sorry.

19 Q. First of all, two questions, you are quite right. Are you
20 saying -- I think you are -- that in fact the officers saw

21 that damage in the kitchen?

22 A. I am saying I cannot imagine how they did not. They had to
23 walk on it.

P.1663

11 MS. LAWS: I will put it that way, thank you. I am going to
12 suggest that you and Raquel Pennington and Mr. Drew have got
13 your heads together and come up with a very graphic scene of
14 damage throughout Penthouse 3 and in Penthouse 5; do you agree
15 with that or not? Are you lying about it?

16 A. No, absolutely not.

17 Q. And that in fact all of you have said that the officers must
18 have seen it, which I suggest is a lie?

19 A. I cannot imagine how they did not see it. I was there.

20 Q. And all of you have elaborated on a conversation that took
21 place in the apartment, and I will come on to what you had to
22 say now, if I may, but you answer. Have you elaborated; have
23 you lied about it, what happened?

24 A. Absolutely not.

P. 1665

21 Q. You heard the evidence of the officer?

22 A. Yes.

23 Q. You did not say anything like that to them. They did not
24 mention anything about your face. They did not say you looked
25 hurt. None of this was asked of the officer, who simply said

P.1666

2 that you did not look injured. Both officers say that.

3 A. I can only testify to what happened to me and what they said
4 to me.

5 Q. Would you go so far as to say that one of them said something
6 looked wrong and it seemed unsafe?

7 A. He did, but to be honest, I cannot remember whether it was the
8 male or female officer. They gave an indication to me that I
9 looked hurt, that I looked upset and it seemed unsafe, or in
10 order -- it either seemed unsafe or in order to make sure it
11 was safe, they had to check the apartment. They had to check
12 every room in every apartment and I believe Josh showed them
13 around.

14 Q. So those officers must be lying -- they must be?

15 A. I really do not want to call anyone a liar.

16 Q. But there is no room for mistake, is there? There are two
17 completely different accounts?

18 A. It appears to be that they contradict one another, but I am
19 still uncomfortable calling anyone a liar.

20 Q. They contradict you, do they not?

21 A. I contradict them; they contradict me. The accounts are
22 contradictory.

23 Q. You have Josh Drew as well lying on your behalf saying that he
24 showed the officers around and pointed out the damage to them?

25 A. He did.

P.1667

2 Q. It is a total lie, is it not?

3 A. Absolutely not.

P.1668

14 MS. LAWS: It sounds like it is the female officer who was telling
15 you that it seemed unsafe. Those were your words on the ----

16 A. Yes, but I do not know if that male officer also said that or
17 if that was what he indicated to me initially before I went
18 into the apartment with the female officer.

19 Q. So it might have been the male or it might have been the
20 female; you do not know?

21 A. That is not what I just said. Let me clarify.

22 MR. JUSTICE NICOL: She said it might have been the male officer
23 or it might have been the female officer or it might have been
24 both.

25 A. Yes, that is what I said.

P.1669

2 MS. LAWS: Or it might have been neither of them.

3 A. No, that is not true.

4 Q. Do you remember this or are you just making it up as you go
5 along?

6 A. I remember it.

7 Q. Who commented on your face though, because that must have been
8 memorable? Someone was pointing at your face, an officer,
9 commenting on it, saying you looked hurt; which one was that?

10 A. It might have been the female officer, it might have been the
11 male officer, or both; but most of my conversation was had
12 with the female officer, inside of my apartment, standing in
13 the foyer of penthouse 3.

...

20 Q. The officers did, in particular the male officer, did a
21 thorough check, that was his evidence. In fact, that was his
22 statement, which was agreed. He did a thorough check, he went
23 into the penthouse, he did not see any bottles, any broken
24 glass, no signs of vandalism, and no signs of injury on you.
25 That cannot be right if what you are saying is correct, can

P.1670

3 A. It definitely contradicts what the reality was. But I believe
4 he gave that statement in 2016, if I am not mistaken, in the
5 divorce proceedings, once this had made quite a bit of news in
6 the media and the press. And, you know, at the time I said
7 I understood why they would say that, after all.

8 Q. So they are lying because of the press is what you are
9 effectively saying?

10 A. I will repeat what I said to you earlier, I am not here to
11 call anyone a liar. I cannot speak to their motivations.

12 Q. Are you saying they are telling a story, the officers?

13 A. I am not saying that. I do not know what they said or why
14 they said it?

15 Q. Why did you just mention it about that article, why did you
16 just raise it if you are not seeking to cast doubt on what
17 they are saying?

18 A. I did not raise an article.

19 Q. Just now you did, why did you do that?

20 A. I did not raise an article, I simply raised the timing, this
21 is in 2016, therefore it would have been shortly after the
22 news broke in general, because it happened fairly quickly
23 after I filed for the restraining order. And I had said,
24 I imagine, why it would be important if you were an officer,
25 you know, to clear this up on the record instead of having not

P.1671

2 done anything.

P.1672

18 MS. LAWS: To identify, 22nd May is the date at the top, and 05.32
19 it says at the top, but underneath we can see the texts. They
20 start at the top, so we do not appear to have the beginning of
21 them, but they start with Savannah McMillen asking if you were
22 all right: "It was 4 a.m., I was asleep, call me", it looks
23 as if you had tried to contact her somewhere. "Cannot talk
24 about it ...(reads to the words)... please don't text Rocky or
25 anyone, it's ok." Why did you not want her texting Rocky, you

P.1673

2 are all friends together, are you not?

3 A. Yes, in fact, Savannah was in the UK and I called ----

4 MR. JUSTICE NICOL: Just a minute. (Pause) Savannah was in the
5 UK, you were going to add something.

6 A. I had tried to call her right before Johnny threw the phone in
7 my face.

8 MS. LAWS: Was it because you, Rocky, and Drew, were all getting
9 your heads together and smashing up that apartment and putting
10 makeup on you to make you look injured in preparation?

11 MR. JUSTICE NICOL: Just a minute. (Pause) The question is, "Were
12 you smashing up the apartment", and then you said something
13 about?

14 MS. LAWS: Putting makeup on yourself to make yourself look
15 injured; were you doing that?

16 THE WITNESS: No, I have never done that. I was texting Savannah
17 to answer your question, I was texting Savannah because Johnny
18 became convinced, or had re-expressed, instead of coming over
19 to talk about his recently deceased mother and the fact we had
20 not spoken as a married couple, or seen each other, in nearly
21 a month, but Johnny came over to talk about was faecal matter.
22 And he was convinced at the time, it has changed since, but he
23 was convinced that it was Savannah, and/or my friend iO. So,
24 my first calls and text messages were to Savannah and to iO,
25 just to clear up the matter, or after we called or before we

P.1674

2 called a cab, and I cannot recall. But Savannah did not
3 answer. And then after this whole thing went down and after
4 he threw the phone at my face, then she starts texting us, and
5 this is while Rocky was in the middle of holding me,
6 comforting me, because I was, for the first time in my long
7 relationship of hiding the secret of what happened behind the
8 closed doors of my marriage, was finally seeing it all

9 crumble. I was finally seeing everything potentially come out
10 in the public.

DAY 13 (Cross-examination of Raquel Pennington)

Ms Pennington took many of the photographs which appear in the bundle, and the purpose was to use them against Mr Depp, as the police had been sent away so she was not seeking to use them to help Ms Heard make a complaint to the authorities.

P.2328

and I am not going to take you through documents, but

21 I am going to suggest that you, along with Ms. Heard,
22 together, spent the next few days taking photographs and
23 supporting her in her plan for the separation from Mr. Depp.
24 So, let us break it down. You took photographs of what you
25 say the damage was. We know that. I cannot take you through

P.2329

2 them all, but photographs were taken, were they not?

3 A. Photographs were taken.

4 Q. By whom?

5 A. I believe some were by myself, some were by Josh.

6 Q. And the police had been sent away without any report having
7 been made, were they not?

8 A. There was not a report made.

9 Q. So, these photographs were not being made for the police, were
10 they, they were not being taken for that purpose?

11 A. They could have been taken for that purpose.

12 Q. You know full well, do you not, that they were being taken in
13 order for Ms. Heard to use those images in order to negotiate
14 a settlement from Mr. Depp; do you know that?

15 A. That is not what I would say.

In respect of the immediate aftermath, that is the days 22 to 27 May 2016, what emerged from the testimony of a large number of witnesses – police officers, residents in the Eastern Columbia Building, those who worked in the Eastern Columbia and others who bumped into Ms Heard over the subsequent days, such as Samantha McMillen, that the weight of evidence is overwhelming that Ms Heard was not sporting injuries.

DAY 4 (Cross examination of Officer Saenz)

Officer Saenz gave a straightforward account that she spoke to Ms Heard, had the opportunity to look at Ms Heard and she is sure that she showed no injuries

Page 650

16 Q. Is this incident recall, which in fact we have got, and I am
17 sorry you do not have a copy of it, is that incident recall
18 the only document that was generated by you as far as your
19 activities on 21st May 2016?

20 A. Yes, it is.

21 Q. All right. Now, you gave a deposition in the United States
22 about this on 18th July 2016.

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19 MS. WASS: (To the witness) Her face was red from crying; yes?

20 THE WITNESS: Her face appeared red from crying, but it did not
21 appear that she was injured or (unclear).

22 MR. JUSTICE NICOL: Sorry, officer, can you repeat your last
23 answer, please?

24 THE WITNESS: Yes. Her face was red, it was clear that she was
25 crying, but it did not appear redness as if it would have been

Page 654

2 from an injury, from my training and experience.

