

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

TRANSCRIPT OF INTERVIEW
JULY 13, 2009
WILLIAM CARROLL
VOLUME I

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

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

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Transcribed by:
Karen M. Niemtschk
Certified Reporter

SQUAW PEAK REPORTERS, INC.
Certified Reporters
P.O. Box 26158
Phoenix, Arizona 85068
602/956-7618
Fax 602/956-0732

No. 50447

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1 MR. HOVATTER: I know you had possibly been a
2 part of the Macho B, a small part of the Macho B operation
3 so we were doing an interview. Let me explain -- we
4 haven't met before. Can I get your full name?

5 MR. CARROLL: William Carroll, C-A-R-R-O-L-L.

6 MR. HOVATTER: Okay. Where are you from?

7 MR. CARROLL: Tucson.

8 MR. HOVATTER: Tucson. Native there?

9 MR. CARROLL: Uh-huh.

10 MR. HOVATTER: All right. Rare commodity. Not a
11 whole lot of us Arizonans born in Arizona anymore. What,
12 you going to U of A?

13 MR. CARROLL: Just graduated actually.

14 MR. MCMULLEN: Congratulations.

15 MR. HOVATTER: Yeah. What was your major?

16 MR. CARROLL: Natural resources with an emphasis
17 in wildlife conservation and management.

18 MR. HOVATTER: Super. What do you want to do?

19 MR. CARROLL: Well, I have applied for a few jobs
20 with the Department. I have an interview tomorrow for a
21 research technician job. I've also applied for a wildlife
22 manager position.

23 MR. HOVATTER: Oh, okay. In this latest go
24 around coming up or --

25 MR. CARROLL: Yeah. The drop box closes I think

1 August 14, something like that.

2 MR. HOVATTER: Then I'll be seeing you again.

3 MR. CARROLL: Okay.

4 MR. HOVATTER: That's not what this is about and
5 I thought rather than just launch cold into this I ought
6 to know a little bit about you. Let me tell you what this
7 is about. We do -- as is probably no surprise to you
8 especially if you're a Tucsonian, we have -- the
9 Department has requested a Federal investigation into the
10 Macho B jaguar situation, original capture and events
11 subsequent to that.

12 Because of the timing of the way all of this
13 evolved, we never really did an in depth review of all of
14 those events. When we first pushed up against it our
15 impression from the answers we got about what was going on
16 is that everything seemed exactly as portrayed to us, and
17 that really remains our going in position on all of this.
18 But the fact is that there were some allegations made by
19 folks outside the Department that were part of the
20 Borderline Jaguar Detection Program. By the way, we do
21 tape all of our interviews. And so as a result of that
22 the -- we went very quickly from thinking everything,
23 being pretty convinced and pretty confident that
24 everything was as we expected it to be to having a
25 realization that there was no way that we were going to be

1 able to convince people of that without an investigation
2 that what we said were the facts were, in fact, true. And
3 that there was no way that the powers that be that were
4 interested in this were going to accept us doing an
5 internal investigation. So we then had to clam up so that
6 we didn't inadvertently bring interview subjects together
7 and therefore compromise the federal investigation that we
8 had asked for.

9 So having said that, what's changed is there
10 was a notice of intent to sue by the Center for Biological
11 Diversity to sue the Department over a -- the jaguar
12 situation. And that's a 60-day window and that window
13 ends right about now. And so what we wanted -- what we
14 realized is that we have to know more about what happened
15 than we currently know in order for us to appropriately
16 build the filings that we have to do with the court system
17 should, in fact, the Center decide to sue. Ergo, that
18 brings us to where we are at now.

19 Now we're doing these interviews under
20 what's called a Garrity Warning. A Garrity Warning is a
21 warning that we give to -- it's not a Miranda-type
22 document, but it is something that we give to our
23 employees because it's the best way for us to protect our
24 employees while we are, in fact, doing an administrative
25 investigation into the circumstances surrounding some

1 event or incident.

2 It is -- while we still believe and we still
3 have a lot of confidence in our original assessment of the
4 situation, we have to remain open to the fact that there
5 are some contrary allegations out there and we may, in
6 fact, discover something that we weren't aware of or
7 didn't expect. So Garrity gives us the opportunity to
8 both protect our employees' rights and still protect the
9 Department's interest.

10 So what I'm going to do is I'm going to read
11 you the Garrity Warning, and this will give you a leg up.
12 There, unfortunately, I will tell you right now, in the WM
13 interviews there is not a question on Garrity so this not
14 going to help you there. But -- but -- but you can -- as
15 you're standing around waiting to get into the interview
16 door you can have some more interesting story to tell than
17 most of your peers are going to have while you're waiting
18 outside. Let's see, today is the 13th?