3 MR. JUSTICE NICOL: Sorry, it did not appear that there was injury
4 on her face, is that what you are saying?

5 THE WITNESS: Correct, no injuries.

6 MS. WASS: Let me ask you a little bit about that. She was not
7 making eye contact with you.

8 MR. JUSTICE NICOL: I think you have established that, Ms. Wass.

9 MS. WASS: You did not see her full face on at any time, did you,
10 she had her face down and she was upset?

11 THE WITNESS: There were times when she made eye contact. She was
12 visibly upset, so she would look down, and sometimes she would
13 look up when she spoke to me. It was back and forth. So,
14 I did get a look at her entire face.

15 Q. What was the lighting like in this apartment?

16 A. It was very well lit.

17 Q. Did you ask her to go towards a light so you could examine her
18 face?

19 A. When I was in the hallway before we entered her home, that was
20 the brightest room during the entire call. So, I was able and
21 I was comfortable with seeing that she had no injuries on her
22 face.

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14 Q. And you did not stand still at any stage, you walked from one
15 apartment to another?

16 A. No, we stood and I spoke with her when she exited her
17 neighbour's apartment. That was my first encounter. I spoke
18 to her for several minutes, and she refused to answer any
19 questions, which is why I asked her if she would like to speak
20 in private in her apartment. And I asked her that in hopes
21 that maybe she would give me some information if we were in a
22 private setting, without the males present. However, that did
23 not happen.

24 Q. How thorough do you think your examination of her face was?

25 A. Can you repeat that, sorry?

Page 656

2 Q. How thorough do you think your examination of her face was?

3 A. Extremely thorough.

Page 656

9 Q. You agree. Did you see the sign of some reddening to her
10 cheek which could have been the genesis of a bruise?

11 A. What I observed was, like, her face was flushed and red from
12 the crying. I did not at any time during the call (unclear)
13 that she had any bruising on her face, or any injury.

14 Q. You saw some reddening to the face, which you attributed to
15 being flushed from crying?

16 A. Correct.

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7 Q. But she made it plain that she was not going to make a
8 complaint against the person in respect of whom the 911 call
9 was made?

Page 658

11 Q. So, it is safe to assume that other than knowing that there
12 was a visit by police, your name, Melissa Saenz, would be
13 something that was only shared with Ms. Heard and possibly the
14 two people who were looking after her?

15 A. Correct.

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6 Q. So, when you came to give your evidence in the United States,
7 as far as you were concerned, this was a non-crime; is that
8 right?

9 A. Correct.

10 Q. Because had there been any allegation of criminality, even
11 just damage to property, you would have been duty bound to
12 make a report?

13 A. Correct.

14 Q. But it was obvious to you and your colleague that this case
15 was not likely to be going anywhere; do you agree?

16 A. Can you repeat that?

17 Q. Ms. Heard made it plain she was not going to file a formal
18 complaint against her husband?

19 A. Correct.

20 Q. You did not have the identity of her husband?

21 A. Correct.

Page 662

8 Q. But, in fact, Ms. Heard had a mark to her right cheek, whether
9 you saw it or whether you did not look carefully, I cannot
10 say. What do you say about that?

11 A. She did not have any injuries at the time.

12 Q. And that there was damage to the flat, in the form of items
13 that had been tossed around the flat and there was broken
14 glass in the flat?

15 A. I searched the entire flat and there was no damage and there
16 was no broken glass. There was nothing to report and nothing
17 out of the ordinary.

18 Q. Do you know how anybody got hold of your name as the person
19 who visited the flat that night, because it was recorded on
20 police documents but those documents are confidential, are
21 they not?

22 A. I believe they are.

23 Q. They would be accessible only to somebody within the LAPD or
24 somebody who had influence within the LAPD; do you agree?

25 A. Yes.

Page 663

2 Q. Does the name Sean Bett mean anything to you?

3 A. Never heard of Sean Bett.

4 Q. The court has been told that he was, had worked for the LAPD.
5 Are you able to say one way or another how your identity was
6 released to people outside the LAPD?

7 A. I am not aware. I do not know who Sean Bett is.

DAY 4 (Re-examination of Officer Saenz)

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6 Q. Thank you. Ms. Wass, on behalf of the defendants, suggested
7 to you that somehow you did not get a proper look at
8 Ms. Heard's face. So, I am going to ask you, because I am not
9 sure how good the transcript is of what you are saying,
10 because of the time delay and the mask, it is not your fault,
11 you have to wear a mask. Did you or did you not get a clear
12 look at Ms. Heard's face on the occasion that you spoke to her
13 in the hallway?

14 A. I did get a clear look at Ms. Heard's face.

15 Q. Did you see any marks at all of any kind suggesting any injury
16 on her face?

17 A. No, I did not.

18 Q. In your deposition, you say that you had a second opportunity
19 to look at Ms. Heard's face; is that correct?

20 A. Correct.

21 Q. In that second opportunity, again, did you see any injury, any
22 marks or any signs at all that she had any injuries on her
23 face of any kind?

24 A. No, I did not observe any injuries.

LAPD Officer Tyler Hadden

His evidence was not challenged (Page 666)

DAY 8 (Cross-examination of Sean Bett)

While Mr Murphy gave evidence about his difficult call from Ms Heard and Mr Depp from the penthouse, Mr Bett gave evidence of the circumstances of the visit and when he entered PH3 on 21 May and what he saw

P.1275

13 Q. It is not a fact that is in dispute. Mr. Depp went over to
14 see Ms. Heard and you were with Mr. Judge, and your
15 understanding was that they were going to have some sort of
16 talk, Mr. Depp and Ms. Heard; is that right?

17 A. He was going to pick up some belongings and he was also going
18 to speak with her.

19 Q. Yes, and that was a conversation which was going to be quite
20 personal, do you agree?

21 A. I would agree.

22 Q. The information you were given. When you arrived at the flat,
23 you and Mr. Judge went straight to the cubbyhole or the guard
24 shack, whatever we want to call it, and did not go into the
25 flat first of all?

P.1276

2 A. That is not true. We went into the flat with them, which
3 would have been Penthouse no. 3.

4 Q. You have given evidence in your statement that when you
5 arrived, you saw candles and an open bottle of wine in the
6 flat?

7 A. That is correct.

8 Q. Again, I make it plain that you never went into the flat?

9 A. I went into the flat. That is how I saw the candles and the
10 wine.

11 Q. There were not any candles.

12 A. Yes, there were.

13 MR. JUSTICE NICOL: Just a minute. What was the question about
14 the wine?

15 MS. WASS: I accept there was wine that you saw later that
16 evening. You saw Mr. Depp with a bottle of wine later that
17 evening, did you not?

18 A. No, when I opened up the door for Mr. Depp, we went inside
19 with them and music was playing low, candles were lit, there
20 was a bottle of wine open, there was some wine in a glass, and
21 I believe there might have been a glass next to that said
22 glass that was full of wine.

P.1277

6 Q. We will have to agree to disagree about that, but I think you
7 do agree that there was a time when you were outside, not
8 inside PH3?

9 A. Yes, once Mr. Depp got settled, Mr. Judge and I exited
10 Penthouse 3 and we went out into the hallway briefly.

11 Q. And you said in your statement that you went to Penthouse 4
12 briefly. Did you do that?

13 A. We did.

14 Q. Did you then go to the guard shack or the cupboard?

15 A. No, we went back into the hallway where we were standing just
16 outside of the Penthouse no. 3 door.

17 Q. Why were you doing that?

18 A. Waiting to see if Mr. Depp was going to come out soon, or
19 waiting to see if there was going to be any type of argument.

20 Q. Were you expecting some aggravation?

21 A. From Ms. Heard, yes.

22 Q. Did Mr. Depp give you any indication that there was going to
23 be an argument?

24 A. No.

25 Q. Why did you not go back to the guard shack?

P.1278

2 A. Again, at any given time, Mr. Depp could have walked out. We
3 know that she has shown a pattern of getting upset with
4 Mr. Depp when they have tried to make up and speak, and to
5 walk around the corner to the cubbyhole storage room area, it
6 would be difficult to hear, which is why we stood outside the
7 door of Penthouse 3.

8 Q. But they could have been in there for hours?

9 A. That is fine. It is not uncommon for us to stand for hours.

P.1284

19 MR. JUSTICE NICOL: Let us take these questions one at a time. Do
20 you agree that when you went into the flat, Ms. Pennington was
21 there?

22 A. Initially when we arrived or when we heard arguing?

23 MS. WASS: When you heard arguments.

24 A. When I heard arguing, Ms. Pennington, Ms. Heard and Mr. Depp
25 were inside the flat.

P.1285

2 Q. Exactly. To that extent, Mr. Bett, we agree. Ms. Heard was
3 sitting on the sofa?

4 A. No, she was standing.

5 Q. She was crying?

6 A. She was agitated and upset.

7 Q. When you say she was upset, do you agree she was crying?

8 A. I cannot remember if I saw tears on her face.

9 Q. Did you look at her face?

10 A. I was 20 feet away.

11 Q. Could you see her face clearly?

12 A. Uh-huh.

13 Q. Was she crying?

14 A. I could not tell.

15 Q. Ms. Pennington was comforting her?

16 A. Ms. Pennington was standing next to her.

17 Q. Was she comforting her?

18 A. What do you mean by "comforting"?

19 Q. Was she standing close to her, possibly putting her arm around
20 her, comforting her? Do you not know what that means, that
21 word?