19 MR. MCMULLEN: Yes.

20 MR. HOVATTER: And do you prefer William or
21 Bill?

22 MR. CARROLL: Will.

23 MR. HOVATTER: Will. There is that third
24 alternative. And, Will, we will give you a copy of this
25 for your records also. Okay. So we are conducting an

1 internal investigation involving matters that will be
2 discussed shortly. This is an administrative
3 investigation. You do not have the right to have legal
4 counsel present during the interview nor will you be
5 advised of Constitutional rights. You are ordered to
6 cooperate fully with this investigation. You are ordered
7 to respond completely and truthfully to all questions
8 posed to you during the investigation. Failure to respond
9 completely and truthfully to all questions will be
10 considered misconduct.

11 As set forth in Garrity versus New Jersey,
12 385 US 493, and the line of cases which follow, any
13 responses given during this administrative investigation
14 cannot be used against you in a subsequent criminal
15 investigation. You are instructed not to discuss your
16 interview or this investigation with any Arizona Game and
17 Fish Department employees while the investigation is
18 pending.

19 And the statement that you and I will both
20 sign reads, "I have read the above statement and I
21 understand the orders to given me to about this
22 investigation. I understand my obligation to cooperate
23 fully with the investigation. I understand my obligation
24 to completely and truthfully answer every question. I
25 further understand I have been ordered not to discuss this

1 investigation with any Arizona Game and Fish Department
2 employees while this investigation is pending."

3 Do you have questions about those?

4 MR. CARROLL: Seems pretty straight forward.

5 MR. HOVATTER: All righty. And I'm going to sign
6 that and pass it down and you can read it, take whatever
7 time you need, and then when you are ready, go ahead and
8 sign that and we will start our conversation. There you
9 go, sir.

10 MR. MCMULLEN: I'm going to go and run and make a
11 copy of that right now so we can get that in Will's hand.

12

13 WILLIAM CARROLL,
14 pursuant to Garrity Warning, was examined and testified as
15 follows:

16

17 EXAMINATION

18 BY MR. HOVATTER:

19 Q. Will, I think what we really want to talk to you
20 about is really just a couple days, but it may be that
21 there are some other days in this that we will want to
22 have a conversation about, and that is, what we're really
23 looking at is the original capture of Macho B. And those
24 dots over there on this map to your left, that represents
25 kind of a -- kind of the area on the ground where Macho B

1 was ultimately captured, but the dates we're interested in
2 is from the period from 5 through 9 February. And the
3 reason that we asked to you come in is while we were
4 having a conversation with Michelle and she said that you
5 had come out for a couple of days, one, maybe two days,
6 during that time frame to kind of help work with this
7 project, this bear and lion study down there in the
8 Atascosis. So I guess my first question of it is is her
9 memory in fact right? Did you get out there during part
10 of that time?

11 A. Yes. Yeah. I was there.

12 Q. I need to ask you this, do you take field notes?

13 A. No. I was not taking field notes then.

14 Q. Do you routinely?

15 A. I regret it. No.

16 Q. Make sure you take field notes. We're having a
17 little basic biology field researcher training going on.
18 Take field notes. They are handy to have.

19 So do you have -- do you remember what days
20 you were out there?

21 A. I believe I was there -- I got there the evening
22 of Thursday the 5th and I left the afternoon of Friday.

23 MR. FABRITZ: So you spent one night, one night?

24 THE WITNESS: I spent two nights.

25 Q. BY MR. HOVATTER: Came in the 5th, so you were

1 there the night of the 5th, the night of the 6th, left the
2 7th?

3 A. Uh-huh. Yeah. Thursday, Friday, Saturday.

4 Q. And was it morning or evening of the 7th that you
5 left?

6 A. The 7th, I believe I left about noon.

7 Q. So noon.

8 A. Noon or 1:00, somewhere in that area.

9 Q. Okay.

10 A. Although, I'm not 100 percent certain on those
11 dates.

12 Q. Roughly -- with no notes and this being almost,
13 you know, over five months ago now, we're factoring in
14 there is a lot of hindsight and we're factoring in a lot
15 of memory, but it's not especially germane to our purposes
16 exactly how long you were there but the fact that you were
17 there is more important.

18 Outline your memory of that period while you
19 were there.

20 A. Okay. I was actually just working on a statement
21 for the federal investigation about this part of it just
22 now.