22 A. Well, there are different degrees of comforting. She was
23 standing next to Ms. Heard, I do not remember her putting her
24 arms around her or anything of that nature.

25 Q. Mr. Depp was, agreed, a distance away. But Ms. Heard said to

P.1286

2 Jerry Judge, "If he hits me one more time, I'm going to call
3 the cops."

4 MR. JUSTICE NICOL: Just a minute. Did Ms. Heard say that?

5 THE WITNESS: Words to the effect, correct.

6 MR. JUSTICE NICOL: Thank you. Yes.

7 MS. WASS: In your witness statement, at paragraph 15, you said:
8 "I was able to see that Ms. Heard was wearing little or no
9 makeup. Her skin was quite pale and she had no red marks or
10 evidence of any bruises or abrasions to her face or body."

11 A. Correct.

12 Q. Are those your words, Mr. Bett?

13 A. Yes, they are.

23 Q. I asked you a moment ago whether you could see whether she was
24 crying or not?

25 A. Correct.

P.1287

2 Q. And your answer to me was that you were 20 feet away, and it
3 was not possible to see.

4 A. Well, if you are 20 feet away, in my opinion, it can be
5 difficult to see a tear on one's face, because it is clear, if
6 there was an injury of any type would you be able to see that
7 a little clearer.

8 Q. Does that not rather depend on the nature of the injury?

9 A. Well, I suppose.

10 Q. Obviously, if she had a bleeding wound to her face, that would
11 be obvious. But the sign of a recent slap or punch could be a
12 quite minor mark, certainly at first, could it not?

13 A. No, you would see immediate redness, especially with her fair
14 skin.

15 Q. So, you saw no immediate redness from 20 feet. Was she
16 pointing her face at you or was her face down as she was being
17 comforted?

18 A. She was looking in our direction, Mr. Judge, Mr. Depp and I.

19 Q. You say you examined her face?

20 A. I did not examine it, I looked at it from 20 feet away.

21 Q. From 20 feet away, for how long were you looking at her face?

22 A. The entire time we were in the penthouse of Mr. Depp.

23 Q. You walked into the penthouse and just stared at Ms. Heard?

24 A. She was shouting at the top of her lungs.

25 Q. You are standing by your evidence that she had no signs of

P.1288

2 injury?

3 A. Correct.

4 Q. You do not even accept the possibility that she may have had
5 signs of injury, but you did not notice them?

6 A. Correct.

7 Q. Then I have to suggest to you, Mr. Bett, that you are lying
8 and that she had visible reddening to her cheek, her right
9 cheek. It may not have been visible to you, but your

10 certainty that it did not exist ----

11 A. Well, ma'am, you can call me a liar 100 times. I am not
12 lying, I am telling the truth.

P.1289

2 MS. WASS: Mr. Judge intervened in the situation, and said to
3 Mr. Depp words to the effect of "Boss, please", and ushered
4 Mr. Depp out of the flat?

5 A. That is correct.

6 Q. Mr. Depp was extremely agitated?

7 A. He was.

8 Q. We can see, you probably noticed on the footage of him going
9 down in the lift, he was really very -- well, agitated. Do
10 you agree with that?

11 A. He was moving back and forth in the lift.

12 Q. Presumably you have seen him like that many times before?

13 A. No.

14 Q. No? But Mr. Depp and you and Mr. Judge did not leave straight
15 from PH3 to the lift downstairs, did you, you went to other
16 apartments, and Mr. Depp went to other parts of the penthouse
17 suites?

18 A. I went into inside penthouse 5.

19 Q. He went inside penthouse 5 and he -- I mean, did you do in
20 there?

21 A. I did, correct, we all did.

22 Q. Mr. Depp started throwing beads and other objects that were
23 being worked on in penthouse 5 on to the ground?

24 A. He was not throwing anything.

25 Q. Do you remember seeing another woman, not Ms. Pennington, you

P.1290

2 probably do not know her name, but another woman there?

3 A. I remember seeing another woman, Mr. Josh Drew, and I believe
4 the dog, a small dog.

13 Q. You say there was a dog, but I am not going to ask you about
14 that. Mr. Depp was threatening people, other people, Mr. Drew
15 and the other woman?

16 A. That is not true. Mr. Depp told Mr. Drew and the said female
17 to get out of his apartment.

18 MR. JUSTICE NICOL: Just a minute. (Pause) Told them to get out
19 of his apartment, but not threaten them?

20 THE WITNESS: No, sir.

21 MR. JUSTICE NICOL: Thank you.

22 MS. WASS: When Mr. Depp left penthouse 3, he had with him a
23 bottle of wine. Do you remember that?

24 A. I cannot confirm if he had wine with him or not.

25 Q. Well, he threw the wine and smashed the wine in front of the

P.1291

2 door of penthouse 1?

3 MR. JUSTICE NICOL: Just a minute. (Pause)

4 MS. WASS: Penthouse 1 or penthouse 2.

5 THE WITNESS: There was no smashing of anything.

6 Q. Did you ever see wine dribbled along the wall outside
7 penthouse -- one of the other penthouses?

8 A. I did not.

9 Q. Did you ever see any damage to photographs in penthouse 5?

10 A. I did not.

Mr Bett was equally adamant that he did not know the names of the LAPD officers who attended the penthouse that day. That was consistent with evidence gleaned from Ms Heard in cross-examination which suggested that her 'camp' was responsible for leaking the officer's card to the media.

P.1292

You are saying you did not

3 know their names until they made their depositions.

4 THE WITNESS: That is correct, sir.

5 MS. WASS: We have heard from one of the officers, who indicated
6 that although her name appeared on an incident report, which
7 is an internal police document, there was no way the public
8 would have access to the identity of the two officers who

9 attended that night. Do you understand what I am saying?

10 A. I do.

11 Q. We know that Ms. Heard knew her identity, but they were giving
12 depositions for Mr. Depp, not for Ms. Heard. So, are you able
13 to offer any explanation as to how the identity of the police
14 officers was released to the Depp team in order to enable them
15 to depose those two witnesses?

16 A. I have no idea how those names were obtained.

17 Q. It would have to be somebody with some sort of inside
18 information at the LAPD. Do you agree?

19 A. Absolutely not.

P.1294

2 Q. Your evidence is you played no part in seeking the identity of
3 those officers?

4 A. That is correct.

5 Q. Despite the fact that you have historic connections with LAPD?

6 A. Well, I have worked ----

7 MR. JUSTICE NICOL: I think, Ms. Wass, if you are going to suggest
8 that Mr. Bett was responsible, you should put that to him.

9 MS. WASS: I cannot suggest he is responsible, my Lord. I have
10 suggested that he has the means, so to speak, but I cannot say
11 it was he who did it. I will wait to see ----

12 MR. JUSTICE NICOL: Then, there is no need for Mr. Bett to respond

13 to that.

DAY 7 (Re-examination of Sean Bett)

21 MR. SHERBORNE: It was put to you by Ms. Wass that you did not
22 really get a proper view of Ms. Heard. Do you agree that you
23 did not get a proper view of Ms. Heard or not, Mr. Bett?

24 A. No, I had a great view of Ms. Heard.

25 Q. How many years did you work in the Sheriff's Department?

P.1309

2 A. Approximately 14.

3 Q. During the course of your time at the Sheriff's Department,
4 did you have experience of allegations of violence or not?

5 A. Specifically related to calls for service?

6 Q. Yes.

7 A. Oh, indeed I did.

8 Q. You say in your witness statement that Ms. Heard had no red
9 marks or evidence of any bruises, abrasions to her face, or
10 body. Having heard Ms. Wass's questions, do you want to
11 change that evidence at all?

12 A. Not at all.

13 Q. It was put to you, Mr. Bett -- and I should give you the
14 opportunity to comment on it -- that you are lying for
15 Mr. Depp. That is what you have come here to do. What do you
16 have to say about that?

17 A. That is incorrect, sir.

18 Q. Then, finally, you say in your statement, "I could see
19 Mr. Depp was visibly upset at having been accused of hitting
20 Ms. Heard".

21 A. Correct.

22 Q. Had you seen Mr. Depp be in this state before?

23 A. No.

The days following 21 May 2016 are summarised in an Annex to the Claimant's Closing Document. Below is some of the key testimony which the Court heard.

DAY 5 (Cross Examination of Trinity Esparza)

Ms Esparza was clear that she had not confused Ms Heard with her sister, Whitney Henriques in the week after 21 May 2016. The fact that she had spoken to Ms Heard at close range was confirmed by the CCTV footage subsequently shown to Ms Heard in cross-examination. She had no animosity towards Ms Heard, she liked her; she has no reason to come to court and be untruthful. She was also clear that she knew makeup and Ms Heard well enough to know whether Ms Heard was, or was not, wearing any.

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6 Q. Ms. Heard had a sister called Whitney; do you know that?

7 A. Yes.

8 Q. And Whitney (Hernandez her name is now) actually lived in the
9 Eastern Columbia Building earlier in 2015; do you agree?

10 A. Yes.

11 Q. She was a regular visitor even after she moved out of that
12 building?

13 A. Yes.

14 Q. And again, you know her by sight?

15 A. Yes.

16 Q. Similar in appearance to Ms. Amber Heard, tall, blonde, slim,
17 very attractive?

18 A. Yes.

19 MR. JUSTICE NICOL: Sorry, Ms. Esparza, do you agree that she is
20 similar in appearance to Ms. Amber Heard?

21 THE WITNESS: They are tall and blonde, they are sisters, they
22 look like ----

23 MS. WASS: They look like sisters, and the description ----

24 A. I suppose so.

25 Q. And the description I have given to you applies to each of

Page 877

2 them, they are tall, slim, blonde and attractive?

3 A. Yes; but they are quite different people.

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4 Q. Now, on 27th May, you saw Ms. Heard at your desk, you were
5 working at the desk at the Eastern Columbia Building?

6 A. That is correct.

7 Q. And you noticed for the first time that she had a red mark
8 underneath her right eye?

9 A. That is correct. And I had seen her previously that week and
10 she did not have that.

11 Q. Is it not more accurate to say you had seen her previously
12 that week and you did not notice any marks on her?

13 A. That is not accurate. I saw her very clearly.

23 May

Page 880

14 But

15 I want to ask what you say you saw. You say you saw Ms. Heard
16 on Monday, the 23rd, walking through the lobby?

17 A. Correct.

18 Q. She walked directly past you a few feet away.

19 A. Yes.

20 Q. Did you have any conversation other than to say hello?

21 A. (Pause) We spoke, I think a couple of times. We definitely
22 said hello.

Page 881

18 Q. I mean, did you know if she was going somewhere where she
19 wanted to look her best, or not?

20 A. On Monday, Tuesday, and Wednesday?

21 Q. Yes.

22 A. She looked normal.

23 Q. Exactly. Normally, she goes out, as you said, looking lovely,
24 and is made up. She wears makeup, as a rule, does she not,
25 she is an actress?

Page 882

2 A. No, never wore makeup.

3 Q. She never wore makeup?

4 A. Only for when she was like going to, she had (unclear), then
5 she would wear makeup, otherwise ----

6 Q. Did you discuss with her ----

7 MR. JUSTICE NICOL: I am sorry, Ms. Esparza, can you repeat the
8 answer about whether Ms. Heard wore makeup, because I did not
9 quite catch what you said.

10 THE WITNESS: She did not have any makeup on.

11 Q. Did you say she never wore makeup?

12 A. Very rarely.

13 MR. JUSTICE NICOL: Thank you.

14 MS. WASS: Of course, when you are talking about makeup, there are
15 different types of make up, are there not?

16 A. Yes.

17 Q. There is heavy eye makeup, which is very obvious, when it is
18 put on?

19 A. Correct.

20 Q. There is heavy lipstick or bright-coloured lipstick, which
21 again is very obvious when it is put on?

22 A. Correct.

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7 Q. And did you ever have a discussion with Ms. Heard as to
8 whether she wore foundation or tinted moisturiser or powder or
9 concealer?

10 A. Yes.

11 Q. When?

12 A. I had asked her. Her skin was so brilliant, I asked her what
13 she used on her face. She said that someone had given her
14 products and she had used something since she was really young
15 to moisturise her skin.

16 Q. So you discussed how she got such lovely skin. I asked you
17 whether you ----

18 A. Yes, I did.

19 Q. I asked you whether you discussed whether she was wearing skin
20 makeup or not.

21 A. I asked her what she used on her skin.

22 Q. Yes, and she told you the name of some sort of cosmetic face
23 cream?

24 A. No, she said she used some moisturiser that she had used since
25 she was young.

Page 884

2 Q. I understand that, but moisturiser is quite different from
3 foundation?

4 A. She said a moisturiser.

5 Q. Sorry?

6 A. She said a moisturiser.

Page 884

23 Q. So, you are making an assumption that she was not wearing
24 foundation on those days, the Monday, the Tuesday and the
25 Wednesday, as you have just told the court?

Page 885

2 A. I could see her clearly and I could see that she did not have
3 any makeup on.

4 Q. The idea of foundation and concealer is that it does not look
5 like you are wearing it. That is what it is supposed to do?

6 A. She had a very dewy glow. I am a woman. I wear makeup. I
7 know the difference when someone is wearing makeup or not
8 wearing makeup.

Ms Esparza also confirmed the evidence in her statement about seeing Ms Heard and her friends playing around that week

Page 889

10 Q. And you said in your statement that there was an incident
11 which captured your attention when Ms. Heard was with some of
12 her friends and there was some sort of "fake punch gesture".
13 Those are your words, Ms. Esparza?

14 A. Yes.

15 Q. And miraculously or unfortunately, whichever way you want to
16 look at it, that CCTV footage has disappeared, has it not?

17 A. Correct.

18 Q. I suggest there was no fake punch demonstrated in front of
19 Ms. Heard. She may have been with friends, she may have even
20 been smiling and laughing with friends, but there was no fake
21 punch in the way that you have described?

22 A. There was a fake punch. Her sister pretended to punch her at
23 the (unclear) when they were going in the lobby, and they were
24 laughing.

She told the court about her conversation with Mr Cornelius Harrell who had been excited to meet Ms Heard during that week in May

page 892

20 .. I saw
21 her -- my employee told me on Sunday. He sent me a text
22 message that said he had just met Amber Heard. He was very
23 excited on how lovely she was. I said, "I know, she is very
24 nice and she is lovely." I saw her on Monday. I saw her and
25 she did not have any marks. I saw her later on that week and

Page 893

2 she did have marks and then she was going to court to get a
3 domestic violence restraining order. I thought that was very
4 peculiar

DAY 5 (Re-examination of Trinity Esparza)

Page 894

3 MR. SHERBORNE: Ms. Esparza, I do not have many questions for you.
4 You started out your answers to Ms. Wass by saying that you
5 liked Ms. Heard; is that correct.

6 A. Yes. She has always been very sweet to me.

7 Q. You have no reason to be nasty to her, do you?

8 A. Absolutely not.

9 Q. Now, Ms. Heard has said in her fifth witness statement that
10 she saw you only rarely; is that correct?

11 A. What is rare? She lived in the building. I saw her often.

12 Q. I think you have answered the question. Can I just ask you
13 this, just to go through the dates. We have obviously
14 Saturday, 21st May, when you were not on duty. Have you got
15 your witness statement in front of you, Ms. Esparza?

16 A. I do.

17 Q. It is not meant to be a memory test. You can have it in front
18 of you. You will see at paragraph 11 that although you were
19 not on duty on May 22nd, you received the call from
20 Mr. Harrell, which I think you were going to say something
21 about and then Ms. Wass stopped you. Do you want to explain
22 very briefly what you heard from Mr. Harrell?

23 A. He was very excited because he met her for the first time. He
24 had helped her get her wine delivery and he said that she was
25 so sweet and lovely and he was excited. He was a little

Page 895

2 star-struck.

3 Q. Did he make any reference to her looks or not?

4 A. He said she was beautiful.

5 Q. We know that on the Monday, you were working on the front desk
6 at Eastern Columbia Building and you say that you greeted her
7 as you typically did, and she passed by you as she did so and
8 she was only a few feet away. Can I ask you this. Did you
9 get a clear view of her face?

10 A. Yes.

11 Q. When you say a few feet, can you give us roughly an idea?

12 A. An arm's distance away.

13 Q. Arm's distance away. I am going to ask you this, because you
14 were shown a photograph. Do you have, I think it is in
15 file 6. Do you have that? Do you have a photograph still in
16 front of you?

17 A. I do.

18 Q. Can you have a look for me, Ms. Esparza, at F894.169 you were
19 shown.

20 A. Yes.

21 Q. You can see the red marks, that is dated 21st May, I think you
22 were asked to speculate whether Ms. Heard was wearing makeup
23 or not. Do not worry about that at the moment. But had you
24 seen those red marks on her face, would you have said in your
25 witness statement, as you do, that you saw absolutely nothing

Page 896

2 on her face?

3 A. Can you repeat that?

4 Q. Yes. If you look on your witness statement, on 23rd May, can
5 you see paragraph 12. Do you see the last sentence, you say:
6 "I looked her right in the face" -- she was only a few feet
7 away -- "as we said hello and I saw no visible injuries
8 whatsoever to Ms. Heard's face"; is that correct?

9 A. Yes, that is correct.

...

19 Q. And on 23rd May, when you saw her, did she have, a few feet
20 away, you saw her clearly in the face, did she have any

21 visible injuries at all?

22 A. No. No, she did not.

23 Q. Again, 24th May, you see her, and you say the same thing
24 again. You saw her in close proximity and, once again, you
25 did not see any physical injuries to her face; true or not

Page 897

2 true, Ms. Esparza?

3 A. True.

4 Q. Then we have Wednesday, the 25th. Again, you see her on
5 the 25th. If you look at the last couple of sentences, you
6 said: "Ms. Heard was not wearing any makeup at that time."
7 When you were that close to her, a few feet away, would you
8 have been able to tell or not whether she was wearing makeup?

9 A. Yes.

10 Q. And you said to her that her skin looked flawless; is that
11 correct?

12 A. Correct.

13 Q. Had you seen the injuries like the ones that I have shown you,
14 would you have said to Ms. Heard that her skin looked
15 flawless?