23 Q. Have you finished that statement?

24 A. Not quite, no. I need to as soon as possible but
25 I haven't.

1 MR. HOVATTER: Should we let him finish that
2 before we get into this?

3 MR. FABRITZ: Are you getting close?

4 THE WITNESS: Uh-huh.

5 Q. BY MR. HOVATTER: Why don't you do that.

6 MR. FABRITZ: That probably takes priority over
7 ours.

8 Q. BY MR. HOVATTER: Would you go ahead -- go ahead
9 and finish that statement. You were going to finish it
10 this evening, right, or today?

11 A. I believe so. I don't have all of it with me.
12 The first portion of it is at home on my computer there,
13 so in order to get both pieces together it would probably
14 be tomorrow afternoon.

15 MR. FABRITZ: I don't think this is going to take
16 that long. What do you think, Craig?

17 MR. MCMULLEN: Well, I think that it's important
18 to just take the time to do it right. Let's let him do --
19 finish his statement and then bring him back.

20 MR. HOVATTER: Yeah. I would rather have that be
21 it's thing by itself and not have a blending of it.

22 MR. MCMULLEN: Right.

23 Q. BY MR. HOVATTER: So you're going to be back
24 tomorrow?

25 A. Yeah.

1 Q. I can make sure that you're back tomorrow.

2 A. Okay.

3 Q. Yeah. Then you're going -- and you're to be --
4 you've got a job interview tomorrow?

5 A. Yes.

6 Q. Great. Take care of that.

7 MR. FABRITZ: What time is that?

8 THE WITNESS: 8:00.

9 Q. Good luck with that.

10 MR. FABRITZ: Yes. Good luck

11 THE WITNESS: Thanks.

12 Q. And then when you're done with that if you will
13 check in with me, I'll either be here or I'll be up in the
14 front office. Just look for Deputy Hovatter. I'm not
15 hard to find.

16 MR. FABRITZ: We got a 9:00 tomorrow. I don't
17 know how long that job interview is going to take.

18 THE WITNESS: One hour is what they told me.

19 MR. MCMULLEN: So it sounds like you're going to
20 need to have your statement finished tonight if we're
21 going to talk to you tomorrow. Can you do that?

22 THE WITNESS: I can have that done, yes.

23 MR. MCMULLEN: Do you have to go to Tucson?

24 THE WITNESS: I will, yeah.

25 MR. MCMULLEN: Were you planning to go home?

1 THE WITNESS: It was a possibility, yeah. I'm
2 able to.

3 MR. HOVATTER: I really -- I really -- my
4 instincts are telling me for him to finish that before
5 we --

6 MR. MCMULLEN: I agree.

7 MR. FABRITZ: We don't want to --

8 MR. MCMULLEN: I agree.

9 Q. BY MR. HOVATTER: So you've got to be back here
10 tomorrow. Are you going to be back here any other time
11 this week?

12 A. No.

13 Q. I do need you back. If your supervisor has any
14 question, please have him call me.

15 A. Okay.

16 Q. If that puts you in any type of crunch and I will
17 discuss it with him.

18 MR. FABRITZ: Who's your supervisor?

19 THE WITNESS: Kirby Bristow, and he's -- being
20 that he's on vacation, Michelle.

21 MR. HOVATTER: All righty.

22 MR. FABRITZ: I guess we could probably talk to
23 Will in between the two.

24 MR. HOVATTER: Yeah.

25 MR. FABRITZ: Whatever. Bring some work with

1 you.

2 MR. HOVATTER: Yeah.

3 MR. FABRITZ: There might be some lag time.

4 MR. HOVATTER: All righty. And sorry about
5 getting -- but the Garrity, you know, will stay in place
6 for when we do have our conversation. But I really don't
7 want to blend what the Feds are doing and what we're
8 doing.

9 THE WITNESS: Okay.

10 MR. HOVATTER: All righty. Good enough. Now
11 drive safe. That's a lot of driving but thank you.

12 MR. MCMULLEN: Good luck on your interview.

13 (Recording ended.)

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CERTIFICATE

I, Karen M. Niemtschk, do hereby certify that the foregoing 13 pages constitute a full, true, and accurate transcript of all proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 5th day of August 2009.

KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter

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1 sometime around the 5th, and factoring in your memory from
2 that time, do you have -- what's your memory of when you
3 arrived and how long you stayed there?

4 A. Well, I know for certain I stayed two nights. I
5 believe I arrived either the 5th or the 6th, I'm not
6 certain which it was, and left two days after that. I
7 understood that the night that I arrived was the night
8 that Thorry had left to retrieve a dart rifle. So I'm not
9 sure exactly the date on that but if that helps you put
10 where I was into perspective.

11 Q. Let me -- now when you -- the day you arrived,
12 about what time did you get that there?

13 A. I got there I would say about 7:00, 7:30 in the
14 evening.

15 Q. Had you ever been to that area before?

16 A. No, I hadn't.

17 Q. And where did you link up with them?

18 A. I met with Michelle at Ruby, Arizona. We met --

19 Q. Thriving metropolis of Ruby, Arizona.

20 A. Fun place.

21 Q. All right. So you link up with Michelle. Now
22 was Thorry there when you got there?

23 A. He was not.

24 Q. He was not. So he had already left?

25 A. That's correct.

1 Q. When did he get back?

2 A. I'm not sure what time he arrived but we met him
3 the next morning at about 7:15.

4 Q. Okay. So -- and he went to -- he went to Flag
5 was it or --

6 A. I'm not sure whether it was Pinetop or Flagstaff
7 but he went somewhere.

8 Q. And what, he went to retrieve equipment or --

9 A. Yeah. A dart rifle

10 Q. What was that, a dart rifle. So he was
11 already -- I'm sorry. He was already gone when you got
12 there?

13 A. Yes.

14 Q. Was Emil McCain there when you got there?

15 A. No.

16 Q. So the next morning -- well, let me ask you, so
17 that night you're getting organized for -- did you -- did
18 have any conversations about getting ready for the next
19 day, or what's your memory of that first night as far as
20 what was going on that evening?

21 A. That evening Michelle and I had dinner with Sun
22 Dog, the caretaker.

23 Q. Did he cook?

24 A. Yeah, he did.

25 Q. I'm told that's an experience.

1 A. It is. And he had a friend there as well. I
2 don't remember her exact name. I remember it was a name
3 that was compromised of two common names like Maryann, or
4 something like that.

5 Q. But she wasn't -- was she a part of the study?

6 A. No.

7 Q. She wasn't one of our --

8 A. She was just staying at Ruby Recreation. And I'm
9 sure that -- I believe the topic of the study came up
10 during the course of dinner. Most of the conversation
11 that I participated in was basically, you know, where do
12 you go to school, how long have you been working with the
13 Department, things like that, and just that Thorry was
14 going to meet us the next morning and that he went to
15 retrieve a dart rifle.

16 Q. Did you -- did you have any conversation about
17 the -- what -- what they may have seen since Thorry and
18 Michelle had been there at least for a while before you,
19 what they had seen or what they had noticed in the area?

20 A. I'm not sure if it was during dinner, I believe
21 it was after dinner that Michelle and I were setting up in
22 our cabin. I had never met and I still have not met Emil,
23 and we talked about him, how he has done some research on
24 the jaguars and he works with an organization that's
25 purpose is to study the jaguars.

1 Q. Yeah. The Borderlands Jaguar Detection Program.

2 A. And we discussed the nature of his -- the study
3 that he is doing, that he had been doing, with trail
4 cameras and how since he knew from the trail camera data
5 where some bears and lions had been, he was going to help
6 out helping us select snare sites and things like that.

7 Q. Do you remember -- now, you know, the bear and
8 lion stuff, I mean, that's been something that's been
9 ongoing for some months already and is kind of, you know,
10 a part -- already pretty much a part of the routine in the
11 way the Department was working. Jaguar is a little
12 different. I mean, does anything about that conversation
13 about the jaguar aspects of Emil's work stick out in any
14 way in your memory now?

15 A. Not really, no.

16 Q. Do you remember any of the -- was there any --
17 any of the detail from those conversations about his
18 projects and about some of the things that were going on,
19 any of that stick out?

20 A. No. I don't remember if, for instance, I don't
21 think I asked if he had seen any jaguars on the cameras in
22 the area or anything like that. I don't believe so.

23 Q. Did -- now the next morning, so Thorry -- did
24 Thorry catch up to you at Ruby or did you guys already
25 head over to Bear Valley?

1 A. We met him at Bear Valley.

2 Q. Describe that morning, your memory of that
3 morning as far as the work activity.

4 A. Okay. When Michelle and I arrived there, Thorry
5 was just waking up, and while he was getting ready for the
6 day, changing clothes and whatnot, Michelle and I headed
7 to the first snare site. This was the one to the
8 northeast of the corrals.