16 A. No.

DAY 6 (Cross-examination of Samantha McMillen)

Ms McMillen, who was fond of Ms Heard, also did not see any injuries when she bumped into her at the Sweetzer house on 24th May 2016

P.1029

22 Q. You have said in your witness statements that as far as the
23 picture, the image of the 27th -- that is the one we last
24 looked at where you agreed there were prominent injuries
25 visible on Ms. Heard's face -- "I knew she did not have those

P.1030

2 marks on her face on 24th May when I was with her"?

3 A. That is correct.

12 MS. WASS: I did, my Lord, yes. Having seen the images of
13 Ms. Heard earlier, not the last one, but the earlier ones,
14 where you have identified a reddening of sorts, do you still
15 maintain that there was nothing on her face on the 24th?

16 A. When I saw her on the 24th, I noticed nothing but her
17 beautiful skin.

18 MR. JUSTICE NICOL: "I noticed nothing but", what?

19 MR. SHERBORNE: "Her beautiful skin".

20 MS. WASS: Could she have been wearing makeup on the day when you
21 saw her on the 24th?

22 A. She did not appear to be wearing makeup.

23 Q. Ms. McMillen, I suggest you are being less than frank with the
24 court about not seeing injuries on that date, and that you
25 have come to this court to help Johnny Depp, who is a person

P.1031

2 who is very important to your career?

3 A. I have no reason to do that.

4 Q. Thank you very much ----

5 A. I am telling the truth.

DAY 6 Re-examination of Samantha McMillen

P.1036

23 Q. I am going to ask you about 24th May

P.1037

2 Ms. Heard in Mr. Depp's house in West Hollywood. Was this a
3 planned -- sorry, I have just broken my own rule of not
4 letting you answer a question.

5 A. I was just agreeing with you.

6 Q. Now, this meeting with Ms. Heard, which you describe as an
7 encounter, was that something that was planned or by chance?

8 A. It was by chance.

9 Q. So, Ms. Heard had no idea, when you turned up on May 24th,
10 that you were coming?

11 A. I was there first.

13 MR. JUSTICE NICOL: Sorry, what did you say?

14 MR. SHERBORNE: "I was there first".

15 THE WITNESS: I was there first.

16 Q. So, just to get this clear, Ms. McMillen, you are in
17 Mr. Depp's house in West Hollywood and Ms. Heard turns up, she
18 does not know you are going to be there, does she?

19 A. No.

20 Q. You say that when she turned up, not knowing you were going to
21 be there, she was not wearing makeup, that is what you say, is
22 it not, in paragraph 8?

23 A. That is correct.

24 Q. And without the benefit of makeup, you said that she had her
25 usual beautiful skin?

P.1038

2 A. That is correct.

3 Q. You say in your statement: "There were no visible marks,
4 bruises, cuts or injuries to her face, or any other part of
5 her body." Having been shown a few photographs of what
6 Ms. Heard has taken, on 21st May and I think you were shown
7 27th May, do you want to change your evidence as to how you
8 saw her in that chance encounter on the 24th at all?

9 A. My memory remains the same; so, no.

10 Q. You explain, to be fair to you, that you saw her during
11 daylight hours?

12 A. Yes.

13 Q. Did you get a clear look at her?

14 A. Yes. We were by the kitchen door, where the light was coming
15 in.

16 Q. Did she at any stage -- you say she gave you a hug and was
17 crying, did she at any stage refer to the fact that she had
18 any injuries on her?

19 A. Nothing.

20 Q. Did she tell you that she had been beaten up by Mr. Depp?

21 A. She said nothing like that.

DAY 6 (Cross-examination of Hilda Vargas)

Ms Vargas saw Ms Heard on the same day, 24 May 2016, at Sweetzer

P.1057

- 13 MR. JUSTICE NICOL: The question is, on 24th May, did Ms. Heard
14 come to the Sweetzer Avenue house?
- 15 A. Yes, sir.
- 16 MS. WASS: And you have said in your witness statements this: "I
17 saw no bruises or marks on her face of any kind. She did not
18 appear to be wearing any makeup."
- 19 A. She did not have any marks on her face.
- 20 Q. Yes. How are you so sure that she was not wearing makeup,
21 Ms. Vargas?
- 22 A. Her face was very clean, very pale.
- 23 Q. You see, this was not a property where Ms. Heard was sleeping
24 each night, Sweetzer Avenue, was it?
- 25 A. No, she arrived at the Sweezer Avenue home in West Hollywood.

P.1058

- 2 Q. She was not staying there at the time. I think you have
3 already confirmed you had not seen her for several weeks
4 there.
- 5 A. Yes, ma'am.
- 6 Q. You know, Ms. Vargas, that Ms. Heard is an actress?
- 7 A. Yes, ma'am.
- 8 Q. And she is a well-known actress who is regularly photographed
9 when she leaves her house or her flat?
- 10 A. That I do not know, madam.
- 11 Q. I am going to suggest that she never left her home barefaced;
12 she always had some makeup on?
- 13 A. She was not wearing makeup on that day.
- 14 Q. Have you been asked to put that into your statement?
- 19 A. Nobody requested anything from me.
- 20 Q. How close were you to Ms. Heard on 24th May?
- 21 A. As close as I am from you.
- 22 Q. From you, Mr. Interpreter, to Mrs. Vargas; yes?
- 23 A. Yes, ma'am.

24 Q. Did you have a lot of contact with her that day?

25 A. She called me into the sitting room because she wanted to talk

P.1059

2 to me about the photographs.

DAY 6 (Re-examination of Hilda Vargas)

P.1064

12 Q. Can I then ask you about 24th May?

13 A. Yes, sir.

14 Q. When Ms. Heard asked you to go into the living room to have a
15 conversation with her, did you have a conversation with her
16 face to face or was she away from you, turned away; how was
17 the conversation?

18 A. Face to face.

19 Q. You told us that she was as far as away from you as Mr. Garcia
20 is?

21 A. That is the distance.

22 Q. Throughout the conversation, did you or did you not have a
23 clear look at her face?

24 A. Yes, I could see her face.

25 Q. Was she wearing makeup or not?

P.1065

2 A. No.

3 Q. Did you see any bruise, any mark, any injury?

4 A. No, never; I did not see anything.

5 Q. Can I then ask you one last question. It has been suggested
6 to you, Ms. Vargas, that you have been asked by Mr. Depp to
7 come to court and to lie on oath.

8 A. No.

DAY 9 (Cross-examination of Isaac Baruch)

Mr Baruch did see some of the wine split in the hallway when he returned home on 21 May 2016, after the police officers had left. Notably he thought it looked like the detritus of a party, not the result of quasi-criminal damage.

Importantly, he was able to testify to seeing Ms Heard on a number of occasions in the week following 21 May 2016. With Mr Baruch, Ms Heard does not, cannot, say that she did not see him up close. Her attempts to say that she was wearing makeup clash with the evidence of a number of others, including Kristina Sexton. Mr Baruch was clearly deeply unsettled by Ms Heard's allegations against Mr Depp in late May 2016.

P.1365

8 Q. It says: "On May 21st 2016 I was out in the neighbourhood.
9 I arrived at the Eastern at about 9.30 p.m." Do you mean you
10 were out and about and you came home to PH2 at about half past
11 nine in the evening?

12 A. Yes. I was out, I was out in the neighbourhood and I was on
13 my way home, and I met a friend downstairs in front of the
14 building.

15 Q. Right.

16 A. At around 9.30 to go up.

17 Q. So sorry, I talked across you. You both went up to the
18 penthouse 2 apartment on the top floor; is that correct?

19 A. Yes, that is where we ended up. We were going to my
20 apartment.

21 Q. I understand. What you said in your statement was this:
22 "Immediately exiting the elevator, and at the beginning of the
23 hallway that leads to the five penthouses on this floor that
24 Mr. Depp owned, we noticed that there was broken glass on the
25 floor from a broken sconce that hung on the wall." That is

P.1366

2 correct, is it not?

3 A. Yes. Yes.

4 Q. "We then proceeded round the corner of the hallway and stopped
5 in front of penthouse 1." That is where Rocky Pennington and
6 Josh Drew were living at the time; do you agree?

7 A. Yes.

8 Q. "Because there was a large puddle of spilt wine along with
9 splashed wine running down the wall directly in front of the
10 door."

11 A. Yes.

12 Q. And that was true, was it not?

13 A. Absolutely.

14 Q. You said: "I said to my friend something like, 'It looks like
15 somebody got hammered, probably these guys had a party'", and
16 you were referring to Ms. Heard's friends, Ms. Pennington and
17 Mr. Drew; yes?

18 A. Yes.

P.1367

2 Q. Now, then your statement carries on: "At that very moment the
3 door to penthouse 1 opened and Mr. Drew stepped out far enough
4 through the doorway to address me, but also to block my view
5 of the apartment inside"; correct?

6 A. He just poked his head out.

7 Q. Okay.

8 A. He opened the door just enough to get his head out.

9 Q. "I asked Mr. Drew what had happened with the spilt wine, and
10 he very seriously replied with words to the effect of, 'We
11 kind of had a rough day'". That is correct, is it not?

12 A. Yes.

13 Q. Your statement goes on: "He looked and sounded stressed, and a
14 bit worried. So I asked if he was okay and if he needed help,
15 to which he replied, 'No, it's okay, thanks', or words to that
16 effect. I said it was okay, said goodbye, and my friend and
17 I went into my apartment." That is all correct, is it?