9 Q. Okay.

10 A. We set that snare. This -- I checked the snares
11 with them two days. The first day I believe was the first
12 day they had been set during that trapping stint, and so
13 we -- let's see, do I need to describe the area?

14 Q. Let me ask you, the snare to the northeast, was
15 that -- were you installing that snare, or was that one
16 that was already there and you were setting it up?

17 A. The hardware was already there. We were just
18 setting it.

19 Q. And I think that's -- there were several snares
20 that were new snares that were added to the snare line,
21 and my memory is that I think that was one of them. Do
22 you know?

23 A. That was -- I don't know for certain when that
24 was added. It was in place when I arrived.

25 Q. So -- so, again, describe the area. What was

1 your take on the area? Describe the area from your
2 perspective.

3 A. For that snare in particular or for the whole
4 snare line?

5 Q. Well, walk me through the snare line. Start
6 anywhere you want.

7 A. Okay. We will start with that one that Michelle
8 and I set at first. From the corrals where we parked we
9 headed directly east through a gate and then north and
10 east along a wash. To the east of the corrals there is
11 kind of a long ridge line. And we followed a wash heading
12 north along that ridge line until it had gotten kind of --
13 there was a left-hand bend in the wash, and it got kind of
14 narrow there and pretty -- the sand was pretty coarse at
15 that point too. And there was a large tree that was -- it
16 had enough space around it such that if -- if -- that you
17 could tie a snare cable to it and if something was caught
18 it wouldn't injure itself on another tree.

19 And there was a game trail, more of a cattle
20 trail running through the wash that had come out of the
21 wash at that point, was going underneath this tree, and
22 that's where the snare had been set, where the animals had
23 been traveling. That's where the hardware was that we set
24 that morning. And I'm not sure if they were piled there
25 by Michelle and Thorry, but there were some logs and

1 brush, other obstructions across the wash to funnel the
2 traffic over the snare.

3 Q. Okay. So where did you go after that?

4 A. After that we met back up with Thorry at the
5 corrals and went through a different gate to the south of
6 the corrals heading southeast following -- it led to a
7 two-track road that followed the ridge, the same ridge
8 line I was talking about before to the south and a little
9 bit west into another wash that ran mostly east-west.
10 That stretch was probably a quarter of a mile, third of a
11 mile, something like that, the walk down to the wash.

12 Then we headed west along the wash. It was
13 a pretty winding wash. I'm not sure exactly -- I can't
14 get too specific with the directions other than the four
15 cardinal directions.

16 Q. Built in GPS?

17 A. Yeah. And at a fairly open spot there were a few
18 dead falls across the wash, and again, the trail, the main
19 traffic trail in the wash had jumped out of the wash to
20 the south at this time, and there was another snare set
21 there by another tree kind of off --

22 Q. Now that was the first snare you came to in that
23 wash?

24 A. In that wash, yes.

25 Q. Let me ask you about that. Now so that's you,

1 Thorry, and Michelle are doing that walk at that point?

2 A. Right.

3 Q. Was there any mention of, and just in your trail
4 conversations, was there any mention of the jaguar signs
5 or anything of that?

6 A. Not at that point, no.

7 MR. FABRITZ: We're running a few minutes behind.

8 A. No. At that point, no. There was no mention of
9 jaguar signs. However, while we were -- it was mostly
10 Thorry and Michelle setting this second snare in the line,
11 the first one in the wash, and I was asking some questions
12 since the only trapping experience I've had before was
13 with the black bear study and, of course, we would use the
14 stinkiest bait we could find. I asked them if there were
15 possibly baits that they could use to attract lions into a
16 cubby or something similar since I noticed they were using
17 exclusively trail scents.

18 And I was told something to the effect that
19 there wouldn't be a bait that would necessarily get a lion
20 to walk into a snare, so it was more efficient to find out
21 where they were and where they were traveling and place
22 snares there.

23 Q. Yeah.

24 A. And after that one was set there was a left-hand
25 turn in the wash about 90 degrees and there was a third

1 snare set there. It was a bit more wooded in that area.
2 There were some taller trees, and the snare was set on
3 a -- I'm not sure whether it was a juniper or an oak but
4 it was a fairly large tree and provided a lot of shade in
5 the area. And the trail was kind of up out of the wash at
6 that point too, and again with the logs, brush over the
7 main waterway.

8 Near to this snare site there was a large
9 rock. I remember that, a big boulder that was -- I
10 believe it was far enough way not to pose a threat to the
11 animal, but I remember that being there. I remember
12 setting tools on it when we were digging the hole out.