18 A. Yes. Yes.

P.1369 (on 22 May 2016)

"We" -- that

24 is you and Mr. Drew -- "then left my apartment and walked back
25 to penthouse 1, where I asked Ms. Heard about Mr. Depp's

P.1370

2 actions the night before. She told me that he hit her in the
3 face and threw a phone at her. I then asked her where he had
4 hit her. She stretched her neck and pushed out the right side
5 of her head for me to look at her right eye"; yes?

6 A. Yes. That is correct. Just like this.

7 (Witness demonstrates)

8 Q. Pointing the right cheek to you; yes?

9 A. Yes.

10 Q. Now, this was around about midday, you have told us. Did you
11 know that Ms. Heard was going to a party that day?

12 A. No.

13 Q. Do you remember how she was dressed that day?

14 A. To the best of my recollection, I remember like a hanging out
15 sundress, hippie dress that she had on, something that I have
16 seen her many times before wearing, just like a regular hippie
17 schmutter dress.

18 Q. I think we understand what you mean by that. So, she was
19 wearing a dress and are you able to -- you can picture that,
20 can you?

21 A. To the best of my recollection, yes.

22 Q. What you said in your statement is that you were both standing
23 in the open doorway of penthouse 1 and with the lights from
24 the hallway and the sunlight which filled the room it was easy
25 for me to see and get an excellent view of Ms. Heard's face."

P.1371

2 Do you agree that was the case?

3 A. Yes. There was enough light you could operate.

4 Q. I understand.

5 A. Yes.

6 Q. You can remember that as clearly as you can this hippie dress
7 that you have described to us?

8 A. The hippie dress, not as good of a recollection. The light,
9 absolutely.

10 Q. Right.

11 A. Absolutely.

12 Q. You said: "I was literally around 12 inches from her,
13 inspecting her face and I did not see a single mark or
14 evidence of any marks, bruising, swelling of any kind on her
15 face."

16 A. Correct. This close. This close. Can you see that?

17 Q. I can. You say this: "She also definitely didn't seem to be
18 wearing any makeup at this time of day that could cover any

19 marks or swellings."

20 A. That is correct.

21 Q. How certain are you about that?

22 A. 100%.

23 Q. Now, you had known Ms. Heard for some time by May 2016, had
24 you not?

25 A. Since March 2016, I mean 2013.

P.1372

2 Q. 2013. They moved in in March 2013, so you had known her three
3 years and two months; yes?

4 A. Is that how long that is?

5 Q. 13 ----

6 A. From March 2013, from March 2013 is when I first met her, in
7 March 2013.

8 Q. I understand. Have you ever known her to go out to a party
9 without makeup on?

10 A. I would not know that.

20 MS. WASS: Yes. Mr. Baruch, I asked you, having known Ms. Heard
21 for three years and a bit, whether you had ever known her go
22 to a party or to an outside event without being made up;
23 I think you said you could not say that.

24 THE WITNESS: Yes, I would not know that. I do not know how many
25 parties she went to. I do not know, you know, if every time

P.1373

2 she went to a party. So, I could not tell you.

But when

12 you have known that she has been going to a party, have you
13 ever seen her without makeup?

14 A. Any time that I saw her go to an event, that she was decked
15 out in, she had makeup on.

16 MS. WASS: Had you ever known her leave the apartment block and go
17 to a public place without wearing makeup?

18 A. (Pause) I do not know. Yes. Yes.

P.1375

9 So, Mr. Baruch, this photograph of Ms. Heard was taken,
10 not on the 22nd when you said you saw her without a mark, but
11 the day before. All right? Did you see ----

12 A. I ----

13 Q. Did you see anything like that when you saw her on the 22nd?

14 A. Absolutely not.

15 Q. Absolutely not.

Re-examination of Isaac Baruch

P.1387

10 You were asked questions about May

11 22nd.

12 A. Yes.

13 Q. Let me ask you this. You explained to Ms. Wass, when she
14 asked you whether you had ever seen Ms. Heard leave the
15 building without makeup, you thought for a little while and
16 you said, yes, you had seen her. Do you remember that?

17 A. Yes.

18 Q. On that day, on 22nd May, did you see Ms. Heard leave the
19 building as soon as you spoke to her?

20 A. Oh, no. She was, this was -- no, I left. I left the scene.

21 Q. Do you know whether Ms. Heard, if she put on makeup, put on
22 makeup in the car or anywhere else that day?

23 A. No, I would have no clue.

P.1388

4 Q. You say in your witness statement, just summarising, that you
5 saw her up close on May 22nd, you saw her up close again on
6 May 23rd, you saw her up close also on May 24th, and you saw
7 her up close again on either the 25th, you think, or even
8 maybe the 26th, but you are not entirely sure; is that
9 correct?

10 A. Sunday, Monday, Tuesday, Wednesday. Sunday, the first
11 interaction. Monday, her knocking on my door for me to take
12 the key, to see if I would take the key to let Hilda in to
13 clean the apartment. That is Monday. Tuesday, twice, her

14 coming home with the girls, with a group of women, and then
15 the second time that same day, in the lobby of the Eastern.
16 Then on Wednesday, at one time, her and Whitney in the garage
17 lobby, and all those times, no, I did not see a single bruise,
18 redness, a mark, or the red-tinted cellphone imprint that, you
19 know, that was advertised in the People -- nothing, not
20 anything.

21 Q. Mr. Baruch, you were asked by Ms. Wass about your encounter
22 with Ms. Heard on 3rd June; do you remember?

23 A. 3rd June, yes. Yes.

24 Q. You explained how you said to Ms. Heard that, with everything
25 you had been seeing, you were confused and you did not want to

P.1389

2 speak to her. What did you mean by "with everything you had
3 been seeing"?

4 A. All these, all the phoney baloney pictures that I am seeing,
5 People magazine, and then from, you know, the Friday, I think
6 it was from a Friday, or whatever was the court thing, with
7 the Amish dress act, that whole thing, images of this and all
8 the narrative, and meanwhile I saw her on Sunday with not a
9 mark; Monday, no nothing; Tuesday; but it was the Sunday.
10 That was the day I unexpectedly walked in and was in the right
11 place and at the wrong time for them because she was not
12 wearing a speck of makeup and there was nothing on her face.
13 She offered me, you know, asked for me to have to ask, "Where?
14 Where am I looking? Where is it?", you know, and she goes to
15 show me and I still do not see it, and I am looking. I am a
16 foot away from her. I am a foot away from her and there is
17 nothing and I go, "What? I do not see anything."

DAY 11 (Cross-examination of Amber Heard)

Faced with the substantial number and variety of witnesses who saw Ms Heard after 21 May and who did not see any injuries, Ms Heard was left to fall back upon a narrative about makeup which shifted to fit the particular needs of her account, between makeup which was thick enough to cover a serious injury but also invisible to the men and women who saw her and which sometimes wore off. She even asserted that her stylist would never have seen her without makeup so would not know that she was not wearing any.

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4 Q. 23rd May, that is what you filed for divorce. On that day,
5 there were several people who saw you without any injuries, so
6 Trinity Esparza ----

7 MR. JUSTICE NICOL: Just a minute. 23rd May, yes.

8 MS. LAWS: Trinity Esparza and Isaac Baruch saw you and you had no

9 injury at all on your face. Do you recall seeing them?

10 A. I cannot speak to why Mr. Depp's or Johnny's lifelong friends
11 and dependants, his employees and staff ----

12 MR. JUSTICE NICOL: The question is, do you recall seeing them?

13 Let us take Trinity Esparza first. Do you recall seeing her?

14 A. I do not recall seeing her. I know she said that she saw me,
15 but I do not remember.

16 Q. You were asked about Isaac Baruch. Do you recall seeing
17 Mr. Baruch on 23rd May?

18 A. Yes, I have a vague recollection of seeing him briefly once or
19 twice.

20 MR. JUSTICE NICOL: Just a minute. (Pause)

21 MS. LAWS: This was a conversation about a cleaning lady on that
22 day; do you remember that?

23 A. I do not remember the conversation.

24 Q. On 24th May, several people see you with no injury, up close,
25 with no makeup on. Hilda Vargas; did you see her?

P.1728

2 MR. JUSTICE NICOL: Just a minute, what was the name?

3 MS. LAWS: 24th May, so the next day now, Hilda Vargas; did you
4 see her?

5 MR. JUSTICE NICOL: Did you see Hilda Vargas on 24th May?

6 A. I did see her, but you asked me two questions.

7 Q. Did you see her on 24th May?

8 A. Okay, I thought you said, and did I see her with no makeup on?

9 MS. LAWS: Did you see her and did you have makeup on?

10 A. I did see her. I did have makeup on.

11 Q. I am going to suggest you did not. What do you say to that?

12 A. I disagree.

13 MR. JUSTICE NICOL: Just a minute. (Pause) Your evidence is
14 challenged that you did not have makeup on, sorry, you did
15 have makeup on. That is what is being put to you.

16 A. And I said I disagree. I did have makeup on. I left the
17 house so I would have makeup on.

P.1729

8 MS. LAWS: Yes, the lady [i.e. Samantha McMillen] we heard give evidence, who said
she was

9 not expecting, or you were not expecting to see her at
10 Sweetzer, so that was where Mr. Depp lived, because she was
11 dropping some things off for him. She saw you and you had no
12 injury and she saw you without makeup. What do you say to
13 that?

14 A. They saw me in the same time, so I was still wearing makeup.

15 Q. She is someone who has seen you without makeup and has seen
16 you with makeup?

17 A. She has only seen me with makeup unless I was at a photo shoot
18 getting it done.

19 MR. JUSTICE NICOL: Just a minute. (Pause) So, I think you accept
20 that you did see Samantha McMillen?

21 A. Yes.

22 Q. But that you said that you did have makeup on when you saw her
23 on the -- which day are we talking about, 24th May?

24 A. That is right, my Lord. Whenever I leave the house, because
25 I am photographed often when I leave the house, and

P.1730

2 recognisable, people take pictures of me. It is my industry.
3 I wear makeup.

4 MS. LAWS: Samantha McMillen is someone who has seen you without
5 makeup. I think from what you have just said, she has.

6 A. What I said is that she has only seen me getting it done or
7 already had it on.

8 Q. So she has never seen you barefaced?

9 A. I do not believe so. She would only have seen me at photo
10 shoots once I was getting it done, or when I had come to see
11 her for a fitting, which would mean me leaving the house and
12 having already had it on. It is the first thing I do when I
13 wake up.

14 Q. So if there was ever a photo shoot, what you are saying, it
15 follows from that, is that she would always be late. She
16 would arrive after you?

17 A. No, it is when she sees me. She has seen me when I am in my
18 makeup chair. The wardrobe is set up often in a different
19 site, if she came at all. It is a different part of the
20 wardrobe/makeup process in photo shoots. It is just not how
21 they work.

22 Q. She is someone who did what for you? What exactly was her

23 ----

24 A. Stylist. She worked with me briefly as a stylist. She is
25 Johnny's lifelong stylist, I believe.

P.1731

2 MR. JUSTICE NICOL: Just a moment. Yes.

3 MS. LAWS: It is inconceivable to suggest that she would not have
4 seen you without makeup, but you disagree?

5 A. I disagree.

Ms Heard's conduct after 21 May 2016 when she was seeking to get hold of Mr Depp were inconsistent with the notion that she was "petrified" of him as she declared in order to obtain a Temporary Restraining Order against him.

It was also notable in her evidence that she refused to accept what was written in black and white by the attorneys who she had engaged to represent her, whether it was what they said about the alleged abuse or what their demands of Mr Depp entailed in order, they said on her behalf, to resolve the divorce amicably.

Further Ms Heard's account of obtaining the TRO is at odds with reality – as set out in an Annex to the Claimant's Closing Document

DAY 10 (Amber Heard, cross-examination)

P.1725

5 MS. LAWS: That would mean that if you had told your lawyer, as
6 I suggest you would have done if you are telling the truth,
7 what she would have put in this letter is, "He was violent on
8 the 21st and he has been violent on so many incidents, a
9 number of incidents in the last six months."

10 A. Are you asking me how my lawyer should have written it?

11 Q. If what you are saying is the truth.

12 MR. JUSTICE NICOL: I think what is being put to you, Ms. Heard,
13 is that had Mr. Depp been violent to you on more than the
14 three occasions that are mentioned in this letter, your lawyer
15 would have referred to those.

16 A. Oh. No, she specifically told me that this was a short
17 application, we only had a certain amount of pages, a certain
18 amount of space, and that there was frankly no need to,
19 because if you hit a person, a partner, your wife once, it
20 would be, it would qualify me for the restraining order I was
21 seeking. So, for ease, comfort to my own wellbeing and mental
22 health, she just said, "Give me the last, you know, last
23 couple" and that is what I did.

24 MS. LAWS: No, what she is saying here is that in the last six
25 months, there have been three incidents, so that suggests that

P.1726

2 you did not tell her there were any more than that, did you?

3 A. She told me I did not need to tell her everything, that I just
4 needed to remember the last couple.

...

12 Q. Can I ask you about the next paragraph: "Amber wishes to work
13 quite quickly towards a private amicable resolution, but she
14 will need Johnny's immediate cooperation to do so. ...(reads
15 to the words)... exclusive use and possession of Penthouses 1,
16 3 and 5" and then fees. So, effectively, you are wanting him
17 to agree straightaway, and that letter has got a veiled threat
18 in it, has it not, that the violence is something that could
19 and would be used. Do you agree?

20 A. No, I do not agree. A TRO is a public record whether you like
21 it or not.

22 MR. JUSTICE NICOL: Just a minute. (Pause)

23 MS. LAWS: What that letter is effectively is is blackmail, is it
24 not?

25 A. No, a TRO (a temporary restraining order), as is a divorce or

P.1727

2 a divorce filing, is a public record whether you like it or
3 not, and all I wanted was for Johnny to leave me alone.

P. 1732

5 Q. We have had all the texts that I have read out to you on the
6 24th. I am going to suggest that it is quite clear from those
7 texts that you are not afraid at all of Mr. Depp or whether or
8 not he is going to come back to Eastern Columbia Building.
9 Those texts are clear, are they not?

10 A. I was trying to get a hold of him by phone. That is very
11 different from him barging into the home unexpectedly or high
12 or drunk and beating me up. That is very different. I was

13 trying to get a hold of him by phone to let him know about the
14 divorce, to let him know about what I recently learned about
15 possibly keeping the divorce under wraps for as long as
16 possible. As naive as it sounds to hear myself say it now, at
17 the time, I thought the way that we had gone about filing for
18 the divorce on a Friday afternoon, late, it could stay under
19 wraps potentially for a few days and those few days were
20 precious few days of privacy in the hardest time of my life,
21 and presumably difficult for Johnny as well. I would have
22 done anything to have those few days of privacy and I wanted
23 Johnny to know that. I would argue that is very different
24 from not being scared of him or being scared of him.

25 Q. You see, I challenge that. What you were doing during that

P.1733

2 day was displaying a determination to get his answer to see if
3 your demands were going to be met, but you disagree?

4 A. My demands?

5 Q. Yes, the demands in the letter that I have read out to you?

6 A. The demands I was asking for were simply to let him know we
7 had filed and for him, for me, to know that we could do it
8 amicably and potentially as privately as possible, even if it
9 was just keeping it under wraps for a few days.

10 Q. You were contacting him to talk about that; do you agree, yes
11 or no?

P.1735

13 Q. And there is a text -- and the number of it is 9525 in the
14 left-hand column -- from you to Mr. Depp, on the 25th, in what
15 looks like the early hours: "Just confirmed that that cover
16 letter is completely private...(reads to the words)... why
17 that happened and was scared." Just pause there a moment. We
18 have just seen a number of texts and we have gone over this.
19 You called the lawyer before the police arrived, did you not?
20 We know that now, do we not?

21 MR. JUSTICE NICOL: Just a moment. (Pause)

22 THE WITNESS: As I said before ----

23 MS. LAWS: We heard yesterday.

24 A. As I said before, my recollection of the sequence of calls
25 that night after that happened to me is unclear.

P.1736

2 Q. But I went through yesterday ----

3 A. I am not trying to argue with you. I accept whatever is in
4 evidence. My testimony is what it has always been. It is
5 that my memory is unclear as to the sequence of calls that
6 evening.

7 Q. On the 25th, you would have remembered full well whether you
8 called your lawyer first or not, would you not, because it was
9 only a few days away. It was not five years.

10 A. On the 25th?

11 Q. On the 25th, you would have known that was incorrect, would
12 you not?

13 A. I do not know, it was a traumatic evening and a traumatic
14 time. I doubt that the sequence of events was what was a
15 priority in my brain.

16 MR. JUSTICE NICOL: Just a minute, please. Yes.

17 MS. LAWS: There was nothing that happened when the police were
18 there that would have forced to you have made a restraining
19 order ----

20 THE WITNESS: It is untrue, I just failed to co-operate with them,
21 because I wanted to protect Johnny and our privacy. I had
22 been doing this for years.

23 MR. JUSTICE NICOL: The question was, nothing had happened when
24 the police were there that justified a restraining order, and
25 your response was?

P.1737

2 A. I firmly disagree. I -- they did not file a restraining order
3 at that moment because you have to go to a hearing, when the
4 courthouse is open, and I failed to co-operate with the police
5 that evening, because I was trying to protect Johnny. I was
6 trying to protect our privacy, and I did not know what to do
7 with the situation that could compromise everything I had been
8 trying to hide for four and a half years prior. I was not
9 ready to see this be headline news.

P.1738

22 A. I was not asking for anything by privacy. The solicitors, or
23 our lawyers, as we say, have their procedural things and which
24 I am admittedly not comfortable with saying I understand.

25 Q. You wanted him to agree and you wanted to keep it quiet; those

P.1739

2 two things?

3 A. Those are two different things, I did want him to agree to
4 privacy.

5 Q. And you wanted him to agree to what you had asked?

6 A. No, ma'am. I wanted him to agree to privacy and to understand
7 that I loved him and it did not need to be any more
8 acrimonious than it already was.

9 Q. You did not want him to agree to what you had asked for?

10 A. I did not ask for anything by privacy, if you can please
11 understand that I am trying to explain the nuances of a very
12 complicated time, but I just wanted privacy and kindness.

13 Q. You thought that he would file for divorce, we see that at the
14 end of the text, do we not?

15 A. I do not know what our communication exactly had been in the
16 months, days, weeks, leading up to that and on our phone
17 calls, I do not know what we had talked about to be honest.
18 I wanted it to be as private as possible. And from what
19 I understood at the time from my solicitors is that the way
20 the procedure works it that there is a chance that there could
21 be exposed quickly or there is a chance it can fly under the
22 radar for a certain amount of time. As naive as it is,
23 looking back on it from where I sit now, a few days would not
24 have made huge difference, but at the time a few days of
25 privacy would have made an enormous difference to me. And

P.1740

2 that is all I was asking for is procedural, is to lean into
3 any sort of procedural thing we could do that best protected a
4 chance of a few days of it being private.