13 At this site, Michelle and I stayed to set
14 that snare and Thorry continued on to the next one which
15 was another bend in the wash. And so the third snare
16 line, it's almost easier to draw it, was facing -- was in
17 a structure of the wash almost facing due south, I
18 believe. And then fourth snare, the third one in the wash
19 that Thorry was going to check on his own or set on his
20 own rather, was at another right-hand turn in the wash
21 where it turned west. Another draw came in from the east
22 at that point and the snare was a little bit on the draw.

23 So at this time, again, Michelle and I were
24 at the fourth -- the third snare, Thorry was at the
25 fourth, and I remember Michelle and I were having some

1 trouble getting the trettle on the throw arm to sit
2 vertically because the prongs had bent a little bit and we
3 couldn't figure out how to bend them straight. So we
4 brought the throw arm to Thorry at the next snare site,
5 which was kind -- it was more open than I would have
6 expected for another draw coming in that wasn't as big at
7 the big wash, and it was fairly wooded. There were lots
8 of, like, dead branches across the path and things like
9 that.

10 So we brought the throw arm to Thorry there
11 and he just had to adjust it to get it back in place. So
12 we went back and finished setting the third snare while he
13 finished setting the fourth snare. And then we continued
14 on to the west.

15 At this point the wash got kind of -- it was
16 fairly wide and fairly gravelly but we were -- Thorry and
17 Michelle were looking at the tracks in the wash, and they
18 pointed one out to me that they had said Emil had said was
19 likely to be a jaguar track. And I asked them how they
20 would know that, and they said it was based on the size,
21 that it would have to be a very large mountain lion to
22 make a track that large.

23 This track was in fairly gravelly sand and I
24 could not tell how old it was. I didn't know how long it
25 had been since it rained down there. It wasn't too

1 distinct but you could tell it was a large cat, a large,
2 large cat. I'm trying to think of anything else.

3 Q. Was that -- so was that the extent of the
4 conversation you had? How much -- you know, did that
5 generate any other questions or conversations about
6 jaguars at that point?

7 A. I'm not sure if it was then or some other time
8 when I asked about the likelihood of catching a jaguar.
9 And I was told it was very, very slim. It wasn't likely
10 at all.

11 Q. Was that while you were out working or does that
12 conversation seem more like something that you did more
13 that evening?

14 A. It may have been more during the evening or in
15 the afternoon in the bunkhouse.

16 MR. FABRITZ: But it was on that two-day stint
17 you were down there?

18 THE WITNESS: Yeah.

19 MR. MCMULLEN: Did you talk at all about where he
20 had been seen or the fact he had been seen or anything
21 like that in the context of how likely is it to catch a
22 jaguar?

23 THE WITNESS: Not that I remember. We may have
24 but I don't remember anything concrete about that.

25 Q. BY MR. HOVATTER: Had you been aware that that

1 was jaguar area before you went down there? I mean, did
2 you have any awareness of where jaguar habitat in Arizona
3 was thought to be?

4 A. The only places I had known that there had been
5 jaguar sightings would be more near towards the
6 Chiracaus. I was not aware there were jaguars in that
7 area.

8 Q. Was it kind of a surprise to you when they
9 pointed out the track and all?

10 A. Uh-huh. I mean I knew -- I knew that Emil had
11 been helping out on the project but I didn't know
12 that -- I didn't know that he had done some of his trail
13 cameras in the area and possibly there was a jaguar there.

14 MR. MCMULLEN: How did you become aware of the
15 trail cameras?

16 THE WITNESS: We discussed it the first night
17 I was in.

18 MR. MCMULLEN: Oh, that's what you mentioned
19 before, right?

20 THE WITNESS: Yeah. Yeah. I knew he was using
21 trail cameras in the area. I didn't know that he had any
22 indication that there was a jaguar in the area.

23 Q. BY MR. HOVATTER: All right. So you're at the
24 fourth set and you've seen that track and all and you had
25 that kind of conversation, so now where do you go?

1 A. We continue to wind westwardly through the wash
2 until we came to a sharp left-hand bend in the wash, and
3 there was sort of a pass in the hill above us into the
4 next valley and we climbed over there. We climbed to the
5 top and stopped for a few minutes because there was a
6 quail hunter on a hill across the new wash that was -- at
7 the top of the pass we were facing northwest, and the
8 quail hunter was across the wash from us. We stopped for
9 maybe five minutes and let him move on before we climbed
10 down into that next wash and then headed northeast.