5 Q. The last question was quite straightforward, and we will get
6 through this a lot quicker, it was: and you put in the text
7 that you thought he had filed for divorce; is that correct,
8 yes or no?

9 A. I think I said "I thought you were going to file".

10 Q. "I thought you had filed" is what you said.

11 MR. JUSTICE NICOL: The text says: "I thought you had filed", and
12 that is a reference, is it ----

13 THE WITNESS: Divorce.

14 Q. ---- to you thinking that Mr. Depp had filed for divorce?

15 A. Or that he was going to. It might be just a misprint in my
16 text.

Ms Heard was also unwilling to accept what CCTV footage showed

P.1741

22 Q. So, quite up close [on CCTV] to you there, on the 25th?

23 A. Yes.

24 Q. I think that is fine. I think there is another short clip
25 from this same day, this is the desk area now. You cannot see

P.1742

2 her very well at the beginning but you can see Trinity Esparza
3 there in the left, just as a small figure behind the desk; do
4 you see?

5 A. Yes, I can.

6 Q. That is you there, wearing the same clothes, is it not?

7 A. Yes.

8 Q. Up close to her?

9 A. Yes.

10 Q. You both get a good look at each other, do you not?

11 A. We were very close to one another.

12 Q. And you get a good look at each other, do you not?

13 A. It would appear so.

14 Q. Yes. And you had no injury, did you?

15 A. Of course I had an injury.

16 Q. So, it was quite wrong to suggest in your statement that you
17 rarely communicated with them, was it not?

18 MR. JUSTICE NICOL: Just a minute, wrong to say you rarely
19 communicated with whom?

23 Q. You have communicated with them several times, we have already
24 seen.

25 A. Ms. Laws, I lived in that building, which meant I spent

P.1743

2 hundreds of occasions, evenings there, we have seen me

3 interact with one or two or three individuals one or two or
4 three times, that does not mean that I saw them often.

Ms Heard's attendance at the Courthouse on 27 May 2016 was for publicity so that she could control the agenda

DAY 10 (Amber Heard, cross-examination)

P.1629

19 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

20 MS. LAWS: Underneath, I just going to ask you if you leaked this
21 information: "Cops gave Amber this business card and told her
22 to call if she wants to press charges." Did you leak that
23 information?

24 A. No, just like the example earlier of how, you know, the text
25 messages, you know, Johnny's assistant said, or someone on

P.1630

2 behalf ----

3 MR. JUSTICE NICOL: The question, Ms. Heard, was did you leak the
4 business card and you have said you did not.

5 A. No. I gave this business card ----

6 MR. JUSTICE NICOL: Just wait for the next question.

7 MS. LAWS: Did you, in fact, leak the fact that you had got a
8 video of one of the beatings? Did you leak that fact?

9 A. No.

10 Q. Did you leak the fact that you were asking for a temporary
11 restraining order, claiming there was an immediate threat of
12 harm to you?

13 MR. JUSTICE NICOL: Just a minute. (Pause) We have seen a crowd
14 outside when you were getting into the car. Was the temporary
15 restraining order hearing a public hearing?

16 A. No, but in Los Angeles, the courtrooms are, I mean, the
17 courthouse is public property. So, by the time I walked out,
18 there was quite a crowd.

19 MS. LAWS: I am going to suggest that you leaked that information
20 to the press and you also leaked the fact that there was going
21 to be a restraining order.

22 A. No, we had to give notice to Johnny's side legally, to

23 Johnny's lawyers. My lawyers gave his lawyers notice that
24 I was filing for the restraining order and Laura Wasser, his
25 divorce attorney, worked closely with the TMZ throughout the

P.1631

2 proceedings, including leaking things all the time, to cast
3 aspersions on my allegations.

4 MR. JUSTICE NICOL: You gave notice to ----

5 A. Johnny's attorneys.

6 Q. The claimant, as you were required to do?

7 A. Yes. TMZ has an office in the courthouse and they also worked
8 closely with Laura Wasser, Johnny's attorney. They
9 immediately put out a story saying that cops were not called.
10 Then Jodi asked me ----

11 Q. Just a minute.

12 A. Sure thing.

13 MR. JUSTICE NICOL: You have answered the question whether you
14 leaked it and you have answered.

15 A. No.

16 Q. You say that you suspect that it was Mr. Depp's attorney?

17 MS. LAWS: I am going to suggest that that card and the
18 information came from either you or someone acting on your
19 behalf; you disagree?

20 A. I just do not know if it came from someone else.

21 Q. You do not know. Right.

22 MR. JUSTICE NICOL: Just a minute (Pause) I had understood from
23 your previous evidence, but correct me if I am wrong, that as
24 far as the first part of Ms. Laws' question is concerned,
25 whether it came from you personally, you say it did not?

P.1632

2 A. I say it did not.

3 Q. But you then went on to say that you do not know whether it
4 came from somebody else?

5 A. Right, because my publicist, Jodi, at the time of the first
6 TMZ article, saying no cops actually showed up at the
7 penthouse and therefore I was lying, Jodie, my publicist,
8 asked me for the business cards, which I understood I had to

9 give to my team anyway. I gave her those business cards so I
10 cannot say whether someone acting on my behalf also shared the
11 business cards to TMZ when they were calling me a liar and
12 saying no cops came.

13 MS. LAWS: I suggest it is inconceivable that you would not know
14 whether it was leaked on your behalf, is it not?

15 A. No, there was nothing to leak.

P.1683

2 Q. 29th May? [29 May article]

3 MR. JUSTICE NICOL: The article is published 29th May, is it?

4 MS. LAWS: Yes. So, in fact, when you look at the body of the
5 text, at the bottom of that page, 184.

...

21 MS. LAWS: If you go to page 184, do you see that, the body of the
22 article? So, this is a photograph of you after you have, it
23 is claiming, had a four-hour meeting with your legal team.

2 MS. LAWS: 184. The reference at the bottom is: "Ms. Heard,
Who

P.1684

3 was clasping a laptop computer arrived at the office at around
4 3.30 p.m. and did not leave until about 7.30 p.m." I suggest
5 that is in fact, that meeting with your lawyer was on the
6 Saturday, which was 28th may, the restraining order
7 application being on Friday, the 27th. Do you remember
that?

17 Q. The date of the court appearance was the 27th?

18 A. Thank you.

19 Q. This is the day after, the morning after, does that sound
20 right?

21 A. Afternoon, yes.

22 Q. Or the afternoon in the end. Does that sound right?

23 A. That sounds right.

24 Q. The photograph I was asking to you look at, that you asked me
25 about the date, was at page 188 in the bottom right-hand

P.1685

2 corner.

3 A. Yes.

4 Q. In fact, 187 on the bottom there, it does not appear as if you
5 have any marks on your face at all there?

6 A. I cannot tell from this photograph, because it is taken by
7 paparazzi, which shoot on long lenses from a distance. If I
8 am out in LA I would wear makeup with the exception of my
9 court appearance.

10 MR. JUSTICE NICOL: Just a minute. (Pause) Yes.

11 MS. LAWS: If you leave Eastern Columbia Building, apart from the
12 court appearance, you wear makeup?

13 A. That would be a very rare exception when I would not. I
14 cannot even tell you when that would ever happen.

15 Q. I am going to suggest that in fact whatever is shown on those
16 photographs, you have done yourself through makeup or lighting
17 or whatever other means. It was not any injury from Mr. Depp?

18 A. I do not know ----

19 Q. Do you disagree?

20 A. I disagree wholeheartedly. I do not agree this is an accurate
21 representation of what my face did or did not look like. It
22 is shot by paparazzi that were following me on a long lens.

23 Q. This particular photograph shows you with nothing, does it
24 not?

25 A. I cannot tell, is what I think.

P.1686

2 Q. All right. If it shows you with nothing, if I am right about
3 that, it is because you had no mark or injury at all?

4 A. I know what my face looked like and I know I had injury. If I
5 wanted the world to believe I had an injury, why wouldn't it
6 be consistent?

DAY 11 (Cross-examination of Amber Heard)

P.1709

12 MS. LAWS: Laura Divenere, we have heard her evidence and seen the
13 spectacle of those lawyers and all of that. In effect, her
14 evidence, she was someone who was your friend, was she not?

15 THE WITNESS: I would not characterise my relationship with Laura

16 that way.

17 Q. I do not need to get into it.

18 A. Yes, but I do not know what her testimony ended up, I was
19 unclear as to what she said.

20 Q. She indicated that your face at one point was red from crying,
21 is what it ended up?

22 A. I think she said it looked like as if I was crying, it was red
23 as if I had been crying. She did not say that she saw me cry.

24 Q. So, a second ago, just before that answer, you said "I do not
25 know what she saw"?

P.1710

2 A. I do not know what she saw.

3 Q. But you have just reminded us ----

4 A. What she said and what she saw are very different, as her own
5 words have said.

6 Q. That was just on the one occasion, because Laura Divenere saw
7 you on a number of occasions between 21st May and when you
8 went for the restraining order and did not actually see any
9 injuries on you at all, did she?

10 A. I do not know if she saw any injuries.

END