11 The last snare that we set that day was
12 probably a quarter mile down that new wash after we had
13 passed over the hills. And it was kind of up on a flood
14 plane area that was, again, fairly wooded, and this one
15 was pretty well hidden. I didn't spot it at first until
16 they pointed it out to me. We set that one and headed
17 back to where -- we followed the wash back around and it
18 kind of went to the north and it let us out right under
19 the -- just below the ranch house and we went back to
20 Ruby.

21 Q. I imagine -- go head.

22 A. Before heading back to Ruby we had heard that a
23 calf had been killed in the area on the north side of the
24 road and we stopped to look at that. And we didn't -- we
25 were weren't able to tell what had killed it. There were

1 some vultures eating it. And we spread some sand around
2 to see if we could get some tracks the next day and then
3 we went back to Ruby.

4 Q. So you set five traps, five snares that day then?

5 A. Yes.

6 Q. Okay. The --

7 MR. MCMULLEN: Were they brand new sets? Did you
8 have to bring the throw arms and all the stuff, cables
9 with you, or were they sets that had already been there
10 they just weren't -- they just weren't triggered, they
11 just weren't armed?

12 THE WITNESS: That day we didn't bring any new
13 snares. We didn't set any of the new snares that day.
14 The hardware was already there.

15 Q. BY MR. HOVATTER: Okay. Was Thorry carrying his
16 dart rifle on that?

17 A. Not that day.

18 Q. So we get into that evening. Anything about that
19 evening, that is your second night there, so that's your
20 last night there, anything about that evening stick out?

21 A. It was very windy. I remember that. I spent the
22 afternoon reading. And Michelle was around the cabin as
23 well, but I remember Thorry had gone to walk around near
24 the Lake Ruby to see if there were any potential snare
25 sites there. And I'm not certain whether he found any

1 that ended up being --

2 Q. Any dinner conversation that night?

3 A. Yeah. Actually, we -- again, we ate dinner with
4 Sun Dog and his friend. His friend was showing us some
5 plastic castings she had made of some coyote tracks and
6 some small animal tracks that I wasn't able to identify.
7 Thorry took interest in it. She loaned him some -- some
8 plaster, plaster of paris mix. And I believe he was going
9 to get a cast of the jaguar print that we had seen, the
10 print that was supposedly a jaguar print.

11 Q. Any other jaguar conversation sticks out from
12 that?

13 A. Not that I can think of. I'm sorry, no.

14 Q. Next day, next morning.

15 A. We hike the trap line in the same order.

16 Q. Anything new about the trap line or anything
17 tripped or anything else?

18 A. Well, it had rained that night, the previous
19 night, pretty heavily and I believe the second snare, the
20 first one in the wash was tripped with a big shoe print in
21 it so I think somebody had set it -- well, obviously
22 somebody had set it off. Otherwise, we didn't have any
23 hits on what was already set.

24 This time before we hiked over the pass into
25 the new wash, Thorry pointed out a shrine in the north

1 side, no, the south side of the first wash just before we
2 hiked over that had some small religious symbols in it,
3 other trinkets and such that I hadn't noticed before. I
4 mean, it wasn't the kind of thing that wasn't there
5 before. I just walked past it without noticing it.

6 But once we crossed over into the new wash,
7 shortly after that the wash takes a bend and goes about
8 north-south, due north-south. At that point the wash was
9 fairly narrow again, and we decided to put a new snare in
10 at that location. And we piled up brush in the wash, dug
11 a hole in the trail, anchored the snare cable to the tree,
12 set the throw arm in it, covered it up and everything, put
13 some sand from the wash bank around it to try and catch
14 tracks if we happen to see any.

15 And we continued, checked the last snare and
16 went back to the trucks and went to look at that calf once
17 again. And it had been moved but the rain had erased any
18 footprints that would have been there and it hadn't moved
19 far so we didn't --

20 Q. Any peak ash (phonetic) like a lion --

21 A. No. It was dead like 20 feet from a two track
22 with nothing on top of it.

23 Q. Any drag lines or anything where it would have
24 been dragged?

25 A. No. No. But there were no cuts on its neck or

1 anything like that either. Its head wasn't twisted around
2 or anything like to indicate --

3 Q. So when you -- so you finished with that and when
4 do you -- and you left that day then, right?

5 A. Yeah. We went back to Ruby and I took off I
6 believe about 1:00 in the afternoon and went back to
7 Tucson.

8 Q. Are there any other aspects to this related to
9 jaguar that you remember, any other conversations or
10 anything during that time frame other than the ones we've
11 discussed so far?

12 A. Not -- nothing before -- nothing before I heard
13 about the capture.

14 Q. Now did you go out there any other time between
15 then and the time that the animal was captured?

16 A. No. That was the only time I was up there.

17 Q. Did you have any conversations with Thorry or
18 Michelle or Emil, did you get involved in any -- I would
19 imagine you probably had some interest because you had
20 been in that area. Well, let me ask you, did you know
21 that that was the area where that jaguar had been
22 captured?

23 A. After the captured happened, yes, I did know.

24 Q. How did you -- was it just the description, or
25 how did you know that?

1 A. I don't remember how I found out about the actual
2 capture but after it happened I went to Michelle's house
3 for, I believe I was picking up some drop bear collars for
4 the White Mountain study to give to Kirby to take up to --

5 Q. This is her house in Tucson?

6 A. Uh-huh. Yeah. And that at time I asked her
7 about the capture and she showed me some pictures on her
8 laptop. I asked her about the cat's age and found out it
9 was fairly old. It seemed to be in good shape, she said,
10 when it left. I asked her how long it took to come out of
11 the drug. She said they had been waiting about six hours
12 but when it got up it seemed fine, walked off without
13 staggering or anything like that.

14 She told me it had been captured at the
15 third trap in the line, the one that I described that was
16 pretty shady and had a boulder nearby. I think that's it.

17 Q. Any did she have any other thoughts or
18 observations about the jaguar capture?

19 A. No.

20 Q. And since then, and since we have gone, you know,
21 through the recapture and euthanization, have you had any
22 other conversations with any of the folks about -- any of
23 the folks involved about this?

24 A. Fairly brief ones. When I -- I believe it was
25 the article on -- most of the information I got after that

1 was from newspapers.

2 Q. Too bad.

3 A. Yeah. That's when I found out -- and because I
4 feel similarly, I kind of have been trying to leave it
5 alone with them until the investigation, now the
6 investigations, are completed so I can find out from the
7 results of that rather than speculation.

8 Q. Yeah.

9 A. The only other thing that sticks out is that when
10 talking to Kirby about the whole situation, he was telling
11 me that he had discouraged them from trying to catch a
12 jaguar because he knew that it would be trouble. That's
13 what he told me.

14 Q. Do you remember when that conversation was?

15 A. I believe it was while we were trapping in April
16 in the Huachucas just before we got the moratorium.
17 Actually, I think it was a couple of hours before we got
18 the moratorium on trapping.

19 Q. Guys, anything else? Oh, the second day, Thorry
20 carried the rifle that second day?

21 A. Yeah, he did, actually. I was asking about why.

22 MR. MCMULLEN: Why then and why not the first
23 day?

24 THE WITNESS: No. The first day I don't believe
25 the traps were set.

1 MR. MCMULLEN: Okay.

2 THE WITNESS: But I asked him why it took a
3 special trip to go all the way up to Pinetop or Flagstaff,
4 and he said the dart pistols that they had didn't have
5 enough range. He was concerned that he -- that they would
6 have to be too close to an animal that could potentially
7 injure them, and the rifle that they did have access to
8 that was powered by 22 blanks --

9 Q. Yeah.

10 A. They were concerned it would hit too hard for the
11 safety of the animal so they wanted something that they
12 could adjust just right.

13 Q. One of the adjustable -- so did he have a rifle
14 already?

15 A. I believe -- I'm not certain but I believe
16 Michelle had Kirby's dart rifle, the 22 powered one. And
17 I think it was in her trunk, but we didn't take it with us
18 anyhow.

19 Q. Okay. Anything else, guys?

20 MR. MCMULLEN: When he was talking about having
21 the animal -- the rifle that would be -- have the right
22 amount range to prevent an animal from getting at him, was
23 there any conversation about what kind of animal or a
24 jaguar or a lion or --

25 THE WITNESS: I think he was more concerned about

1 cats, lions in particular than bears.

2 MR. FABRITZ: Did he say lions? Do you recall if
3 he said lions?

4 THE WITNESS: I don't recall if he said lions or
5 cats. It was one of those two.

6 MR. HOVATTER: Anything else? Will, that's all
7 for us. I really appreciate it.

8 MR. FABRITZ: Thanks for hanging around.

9 MR. HOVATTER: I know this is kind of dislocating
10 for you but I appreciate your follow through. Good luck.

11 (Recording ended.)

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CERTIFICATE

I, Karen M. Niemtschk, do hereby certify that the foregoing 23 pages constitute a full, true, and accurate transcript of the recorded proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 5th day of August 2009.

KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter