

TRANSCRIPT OF THE POOL TV FEED FROM DEPP v HEARD

FAIRFAX COUNTY COURT Wednesday 4 May 2022

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Judge Azcarate: All right. Good morning, ladies and gentlemen. All right. Dr. Hughes, if you could come back to the stand for me, please. All right, thank you.

Dr. Hughes: Good morning, Your Honor.

Judge Azcarate: Good morning. All right, cross-examination.

Wayne: Thank you, Your Honor. Good morning, Dr. Hughes. I'm Wayne Dennison, we haven't met before.

Dr. Hughes: No. Good morning.

Wayne: Good morning. You testified yesterday that you have to give careful attention to gendered stereotypes. Correct?

Dr. Hughes: That is correct.

Wayne: When you're talking about intimate partner violence, you have to pay attention to gendered stereotypes. And during your testimony, you, in fact, paid attention to gendered stereotypes. Correct?

Dr. Hughes: I'm not sure what you mean.

Wayne: Well, you said we were going to have to pay attention to gendered stereotypes. And then you testified at length where you referenced both men and women. You paid attention to those stereotypes during the course of your testimony, correct?

Dr. Hughes: What I was saying was you have to pay attention to gendered stereotypes when you're conducting these evaluations, you can't assume all the time that the male is the perpetrator and the female is the victim. You have to go into the evaluation understanding that the male also could be the victim of intimate partner violence.

Wayne: In fact, you're aware that there are large-scale studies that do say that IPV towards males does exist?

Dr. Hughes: Of course.

Wayne: Okay. And every time you referred to the characteristic of a victim of intimate partner violence yesterday, you used the pronouns "she" or "her," didn't you?

Dr. Hughes: I was using the "she" and "her" pronouns in this case because my determination was, as I stated, that Ms. Heard was the victim of intimate partner violence. That is why I was using the "she"/"her" pronouns.

Wayne: You, in fact, said, "Women get into the relationship for all the right reasons." That's what you said, "The woman gets into the relationship for all the right reasons." And then you say, "Difficult for victim to extricate herself." You go on to say that, "She can and she should." Over and over you use "she," right?

Dr. Hughes: I believe in this case I did because I was referencing this case where I found Ms. Heard to be the victim of intimate partner violence. It doesn't mean that men don't get into the relationships for all the right reasons, too. I believe they do.

Wayne: Nearly every time you referenced the perpetrator of IPV, you used "he" or "him," didn't you?

Dr. Hughes: And it goes back to the same reasoning as I'm describing my understanding and my evaluation in this matter. Of course, men can be perpetrators and victims of intimate partner violence, that's well established in the research and that's well established in my clinical practice, as well.

Wayne: Isn't the reason that you used the pronouns that you did that you almost always testify on behalf of a woman?

Dr. Hughes: That's not correct.

Wayne: You don't even remember the last time you testified on behalf of a man.

Dr. Hughes: Well, I don't testify on behalf of someone, I testify as to the results of my evaluation. I frequently treat and assess male victims of childhood sexual abuse who are coming into treatment for abuse by their Boy Scout leader, by their coach, by their teacher, by a trusted adult. I see them in therapy, I see them in forensic matters in criminal cases. So, I treat and evaluate men all the time.

Wayne: I didn't ask you about treatment, I asked you about testimony. You broke up your practice between treatment and testimony. I'm not

asking you about treatment. When is the last time you testified on behalf of a man?

Dr. Hughes: I testified recently in a deposition on behalf of a man who was traumatized because he was wrongly convicted

Wayne: At the time of your deposition six weeks ago, you couldn't remember a single time you had testified on behalf of a man.

Dr. Hughes: I testified in my deposition that I testified in a case of a man who was wrongly convicted about 20 years and suffered physical and sexual violence in prison, and I detailed the traumatic effects of that that happened on that gentleman.

Wayne: All right. Why don't we take a look at your deposition?

Dr. Hughes: Sure.

Wayne: [inaudible 00:04:31]

Judge Azcarate: All right. Thank you.

Wayne: [inaudible 00:04:38]

Judge Azcarate: Yes.

Dr. Hughes: Thank you.

Wayne: All right. It's a transcript of the deposition that you gave March 28th, 2022. Correct?

Dr. Hughes: Yes.

Wayne: All right. Let's go to Page 77. Let's look at... Let's... Page 70, Line 8. So, you can't recall a single instance where you were hired by the attorney representing the male in an IPV matter, correct?

Dr. Hughes: In an IPV matter, not in a trauma matter or a child sexual abuse matter.

Wayne: Okay. So, that's the distinction. You don't have any recollection of ever testifying on behalf of a male in an IPV matter?

Dr. Hughes: As I stated yesterday, the very first case that I testified in was in a same-sex intimate partner violence where the man was the victim of another man. I routinely treat and assess same-sex couples where the female can be the perpetrator of another female and the male can be the perpetrator or a victim of his partner.

Wayne: So, let me get this. You testified in a case where one male is alleged to have engaged in IPV against another male?

Dr. Hughes: Correct.

Wayne: All right. Okay. But that's the only one you remember?

Dr. Hughes: No, I've done this frequently. As you well know, most cases don't go to trial. I've worked on hundreds and hundreds of cases. You've limited it to testimony, many cases don't come to trial. But I've issued reports and worked on many cases of same-sex intimate partner violence where men are the victims.

Wayne: But I did ask you about testimony. And I limited your...the question to testimony. And the only testimony that you remember is the two...is the same-sex couple, right?

Dr. Hughes: There were multiple same-sex couples, I believe, that I testified at.

Wayne: That you testified in court at trial?

Dr. Hughes: I believe so, yes.

Wayne: All right. But you didn't remember that in March?

Dr. Hughes: I did remember that in March.

Wayne: Okay. You're a professional witness, correct?

Dr. Hughes: That's not correct.

Wayne: No? You make hundreds of thousands of dollars a year testifying in court. Correct?

Dr. Hughes: Not testifying in court, I conduct thorough, comprehensive psychological evaluations of individuals who are involved in a court case. The majority of those cases never show up in a courtroom. And half of my practice and half of my income is about my clinical work with people who are coming to me for therapy.

Wayne: I didn't ask you about the other half of your income, I'm asking you whether you made hundreds of thousands of dollars a year testifying as an expert witness in court.

Dr. Hughes: As you're phrasing that question, that's not correct. That would be the amount of income that I generate from my forensic practice. I testify perhaps maybe once or twice a year. The best...most of

the work is done behind the scenes in evaluating individuals and issuing reports.

Wayne: But you'll agree with me that a big part of that practice is providing expert witness testimony?

Dr. Hughes: That's not correct.

Wayne: No? That's not a big part of your practice?

Dr. Hughes: If I testify twice a year, that's not a big part of my practice. All the other time is doing the work for the cases and evaluating the individuals and issuing reports.

Wayne: All right. What percentage of work do you devote to forensic psychology?

Dr. Hughes: As I stated yesterday, I say half and half. Clinical, half forensic. But I also have a substantial amount of time that I use in the professional activities and serving on professional boards.

Wayne: So, what portion of your practice do you provide expert witness services?

Dr. Hughes: I think you're using the expert witness service as synonymous with the forensic psychology part of the practice. So, the forensic psychology practice, what I do here today is one part of it. And it's a smaller part, as opposed to all of the evaluations and individuals that I am assessing.

Wayne: Your practice is successful enough that you maintain your offices on Madison Avenue in New York, correctly?

Dr. Hughes: Correct, I've had that office since 2005.

Wayne: All right. And you're sufficiently successful at your forensic work that you're able to perform unpaid work at a hospital. Correct?

Dr. Hughes: Correct. And I also do pro bono work, as well.

Wayne: All right. In fact, you actually instruct others on the use of expert testimony in court cases, correct?

Dr. Hughes: On the use and understanding trauma and violence, abuse in the courtroom, and how to, for advocates and people who could not have this level of training or experience, how to come into the courtroom and talk about very difficult issues of domestic violence, yes.

Wayne: All right. Can we pull up PX-1241? Do you recognize that document?

Dr. Hughes: Yes, it looks like the front page of a PowerPoint presentation.

Wayne: And it's a PowerPoint presentation given by whom?

Dr. Hughes: By myself and Mary Ann Dutton, who is a very well-known and respect researcher and clinician in the area of domestic violence.

Wayne: And what's the topic of the PowerPoint that you're giving?

Dr. Hughes: Expert witness testimony in cases involving domestic violence.

Wayne: Okay. And who did you give this presentation to?

Dr. Hughes: That was to the National Clearinghouse for the Defense of Battered Women. That is an organization that provides legal services to women who have assaulted or killed their partners in self-defense. And mostly people who these individuals...the women who they've seen in treatment are through shelter-based programs or through advocates. And those are individuals who don't really know how to come into the courtroom and talk, and that's what this presentation and training was for.

Wayne: I'm going to move PX-1241 into evidence.

Judge Azcarate: Any objection?

Elaine: No, Your Honor.

Judge Azcarate: All right, 1241 into evidence. Do you want it published?

Wayne: Yes, let's publish it to the jury. Thank you, Your Honor.

Judge Azcarate: Okay.

Wayne: All right. Why don't we pull up PX-1242? Do you recognize this document?

Dr. Hughes: Yes, this also looks like a PowerPoint presentation that I gave.

Wayne: All right. And what is the name of this PowerPoint presentation?

Dr. Hughes: This is called "The Use of Psychological Experts in Cases of Domestic Violence." It was presented to the Kings County Bar

Association, which is in Brooklyn. And what this presentation talked about was some of the things that I talked to you all about yesterday, the myths and misconceptions in intimate partner violence when women use force, what happens if they draw up protective orders, how they present in court. And that's what this presentation was to attorneys at the bar association.

Wayne: Okay. But this is another presentation that you gave as to the use of psychological experts, and you gave it to a bar association?

Dr. Hughes: Right, they were prosecutors and defense attorneys in attendance at that bar association.

Wayne: Your deposition, you testified that you were going to be paid \$100 an hour for your time in this case.

Dr. Hughes: I did not testify to that.

Wayne: You did not?

Dr. Hughes: That's an error in the transcript.

Wayne: Oh, that's not right?

Dr. Hughes: That's correct.

Wayne: So, and you corrected the transcript?

Dr. Hughes: We did not do an errata in the transcript at this point.

Wayne: All right. So, you knew there was an error in the transcript, but you didn't fix it?

Dr. Hughes: There were several errors in the transcript.

Wayne: But you didn't fix any of them?

Dr. Hughes: There was no time to fix them, that's correct.

Wayne: All right. So, you're not being paid \$100 an hour. How much are you getting paid?

Dr. Hughes: I'm being paid \$500 an hour.

Wayne: \$500 an hour. And that's what...and that's the bill you sent for your deposition, right, \$500 an hour?

Dr. Hughes: Correct.

Wayne: All right. You submitted a number of disclosures in this case. You have not formed an opinion as to whether Mr. Depp committed intimate partner violence against Ms. Heard. Correct?

Dr. Hughes: Correct, I formed the opinion that Ms. Heard's report of the intimate partner violence is consistent with what we know in the literature about intimate partner violence.

Wayne: You have a limited role here, comparing individual data to group data, and then just determining whether it's consistent. Right?

Dr. Hughes: I wouldn't say it's a limited role, but that's generally correct.

Wayne: You wouldn't use the word "limited role"?

Dr. Hughes: A limited role in terms of how we go about a forensic evaluation, not limited role in this case.

Wayne: Do you remember whether you used "limited role" in your deposition?

Dr. Hughes: I don't. If you have it in front of me, you probably think I did, but sure.

Wayne: And you have no independent knowledge of the facts underlying the alleged abuse, correct?

Dr. Hughes: I have the knowledge of the plethora of documents that I've reviewed in this case.

Wayne: No, I'm asking you your independent firsthand knowledge, you have none of that, right?

Dr. Hughes: You mean whether I was there?

Wayne: Yeah, you weren't there.

Dr. Hughes: Of course not.

Wayne: Okay. And you're not testifying to the veracity, the truthfulness of any of the allegations?

Dr. Hughes: Correct, I'm testifying to the consistency of the datapoints of all the different documents, including the psychological testing and the clinical evaluation that I conducted of Ms. Heard and how that comports with the therapy records and all the other documents and the photos and texts that I reviewed.

Wayne: And you have no personal knowledge of any abuse?

Dr. Hughes: Correct, personally. Correct.

Wayne: Right. And all you know is what Ms. Heard self-reported to you and others?

Dr. Hughes: That's not correct.

Wayne: Because you did collateral interviews?

Dr. Hughes: And I reviewed medical records, and I reviewed other witness statements of what they witnessed and what they saw.

Wayne: And all of those statements that you reviewed, those were statements that started with Ms. Heard. Correct?

Dr. Hughes: Not necessarily.

Wayne: Well, the medical records did, didn't they?

Dr. Hughes: Well, the medical records, if she'd self-reporting what happened to her, sure. I mean, that's what we do when we go to a physician, we say, "I have a headache," we're self-reporting our difficulties.

Wayne: Yeah. Everything Ms. Heard reported directly to you was after she was sued by Mr. Depp in this case, correct?

Dr. Hughes: Correct.

Wayne: And you didn't meet Ms. Heard until, what, September 2019?

Dr. Hughes: That was the first evaluation appointment, correct.

Wayne: All right. How did you get engaged?

Dr. Hughes: Engaged?

Wayne: How did you get hired to do this work?

Dr. Hughes: I was contacted by the legal team.

Wayne: Were you interviewed by her legal team as to whether you were going to testify here?

Dr. Hughes: I was not.

Wayne: You were not interviewed?

Dr. Hughes: I was not.

Wayne: You were contacted?

Dr. Hughes: Correct.

Wayne: Had you worked with that legal team before?

Dr. Hughes: I had.

Wayne: Yeah. So, they already knew who you were, right?

Dr. Hughes: Correct.

Wayne: Right. And any time that you were working with Ms. Heard, or assessing Ms. Heard, she could have chose to fire you, correct?

Dr. Hughes: I suppose her legal team could have chose to fire. I was not her...she is not my client, the legal team is the one who hires me. I am responsible to the legal team, not Ms. Heard.

Wayne: And this legal...and the legal team that hired you already knew who you were because you worked together previously?

Dr. Hughes: And clearly they knew of my expertise in this area of intimate partner violence and traumatic stress, which is why they contacted me to work on this matter.

Wayne: All right. Several times yesterday you used language about assessing Ms. Heard's relationship with Mr. Depp. Do you remember talking about that?

Dr. Hughes: Sure.

Wayne: You can't assess a relationship without talking to both parties, can you?

Dr. Hughes: You certainly can get a lot of information from one party, absolutely. And especially when it's buttressed by other documents, including four years of therapy records and couples therapy records. You can get a lot of information based on those documents and that, contemporaneous reports of the relationship.

Wayne: Respectively, I didn't ask whether you get a lot of information, I asked whether you can assess a relationship without talking to both parties.

Dr. Hughes: I believe you can. There are certainly limitations inherent in that, but you certainly can.

Wayne: You talked to Ms. Heard for, what, approximately 30 hours, right?

Dr. Hughes: Correct.

Wayne: How long have you spent with Mr. Depp?

Dr. Hughes: I did not spend any time with Mr. Depp, it was my understanding that he did not sit for a psychological evaluation.

Wayne: Right. In fact, you never met Mr. Depp, have you?

Dr. Hughes: I have not.

Wayne: But you purport to be able to assess the relationship between Mr. Depp and Ms. Heard?

Dr. Hughes: But I also read Mr. Depp's transcripts of his testimony, I watched his deposition testimony, I reviewed his medical records, I reviewed his text messages. So, it's not necessarily totally blind, I did have information, although I'm not making a conclusion about Mr. Depp himself.

Wayne: Is the standard now not necessarily totally blind? That's how you assess the relationship? If it's not necessarily totally blind, I can assess it?

Dr. Hughes: We assess, as clinical psychologists, relationships all the time. That's what we're trained to do, and certainly, someone who's been trained in intimate partner violence, to understand and look for the dynamics that happen in that relationship. And then when we have external data that supports what the individual is telling us, way before this legal case even came on the scene, that becomes very strong data to support that conclusion.

Wayne: Let's talk about some of that data.

Dr. Hughes: Sure.

Wayne: All right? You chose to conduct some collateral interviews.

Dr. Hughes: Correct.

Wayne: Right? And you interviewed Dr. Bonnie Jacobs.

Dr. Hughes: Correct.

Wayne: And you looked at her notes.

Dr. Hughes: Correct.

Wayne: And you know that Ms. Jacobs, Dr. Jacobs, doesn't know anything about the version of what happened in Australia until Ms. Heard had already been sued. Correct?

Dr. Hughes: I believe she was not in treatment with Dr. Jacobs at the time the Australia incident occurred. So, that would be correct. She did reach out to Dr. Connell Cowan about Australia, who she was treating with, at that time, contemporaneously.

Wayne: All right. I'll ask you about Dr. Cowan, we'll get there. So, you know that Ms. Heard stopped seeing Dr. Jacobs in August 2014?

Dr. Hughes: That's correct.

Wayne: And she didn't go back until after she got sued, right?

Dr. Hughes: I believe that's the date. I'd have to look to make sure, but I believe that you're correct.

Wayne: All right. And you said you reviewed Dr...you interviewed Dr. Connell Cowan.

Dr. Hughes: That's correct.

Wayne: And you also reviewed his deposition testimony?

Dr. Hughes: That's correct.

Wayne: And you know that when...that he testified that when he was treating a patient, he assumes the patient is telling the truth. Correct?

Dr. Hughes: I believe he said something to that effect in his deposition. If he had no reason to believe otherwise, if there's no other data to believe otherwise that your patient is not being totally honest with you, then you believe what they're saying.

Wayne: Right, no other data to believe otherwise. But the sole thing that's happening is Ms. Heard is talking to Mr. Cowan, or Dr. Cowan?

Dr. Hughes: I wouldn't say she's talking to him, she's going to him for therapy and he's using his clinical psychological expertise to understand the connection between her symptoms and what she's reporting, what's going on in her life.

Wayne: All right. But you understand that he testified that he assumes the patient is telling the truth?

Dr. Hughes: Again, I understand that statement in his testimony. I have a lot more rich information of having spoken to him for two hours and reviewing his clinical notes.

Wayne: He testified he was making a leap of faith, with respect to that, right? With respect to the truthfulness.

Dr. Hughes: Again, that was not my understanding of speaking with him and reviewing his notes. I'm aware he testified something to that effect.

Wayne: All right. And you testified yesterday that Dr. Cowan never diagnosed Ms. Heard with any personality disorders. Do you remember that?

Dr. Hughes: Yes.

Wayne: In fact, Dr. Cowan's deposition testimony reflects the fact that he doesn't make diagnoses, correct?

Dr. Hughes: Correct. And I asked him specifically did he have any indications that, even if he doesn't, as his practice, use them, does she meet criteria for a personality disorder. And he told me she did not.

Wayne: All right. So, you asked him specifically, with respect to a topic that you haven't disclosed in your expert report, and then he made a conclusion that's reflected in no document?

Dr. Hughes: It's reflected in my notes, it's reflected in his notes about what he's treating. He's treating the symptoms. He's not focusing on the diagnosis, but he is treating the symptoms.

Wayne: You talked about Dr. Cowan's concern for Ms. Heard's safety.

Dr. Hughes: Correct.

Wayne: He wasn't talking about her physical safety, was he?

Dr. Hughes: Yes, he was.

Wayne: No, he was talking about her emotional safety. Wasn't that what he was talking about?

Dr. Hughes: He was concerned for both.

Wayne: Okay. Did Dr. Cowan testify that he never had the feeling that Johnny intended to hurt Ms. Heard?

Dr. Hughes: I believe he said that. I mean, he talked about Mr. Depp being very poorly controlled. And that's what made him, Dr. Cowan,

concerned. Because in those moments when he was not controlled, that he could accidentally seriously hurt Ms. Heard.

Wayne: Let's do this again. Ms. Heard told Dr. Cowan that Mr. Depp was poorly controlled. Correct?

Dr. Hughes: That's not correct.

Wayne: Okay. He determined that from the treatment he was providing Ms. Heard?

Dr. Hughes: And he also had a couple session with Mr. Depp and he also had correspondence with Dr. Kipper. So, he had other information as to Mr. Depp's functioning.

Wayne: All right. You talked about Dr. Banks?

Dr. Hughes: Correct.

Wayne: Dr. Banks was doing relationship consulting, right? Consultation on relationship.

Dr. Hughes: Correct.

Wayne: And Dr. Banks only met with them once.

Dr. Hughes: Correct.

Wayne: All right. And you did an interview, I think, with Ms. Heard's mother, Paige.

Dr. Hughes: That's correct.

Wayne: All right. You'd agree with me that a person's family member is not the most objective source of information?

Dr. Hughes: Sometimes you have to certainly control for that, that the person may be wanting to be protective of their daughter, of course.

Wayne: And you interviewed Ms. Paige Heard after Mr. Depp had already been sued...had already sued Amber Heard?

Dr. Hughes: Right. The entirety of my work in this case happened, obviously, after the lawsuit.

Wayne: Did you review, in that context, and of Paige Heard's text messages with Mr. Depp?

Dr. Hughes: I'm not sure if I saw them with Mr. Depp, I do believe I saw some with Ms. Heard. I mean, Ms. Heard, Ms. Paige Heard, Amber Heard's mother, did talk to me about her relationship with Mr. Depp.

Wayne: And she told you that she loved Johnny, even after Amber alleged abuse, correct?

Dr. Hughes: She did.

Wayne: All right. Now, you testified that you approach a forensic evaluation with, I think you said it again today, a healthy degree of skepticism.

Dr. Hughes: Correct.

Wayne: All right. This skepticism didn't cause you to conduct interviews with, for instance, Laurel Anderson?

Dr. Hughes: Right, I did not speak to Dr. Laurel Anderson.

Wayne: And you chose not to speak to Dr. Laurel Anderson because you disagreed with Dr. Laurel Anderson?

Dr. Hughes: That's not correct.

Wayne: All right. What did Dr. Laurel Anderson do on behalf of Ms. Heard and Mr. Depp?

Dr. Hughes: She was a couples therapist that they sought. They had four couples sessions, as I stated yesterday. One of them in which Mr. Depp stormed out of. She did have a long, I guess, evaluation or interview with Mr. Depp individually and with Ms. Heard individually. And then she saw them intermittently after the May 21st, 2016 incident and when they were filing for divorce.

Wayne: So, you didn't interview Laurel Anderson, but you know what she did. How did you figure that out?

Dr. Hughes: Because we had her redacted notes and her deposition.

Wayne: All right. And you understood, from her deposition, that Dr. Anderson didn't believe Ms. Heard to be a victim of spousal abuse?

Dr. Hughes: I believe those were her words, yes.

Wayne: And you also understood, from her deposition, that Mr. Depp had not had a very long history of being violent with any of his wife or women?

Dr. Hughes: That...she said that, as well.

Wayne: Yeah.

Dr. Hughes: But that something about Ms. Heard significantly triggered him, she talked about that, as well.

Wayne: And Dr. Anderson thought that Mr. Depp had been, her words, well controlled, I think, for almost 20 or 30 years. Correct?

Dr. Hughes: Up until this point, I believe she said.

Wayne: All right. I know that you testified that you reviewed medical records.

Dr. Hughes: Yes.

Wayne: All right. So, you know Ms. Heard had a personal nurse.

Dr. Hughes: Correct.

Wayne: Erin Falati.

Dr. Hughes: Correct.

Wayne: You didn't interview Ms. Falati either?

Dr. Hughes: I did not.

Wayne: You know she spent time with Ms. Heard on a regular basis during her relationship with Mr. Depp?

Dr. Hughes: Correct, I had her clinical notes that I reviewed.

Wayne: Right. And you reviewed her deposition testimony?

Dr. Hughes: Correct.

Wayne: Some of which the jury has heard. Right?

Dr. Hughes: I believe so.

Wayne: Yeah. And you reviewed the nursing notes?

Dr. Hughes: Yes.

Wayne: So, you know that Ms. Heard admitted to a history of eating disorders to Ms. Falati, correct?

Dr. Hughes: I know that's in the notes, that's nowhere else in any other record. So, I'm not sure where that came from.

Wayne: But you relied on everybody else's notes.

Dr. Hughes: And there are some things that I disagreed with. Like I disagree with Dr. Laurel Anderson about it being mutual abuse.

Wayne: Right. So, the stuff you disagree with you disregard and the rest you keep. Correct?

Dr. Hughes: That's not correct.

Wayne: But that's what you did.

Dr. Hughes: That's not correct.

Wayne: All right. You know that Ms. Falati saw Ms. Heard immediately after she returned from Australia?

Dr. Hughes: I'd have to look at the notes again to be sure, but I know she did see her when she came back from Australia, that's correct.

Wayne: Did Ms. Falati document any injuries to Ms. Heard in her notes?

Dr. Hughes: I did not see that in the record.

Wayne: Okay. So, you looked at her notes and there's injury to Ms. Heard documented in her nurse's notes following her return from Australia?

Dr. Hughes: Correct.

Wayne: Okay. You talked about this concept, which you then defined, lethality. And you testified there are certain factors of their present relationship where a woman ends up murdered by her partner.

Dr. Hughes: Correct.

Wayne: All right. And that's one of the ways you look as to whether a woman is in a very dangerous situation.

Dr. Hughes: Correct.

Wayne: Can we pull up PX-92?

[inaudible 00:30:46]

Judge Azcarate: Yeah, it will be published.

Wayne: Do you know what this is?

Dr. Hughes: I believe this is the knife that Ms. Heard gave to Mr. Depp as a gift.

Wayne: All right. And do you speak Spanish?

Dr. Hughes: Un poquito.

Wayne: Do you know what it says?

Dr. Hughes: Yes, it says, "Hasta la muerte," "Until death."

Wayne: So, a woman you suggest has characteristics of being afraid for her life gives her intimate partner a large knife which she has inscribed "until death." That's your testimony?

Dr. Hughes: Well, there's context.

Wayne: Okay. We can do that later. So, we talked about...you talked a little about Mr. Depp purporting to demonstrate jealousy with Ms. Heard. Do you recall that?

Dr. Hughes: Yes, I do.

Wayne: And you specifically talked about Mr. Depp displaying jealousy regarding the actor James Franco?

Dr. Hughes: Correct.

Wayne: Now, the very first time you met with Ms. Heard, she talked to you about Ms. Franco...Mr. Franco, James Franco, Correct?

Dr. Hughes: I don't know if it was the first time, but I did ask about some other relationships.

Wayne: Okay. So, why don't we do this? Let's go PX-1246. And just want to go to the first page. All right. So, do you recognize the document that's in front of you?

Dr. Hughes: Yes.

Wayne: All right. And what I would like to do... What is it?

Dr. Hughes: It's one...a top sheet of a background information questionnaire that I use to help guide the evaluation.

Wayne: Okay. So, now, this is... Who filled it out?

Dr. Hughes: I filled it out.

Wayne: Whose form is it?

Dr. Hughes: My form.

Wayne: All right. I'm going to move just the first page into evidence because we're going to talk about other portions of it later.

Judge Azcarate: Could you back up so she can see the whole first page? Any objection?

Elaine: No, but I would want the whole thing.

Judge Azcarate: Okay.

Wayne: We will admit the whole thing into evidence.

Judge Azcarate: You want the whole thing in evidence?

Wayne: Sure.

Elaine: No objection whatsoever.

Judge Azcarate: All right, 1246 in evidence in full. Okay. Are there any identifiers that need... Are we just... We're just going?

Elaine: Yeah, I'm sure there's going to be some.

Judge Azcarate: All right.

Elaine: We should probably...

Judge Azcarate: Okay. So, you owe me a redacted one. Correct?

Wayne: I don't know what the nature of the redactions are going to be, but yeah.

Judge Azcarate: Okay. Well, you can discuss it.

Elaine: We'll work with them on that.

Judge Azcarate: Okay, thank you. All right.

Elaine: Because I'm positive there's identifiers on there.

Wayne: All right. 1246 has been moved into evidence. Can we blow up the bottom right-hand corner?

Judge Azcarate: All right. You want it published to the jury?

Wayne: Yeah, let's publish it to the jury.

Elaine: We're not comfortable publishing to the jury if there's identifiers.

Wayne: I don't...

Elaine: [inaudible 00:34:14]

Judge Azcarate: Well, we can... Well, why don't you...

Wayne: I don't see any on the first page.

Judge Azcarate: If you want to look at that, any objection to that?

Elaine: Is that the full page?

Judge Azcarate: That's what they're going to show.

Wayne: That's what we're going to show.

Elaine: Okay.

Judge Azcarate: All right, published, sent.

Wayne: All right. All right. So, this is the bottom corner, your notes. And it's under the section of your notes that's entitled "intimate relationships."

Dr. Hughes: Correct.

Wayne: Right. And one of the notes here on the right says "JF." That's James Franco, right?

Dr. Hughes: Correct.

Wayne: "Got close, but really wanted to be with Johnny."

Dr. Hughes: Well, it says "JF friends," they were friends.

Wayne: All right. Said "friends," but you put them under intimate relationship?

Dr. Hughes: Well, there's a line there because I was asking specifically about other things that were allegations in this matter.

Wayne: There's a line there because you did not believe that they should go under intimate relationships, but it's on your form?

Dr. Hughes: She wasn't telling me that this was an intimate relationship, I queried as to what's going on with James Franco because that was something that was raised in this case.

Wayne: And there's a note for December 2015.

Dr. Hughes: When they became more friends, more friendly.

Wayne: Right. And that was a period of time in which Ms. Heard was married to Mr. Depp. Correct?

Dr. Hughes: Correct.

Wayne: So, she became close with Mr. Franco in December 2015, and at least you put it under intimate relationships.

Dr. Hughes: With a line differentiating another part of this document.

Wayne: Okay. Did you provide another header, like a header that says "friends"?

Dr. Hughes: No.

Wayne: No. Well, let's look at the next one. The next one says...I think it says "Elon."

Dr. Hughes: Correct.

Wayne: That's Elon Musk, right?

Dr. Hughes: Correct.

Wayne: All right. May 2016.

Dr. Hughes: Correct.

Wayne: "Met him Met ball."

Dr. Hughes: Correct.

Wayne: That's a big, fancy party in New York, right?

Dr. Hughes: Yes, it is.

Wayne: All right. And she says she dated him after Johnny?

Dr. Hughes: Correct.

Wayne: She met Elon Musk in May 2016. When did she file the TRO?

Dr. Hughes: [inaudible 00:36:49] it was May 21st, I believe it was May 26th, 27th, if I'm correct.

Wayne: When did she start dating Elon Musk?

Dr. Hughes: Sometime after that.

Wayne: All right, yeah, sometime after the TRO?

Dr. Hughes: I believe so, yes.

Wayne: Okay. You talked... We can take that down. You talked quite a lot yesterday about this concept of reactive violence.

Dr. Hughes: Yes.

Wayne: Yeah. So, just so I understand your position on this, is it your position that if Ms. Heard was abused, she gets to hit Mr. Depp?

Dr. Hughes: That's not my opinion.

Wayne: But you know she hits him, right?

Dr. Hughes: And I testified to that.

Wayne: Right. And how many times, do you believe, that she told you that she hit him?

Dr. Hughes: Do I believe that she told me or how many instances were there?

Wayne: Well, I don't know, how would you know other than her telling you? You weren't there, right?

Dr. Hughes: I was not there, that's correct.

Wayne: All right. How many times did she admit to hitting him?

Dr. Hughes: She indicated a number of times and a number of instances.

Wayne: All right. You indicated that you'd listened to audio recordings as part of the work you did in this case?

Dr. Hughes: That's correct.

Wayne: All right. I'd like to play you a portion of one of those recordings. It's plaintiff's exhibit 343, it's already in evidence. And for the record, the portion I want to play is 2 minutes, 46...2:46.01 to 2:47.20.

Johnny: I said to Travis, I said... No, I said to you, "Hey, tell Travis what just happened."

Amber: Well, you told me to do it. You told me to, you said, "Go do that."

Johnny: I said, no, "Tell him what just happened."

Amber: And I lied.

Johnny: And that you punched me in the fucking thing.

Amber: You're right. You figured it out.

Johnny: And you said... [inaudible 00:38:59] What the fuck are you talking about? And I watched you lie.

Amber: I didn't punch you. I didn't punch you, by the way. You... I'm sorry that I didn't hit you across the face in a proper slap, but I was hitting you, it was not punching you. Babe, you're not punched.

Johnny: Don't tell me what it feels like to be punched.

Amber: You know, you've been in a lot of fights, you've been around a long time. I know. Yeah, I know.

Johnny: No. When you fucking have a closed fist...

Amber: You didn't get punched. You got hit. I'm sorry I hit you like this, but I did not punch you. I did not fucking deck you. I fucking was hitting you. I don't know what the motion of my actual hand was, but you're fine. I did not hurt you, I did not punch you, I was hitting you.

Johnny: [inaudible 00:39:39]

Amber: What am I supposed to do, do this?

Johnny: [inaudible 00:39:42]

Amber: I'm not sitting here bitching about it, am I? You are. That's the difference between me and you, you're a fucking baby.

Johnny: Because you start...

Amber: You are such a baby. Grow the fuck up, Johnny.

Johnny: Because you start physical fights?

Amber: I did start a physical fight.

Johnny: Yeah, you did. So, I had to get the fuck out of there.

Amber: Yes, you did. So, you did the right thing, the big thing. You know what? You are admirable.

Wayne: Do you agree with Ms. Heard that it's admirable to retreat from a fight?

Dr. Hughes: Is it admirable? It is admirable to retreat from a fight.

Wayne: Yeah. Anything about this tape suggest to you that it's characteristic of reactive violence?

Dr. Hughes: In this instance, if true, if she said she hit him first, then that would not be reactive violence.

Wayne: All right. You testified that Ms. Heard reported to you that she engaged in low levels of violence, correct?

Dr. Hughes: Well, I don't think she said that, I think that was the characterization of knowing the types of minor and severe levels of violence.

Wayne: Okay. I got it wrong. You consider it low levels of violence?

Dr. Hughes: Well, I consider what the literature and the research talks about low levels of violence, as opposed to severe levels of violence.

Wayne: And I think you suggested that Ms. Heard sustained more severe injuries. Correct?

Dr. Hughes: I think I said more frequent injuries.

Wayne: More frequent but not more severe?

Dr. Hughes: Well, certainly the incidence in Australia and the sexual violence and the incidence on December 15th, 2015 were quite severe.

Wayne: You said you reviewed medical records in rendering your opinion.

Dr. Hughes: Correct.

Wayne: And you reviewed photographs?

Dr. Hughes: Correct.

Wayne: Now, other than the reports to her therapist, which you call medical records, right?

Dr. Hughes: Yeah, I would call those medical records, sure.

Wayne: Right. Other than the reports to her therapist, there's not a single medical record that reflects any injury to Ms. Heard, is there?

Dr. Hughes: That's not correct.

Wayne: All right. There is not a...other than... What doctor reflected injuries to Ms. Heard?

Dr. Hughes: The note by Erin Boerum, her married name...I'm not recalling her married name, indicated that she was headbutted by Mr.

Depp, and that she went for a concussion check and she had a busted lip. And then she went to Dr. Kipper's office in order to get checked.

Wayne: What... And there's a medical record other than that note that reflects it?

Dr. Hughes: There's a note that she showed up at Dr. Kipper's office. There's a note [inaudible 00:42:27] that Dr. Laurel Anderson saw the two bruises from that same incident, as well.

Wayne: All right. You reviewed photographs?

Dr. Hughes: Yes.

Wayne: All right. I'd like to put up PX-144. It's been published to the jury briefly and I'm going to keep it up very briefly. That photograph doesn't reflect a low level of violence, does it?

Dr. Hughes: Well, that reflects a severe injury, I would agree.

Wayne: Yeah. Why don't we go to PX-145? That's a severe injury that ended up with Mr. Depp on a gurney, correct?

Dr. Hughes: That is a severe injury, correct.

Wayne: Yeah. All right. Is it your testimony that throwing a can of mineral spirits at your spouse is characteristic of reactive violence?

Dr. Hughes: If you are running away from your spouse who is trying to hurt you, yes.

Wayne: All right. So, you can throw a can of mineral spirits. What about if you throw a can of Red Bull?

Dr. Hughes: Again, it depends on... The incident, I think, that you're referring to, that was not necessarily reactive violence, that was in a state of frustration or anger.

Wayne: All right. So, when you throw a can of Red Bull in a state of frustration or anger, that's not reactive violence?

Dr. Hughes: No.

Wayne: All right. What about if you throw a bottle of vodka because your husband fell off the wagon? Is that reactive violence?

Dr. Hughes: Are you asking me hypothetically?

Wayne: I'm asking you would that be a characteristic of reactive violence, throwing a bottle of vodka because your husband fell off the wagon?

Dr. Hughes: If it's in the middle of an assault, perhaps. If it's independent of that, no.

Wayne: Right. So, for instance, if your husband was just having a couple of shots at the bar?

Dr. Hughes: Again, you would need more information in context to make that determination.

Wayne: All right. You don't think that's a reflection of reactive violence. And you'll agree with me that when you throw the second bottle, that's not reactive violence?

Dr. Hughes: If somebody is throwing multiple bottles? Psychological violence and abuse is psychologically destabilizing, which destabilizes an individual's coping strategies. That is absolutely true.

Wayne: Lost what's true. Is it your testimony that once you've thrown one bottle and missed, when you throw the second one, now it's reactive violence?

Dr. Hughes: That's not what I'm saying. I don't think throwing bottles is acceptable in any context.

Wayne: All right. All right. I'm going to ask you about some of the testing that you did. One of the things that you did was a form, it looked like...called a CTS2 relationship behaviors form.

Dr. Hughes: The conflict tactics scale, correct.

Wayne: So, CTS2 stands for conflict tactics scale?

Dr. Hughes: That's correct.

Wayne: And this is one of the documents that you had with you on the stand yesterday?

Dr. Hughes: I had all my testing with me and all my clinical notes from my evaluation with Ms. Heard.

Wayne: And you gave me a copy of it because you looked at it during your testimony.

Dr. Hughes: Because you asked me, so I gave it to you, yes.

Wayne: Right. All right. But you have a good recollection of what that test is about, the CTS2 test?

Dr. Hughes: I have a very good memory and a very good recollection. I want to give the jury the most accurate and thorough information. Having done 12 tests with so many questions, I wanted to just be as accurate as possible. I'm sure my memory would miss some things that might be relevant.

Wayne: All right. So, let's talk about the CTS2. It's dated 9/26/2019.

Dr. Hughes: Correct.

Wayne: All right. 9/26/2019. And it goes through and it asks a whole series of questions about what you've done and what your partner has done.

Dr. Hughes: That's correct.

Wayne: There's tons of these questions.

Dr. Hughes: Correct.

Wayne: And every single one of those questions is preceded by the same question, right? "How often did this happen in the past year?"

Dr. Hughes: Correct.

Wayne: You knew that as of 9/26/2019 not a single one of the things that Ms. Heard identified happened to her in the last year?

Dr. Hughes: Correct.

Wayne: Right.

Dr. Hughes: She was oriented to a different time frame to get a checklist of those behaviors.

Wayne: All right. And one of the... Although it says, "Please... How often did this happen in the past year?," one of the questions is, "My partner used force to make me have oral or anal sex."

Dr. Hughes: Correct.

Wayne: She went with zero on that, right?

Dr. Hughes: I'd have to see, if you'd like to show me.

Wayne: Right. Do you have any recollection that she didn't go with zero on that?

Dr. Hughes: I have a recollection at that point in time she was framing those type of acts as angry sex.

Wayne: All right.

Dr. Hughes: She wasn't framing them as physical force, as most women don't on these measures.

Wayne: And you helped her to reframe it as something other than angry sex, didn't you, doctor?

Dr. Hughes: My job was not to do treatment, my job was to do an evaluation, and that's what I did.

Wayne: All right. So, you did an evaluation. One of the evaluations you did and one of the diagnoses that you ultimately made relates to PTSD.

Dr. Hughes: That is correct.

Wayne: All right. And you diagnosed Amber Heard with PTSD long before you made use of the gold standard test for PTSD?

Dr. Hughes: That is correct.

Wayne: All right.

Dr. Hughes: And I make the diagnosis of PTSD in my clinical practice without using the CAPS all the time.

Wayne: All right. So, just so you and I are on the same page, and I think we are, this gold standard test that I am referring to is the CAPS-5.

Dr. Hughes: That is correct.

Wayne: That's the one that Dr. Curry administered, correct?

Dr. Hughes: Correct.

Wayne: All right. You didn't administer the CAPS-5 until, A, after you'd already diagnosed Amber Heard with PTSD, right?

Dr. Hughes: She had PTSD in 2019, she had PTSD in the beginning of 2021 when I evaluated her, and then she had PTSD on December 27th, 2021 when I administered the CAPS, that's correct.

Wayne: All right. I think I asked a much more narrow question than that. You didn't diagnose...you didn't give the CAPS-5... Hold on, I'm going to strike that question altogether and start it again. You had already diagnosed her with PTSD before you did the gold standard. Correct?

Dr. Hughes: Before I administered the CAPS-5, there was enough data in the psychological testing and my clinical evaluation to establish that she met criteria for PTSD, that is correct.

Wayne: All right. You submitted an expert disclosure in this case on January 11th, 2022?

Dr. Hughes: I believe the attorneys submitted that disclosure, yes.

Wayne: All right. And you participated in that?

Dr. Hughes: In the January 11th? It was the same disclosure that went before, there were no changes on that.

Wayne: Did you reference the CAPS-5 in that at all?

Dr. Hughes: I don't believe I gave the results of the CAPS-5 to the attorneys at that point.

Wayne: All right. You met with... Oh, I got dates here. This time I'm using the cheat sheet. All right. You met with Amber Heard on September 26th, 2019.

Dr. Hughes: I would love to have my cheat sheet, but I'll take your word for it.

Wayne: I'll share.

Dr. Hughes: Thank you.

Wayne: October 11th, 2019. When did you give the CAPS-5?

Dr. Hughes: The CAPS-5 was administered the last time I saw Ms. Heard. I saw her over, as stated, multiple times over the past two and a half years. And having not seen her in about a year, to get an accurate assessment of her current symptoms, having had all the background information, the CAPS-5 is a great structured clinical interview to do that.

Wayne: All right. So, you hadn't seen her for about a year before you gave her that test.

Dr. Hughes: That is correct.

Wayne: And you did it over Zoom?

Dr. Hughes: That is correct.

Wayne: All right. All right. Why don't we pull up PX-1247? This may...

Elaine: [inaudible 00:52:34] This is a new one, so we don't have it. I just need to know [inaudible 00:52:38]

Wayne: [inaudible 00:52:38]

Judge Azcarate: Sure. It's just at the witness right now. So, okay.

Elaine: [inaudible 00:52:43] It would be nice to know [inaudible 00:52:45]

Judge Azcarate: Okay.

Wayne: Sure. Dr. Hughes, you can actually help with that question. This is like 20...more than 20 pages long, right?

Dr. Hughes: It's about 20 pages.

Wayne: Right. All right. Let's get a copy of it. This is a series of questions that you use to test for PTSD?

Dr. Hughes: Correct.

Wayne: All right. And you recognize the first page? This is the first page that you filled out, that's your handwriting?

Dr. Hughes: That's correct.

Wayne: All right. All right. I'd like to publish the first page to the jury.

Judge Azcarate: Do you wish to have it in evidence? Are you moving it into evidence?

Wayne: Yes, I am.

Elaine: I'd like to have a copy of it before I...

Judge Azcarate: Well, he's just posting the first page? Any objection to the first...

Elaine: I don't have an objection, Your Honor.

Judge Azcarate: Okay. First page into evidence.

Wayne: All right.

Elaine: I think, Your Honor, in the future they should, at a minimum, give us a copy of whatever they're putting in. I don't have the ability...

Judge Azcarate: Could you put your microphone on? I'm just having...

Elaine: I don't have the ability to scroll down. So, I can't see the rest of this and it's a brand-new exhibit.

Judge Azcarate: All right. Michelle will get you a copy of...

Elaine: Thank you.

Wayne: I'd like to go to the second page. Can we put up the second page?

Judge Azcarate: Are you putting the second page into evidence?

Wayne: Not yet.

Judge Azcarate: Then I can't put it up.

Wayne: Oh, I'm sorry. I'd like the witness to see the second page.

Judge Azcarate: The witness can see the second page.

Wayne: Thank you. This is the second page, this is instructions on how you do it.

Dr. Hughes: Correct.

Wayne: All right. And then we'll go to the third page, let's let the witness see the third page. Now, this is entitled "Scoring."

Dr. Hughes: Correct.

Wayne: So, when you score, you look at two things, right? You look at frequency and intensity.

Dr. Hughes: Correct.

Wayne: All right. Those are the two factors you use to score.

Dr. Hughes: Correct.

Wayne: All right. Can we go to the fourth page of this document? And just show it to the witness. All right. So, Dr. Hughes, this is the first page of a CAPS B where...other than the identifying information, where there's any input into the document, correct?

Dr. Hughes: The CAPS-5, you said the CAPS B?

Wayne: Yeah, I misspoke.

Dr. Hughes: Okay. Yes. This is the Criterion A. Which means that in order to, as I said yesterday, to obtain a diagnosis of PTSD, you have to have sustained a very specific traumatic event, that's the first [inaudible 00:55:48] to get through the door.

Wayne: All right. So, Your Honor, I'm going to...I'd like to be able to get them a copy of this. Is it too early to take the break?

Judge Azcarate: A little bit.

Wayne: All right. I can do something else.

Judge Azcarate: Okay.

Wayne: Yeah. All right. All right. So, do you recognize the first page...or the fourth page of this document?

Dr. Hughes: Yes, I do.

Wayne: And the handwriting on the fourth page is yours?

Dr. Hughes: It's all my handwriting.

Wayne: All right. The entirety of it is yours. I'm going to move this document into evidence, along with the first page. And that one is what number? I think it is...

Judge Azcarate: You're still on 1247?

Wayne: 1247.

Judge Azcarate: Okay. So, you want to move the entirety of 1247 in?

Wayne: Yes.

Judge Azcarate: Do you have a copy of 1247? It's exhibit 1247.

Elaine: Your Honor, I don't have the whole page in front of me.

Judge Azcarate: Well, I mean, do you... Do you have plaintiff's exhibit 1247? Plaintiff's 1247. I don't have it either.

Wayne: Oh, it's defendant's 1435.

Judge Azcarate: 1435? Defendant's 1435.

[inaudible 00:57:30]

Wayne: Take your time.

Judge Azcarate: 1435. Did you want to take a look at the court's copy, would that be easier for you?

Elaine: Your Honor, it's 59 pages. What is he moving in? I mean, I don't think we can do a partial...

Judge Azcarate: I think he's moving in... Are you moving the entire document in?

Wayne: Yeah, I'm going to move the entire document into evidence.

Elaine: I don't think I have an objection to that.

Judge Azcarate: No objection?

Elaine: No objection.

Judge Azcarate: Did you want to take a look at the court's copy, or you're good?

Elaine: Yeah, I would, thank you. My apologies.

Judge Azcarate: That's fine. Thank you, Jamie.

Elaine: It's going to show the evaluation, too, right? No objection, Your Honor.

Judge Azcarate: All right. So, even though I pulled it from defendant's 1435, we want to make this 1247, plaintiff's, correct?

Wayne: Yes, Your Honor. Thank you.

Judge Azcarate: Okay.

Elaine: [inaudible 00:58:42]

Judge Azcarate: I kind of need it. Thank you. We'll just change the number on it. All right.

Wayne: All right.

Judge Azcarate: So, it's 1247. 1247 into evidence, plaintiff's 1247 into evidence, and now it can be published to the jury.

Wayne: Thank you. Why don't we publish the fourth page where we're talking about? All right. So, what this references is the event you said was the worst. And what you have filled in here is three words, "IPV by Johnny," right?

Dr. Hughes: Correct.

Wayne: All right. And then what happened is the next box, and you've not written a single thing in the box, right?

Dr. Hughes: Because I've already spent 20-some-odd hours with Ms. Heard, I know what goes in that box. If you look at the top, it says,

"Administer the Life Events Checklist or another structured trauma screen." That screen had already been conducted.

Wayne: Right, but there's a box on the gold standard test that asks what happened and it says, "How old were you? How were you involved? Who else was involved? Was anyone seriously injured or killed? Was anyone in life danger?" And none of that information you provide in your analysis on the CAPS-5.

Elaine: Your Honor, I hesitate to object, but that's very compound.

Wayne: It is.

Judge Azcarate: I'll sustain the objection, if you want to rephrase.

Wayne: We can do it the slow way.

Judge Azcarate: Okay.

Wayne: The first question is, "How old were you?"

Dr. Hughes: All of the information that would go in that box is contained in my 80-plus clinical notes of my evaluation of Ms. Heard up and to this point. It would have been incredibly redundant to do that again here.

Wayne: But you knew other people would review this, didn't you?

Dr. Hughes: And I knew that they would have my clinical notes, as well.

Wayne: Oh, so, they're supposed to parse through your clinical notes so that they can figure out what you chose to be the anchoring event?

Dr. Hughes: I didn't choose to be the anchor, the client chooses to the anchor to identify what the worst event is for them.

Wayne: You wrote "IPV by Johnny," that's what you determined to be the anchoring event.

Dr. Hughes: When I asked Ms. Heard, once again, of the traumatic events that she experienced in her life, which one is the worst, this is what she indicated.

Wayne: Okay. But you provided no details with respect to that.

Dr. Hughes: There are a plethora of details in my 80-page handwritten, single-spaced clinical notes.

Wayne: Right. All right. Let's go to the next page. All right. You felt it appropriate to fill this page out, didn't you, doctor?

Dr. Hughes: Well, these are the questions about the symptoms. So, I'm asking specific questions and getting her responses.

Wayne: Didn't you know this already?

Dr. Hughes: Well, I was making sure, at this point having not seen her for a year, what is the trauma expression at this time. It can change over time. It could go away, it can get better, it can get worse.

Wayne: All right. Why don't we go a couple more pages in? Let's go into Page 7 of 20. Now, there are a couple of boxes that you filled in on this. Let's look at Item 5 (B5). You don't provide any indication of what kind of triggers...what kind of reminders trigger these reactions?

Dr. Hughes: She answered that on the previous questions.

Wayne: All right. And you didn't provide any answer as to how long does it take to recover?

Dr. Hughes: She has some difficulty recovering.

Wayne: Okay. And then there's this question that says, "How often has this happened in the past month? # of times".

Dr. Hughes: Correct.

Wayne: And we talked about how these things are scored and we looked at...you got to look at frequency and intensity, right?

Dr. Hughes: Correct.

Wayne: And you left the frequency box blank?

Dr. Hughes: Well, no. If she said several times a month, then that's what the frequency is.

Wayne: And you didn't fill that frequency box in at all?

Dr. Hughes: Because she told me it was frequently several times a month, which is one of the anchors in coding the CAPS.

Wayne: All right. Let's look at the next one. The very next box. Again, this is scored by frequency and intensity. "How often in the past month?" Blank.

Dr. Hughes: Correct. Pardon?

Wayne: "How often in the past month?" You left that one blank again, right?

Dr. Hughes: She tells me it happens at least twice a week, so certainly I could multiple two times four and put an eight.

Wayne: And you certainly could have written the number two.

Dr. Hughes: But it wasn't two, if it's happening two times a week.

Wayne: All right. So, two times a week, times the number of months, now you got two digits instead of one, right? That's all it took to write that down.

Dr. Hughes: This is in a one-month period, so it would have been a four-week period.

Wayne: All right, "How often in the past month?," that's what it says.

Dr. Hughes: Correct.

Wayne: You chose not to answer that question. Let's look at the next page. Again, scoring is frequency and intensity. "How often in the past month?" Again, you left it blank.

Dr. Hughes: If you look on the right-hand box, that is where we are indicating the frequency and the severity. If you can see where I circled "moderate" is happening, more than twice a month. That's where I'm indicating the frequency of the symptom expression.

Wayne: Okay. But you're...aren't you skipping a step? You're supposed to do intensity and frequency.

Dr. Hughes: And when somebody says it's happening more than twice a month, that is a frequency indicator.

Wayne: All right. Let's go to the next box. Again, we have, "In the past month, how many of the important parts of (EVENT) have you had difficulty remembering?" "# of important aspects". Didn't fill it out.

Dr. Hughes: Well, I listed two specific incidents of where she indicates she has important aspects that are missing.

Wayne: But all you had to do is put a number in here. You know you had to...you knew how to score this thing.

Dr. Hughes: Well, this measure actually doesn't get scored by the frequency.

Wayne: All right. You know something? You're right. Let's look at the next one.

Dr. Hughes: I know.

Wayne: The next one gets scored by the frequency. That's blank. Right?

Dr. Hughes: Well, I did not code it as a PTSD symptom.

Wayne: Okay. Let's go to the next one. "How much of the time in the past month have you felt that way, as a percentage?"

Dr. Hughes: So, as you can see, I circled 20% to 30% of the time.

Wayne: Right.

Dr. Hughes: It's just I'm putting it on the right side in the box where I'm coding the instrument.

Wayne: We're going to talk about the right side in a minute. You took issue with the way that Dr. Curry did this test, didn't you?

Dr. Hughes: Correct.

Wayne: All right. But your test, in every instance where you're asked the number of times and to fill in the blank, you leave it blank.

Dr. Hughes: They're on the right side of the document.

Wayne: All right. You want to talk about the right side of the document, let's do that. After you did the CAPS-5 for the anchoring...the three-word anchoring event, "IPV by Johnny," you went back through again and said, "You know, maybe I should consider childhood trauma, as well," right?

Dr. Hughes: I wanted to test for the limits and see. At this point in time, Ms. Heard had had a child. And sometimes when people have children, their trauma gets evoked. Is she having those symptoms, as well? She already had, based on this instrument, the PTSD from the interpersonal violence. I wanted to see if there were any additional symptoms.

Wayne: All right. And you knew that she had had severe child abuse as a young person?

Dr. Hughes: That is correct.

Wayne: She grew up in a home full of heroin addicts, right?

Dr. Hughes: Opiate abuse, yes.

Wayne: All right. And there was IPV between her parents?

Dr. Hughes: Correct.

Wayne: All right. And so you wanted to make sure that there wasn't some impact with this childhood trauma in the diagnosis of PTSD?

Dr. Hughes: Yes.

Wayne: Right. And so you decided to give her the test again?

Dr. Hughes: Well, I didn't give it again, what's called testing the limits. I went back to some of the questions where she answered in the affirmative and said, "And is this also happening vis-à-vis your childhood abuse? Are you also having intrusive thoughts and feelings about childhood? Are you avoiding thinking about things about childhood? Is that happening for you now, as well?"

Wayne: All right. So, there are a series of notations on the right-hand side. Let's go to Page 5 of 20 in the test. All right. Why don't we highlight the right-hand notations that start under the word "childhood"? All right? So, the way you tested for childhood PTSD is to write a notation in the corner and answer a couple of questions? Same test.

Dr. Hughes: Well, I wasn't administering a whole CAPS again, what I was doing was seeing. As we know with people who have what we call polyvictimization or re-victimization, someone could, in fact, meet criteria for the PTSD from the domestic violence, but then they're also experiencing some symptoms as a result of the childhood abuse. Both can occur.

Wayne: Right. But Mr. Depp isn't responsible for her childhood abuse.

Dr. Hughes: That is correct.

Wayne: Right. And the way you tested this childhood abuse PTSD is you made notations on the right-hand...in the right-hand column of a form that you partially filled out for the IPV by Johnny. Right?

Dr. Hughes: Well, I disagree with the "partially filled out." The frequency was clearly filled out in the box where we score the CAPS. But, yes, I did write about the childhood to the right of that box.

Wayne: Okay. And that is the appropriate way that the gold standard test for PTSD for childhood trauma should be administered?

Dr. Hughes: If there were any affirmatives and I needed to go further, I could have administered another CAPS-5. There were not...I did not need to do that.

Wayne: Okay. So, you chose not to do a second CAPS-5, although you knew that she had suffered from severe childhood trauma?

Dr. Hughes: No, because she wasn't suffering symptoms at that point in time, PTSD symptoms, from the childhood trauma.

Wayne: All right.

Judge Azcarate: Mr. Dennison, are you moving to a different topic now? Or is...

Wayne: I am.

Judge Azcarate: Okay. All right. This might be a great time to take our morning break then. All right. Ladies and gentlemen, we'll take our 15-minute break. Please do not discuss this case with anybody and don't do any outside research, okay? Thank you. All right? We'll go ahead and take...

Elaine: Your Honor, before you take the break, may I get a copy of the new exhibits from them so that I can see it over the break?

Judge Azcarate: Yes.

Wayne: I don't know if we can do it before, but we'll certainly get them to you.

Elaine: Well, I mean, I need to be able to redirect and I have never seen these.

Judge Azcarate: Okay. Well, we'll go through it, that's fine. All right?

Wayne: Although it's in your exhibit list.

Judge Azcarate: That's fine.

Elaine: Well, if it's in my exhibit list, if they just tell me.

Judge Azcarate: Tell you the exhibit numbers? That's fine, we'll work through it. Okay? We'll take a...let's take a recess to 11:40 then, okay?

Wayne: Thank you, Your Honor.

Judge Azcarate: All right, be back at 11:40.

[inaudible 01:11:49]

Judge Azcarate: All right. We ready for the jury? Okay. All right. Thank you. Be seated. And next question?

Wayne: Why don't we put that back up, plaintiff's 1247? Again, this is the CAPS-5. You didn't administer this until you already had Dr. Curry's scores, did you?

Dr. Hughes: That's not correct.

Wayne: No? You administered it after Dr. Curry made a disclosure, correct?

Dr. Hughes: That's not correct.

Wayne: All right. You administered it after Dr. Curry had administered hers?

Dr. Hughes: I learned that in late February when she submitted her report, but I would have no way of knowing that in December of 2021.

Wayne: All right. And you didn't make any reference to this in your disclosures until after Dr. Curry made reference to hers, right?

Dr. Hughes: I don't recall the date of the final disclosure, or the fourth disclosure.

Wayne: All right. Can we go to the next page? Let's go to the top of the page, we'll blow that up. Instructions start with, "Standard administration and scoring of the CAPS-5 are essential for producing reliable and valid scores and diagnostic decisions." See that language?

Dr. Hughes: I do.

Wayne: All right. You don't contend it's standard not to fill out the frequency line?

Dr. Hughes: I think if you're filling it on the right side of the box, I think that's perfectly fine.

Wayne: All right. So, you think it's standard administration to simply leave blanks that are already in the form?

Dr. Hughes: I didn't leave blanks when I needed to find out the frequency of the symptoms.

Wayne: All right. Let's go down a little bit further. Let's go to "Administration." It says, number two, "Read prompts verbatim, one at a time, and in the order presented," and then has a variety of exceptions. With respect to the childhood trauma notations you made in the margin of the CAPS-5, you didn't read the prompts verbatim, did you?

Dr. Hughes: I read the first prompt. If there was a "yes," then I would have made a decision do I need to administer a whole other CAPS.

Wayne: Right. And you ultimately didn't do that, you just simply wrote in the margin of the last one.

Dr. Hughes: Because she wasn't endorsing those symptoms.

Wayne: Okay. You talked about endorsement of symptoms. Ultimately, what you're looking for, with respect to PTSD, is functional deficiencies. That's one of the things you look for, right?

Dr. Hughes: Well, with any DSM diagnosis, you're looking for what are the functional impairments as a result of the symptoms that the individual is experiencing.

Wayne: Okay. So, in fact, if you go to the...all the way to the end of the form, one of the things that we deal with is impairment and occupational functioning. Right?

Dr. Hughes: Correct.

Wayne: All right. What's Ms. Heard's occupation?

Dr. Hughes: She's an actor.

Wayne: All right. And she's in...she had just wrapped a major motion picture. Correct?

Dr. Hughes: That's correct.

Wayne: So, you didn't determine that she had an impairment in occupational function, she's still performing at literally the highest level of her profession. Correct?

Dr. Hughes: She had a number of PTSD symptoms while she was filming "Aquaman 2."

Wayne: Right.

Dr. Hughes: That interfered with her ability to really organize a lot of resources for herself in order to go forward and film that production.

Wayne: I asked you whether or not she was performing at the highest level of her profession. Yes or no?

Dr. Hughes: I don't know if I'm qualified to answer that.

Wayne: Okay. But did she report to you that she loves to cook?

Dr. Hughes: She loves to cook, yes.

Wayne: Hike?

Dr. Hughes: I don't recall hiking, but...

Wayne: Read?

Dr. Hughes: Yeah.

Wayne: Spend time with friends?

Dr. Hughes: If she can, that has been significantly diminished as a result of her PTSD symptoms and as a result of this case.

Wayne: She just had a baby?

Dr. Hughes: She did.

Wayne: Right. Exercises every day?

Dr. Hughes: For the most that I can tell, she does.

Wayne: Yeah. Completed level three sommelier training?

Dr. Hughes: She did.

Wayne: All right. She did all of these things. And you've made a determination that she is impaired with respect to her occupational functioning?

Dr. Hughes: I made a determination that the symptoms interfere with her functioning. She does these things, but it's not like the symptoms aren't there. She has to continue to work, even though she has a panic attack, even though she has an intrusive recollection of the trauma, even though she's having heart palpitations and sweaty palms when something comes into her mind. It does not stop her from doing what she needs to do, but it does interfere.

Wayne: Okay. So, I'm going to ask you about another test that you administered. And that's...that one is called the PAI. Do you know that one?

Dr. Hughes: Yes, I do.

Wayne: That's the personality assessment inventory?

Dr. Hughes: That's correct.

Wayne: Okay. Why don't we mark...why don't we put in front of the witness PX-1244? Your Honor, if I could approach?

Judge Azcarate: All right. 1244. Thank you.

Wayne: All right. So, Dr. Hughes, do you recognize PX-1244?

Dr. Hughes: Yes.

Wayne: And it's a list of critical item endorsements?

Dr. Hughes: Correct.

Wayne: And that's derived from the PAI?

Dr. Hughes: Correct.

Wayne: And this is a PAI that you gave 9/26/2019?

Dr. Hughes: I don't have the cover sheet in front of me, so.

Wayne: Why don't we scroll down to the bottom, Tom? There it is.

Dr. Hughes: Yeah. Thank you.

Wayne: There it is down there.

Dr. Hughes: Thank you.

Wayne: You bet. Okay. Now, critical item... And I'm going to move this document, PX-1244, into evidence.

Elaine: Your Honor, I would request that the entire document be put [inaudible 01:19:49]

Wayne: I'm only going to ask her about this piece.

Elaine: I still would ask...

Judge Azcarate: Well, it's his exhibit. Do you have any objection to his exhibit, which is just the first page?

Elaine: No.

Judge Azcarate: All right. 1244 in evidence.

Wayne: Okay. So, critical item endorsement. This states, "A total of 27 PAI items reflecting serious pathology have been very low endorsement rates...have very low endorsement rates in normal samples. These items have been termed critical items." You're familiar with that concept?

Dr. Hughes: Yes, I am.

Wayne: All right. And I just want to ask you about a couple of the critical items. The first one is potential for aggression. This was deemed, under your PAI, a critical item. And it says, "Sometimes my temper explodes and I completely lose control." How did that potential for aggression bear on your analysis?

Dr. Hughes: Well, there's a few things. Number one, certainly Ms. Heard reported to me that in her relationship, that would happen. Her anger and her affect regulation would become impaired. Number two, you have to look at the total scales where that scale is not elevated, so it would not be a major cause of clinical concern. Number three, she had four responses that she could say to this question, "mainly true"... "very true," "mainly true," "sometimes true," or "false." She chose "sometimes true." So, she's answering honestly about her experience.

Wayne: "Sometimes...it's sometimes true that sometimes my temper explodes," that's your testimony?

Dr. Hughes: Correct. Correct.

Wayne: All right. So, you've talked a little bit about this concept called malingering. And there's one here for potential malingering. And this is another one of these critical item endorsements. "Critical items" means that these are serious pathology, right?

Dr. Hughes: Well, as you can see it says, "Endorsement of these critical items is not in and of itself diagnostic." So, you need to review the content of the item, and that's how you make the determination is this something of clinical concern that you need to do more understanding about.

Wayne: Okay. So, this critical item endorsement, this one reads, under potential malingering, "I think I have three or four completely different personalities inside of me."

Dr. Hughes: Correct.

Wayne: And she endorsed that as "sometimes true."

Dr. Hughes: Correct.

Wayne: Okay.

Dr. Hughes: And there's not one elevated malingering scale on the PAI.

Wayne: All right. Let me ask you about another document.

[01:22:45]

[silence]

[01:23:08]

Wayne: All right. Mark the document as PX-1248.

Judge Azcarate: 1248?

Wayne: 1248. Your Honor?

Judge Azcarate: All right. Yes, sir. Okay.

Wayne: All right. Can you put up PX-1248 just for the witness? Dr. Hughes, do you recognize this?

Dr. Hughes: Yes.

Wayne: All right. And these are critical items that were deduced on the TSI-2 critical items list?

Dr. Hughes: Correct.

Wayne: And what's a zero mean?

Dr. Hughes: It means that she scored a zero on that item. She said it's not something that's relevant for her at the time frame that the test was administered.

Wayne: And these are all self-reports, right?

Dr. Hughes: Correct.

Wayne: And so she scored a zero on doing something violent because you were so upset?

Dr. Hughes: Correct.

Wayne: See that language? You knew Ms. Heard to do violent things when she's upset?

Dr. Hughes: This test specifies how often have you had these symptoms in the last six months.

Wayne: Just through the last six months?

Dr. Hughes: Correct.

Wayne: All right. So, she hadn't had them in the last six months?

Dr. Hughes: Correct.

Wayne: This test also asks and inquires about intentionally hurting yourself or cutting.

Dr. Hughes: In the last six months.

Wayne: Right.

Dr. Hughes: Is the prompt.

Wayne: All right. In the last six months.

Dr. Hughes: Correct.

Wayne: Had Ms. Heard previously indicated to you that she cut herself?

Dr. Hughes: She indicated one time, as a teenager, in a reckless moment, she did. "It was stupid and I never did it again."

Wayne: All right. What... So, that was the first time you met her, she indicated that she had cut herself. What did you do to satisfy yourself that she didn't continue to engage in that behavior?

Dr. Hughes: As with most things, I asked about the frequency of the behavior and had it ever occurred again, had she ever engaged in suicidal behavior or suicidal gestures, as part of that screen.

Wayne: Where did Ms. Heard cut herself?

Dr. Hughes: I'd have to look at my notes to be sure.

Wayne: All right. Why don't we do that. That's in your intake note, correct?

Dr. Hughes: I don't recall.

Wayne: All right. Why don't we go to PX-938? And if you'd put it up for the witness. All right, that's not it. Let's go to the next page. All right. There we go. All right. PX-938, we're on the third page. This background information sheet has already been admitted into evidence. And there's a discussion here we talked about earlier, about intimate relationships.

Dr. Hughes: I'm sorry, the question?

Wayne: Yeah. Let's go back to the first page. All right, there we go. What number was this? I can't remember. All right. This is in 1246. So, this page anyway, I'll ask it be published to the jury.

Elaine: I think it already was, Your Honor, but they can do it again.

Wayne: All right. We're going to do it again.

Judge Azcarate: So, 1246?

Wayne: 1246.

Judge Azcarate: All right. Okay. It's in evidence, there are supposed to be redactions though.

Elaine: [inaudible 01:27:51]

Judge Azcarate: Okay. All right. That's it. And 1246?

Wayne: All right. So, why don't we blow up the "Intimate Relationships" section? There's intimate relationships here relative to a variety of people, including a person called Tasa?

Dr. Hughes: Tasya.

Wayne: Tasya. Who is she?

Dr. Hughes: She was Ms. Heard's wife.

Wayne: Okay. And that relationship preceded her relationship with Mr. Depp?

Dr. Hughes: That's correct.

Wayne: Did you say on direct that you saw no previous inter-partner violence? Just "yes" or "no."

Dr. Hughes: I don't believe I did.

Wayne: All right. You don't believe that you saw inter-partner violence or you didn't say it on direct?

Dr. Hughes: I don't believe I said that yesterday.

Wayne: Okay. Your Honor, can we approach?

Judge Azcarate: All right. Yes, sir.

Wayne: Thanks.

[01:29:04]

[silence]

[01:29:24]

Wayne: Did you speak with Ms. Heard around the circumstances that gave rise to the TRO?

Dr. Hughes: With...on May 21st?

Wayne: Yes. Thank you.

Dr. Hughes: Yes, I did.

Wayne: Okay. Did Ms. Heard ever tell you that James Franco spent the night with her at the ECB between May 21 and May 27?

Dr. Hughes: I recall... I mean, again, it would be helpful to have my notes so I can tell you exactly what, but I do recall that she did see him at some point. I do not know if he spent the night.

Wayne: Do you know if Elon Musk spent the night during that period?

Dr. Hughes: I don't know.

Wayne: All right.

[01:30:07]

[silence]

[01:30:52]

Wayne: You cannot testify that Johnny Depp was not abused. Can you?

Dr. Hughes: I can testify that he had physical acts of violence perpetrated on him, as well as psychological aggressive acts perpetrated upon him.

Wayne: No further questions.

Judge Azcarate: All right, redirect.

[01:31:21]

[silence]

[01:31:39]

Elaine: Dr. Hughes, you were asked about some presentations, I think plaintiff's 1241 was the first one. If we can bring that up? Tom, would you help me out with that? 1241. Yes. And if you can scroll down. What was the significance of this presentation? And can you give her control or do you have to have control?

Judge Azcarate: Of the document?

Wayne: It's just one page.

Elaine: It's just one page? Oh, it's not the entire presentation. Okay. Can you please tell the jury what you provided in this presentation?

Dr. Hughes: To the best of my recollection, it was what I spoke to you about before of how people who are not trained in forensic psychology but who are working with victims of domestic violence can go into court and navigate with the court system and present and talk about domestic violence in a legal setting.

Elaine: Okay. Thank you. And that's been moved into...that's been moved in, correct? Okay. Well, let's go to the one that I don't think was 1242, please? Tom, if you could bring that up? All right. And is that just one page, too? How many pages is that one?

Tom: It has multiple pages.

Elaine: Okay. Do you recall this presentation, Dr. Hughes?

Dr. Hughes: Yes, I do.

Elaine: Okay. Could you please... Well, let's... I'm going to move the admission of plaintiff's exhibit 1242, first of all.

Judge Azcarate: Any objection?

Wayne: No.

Judge Azcarate: All right, 1242.

Elaine: Okay. And can we publish it to the jury, please? And, Dr. Hughes, could you please tell the jury, explain to the jury, what this presentation entailed?

Dr. Hughes: So, I was asked by the head of the Kings County Bar Association to give a presentation about intimate partner violence, domestic violence, and how psychological experts can be of assistance. This was, just because of how Brooklyn is, a bar association that was attended by many of the prosecutors from the Kings County District Attorney's Office as well as defense attorneys. And, as I stated before, this presentation was about how to really understand cases of domestic violence, how to understand what if she drops the restraining order, what if she doesn't call the police, what are the myths and misconceptions about intimate partner violence. And when she uses force, what does that mean, how do we understand that, how do we evaluate for that.

So, again, without seeing the rest of the presentation, I believe that was the thrust of this presentation.

Elaine: Okay, great. Thank you. Now, you testified about the notes you took and the notes you reviewed, and you were asked about some limited questions on testing. I'm going to ask for defendant's exhibit 1434.

Wayne: [inaudible 01:34:55]

Elaine: No. Oh, no, no.

Wayne: Okay.

Elaine: Oh, I need...we need... Thank you, [inaudible 01:35:03]. But you were doing a fine job, Tom. I didn't mean to take it away from you. Thank you, Michelle. Dr. Hughes, is this your CV?

Dr. Hughes: Yes, it is.

Elaine: All right, I'm going to move the admission of defendant's 1434.

Wayne: Objection, Your Honor. Hearsay.

Elaine: Your Honor, out of completeness, they've got all the other records in here for Dr. Hughes. I'm trying to seek completeness.

Judge Azcarate: I understand, I'll sustain the objection.

Elaine: Okay.

Judge Azcarate: Next question.

Elaine: Let's go to defendant's 1435, please. Now, Dr. Hughes, you've testified about the different testings that you administered, and this is one of the ones that I believe you testified to earlier. Correct?

Dr. Hughes: That's correct.

Elaine: And this is the DSM-5?

Dr. Hughes: This is the Clinician-Administered PTSD Scale for the DSM-5.

Elaine: Okay. I'm going to move the admission of 1435.

Judge Azcarate: Any objection?

Wayne: We object, Your Honor, because it has a lot of other documents in it and not just the CAPS-5.

Elaine: It's not the CAPS-5, it's the DSM-5.

Wayne: [inaudible 01:36:19]

Elaine: But she administered all these tests, Your Honor. And for completeness of record, they can't put in partials, and then not have the rest of it.

Judge Azcarate: Well, I mean, there was no objection to when they put theirs in. Now you're objecting to you putting...

Elaine: I would cite rule of completeness, Your Honor. Rule 2...Virginia Rule 2:106, that they can't just put a partial in, and then not have the completeness of the testing in the documents.

Judge Azcarate: Well, you put their test in, now you want to put more tests in. Correct?

Elaine: Correct.

Judge Azcarate: But that's not a completeness argument then, that's just a different test.

Elaine: Well...

Judge Azcarate: But what's the objection though? That there's...

Wayne: It's hearsay, Your Honor.

Judge Azcarate: Okay. All right, I'll sustain the objection. Thanks.

Elaine: All right. Well, then, we'll go for the other ones. You did the TSI. Well, before we go on to the others, let's talk about could you please tell the jury what you administered in this DSM-5 and why this is significant?

Wayne: Objection of compound.

Judge Azcarate: Sustained.

Elaine: Can you tell us why the DSM-5 is significant that you administered?

Dr. Hughes: So, the DSM-5 is the Diagnostic and Statistical Manual for psychiatric disorders, it's published by the American Psychiatric Association. That's where it has all the criteria and all the information for our major mental disorders, like major depressive disorder or panic disorder or PTSD. What the CAPS is, the Clinician-Administered PTSD Scale, is it follows all of that criteria that's in the DSM-5 so that you can make a very accurate diagnosis.

Elaine: And what, if any, diagnosis did you make as a result of this DSM-5?

Dr. Hughes: So, not only on this. I mean, this instrument can stand alone, where she meets PTSD criteria just by virtue of this instrument. Pardon me. But also, the other testing that I gave where she had elevated scales on PTSD measures which correspond with the DSM-5 symptoms of PTSD. So, there are multiple measures that are consistent across time that she meets criteria for PTSD.

Elaine: Thank you, Dr. Hughes. Now, you were also given one page of the scoring on the TSI-2 and one page with respect to the PAI. Do you recall seeing that?

Dr. Hughes: It wasn't the scoring, they were critical items on those respective tests.

Elaine: Okay. Well, I'm going to ask to bring up defendant's exhibit 1858. Which is the full PAI. And was this the actual testing and scoring?

Dr. Hughes: Yes, this is the profile, the scores that are generated from the 344 questions that Ms. Heard answered on this test.

Elaine: And what did you...what were the results, what did you determine based on the testing of this PAI?

Dr. Hughes: Well, that the results were valid and reportable. There was no evidence of exaggeration or malingering on this test, and there was significant symptoms that correspond with traumatic stress and post-traumatic stress disorder symptomatology.

Elaine: And I believe you said, again, that there was no elevated scores. Can you explain to the jury what you meant by that?

Wayne: Objection, leading.

Judge Azcarate: Overruled. Go ahead.

Dr. Hughes: So, elevated scores are a way that we get to know where a cutoff is to say that something is clinically significant. And that follows very standard statistical principles. So, when a scale is elevated, it means that we have sort of greater confidence that this individual endorses a lot of different symptoms that make this scale relevant and that we want to figure out why that person is having an elevated score on something like depression or anxiety. It gives us greater confidence that, you know, this person is maybe reporting depressive symptoms like people who are depressed.

Elaine: Okay. And what would constitute an elevated score?

Dr. Hughes: Well, on different tests it's different things. Certainly, on the PAI, it doesn't follow linear T scores, it's a little different statistically. So, you have to look at it differently. But certainly, you know, it's usually about a T score of a 65, and on some it's a T score of a 70. Which is a...a T score is a normative curve as a way of allowing us to compare people's scores, comparing your scores to the normative group of scores.

Elaine: And would it be at all helpful to have the entire test, as opposed to a...one piece of paper, or one page?

Dr. Hughes: Well, certainly, you cannot tell the entirety of how the symptoms that Ms. Heard endorsed on the scales were elevated just by the critical items.

Elaine: All right. I'm going to move the admission of plaintiff's...or defendant's exhibit 1858.

Wayne: Objection, hearsay.

Elaine: And this is the completeness, Your Honor.

Judge Azcarate: I'll sustain the objection. Next question.

Elaine: Let's bring up 1859. And this is you were shown one page from the TSI-2, do you...the Trauma Symptom Inventory-2, do you recall that?

Dr. Hughes: Correct.

Elaine: Okay. What is the significance of the TSI-2 exam, the full exam?

Dr. Hughes: The Trauma Symptom Inventory is a test of common symptoms of post-traumatic stress disorder and related traumatic symptomatology. And on this score, she had, you know, elevations in intrusive experiences. Which is the intrusive component of PTSD, where thoughts or memories or feelings come into your mind when you don't want them, with accompanying distress. And then the defensive avoidance, doing many, many different things to push it down to try not to think about it, to try not to talk about it so that you don't get upset.

And she also scored high on a scale of relational avoidance, having difficulty feeling close in relations...relationships. Not only intimate relationships, but friendships, as well. And that's a related trauma symptom that individuals have after having sustained an interpersonal trauma, like domestic violence.

Elaine: Okay. And would it be helpful to have the full exam, as opposed to one page out of it?

Dr. Hughes: As with anything, seeing an entire profile gives one more information.

Elaine: Your Honor, I move the admission of defendant's exhibit 154...1859.

Wayne: Objection, hearsay.

Judge Azcarate: All right.

Elaine: And I would argue the completeness rule again.

Judge Azcarate: If you could approach for this.

Elaine: Now, Dr. Hughes, you were asked...you were shown a couple of finger pictures of Mr. Depp. And I believe you indicated... Those were shown to you and I think you were asked if you were...if these were severe injuries, correct?

Dr. Hughes: Correct.

Elaine: All right. Did you have any understanding of the cause of those injuries by Mr. Depp?

Dr. Hughes: I do understand that there's competing accounts of what happened, for sure.

Elaine: All right. Let's bring up defendant's exhibits 373. Your Honor, I think this is already admitted.

Judge Azcarate: I don't see it, and Jamie doesn't have it. So, 373? I can mark it, but it's not admitted yet.

Elaine: I think there was a version of that. If I may, Your Honor...

Judge Azcarate: Well, I don't know that. I can just tell you that 373 has not been admitted into evidence.

Wayne: Your Honor, it's not redacted and I don't believe it's been admitted.

Elaine: The part I'm trying to admit is in another exhibit, so let's go it a different way. We'll take that one down, let's go with 398.

Judge Azcarate: 398 redacted is in evidence.

Elaine: That might be the one. All right. If you could blow that up. And I think we're looking for... If you could move that up, Michelle. There we go. If you could blow that one up. And this is an e-mail from Mr. Depp to David Kipper, his... Your understanding was that was his doctor, correct?

Dr. Hughes: Correct.

Elaine: Okay. And then I'm going to drive your attention to the last part of this. And this is on 3/19/2015. "Thank you for everything." I got to figure out how to do this. I'm missing the controls on this. "Thank you for everything. I have chopped off my left middle finger as a reminder that I should"... Thank you, Your Honor. "That I should never cut off my finger again!!" Do you see that?

Dr. Hughes: Yes, I do. Okay. So, that's Mr. Depp admitting that to Dr. Kipper from 3/19/2015.

Wayne: Objection, leading.

Elaine: Okay.

Judge Azcarate: I'll sustain the objection.

Elaine: Okay, that's fine. I'm good with that. Let's go to defendant's exhibit 499. And, Your Honor, I believe this one is in, as well. Or is it the redacted?

Judge Azcarate: It's the redacted one.

Elaine: Yes, that's the one.

Judge Azcarate: Okay.

Elaine: Thank you. And then if I could draw your attention, this is a text message from Mr. Depp to Erin Falati, we talked about her earlier, on 10/31/2015. And it says, "This is the second time he's held off giving me my meds by blackmailing me into seeing him. The first time I had just chopped my finger off." Do you recall seeing that as part of the documents that you reviewed?

Dr. Hughes: I believe I did.

Elaine: Okay, thank you. We can take that down. Now, you were also asked to listen to an audiotape. And it's plaintiff's 343. I'm going to... And do you recall hearing...listening to that audiotape at some point as part of your review?

Dr. Hughes: Yes, I do.

Elaine: Okay. I'm going to now pull up that same audiotape from the same date, and I believe it's June 2016. And if we could go to... And we're going to have a few different ones, so hold in there with us. We're going to start with 2 minutes, 40 seconds, 00. Going to 2 minutes, 40 seconds, and 21.

Amber: ...knocking on the door.

Johnny: Because that is a fucking irrational and violent fucking maneuver. So, a man would want to get out of that area so that he doesn't get so fucking angry that he actually does pop the fucking wife.

[inaudible 01:48:45]

Elaine: Now, that was just before the punching/hitting that was played. Do you recall that?

Wayne: Objection, leading.

Elaine: Well, the tape recording that you listened to was at 2:46.01 to 2:47.20. And that was 2:40 through 2:40.21. Correct?

Dr. Hughes: I understand.

Wayne: Objection, leading.

Elaine: Okay. Now, let's go to after...

Judge Azcarate: Overruled. Go ahead.

Elaine: Thank you. Now, let's go to after that, 2:52.00 to 2:52.34.

Amber: ...yesterday. Because of how it's been lately. Like since Australia. And I have been on the road with you, I haven't been working, I don't know what else I could fucking do.

Johnny: Since Australia? We went on our honeymoon and we had a great time [inaudible 01:49:50] Then we had a fight in San Francisco. But I thought everything else was great [inaudible 01:50:07]

Elaine: And then let's go to 3:20.00 to 3:21.37. And while they're getting that, I'll just ask you the question, Dr. Hughes. Do you recall that Mr. Depp said that they had fights in the places that he listed on that audiotape?

Wayne: Objection, leading.

Judge Azcarate: Sustained.

Elaine: All right. What do you recall Mr. Depp saying about fights that they'd had on that audiotape?

Wayne: Objection, no foundation.

Elaine: She just listened to it.

Judge Azcarate: Overruled. Go ahead.

Dr. Hughes: I think it was hard to hear in this one. I had listened to it previously, just acknowledging that there are fights previously.

Elaine: Okay. Thank you.

Johnny: [inaudible 01:51:07] on each other. Because if we continue [inaudible 01:51:25]...

Amber: I know.

Johnny: ...[inaudible 01:51:28] I told you this once, I'm scared to death we're a fucking crime scene waiting to happen...

Amber: I know.

Johnny: ...if we don't get our shit together. And that...by "getting our shit together," that might mean, fucking A, we do this, we make it. That might mean [inaudible 01:51:49] But we have got to get our shit together as individuals and as a couple. Because I love you and I do not want to leave you [inaudible 01:52:15] in my life. I just want peace. If I'm culprit [inaudible 01:52:26] I will fucking do everything I can. And I will recognize when I'm fucking starting to go sideways. Recognize...

Elaine: Do you recall listening to that part of the tape, the audiotape?

Dr. Hughes: Yes, I do.

Elaine: And what do you recall from that portion? Again, I know it's hard to hear, but...

Dr. Hughes: It's hard to hear, but what I recall from hearing that was the negotiation that the couple is trying to do and trying to say, you know, "I'm going to do my part, I'm going to do better."

Elaine: Okay. Is it possible to turn that up any more or is that... I have one more. Just... Thank you, Jamie. Okay. My last one is 3:26.20 to 3:29.50.

Wayne: Your Honor, can we approach?

Judge Azcarate: Okay. Yes, sir.

Elaine: When you're ready.

Amber: What are we going to do different in the moment when you're mad and you go, "Fuck it," you decide all bets are off?

Johnny: Look what I did in Australia, look what I accomplished. I put the fucker away. I told myself every fucking day, "No, it's gone. No. Fucking put it away. Put him away." [inaudible 01:54:07] a list of the things that I feel that fuck you over or make you feel shitty or anything like that, fucking when we're in the moment I remember it, I remember what I put on my list. I remember it and I try to bring it down notches, many notches. I'll try to [inaudible 01:54:37] to say, "Look, I don't want you to feel this way, I don't want to feel this way."

Amber: I'm not... I need to know what we need to do different. I need to know.

Johnny: It's not going to be done with your mind, it's in your heart.

Amber: What do we do different if I have a problem? You need to tell me how to tell you different if I'm hurting you. You need to let me be able to be mad. Sometimes you're going to make me mad. I'm a human, I cannot live where it's like...

Johnny: The same thing goes for me then, you're going to have to allow me to get mad.

Amber: Yes, exactly. If I do something that makes you mad...

Johnny: But if I get mad, then you start fucking yelling.

Amber: I don't have to start yelling. I think I start yelling once it gets fucking heightened. I've gotten a lot better about that. It's just only... I only start yelling when it's fucking hour 11 and we're really in it.

Johnny: [inaudible 01:55:34] we've had three physical fights in the last month and a half.

Amber: [inaudible 01:55:41]

Johnny: [inaudible 01:55:44] You witnessed... You're the one that brought it up, Australia was fucking great. [inaudible 01:55:57] let's go back there, let's go back there in our fucking heads and in our heart. Let's go back there. [inaudible 01:56:05]

Amber: Is the monster gone? Did you put him away? It's been so... When you get on that train, you get angry, you stay on it for so long and you won't come down, you won't talk to the person that is you.

Johnny: That's not always...

Amber: It doesn't have to always be the monster, but what is it? You put that away. Can you remember the bigger picture? You don't want to spend your life... I've asked you this so many times in fights, "Do you want to spend your time like this?" And no, you don't, but I ask you because it's something you're choosing. I'm saying to you, "Olive branch." And you don't take my olive branches, you make me feel humiliated for offering them. You asked me to stay in Australia, I stayed, and then you walk out on me all the time. You've got to take some olive branches from me, you've got to offer them, too. You've got to be bigger than what you feel at that moment. And so do I. So do I. But if I call you on it, do you hear it? You call me out on it if I'm doing it.

Johnny: [inaudible 01:57:06]

Elaine: Do you remember listening to that, Dr. Hughes?

Dr. Hughes: Yes, I do.

Elaine: And what is your interpretation of that, what do you recall?

Wayne: Objection, Your Honor. Speculation.

Elaine: She's an expert.

Judge Azcarate: Overruled.

Dr. Hughes: I think this is more of how this couple is trying to negotiate in the face of all of the turmoil and the violence and the abuse. I think it's important pointing out is my recollection is that there's two Australias. They're talking about the honeymoon Australia, not the Australia where the incident happens. They go back and that becomes a honeymoon time for them. And I think certainly hearing how this couple has talked about the monster and the person who comes out, we talked about that cycle of violence where the person who, you know, hurts her and hits her and controls her isn't the same person that she loves and she cares about and that she wants to be with.

Elaine: Thank you, Dr. Hughes. Now, you also were asked about Dr. Bonnie Jacobs and her treatment and her treatment notes. And you... Did you review those treatment notes from Bonnie Jacobs?

Dr. Hughes: Yes, I did.

Elaine: I'm going to ask you to turn to... Can we bring up defendant's 1059? And do you recognize these...this document?

Dr. Hughes: Yes.

Elaine: Okay. And what is it?

Dr. Hughes: This looks like the first of Dr. Bonnie Jacobs' treatment notes, starting in October 17th, 2011.

Elaine: Okay. And do you recall whether Ms. Heard was already in a relationship with Mr. Depp at that time?

Dr. Hughes: Yes, she was.

Elaine: Okay. And you testified quite extensively yesterday about Bonnie Jacobs' notes and entries there. Were those reflected in these notes?

Dr. Hughes: These were the notes that I...

Wayne: Objection. Leading, Your Honor.

Elaine: I can ask it differently. And what, if any, of those citations that you gave to the jury were in these notes?

Wayne: Objection, compound.

Judge Azcarate: Overruled. Go ahead.

Dr. Hughes: These were the notes that I was referring to yesterday.

Elaine: And what was the significance of these notes to you? You were asked again about them on cross.

Dr. Hughes: Again, I found the treatment notes very significant because they had contemporaneous reports of what Ms. Heard was going through. Not only what she was reporting in her relationship with Mr. Depp, but her accompanying symptomatology.

What the notes revealed was there's a significant amount... Well, we see it unfold in time. We see where the violence starts and we see how it unfolds. We see at least three indications of sexual assaults. We see constant pleadings and upset about his substance abuse and trying to find ways to get him help, and she joins Al-Anon to get herself help as a family member of someone who struggles with substance abuse. We see how she's reporting a lot of controlling behavior and obsessive behavior. We see that there's two instances where the police were going

to be called in her apartment in Orange because of the fighting at that time. Once they actually were called and once they weren't, from what I can amass from the notes.

So, what it does is it really shows how this relationship is unfolding over time and actually getting worse.

Elaine: And then you indicated that Amber Heard moved from Bonnie Jacobs to Dr. Cowan. And that was in 2014, is that correct?

Dr. Hughes: Correct.

Elaine: Okay. And what is your understanding of the relationship between Dr. Cowan and Dr. Kipper?

Dr. Hughes: They were professional colleagues and they were friends. And Dr... I mean, well, it's understanding why Ms. Heard left the relationship with Bonnie Jacobs. It was a...became a tumultuous relationship for her there because she was doing a lot to protect Johnny and Bonnie Jacobs had concerns...

Wayne: Objection, Your Honor.

Judge Azcarate: What's the objection?

Wayne: No foundation.

Elaine: I established the foundation, she reviewed the notes and she interviewed Bonnie Jacobs.

Judge Azcarate: I'll overrule the foundation objection.

Elaine: Go ahead.

Wayne: Objection, nonresponsive.

Judge Azcarate: I'll overrule nonresponsive.

Elaine: Please continue, Dr. Hughes.

Dr. Hughes: The reason that Ms. Heard left her treatment with Bonnie Jacobs, well, one, that Mr. Depp continued to denigrate that relationship or therapeutic relationship. But number two, really more importantly, is that she wanted to protect Mr. Depp because she didn't want...Dr. Jacobs had some concerns about perhaps his substance using in front of his children and that she would be a mandated reporter. So, Ms. Heard did not want to do anything and talk more about what was going on with Mr...about Mr. Depp with her therapist for fear that something might happen. So, she left that treatment really to protect Mr. Depp.

Elaine: Your Honor, I'd like to move the admission of defendant's exhibit 1059, the treatment notes.

Wayne: Objection. Hearsay, Your Honor. This is what we dealt with yesterday.

Elaine: Your Honor, I think that the...for completeness here, she has relied upon these and they reflect the present sense impressions.

Judge Azcarate: I'll sustain the objection to hearsay.

Elaine: All right. Let's go to defendant's exhibit 1057, please. And, Dr. Hughes, you also indicated that you relied on the treatment notes of Dr. Conan, correct?

Dr. Hughes: Cowan, Connell Cowan, yes.

Elaine: That's it. Okay. And you also interviewed him, as well?

Dr. Hughes: Correct.

Elaine: Okay. And what was the significance of what he reported to you that related to your opinions?

Dr. Hughes: Well, this was a continuation of her treatment. And the treatment here where it seemed like Dr. Connell Cowan was going was a harm-reduction model, really trying to help Amber stay safe in the relationship by not talking back, by leaving, by not engaging. And those are very sort of short-term strategies when you're in a relationship mired with interpersonal violence.

What we also see is, what I mentioned yesterday is, her psychological status and functioning continues to deteriorate. She continues to have more anxiety, more affect dysregulation, sort of feelings are coming up and down all the time. She's having more sleep problems, she's going on more medication. And the sort of...the conceptualization and understanding of that is, you know, sort of exposure to repeated trauma causes psychological disequilibrium and destabilization. And that was sort of, again, seeing the trauma unfold over time.

And also in these notes, I mean, certainly, there are those contemporaneous reports that correspond to specific incidents. Like I was speaking with you yesterday about the Boston plane incident. There are actual notes where she called him after...

Wayne: Objection, Your Honor.

Judge Azcarate: Yes? What's the objection?

Wayne: Beyond the scope of the question.

Judge Azcarate: All right. I'll sustain the objection, next question.

Elaine: Okay. What, if any, additional information did you get from Dr. Cowan that assisted you in your opinions?

Dr. Hughes: Well, certainly, from the notes, as I was stating, that, you know, there were times where right after an incident, you know, Ms. Heard wrote...she contacted Dr. Cowan either by text or by e-mail and saying, you know, "Johnny did a number on my tonight, I really need to see you. I'm safe. I'm hurt, but I'm safe."

Wayne: Objection, hearsay.

Elaine: I think she can rely on hearsay, Your Honor.

Judge Azcarate: Sustain the objection to hearsay.

Elaine: Okay. Well, Your Honor, I'm going to move the admission of the notes, defendant's 1057.

Wayne: Objection. Hearsay, Your Honor.

Judge Azcarate: I'll sustain the objection, thank you.

Wayne: Move to strike the hearsay testimony, as well.

Judge Azcarate: No, we'll continue on. Go ahead.

Elaine: Thank you. You were asked about a knife. You were shown plaintiff's exhibit 92 and a knife that I think was "until death." What is your understanding of the significance of that knife and that phrase, as it related to Amber Heard?

Wayne: Objection, Your Honor. No foundation.

Elaine: He showed it in cross-examination, I'm able to ask about it and what her understanding was. He cut her off when she was trying to talk, I'm just letting her go back.

Wayne: Her understanding of a knife?

Elaine: Let's pull up plaintiff's 92. Tom, could I get you to do that, please? I believe you...in response to the questions asked by counsel from Mr. Depp, you said, "It depends upon what the context is." What did you mean by that?

Dr. Hughes: Well, first, I believe that this is the knife that has a turquoise end. And this was when...a time when Mr. Depp was filming "The Lone Ranger" and he was in a turquoise phase. And she purchased him that because she thought it would be a kind gift. The phraseology is that Mr. Depp told her, "The only way out of this relationship is death."

Elaine: Okay.

Wayne: Objection, hearsay.

Elaine: I don't understand the objection. I think she was entitled to be able to speak to that.

Judge Azcarate: But...

Elaine: Yeah, it's Mr. Depp's statement, a party-opponent admission.

Judge Azcarate: All right. I'll overrule the objection.

Elaine: Thank you. Okay. And what is your opinion? What do you think of that as a clinical psychologist specializing in IPV and trauma?

Dr. Hughes: I mean...

Wayne: Objection, Your Honor. Can I...can we approach?

Judge Azcarate: Okay. Sure.

Elaine: Dr. Hughes, do you think that the phraseology on the knife bears any relationship or significance to the opinions you've had in this case?

Wayne: Object, Your Honor. Leading.

Judge Azcarate: Sustain the objection.

Elaine: What, if any, significance does the phraseology on the knife have to the opinions you have provided in this case?

Wayne: Objection, Your Honor. Beyond the scope of the disclosure.

Elaine: He brought it up in cross, Your Honor.

Judge Azcarate: I'll overrule the objection.

Elaine: Thank you.

Dr. Hughes: So, there are several things. I certainly am aware that at this time that Ms. Heard purchased this knife for Mr. Depp. She was engaged in a whole lot of denial and minimization about the extent of the violence in the relationship. There is a notation in Dr. Bonnie Jacobs'

notes about when Mr. Depp uttered this to her was under...around the discussions of the prenup. And he said, "I don't want one because the only way out of this relationship is death." Dr. Jacobs didn't think that that was funny. Ms. Heard was taking it like, "Oh, maybe it's endearing, maybe this is okay." But it was definitely a clinical cause of concern at the time that that phraseology was used.

Elaine: Thank you, Dr. Hughes. Now, you were...you listened to an audiotape, and then we showed some additional ones from that. What, if any, photos did you review as part of your examination?

Wayne: Objection. Beyond the scope of cross.

Elaine: He was asking all the different authority, I'm just establishing that she also looked at photos.

Judge Azcarate: I'll sustain the objection.

Elaine: Okay.

Judge Azcarate: It's beyond the scope.

Elaine: Dr. Hughes, based on everything in the cross-examination and the redirect, what, if any, changes do you have to any of the opinions that you provided to this jury yesterday?

Wayne: Objection, compound.

Judge Azcarate: Overrule.

Dr. Hughes: I don't have any changes to my opinions that I gave yesterday.

Elaine: Okay. And do you still hold those within a reasonable degree of psychological probability or certainty?

Dr. Hughes: Yes, I do.

Elaine: Thank you, I have no further questions.

Judge Azcarate: All right. Is this witness subject to recall?

Elaine: Yes, Your Honor.

Judge Azcarate: All right. Ma'am, you can't discuss your testimony with anybody, but you're free to stay in the courtroom, since you're based on expert testimony, okay?

Dr. Hughes: Thank you, Your Honor.

Judge Azcarate: All right. Thank you. All right. I think we'll go ahead...  
Yes, sir?

Wayne: May we approach?

Judge Azcarate: Okay. Sorry, Judy. Let's go ahead and take our lunch break now. Just do not do any outside research and don't talk to anybody about the case. Okay? We'll see you back here at 2:00. Okay?

[inaudible 02:10:47]

Judge Azcarate: All right. Ready for the jury?

Woman: Yes.

Judge Azcarate: Okay. Sorry, Judy. It's been that kind of day.

[02:11:23]

[silence]

[02:12:14]

Judge Azcarate: All right. Thank you, ladies and gentlemen. Be seated. All right. Your next witness?

Elaine: Your Honor, we'd like to call Laura Amber Heard to the stand.

Judge Azcarate: All right.

Elaine: Amber Laura.

Woman: Do you solemnly swear [inaudible 02:12:26] penalty of law?

Amber: I do.

[02:12:30]

[silence]

[02:12:50]

Judge Azcarate: All right. Thank you. All right.

Elaine: Thank you, Your Honor. Will you please state your name?

Amber: Yes, it's Amber Laura Heard.

Elaine: And what is your address?

Amber: I live in Yucca Valley, California.

Elaine: And how old are you, Amber?

Amber: I am 36, I just celebrated.

Elaine: Okay. And do you have a daughter?

Amber: I do. She also celebrated her birthday recently, she's one.

Elaine: Okay. And what is your profession?

Amber: I am an actor, mostly.

Elaine: Okay. Now, why are you?

Amber: I am here because my ex-husband is suing me for an op-ed I wrote.

Elaine: And how do you feel about that?

Amber: I struggle to have the words. I struggle to find the words to describe how painful this is. This is horrible for me to sit here for weeks and relive everything, hear people that I knew, some well, some not, my ex-husband, with whom I shared a life, speak about our lives in the way that they have. This has been one of...this is the most painful and difficult thing I've ever gone through, for sure.

Elaine: Now, there was a trial in the UK in July of 2020 where Mr. Depp had sued The Sun newspaper and Dan Wootton. Do you recall that?

Amber: Yes.

Elaine: And what was your level of participation in that lawsuit in that trial?

Amber: Well, I was not party to that lawsuit, I was a witness, I suppose the primary witness, since it dealt with the truth of the relationship that I shared with Johnny.

Elaine: And what, if any, role did you have to play with respect to, for example, witness statements and testifying?

Camille: Objection, compound.

Elaine: I said "for example."

Judge Azcarate: Overruled.

Amber: I had to write...I think I gave seven witness statements, under oath testimony. I sat on the stand for four days, under mostly cross-

examination. And up until this point, it was the hardest thing I had ever had to do.

Elaine: Thank you, Amber. I'm going to take you back, and if you can just tell the jury a little bit about your background. Tell us where you grew up.

Amber: I come from Austin, Texas, a small town outside of Austin that you probably haven't heard of, no one has, called Manor. And I was raised by my mother and my father. And I grew up with a little sister, although I have a big sister, as well.

Elaine: And your little sister's name is?

Amber: Her name is Whit, Whit Heard.

Elaine: And how much of an age difference is there between the two of you?

Amber: Whitney and I are about one year...I think we're 16 months apart. So, right next to each other.

Elaine: And what did your father do for a living?

Amber: My father broke horses and did construction, had...he painted houses. And hunted and fished, but that was for fun.

Elaine: And what did your mom do?

Amber: She worked for the state of Texas.

Elaine: Okay. Let me just, since you talked about the breaking horses, can you just tell the jury what your role is in assisting your dad on that and what is involved in breaking horses?

Camille: Objection, leading.

Elaine: "Can you just tell me about"?

Judge Azcarate: Overruled. Go ahead.

Amber: You just got to stay on, basically. I would help him, I was more of a crash test dummy. You know, when you train a horse, you...it's a wild animal, it doesn't necessarily like to be ridden. And there are people out there who are crazy enough, like my dad, to pick that as a profession, I guess. And he was really good with horses and I was the son he never had, so it was my job to, you know, stay on.

Elaine: And what, if anything, did you learn from your father about how to react to the horses?

Amber: Well, with training horses, I guess the key things are to not show fear, not get intimidated, not show fear, be tough and calm.

Elaine: Tell the jury a little bit about your educational background during those growing up years and your work experience.

Amber: I worked any job that I could. From the time I was really young, I wanted to get out of Texas and do something with my life and see things and do things. So, I was in school and really pushed myself to...I just always pushed myself to be able to accelerate the process. I wanted to, you know, get out of school as fast as I could and I wanted to do more things with my life than stay in Texas.

Elaine: So, what types of things... So, where did you go to school when you were younger?

Amber: I was a scholarship kid at a Catholic school growing up, several different Catholic schools. But they were always in the other...you know, on the other side of town in the wealthier part of town, and I grew up quite working class. And thankfully, with, you know...as long as I maintained an A average, I enjoyed the benefit of a scholarship. And I did that until I realized that I could take my GED and SATs early, and I did that and placed out of school and effectively left school 16 years old, I believe.

Elaine: And what did you do for work during those younger years?

Amber: I took any job that I could. I worked at my father's construction company, sometimes, you know, just administrative stuff. I mean, it was a small company, but I answered phones. And I worked at a...like, a modeling agency that was also...you know, offered photography classes, makeup classes, hair and makeup classes, for people that were pursuing a career in entertainment. And I started taking classes that I paid for by working there, effectively as a trade. And I eventually worked there long enough to be able to pay for my headshots, which are the pictures that you use in the industry to promote yourself, you know, in whatever acting, modeling, or both.

Elaine: Okay. And what, if any, charitable work did you do when you were still young?

Amber: It started off as a requirement for the school I went to. And then I liked it so much, I think because it meant I wasn't at home. And that was important to me, is just to not spend time at home. And I really loved meeting people, so I worked at the soup kitchen every morning before school, during the school year, for about four years. There were... I didn't

go on weekends, but on weekends I would do various things. Worked at children's museums, typically, because they would work with younger volunteers. And mostly soup kitchens and things involving children. I worked at the...with deaf kids for a while and, yeah, I love it.

Elaine: And when you worked with the deaf kids, what, if anything, did you do to learn to be able to work with them?

Camille: Objection. Leading and 404 and relevance, Your Honor.

Judge Azcarate: Overruled.

Amber: Well, I taught myself how to sign basic sign language, and then I pursued it. I audited a translate...a course at the community college. Which I ended up going to to get out of high school early later on, but I would audit classes. The teachers never wanted to kick the, you know, random 12-year-old out of their class, I suppose. So, I, remarkably, was able to audit, I think, the majority of two semesters. And that's also helped me learn.

Elaine: So, how did you end up in Los Angeles?

Amber: I used... I met... I did a small job in Texas where I played a part in a movie. And the actor in the movie that I was playing opposite had an agent visiting him from LA. And I met her on set and she said that she had heard about me from another bit part I did. You know, I was taking jobs in Austin for really anything, to be an extra, to apply my...I did makeup once, I... You know, nothing...no job was too small or...you know, for me, so I put myself out there. And she had heard about me and she said, "I have heard about you in this town and I'd love to meet you in L.A. if you're ever out in L.A." And I was like, "When can I come?" And she made an appointment with me for the following week and I used all but \$180 or something to get out there. And that's... I landed, I didn't know anyone. I was 17. And I've effectively been there ever since, I suppose.

Elaine: So, when you arrived in Hollywood, please tell the jury what you did to get moving there, get going.

Amber: I went to ever audition, every casting, every meeting, every appointment that I could, I put myself out there. I didn't have a car, because those are expensive. So, I took the bus around L.A. It was before smartphones, I had a Thomas Guide in my bag and a change of tank tops, not that it mattered. But I went to about 10 auditions sometimes a day and would change clothes if I needed to in the back of, you know, the bus I was taking. And I just hustled from one audition to

the other. And I got a bit part on one thing, and then I got a bit part on another thing, and then eventually my roles kind of became more important or bigger.

And it's been a slow progression, I guess, since then, you know, of doing either tiny bit parts in bigger movies or doing, you know, larger roles in movies that no one would see. And I guess, you know, it still is kind of like that.

Elaine: So, I'm going to ask you to go from 2002 to 2009, if you could just describe for the jury a little bit what types of parts you had. I think they've indicated they didn't...you have not been well known here in this courtroom compared to Mr. Depp. So, perhaps just take them through a little bit of that.

Amber: That's fair. I did small roles in big films, like "Zombieland" and "Pineapple Express" and movies that were well known. My first one was "Friday Night Lights." But, again, I had small roles in those bigger films. And then I would do larger roles in kind of smaller films, like I brought...I did a project where I was the lead in a John Carpenter film, and he came out of retirement to do that. And that's kind of how it was in terms of my career for those initial...that first initial 10 years or so, it was just going from slightly bigger role to slightly bigger role and was working my butt off.

Elaine: So, I'm going to take you up to 2008. Did there come a time that you auditioned for "The Rum Diary"?

Amber: Yes. I auditioned for that in about 2008, I believe.

Elaine: Please describe for the jury your experience in auditioning for "The Rum Diary."

Amber: Well, I auditioned a few times, which is common in my work. You know, you get a call back, as they say. And I think I had at least one, maybe two, callbacks with the director. And then I got a call saying that Johnny, who at the time was...I think I knew that he was producing it as well, was doing a project that was something very personal to him, he was reprising his role as his late friend Hunter S. Thompson, and it was a very important project to him and that he wanted to meet me in person. I thought I would be going for maybe an audition, but it was just a meeting. I went to his office and met with for a few hours.

Elaine: And what did you talk about during that, in those few hours?

Amber: We talked about books and music, poetry. We like a lot of the same...we liked a lot of the same stuff, you know, obscure writers and, you know, interesting books and pieces of poetry that I haven't heard anybody else reference or know or like. And he is very well read and charismatic. And, you know, I think I left the office with a few books that he gave me. And we spent the whole time just talking about things that we care about. And I was so surprised that somebody, you know... I knew who he was, I wasn't familiar... You know, I wasn't a fan of his work, I wasn't familiar with him, but I knew who he was. You know, he's one of the most famous people in the world.

So, it was already a weird thing to go and get called into his office. And, you know, I'm a no-name actor, I was 22, I think, and I thought it was unusual. It was weird because he's...he was twice my age and he's this world-famous actor, and here we are getting along about obscure books and weird, you know, old blues. And we just...it was...I thought it was remarkable. You know, I just hadn't really... I thought it was unusual and remarkable. I left there just feeling like, "Wow."

Elaine: So, did there come a time that you learned that you were going to be cast for the role in "The Rum Diary"?

Amber: Yes. A few days later, my agent said that, "Johnny is going to call you, we gave him your phone number." And I was like, "Oh, okay." And shortly after, I...my phone rings, I pick it up, and I hear, you know, this, like, deep voice on the other line and he said, "You got the"...you know, "You're it, kid. You're the dream. Hunter wrote this part and you're the dream. You're it, kid." I was, like, amazed.

Elaine: And please describe for the jury what that means. What was the "The Rum Diary" and this Hunter Thompson? What was the concept here and what role were you playing?

Amber: Well, it was my understanding that he was bringing to life his late friend. And what he told me was that this character is supposed to be the dream woman, like the dream, American dream. And so I knew what he meant. He indicated to me, when he told me I got the role, that I was that, you know, that I was the dream kid, that's what he said.

Elaine: So, did there come a time that you started filming "The Rum Diary"?

Amber: Yes, I'm not quite sure how much. I think we started filming in maybe March of 2009.

Elaine: And where did you film "The Rum Diary"?

Amber: We shot it in Puerto Rico.

Elaine: Okay. And describe, if you can, the events of the filming and your interactions with Mr. Depp during that time.

Amber: It was a bit surreal, you know, filming in a place like a Puerto Rico, it was beautiful. It takes place in the '50s, so everything really looked beautiful, you know, cars and clothing, the music. It was just...it was a very colorful shoot in general. I couldn't have asked for, you know, a better scenario. I was on film...I mean, I was on set reading my books and occasionally Johnny would talk to me. And then he started to be really kind to me, like more open with me. When we'd have hot days filming, you know, there'd be this big SUV pull up and a security guard would kind of usher me into this car and it would have the AC blasting, and then be sitting in the back of the SUV just thinking what a strange experience the whole thing was.

You know, we didn't really have a lot of interaction on set until we did a scene that involved kissing, we had a kissing scene. And it didn't feel like a normal scene anymore, it felt more real. There are certain things that you do in the job to be professional, like when you have to do that sort of scene, and you don't, like...you don't use your tongue if you can avoid it. There are certain things that you do to just maintain a certain line and it just felt like those lines were blurred. I mean, he grabbed my face and pulled me into him and really kissed me. But we were filming a scene.

Elaine: Did he use his tongue?

Amber: Yes.

Elaine: Okay. Did your birthday...did you celebrate your birthday while you were in Puerto Rico?

Amber: I did, I celebrated, I think, maybe my 23rd birthday there.

Elaine: And what, if anything, did Mr. Depp do for your birthday?

Amber: Well, we were already kind of talking about books and poetry and things like that, he gave me a few really beautiful poetry books. And he gave me a bicycle, like a vintage bicycle, because at the time I was riding around on a bike in... I had a lot of time off since I was a smaller role in the movie. And, yeah, I think that was it.

Elaine: Okay. Now, did there come a time that you ended up visiting him in his trailer?

Amber: Yes. I think there was a...we would hang out if...you know, after...or in between scenes or in between setups. We often were, you know, talking about things and would continue the conversation into the trailer, often with the director, Bruce Robinson was his name.

And then at one point, we'd talk about wine. That's another thing that Johnny and I shared in common, a love for wine, red wine. And we were talking about a kind of wine that I enjoyed. And I was, you know, going on about how great this bargain wine was. And I didn't understand, you know, how much more sophisticated Johnny's taste in wine was. So, I was going on about the virtues of Malbec or something. And I brought him a bottle of this wine and I set it down. And at some point, I'm going back to get back to set and he kind of kicked his, like, you know, foot up in the air and basically kind of lifted the back of my bathrobe up. And...

Elaine: Can I just stop you there? Why were you wearing a bathrobe?

Amber: Because I was doing a scene. It was a period film, so it took place in the '50s. And so I had all of this old undergarments that are for that time era on. And the scene involved me changing. So, I had all of the costume on. And he kind of picked up the back of my robe with his boot. And I kind of turned around and, like, giggled, you know. I wasn't...I didn't feel... I just didn't... Like, I didn't know what to make of it at the time and it just kind of...I just kind of giggled and batted it away playfully. And he kind of playfully kind of pushed me down on this, like, bed sofa that was in his trailer, just playful and flirtatious, and he said, "Yum." And he kind of, like, lifted up his eyebrows like that. And I just giggled, laughed it off, kind of batted him away, and, you know, moved on and went back to set.

Elaine: And were you in a relationship at that time?

Amber: I was.

Elaine: Okay. And was Mr. Depp in a relationship at that time?

Amber: That was my understanding, yeah.

Elaine: Okay. And did anything else of significance happen during that time period while you were filming with Mr. Depp, other than what you've told us?

Amber: We just had this...you know, it was a friendship, flirtatious thing. I felt chemistry, I felt this other thing that was...that went beyond the pale of my job, for sure. Johnny clearly felt that way about me, had indicated to me that that's how he felt in many different ways. And... But at the

same time, that's...you know, we were both in relationships and it is a job and, you know, it was intimidating. And I just remember feeling kind of intimidated and a little nervous about that. And I also was in a relationship. So, we went our separate ways and we didn't hear...I didn't hear from him for a long time.

Elaine: And that's... So, approximately how long were you filming in Puerto Rico for "The Rum Diary"?

Amber: A few months, is my best guess.

Elaine: All right. And when you left Puerto Rico and the filming, when is the next time that you had any contact from Mr. Depp? And contact could include anything, communications, written communications, as well as telephone or otherwise.

Amber: We had no contact until Johnny called me on the phone one day. And I was driving and he invited me over to his home in California, in Beverly Hills. And I... I mean, it was out of the blue. I didn't even have his phone number. So, it was quite unexpected. He called me a second time, but I don't think we actually connected, or we didn't stay on the phone, because, well, yeah, we didn't really speak. But the first time was the only time I actually spoke to him.

And he invited me over to his house under kind of the...he said that, you know, we could get Bruce, who was the director, to come over, something about the movie, but it was clearly not about the movie, if you know what I mean. It was... So, I said, "My friends are in town and I'm busy with that," and kind of hung up feeling really startled. You know? Didn't know what else to do.

Elaine: What, if any, gifts did Mr. Depp send you during that time period after you filmed "The Rum Diary"?

Amber: He sent me several gifts. He sent me a beautiful dress, one that I wore in the movie, with a beautiful handwritten note that said, "Happy wrapping," and made a reference to the dress being wrapping paper. He sent me a few gorgeous, expensive, what I can only assume are expensive, collectible books, items.

And then when I was away filming on a different, you know...a different job, he attempted...or he did send me some guitars. I know one delivery...I was informed about one delivery. And my partner at the time intercepted the attempt to deliver and called me immediately and said, "What should I do?," and I said, "Well, send"...I said, "Send it back." And she did. And she indicated that there was...at the time, that there was

another one that had already previously attempted delivery, and it was also rejected. We sent it...I sent it back because I wasn't there and I wouldn't have accepted it anyway.

Elaine: Okay. Did there come a time that you ended up having to go on a press tour for "The Rum Diary"?

Amber: We... I got a call for "The Rum Diary" press tour in the fall of 2011.

Elaine: So, that's close to two, two and a half years after you filmed?

Amber: I'm an actress, not a mathematician, for a reason. But roughly, yes.

Elaine: Okay. And could you please describe for the jury what a press tour is, just explain it to them?

Amber: When you take a movie once it's completed and, if it doesn't have distribution, you...as part of the promotion of that movie, you go to these various places, normally cities, like London or New York, and you do press events in those cities to kind of promote the film. And you go place to place talking about the film.

Elaine: Okay. And so you were then called to participate in the press tour for "The Rum Diary"?

Amber: Yes. I had just... I was going... I had just finished going through the process of separation with my former partner, and I was moving and going through that. And I got a phone call saying, "Remember that movie we did in Puerto Rico? Well, they want you for the press tour." And I said, "Well, perfect timing." And we did that, I think, October, late October 2011.

Elaine: Okay. So, describe for the jury your interactions with Mr. Depp during the press tour.

Amber: Well, on the first stop of the...well, first stop, the beginning of the tour, was Log Angeles, where we both lived. And we did a press day, normal press day. And then at the end of it, I was invited, by Johnny, to come up to his room to have a drink with him and the director of the film. And I went up to the room to see both him and Bruce. But as soon as I got there, Johnny said Bruce wasn't going to make it. So, I stayed, Johnny and I started talking. I told... He asked me about my relationship, I said, "Well, you know, I'm going through it, I'm going through the separation right now. And it's been, you know, a rough couple of months, but that's normal." And he said, "Well, the same with me. You know, it's

been"...I can't remember exactly how long he said it had been, but that he had split from the mother of his kids and said that he understood.

Elaine: All right. And then what happened next?

Amber: Then we drank red wine and continued to talk. And the talking became us, you know...it was like reconnection was almost instant. Just chemistry. It's hard to explain that, but we sat on the couch and we talked. And, you know, it felt like there was an electricity to the room, and that's how I felt when I was alone with him anyway. And it was instant again and I was like, "Whoa."

So, on the couch, we talked, finished some wine, and then I got up and left. And as I went to leave, he grabbed both sides of my face, similar to what he did in Puerto Rico when we were filming that scene, and he kissed me, and I kissed him back.

Elaine: And what happened next, with respect to any relationship with Mr. Depp?

Amber: Well, then we fell in love. We went on this press tour and we went... It was a beautiful and strange time. You know, we went from...we were flying from one...not together, but, you know, going from one city to the next, Europe, New York, Los Angeles, as I said, and we're just traveling around talking about this movie that we did together, that we participated in together. And we were falling in love.

I mean, it was just, you know, at the first dinner in London, he sat me next to him. You know, he produced the film and was a part of controlling the film and was responsible for different things, and I was as a small...as an actor having a small part in it. And we went on this press tour and I think in London he sat...had me sat next to him at this...at a dinner, and then we ended up spending the night together in my hotel room. And for the rest of the press tour, we were...it was on, I'll put it that way.

Elaine: All right. And how long, approximately, did the press tour go?

Amber: I don't know exactly how long it lasted. I think, you know, there were press engagements in this city for a few days, and then in another city for a few days, and then there was a break, and then there was another press opportunity, I believe. So, it was kind of spread out over maybe a month, if I'm guessing.

Elaine: So, when you returned to Los Angeles, what, if anything, took place with any relationship with Mr. Depp?

Amber: Well, once we were back from the press tour, you know, and we had this, you know, whirlwind romance kind of just in these, like, beautiful places all over and we're falling in love and not able to really show it because he wasn't...the world didn't know about the split between he and his former partner. And, of course, as a woman, I was like, "Is that troubling?" You know, and I'd ask him, "No," you know, he swore to me that they hadn't even shared a bed for a year and that they were...but they were protecting the kids and not publicizing it. So, or not making it known to the press. And so we kind of had to be a little bit under the radar. Not a little bit, we had to be really under the radar. Because, as Johnny pointed out, that the world would blame me and call me a homewrecker, even though I had nothing to do with it.

So, we were secretly dating. And then, you know, it was beautiful. It was... I felt like this man knew me and saw me in a way that no one else had. I felt he understood me, I felt he understood where I came from. I felt like...I felt that, like...when I was around Johnny, I felt like the most beautiful person in the whole world. You know, it made me feel seen and made me feel like a million dollars. And that kind of feeling where, you know, he'd just lavish gifts and lavish expressions of love and how he had never met a woman like me.

I mean, I remember he took the foil off of this bottle and put it on my ring finger, and I had only been with him like days. You know? Or maybe it was weeks at the time. Yeah, it was probably about a few weeks, but it just felt very intense. But we weren't doing normal life stuff, we weren't, like, stuck in traffic with each other, we weren't going to the grocery store and doing life. We were, like, hiding in these places around the world. He had a lot of...he has so many homes. And so we'd be in one of those homes or my home at the time and it would be like a bubble, like we were in this little bubble of secrecy, and it felt like a warm glow, as we would say. Just music and the kind of books that we both loved and poetry that we both knew by heart. And it was...it felt like a dream. It felt like absolute magic.

Elaine: So, while you're dating... I take it you're dating at this point, right?

Amber: Yeah. Sorry I didn't make that clear, yeah.

Elaine: While you're falling in love, you're also dating, right? Okay.

Amber: Yes.

Elaine: Did there come a time early on that you ended up going to his Bahamas island?

Amber: Yes. So, shortly after, you know, we, I think, started dating, October of 2011. And the... You know, as I mentioned, this bubble, you know, where he'd come over to my house and not leave for like three or four days, you know, just smoking cigarettes and playing music and reading poetry to me or painting me or, you know, just talking. And then he would disappear. And there'd be just no way to get a hold of him, no way to contact him. At first, I didn't really think anything about it, but he disappeared at one point and then came back and said he was dealing with something, some health issue, and would I join him in The Bahamas. And that...I think that's when I learned he had an island.

And I was on a trip with a friend of mine in Spain. And I... It was for the holidays. And I kind of rerouted my trip so I could come and land in L.A. instead of...I mean, landing in Miami instead of L.A. so I could go and meet him on the island. And he had Keenan come and meet me on that trip. Like in Miami, I get off one plane, get onto another, and go and join him on his private island. And I noticed he was drinking Beck's and tea, but, like, lots of tea. Like lots of tea. And I didn't, foolishly, think anything of it. I just, you know, thought the man really seriously...I missed it before, but really, really loves tea.

And we had this beautiful, I don't know, less than a week probably, trip in The Bahamas. A private island, beautiful sandy beaches. It's a scene that you just don't...I had never experienced anything like that. It was a beautiful place, a beautiful time. And we fell...I fell head over heels in love with this man.

Elaine: So, after The Bahamas, I assume you came back. And we're talking... Are we talking now early 2012?

Amber: Yes, that's correct.

Elaine: Okay. So, what were you doing work-wise while you were dating him in this early stage?

Amber: What I always do, I would be taking job to job to job, going from one movie to the next. Mostly not filming in L.A. So, weirdly, you live in L.A. to go shoot on location in other places. So, when I was in town, we would go back to this bubble, like insular bubble, with beautiful blaringly loud music and no one else and nothing else. And then, you know, I'd go off to work, and so would he. Well, eventually, yeah, he left to shoot "Lone Range," I believe.

Elaine: Okay. Now, we've heard a little bit about "Lone Range." And that's about mid 2012, is that right, when he was shooting that?

Amber: That sounds right, mid 2012, yeah.

Elaine: And were you shooting anything at that time?

Amber: I was shooting...

Elaine: "Machete Kills"?

Amber: I believe I was shooting "Machete Kills" in Austin, I had a small part in a Robert Rodriguez film that shot in Austin.

Elaine: Okay.

Amber: But, you know, I think Johnny was shooting, and then having some time off, and there was just a lot of travel, a lot of movement, so.

Elaine: Okay. And so what, if any, visiting did you do with Johnny while he was on his set for "Lone Ranger" and where was he?

Amber: Well, he was filming all over the Southwest and at some point I came to visit him. And... On one of his locations. And I would stay in the house because I couldn't really... You know, occasionally I would leave with his security guards, but I didn't really have anything to do but visit him for a few days. So, I'd cook and kind of stay at home and paint or whatever and wait for him to come home and have dinner ready. And it was...we would have these little bubbles, but kind of scattered throughout the Southwest as he was filming.

And at the time, Johnny had... You know, when I first arrived at one of these locations, it was the first time that Johnny told me that he had had a health issue, something with his liver, and that he wasn't...that's why he was not drinking. He was drinking a lot tea. Like a lot of tea.

Elaine: Okay. And so we've heard a little testimony about boots. What, if anything, did you do to help Johnny with his boots?

Amber: Well, I mean, I suppose that I took off his boots and it made an impression on him. And I would...I was happy to. You know, anything I can do to show love, certainly how I felt about him. But if he wanted to take off his own boots, he certainly could.

Elaine: Did you buy Mr. Depp any knives during that time period?

Camille: Objection, leading.

Judge Azcarate: Sustained.

Elaine: What, if anything, did you do with respect to knives during the time period you were with him in "The Lone Ranger"?

Camille: Objection, leading.

Elaine: "What, if anything."

Judge Azcarate: Overruled.

Amber: I...Johnny had a thing for turquoise. And that eventually, you know, being in the Southwest, it happens really...it can happen really quickly. I also, too, really love turquoise. And he has a...he loved knives, he loves a lot of things. When Johnny loves things, he does it a lot and lots of it. So, he had these daggers that he had given me that really they were beautiful in design. And they're, you know, long, curved daggers. And he just talked a lot about knives, had a knife and gun collection, and was quite proud of it. And at some point...I don't really remember exactly when it was, but at some point I picked up what I thought was a really beautiful turquoise-handled knife. And I had it engraved with a saying that Johnny would say to me all the time. Which I, you know, thought was romantic, as funny as that is to say now.

Elaine: And what was the expression, the saying?

Amber: "Until death," "Hasta la muerte," in Spanish.

Elaine: Okay. Now, by the time that you're visiting Mr. Depp in...during his shooting of "Lone Ranger" in the June through August 2012 time frame, what, if any, relationship has he developed with your family?

Amber: Oh. Well, starting really early on, Johnny was so kind, so generous to my family, but especially my mom and dad. He just really... He met my dad, and my dad is a big personality, he's a rowdy guy. And Johnny, just all of a sudden, I had never noticed, you know, Johnny have a Southern...all of a sudden Johnny would have this Southern accent and was really, like, buddy-buddies with him. And they really seemed to get along very well. They're...you know, just, like, instantly he was giving my dad gifts, he gave him guns, he gave him knives. They had this... I mean, Johnny just really just showered my dad.

And my dad is a working man, you know, salt of the earth guy, and he was just, like, you know, flooded he's getting all these amazing gifts and being invited to come onto these locations. And, you know, Johnny is this big movie star and my dad was just, like...you know, I think my dad would have married him himself if I hadn't. And he just instantly... He gave my mom jewelry, brought her out to come and see me while I was visiting Johnny on "Lone Ranger" in some part of the Southwest, I think it was Colorado. He gave her this beautiful turquoise necklace. And, I mean, yeah, they were definitely taken by him.

Elaine: And what, if any, relationship had Mr. Depp forged with Whitney by this time, your sister?

Amber: I believe the relationship came a little bit later as they got to know each other, but he did the same thing with my sister and just really found a bond with them that, you know, was...it was... You know, he tried to do anything and everything he could for...to make them feel, like, special. And they did, you know, my mom, my dad, and my sister.

Elaine: And what, if any, relationships did Mr. Depp form with your friends?

Amber: Johnny is so generous and can be this really...like overly generous, almost, you know, like showering you with gifts and compliments and just, I mean, like... You know, and he has access and means to really... You know, we're not talking about giving you a card. We're, like, talking about just these, like, extravagant trips or these extravagant gestures, and it's a lot. And he did that with my close friends, I rely heavily on my friends and had a pretty strong support network with them. And he really just showered them with generosity and love and light and invited them to come to these exotic places and flew people here and there, and was incredibly, incredibly generous.

Elaine: So, going back to the filming of "The Lone Ranger," what, if anything, did Mr. Depp do with respect to a horse?

Camille: Objection, leading.

Elaine: "What, if anything."

Judge Azcarate: Overruled.

Amber: Johnny, at one point, insisted on buying me a horse. And I, of course, said, "That's extravagant. There's no way I could accept that, that's... Also, how will I take care of that horse?" You know, it's just so extravagant. So, I said "no," of course. Eventually, he got a hold of my dad and worked it out with my dad what kind of horse to buy, and then showed me a picture of his horse and said, "It's yours. It's coming here." I think it was being transported and he said, you know, that he had my dad's help on it, picking it out. And, you know, I grew up on my dad's horses and I grew up riding with my dad. So, you know, I went...I had resisted for I think about like a month and a half or something of him kind of bringing up the idea and me saying, "That's a crazy gift, no thank you. No. That's incredibly generous, but I couldn't accept," to all of a sudden I had a colt.

Elaine: So, let's take you through 2012 and your relationship. Could you just describe for the jury a little bit about how that relationship evolved through 2012?

Amber: It was always intense. It didn't become intense, it almost started that way. I...when I was with him, you know, I felt that electricity in my body, I felt, like, butterflies, I couldn't, you know...I couldn't see straight, practically. It was just, you know, I had...I was head over heels in love. And he felt like that to me, he felt like he was also in love, I didn't feel like he was faking it. I felt like what we had... It felt like, to me at the time, there wasn't any love like that. You know? I mean...

And then he would...he started to kind of do this thing again where he'd disappear and he'd come back. And I remember at first he would...when he first started drinking, I didn't really think much of it. But all of a sudden, the behavior kind of started to go in line with the disappearing and he'd come back and he'd just be different. And I'd say something and he'd accuse me of saying something else or saying it in a different way, or he would... It was mostly my clothing, at the time, and me working, that was the main thing.

Like I found myself trying to not talk about auditions because it was...it would change the mood so dramatically. I tried to... You know, he would make these comments about, you know, whoring myself out, but do so in the context of me acting. You know? And he would talk about other actors, as you do my role, in this way where they were worthless whores, that they were, you know, fame-hungry, you know, expletive, expletive. You know, just this... The point is it felt really dirty to be an actor. Never mind that he was one, it was more...it was dirty that I wanted to do this job that I wanted to do and I was doing the job of an actress. It was everything I...

Every time I was walking out of the house, I...he would ask me, "That's really what you're wearing, kid? Oh, I see." You know, I wore a dress to an event once and I felt beautiful in it. Like, as stupid as that sounds, I felt pretty in this dress I picked out. And I showed it to him because, you know, it's a carpet, it's red carpet, so it's, like, you know, publicized. And I kind of thought it was weird he didn't...wasn't saying anything about it. You know, I left him to go do this red carpet.

And I was like, "Did you see the...you know, the event I went to?" You know, basically, I just...I felt pretty and I thought, like, "Did you see that?" You know, I wanted him to say something about that, I guess. And he said... Well, this is after he stopped talking to me for some time, didn't tell me why. When he came back into my life, he wouldn't explain why he

was acting different. He just kind of acted mad at me, I didn't know what I had done wrong. And when I brought up the dress and the event... Because it was an event to support a charity I was really involved with at the time.

And I said, you know, "Did you see that thing?," and he said, "Yeah. Yeah, I think the whole world saw that, kid. That's how they'll remember you. That's how the world will remember you." And I was like, "Oh, come on. I mean, it's, like... You know, I felt good in it, I felt good." And he said, "Yeah, kid. That's what you're putting out there in the world. No one will ever forget that and that's all they'll see you as. And that's what you wanted, that's what you were going for." You know, my dress was low-cut. I get it, it was low-cut. But I felt, you know...I felt really embarrassed and horrible that I wore that. I felt like, "How could I have made that choice? Of course, you know, he's right." You know, you start to believe it. I started to believe that, "That made a lot of sense, of course."

But it didn't stop with that, it was just...it was clothing in general. And when I walked out of the house, it was never...it wasn't just like, "Hey, you're not allowed to wear that," it was like, "Oh, really? That's what you're wearing? No wonder. No wonder you get cast in those roles. No wonder you... You, that's what you are, that's what you're making it." And it just...you know, it continued.

And then there would be a blowup. And at first, it was just he'd throw something, smash some things. He loves to smash up a place, an apartment, furniture. That's what it started with, glass. He threw a glass at me. I remember it was summer. And he just threw this glass across the kitchen and I...it didn't hit me, but I...it shattered behind me. And I remember thinking that it, like, very easily could have hit me.

And that, calling me a whore. It didn't start with using the "whore" word, it was just comments, until it would escalate. And then I started to notice the pattern of escalation where he'd throw glass or turn over a table. Then he would hit the wall, and then he'd hit the wall really close to my head. You know, like, when I'm standing there, you know, just hit the wall and screaming at me.

But then he would disappear and get clean and sober, and he'd come back and tell me that he was done drinking, he was over it, he was done. He cleaned himself up, he had done it before, and he'd do it again. And then he would go back to this, like, wonderful, like, almost, like, just unreal...like, but real, you know, but unbelievably nice, sensitive, kind, warm, generous, interesting, funny man that I loved. And he would make me feel so loved, like it would get...I would feel so distant

from that thing that was so scary that I would not even recognize the two. And that was how, you know, our relationship kind of started to develop in that first year.

Elaine: Do you remember the first time that he physically hit you?

Amber: Yes.

Elaine: Please tell the jury about it.

Amber: It was so...it's seemingly so stupid, so, like, insignificant. I will never forget it. It changed my life. I was sitting on the couch and we were talking, we were having a...like, a normal conversation. You know, just there was no fighting, no argument, nothing. And he was drinking. And I didn't realize at the time, but I think he was using cocaine because it was...like, there was a jar, a jar, of cocaine on the table. I realize that sounds weird, but it was, like, an actual vintage jar of it. But I didn't see him use it at the time, so I didn't really factor that in. I just...you know, he's drinking and we're talking and it's...there's music playing and he's smoking cigarettes and we're sitting next to each other on the couch.

And I ask him about the tattoo he has on his arm. And to me, it just looked like black marks. It... Like I didn't know what it said. It just looked like muddled, faded tattoo that was hard to read. And I said, "What does it say?" And he said, "It says wino." And I didn't see that, I thought he was joking. Because it didn't look like it said that at all. And I laughed. It was that simple. I just laughed because I thought he was joking. And slapped me across the face. And I laughed.

I laughed because I didn't know what else to do. I thought, "This must be a joke. This must be a joke." Because I didn't know what was going on. I just stared at him, kind of laughing still, thinking that he was going to start laughing, too, to tell me it was a joke, but he didn't. He said, "You think it's so funny. You think it's funny, bitch. You think you're a funny bitch." And he slapped me again. Like, it was clear it wasn't a joke anymore.

And I stopped laughing, but I didn't know what else to do. You know, you... I didn't know what to do. You would think you would have a response, but I, as a woman, had never been hit like that. I'm an adult and I'm sitting next to the man I love and he slapped me for no reason, it seemed like, and I missed the point. It was that stupid. Second slap, I know he's not kidding, but I don't know what else to say or do. So, I just stared at him. I didn't say anything, I didn't react. I didn't move or freak out or defend myself or say, "What are you doing? You're crazy." I just

stared at him because I didn't know what else to do. And he slaps me one more time, hard.

I lose my balance. At this point, we're sitting next to each other on the edge of the coach...or I was on the edge of the coach. And I'm all of a sudden realizing that the worst thing has just happened to me that could possibly happen to you. I realize that I wish so much he had said he was joking. Because it didn't hurt, it didn't physically hurt me, I was just sitting there on this carpet looking at the dirty carpet wondering how I wound up on this carpet and why I was never...why I never noticed that the carpet was so filthy before and I just didn't know what else to do. I didn't know what to say, I didn't know how to react. I just sat there thinking, "How much time do I have until I figure out what I need to do? Because, god, did he just hit me?"

No. I didn't want to leave him, I didn't want this to be the reality, I didn't want to have the man I was in love with... I know you don't come back from that. You know, I'm not dumb. I know you can't hit a woman, you can't hit a man, you can't hit anyone. You can't just hit somebody because they... I knew there was no...I knew it was wrong and I knew that I had to leave him. And that's what broke my heart. Because I didn't want to leave him. I thought if I got up out of that room, I would leave the best thing that ever happened to me.

And I wish I could sit here and say I stood up and I walked out of that house and I drew a line and I stood up for myself. But I was just looking at the dirty carpet trying to will myself to get up, to walk out of the door, because I knew I needed to. And I really slowly...I stood up and I remember looking at him in the eye and just looking at him, frankly, because I didn't know what else to do.

And before I know it, he starts crying. And, you know, like, I had never seen an adult man cry. I didn't even really see my dad cry at my grandma's funeral. You know, just it's weird. And he's crying. Tears, I mean, just falling out of his eyes. He gets down on his knees and he grabs my hands and he's touching my hands and he's saying to me, "I will never do that again. I'm so sorry, baby. I put the fucker away, I thought I killed it, and it's done. I thought I put the monster away, and I've done it before, it's done." But on his knees.

And I didn't have words, I didn't know what to say. I just remember thinking that it was just he was crying. He seemed so sorry, but I knew I couldn't just forgive him because... Right? It means it will happen again, no? You know, like, I've seen the health class videos, like everyone else. And I got up in my car, I walked to the car, I didn't say anything. I made a

point to not say, "Oh it's okay," or anything like that. I just didn't say anything.

I got up, I went to the car, I sat in my car, and I felt like I sat there forever. I didn't want to turn the key, I just leaned my head up against the window. And I remember just seeing my breath on the windshield, you know, on the glass of the window of the door, just seeing my breath and trying to will myself to have the strength to know what I should do in this moment. Because I was heartbroken. And I sat there for a long time, and I eventually turn the key and drove home.

Elaine: And what did you do after that?

Amber: I don't know. I don't remember what I did when I got home. I don't remember. I went to my therapist. I told her.

Camille: Objection, hearsay.

Judge Azcarate: I'll sustain it as to what she may have told her.

Amber: I went home and I, a few days later, started getting... I actually don't know how many days later, but I started getting calls and texts from Johnny, you know, apologizing profusely. I mean, just, you know, he was... He said, "I'd rather cut my hand off than ever lay it on you," or, "lay it upon you." You know, and he had that way of talking, it felt like poetry. And he showed up to talk, like, with the understanding that, you know, he understood I could never forgive him and it was done. So, I felt kind of safe in saying, "Okay, let's have a talk," or, you know, "Yeah, we'll talk." I think I...you know, I know I just wanted to see him.

And he comes over, brings me gifts. He brought me a couple cases, actually, of that Vega Sicilia wine that we've heard about. Which is really nice, expensive wine that I could never, at that time, dream of affording, you know. And we talk and he tells me that he had put this thing away, that I could trust him, that it would never happen again. Of course, it would never happen again. But he had put this thing away, he had killed the fucker, is what he said to me, over and over again. "I've put that fucker away, I killed that monster. I'll kill it again, it's done. And I'll never lay a hand on you again." And I wanted to believe him, so I chose to.

Elaine: Chose to stay in the relationship?

Amber: Yeah, I did. I believed it. But, you know, I believed it wouldn't... I believed that there was a line he wouldn't cross again, and that was it.

Elaine: And so you stayed? Correct? You stayed in the relationship?

Amber: Yes.

Elaine: Okay. So, is this a good time, Your Honor?

Judge Azcarate: No. It could go on a little longer, please.

Elaine: Okay.

Judge Azcarate: Thank you.

Elaine: So, could you please describe for the jury the evolution of your relationship after that time with Johnny?

Amber: I don't know how long it was until things got bad again. He did start drinking again. I remember it was almost... You know, he started drinking again, the disappearing thing, the coming back. He'd come back at...like, in the middle of the night to my house. And it would be unclear to me. You know, drunk. Often, really drunk. And kind of accusing me, but not directly. It was... Nothing was very direct, it was a lot of accusations, but they were veiled. You know, what I was wearing, who I was with, why didn't I text him back. If I didn't text him back right away, when I...this was when I was at my place in Orange, sometimes he would show up to catch me. Like that was the pretext for coming over.

And by the time we were done talking, we'd be...I would have thought I had convinced him that I loved him, that I only loved him, there was no one else. And then that we were back in an upswing and would go back to good, loving, like, sick romantic love. Like kind, sweet, velvety love. And then it would be something I said, "Why did you say it that way?" You know, if I had to leave for an audition, I could guarantee that when I... Not... Couldn't guarantee. But two of those in a row, and when I came back he was angry at me. You know, and I wouldn't necessarily know why.

And then he started accusing me of things. Like at first it was indirect, and then it became really direct. Then the punching of the walls next to me head, which is constant at that time in 2012 when he was drinking. Eventually, that became, you know, him accusing me of cheating. I'd defend myself, I'd say, you know, "That's crazy, you're wrong, I would never," the normal things.

And they would escalate to the point where he would push me or shove me down, and then I'd get back up. And this happened several times, that's why it's not more specific, I suppose. When I'd get back up, I'd look him in the eye, made a point of getting up and looking him in the

eye, as my way of defending myself at that time. And I'd look at him and he would ask me if I wanted to go again, and shove me back down. Eventually, he just hit me. I remember he hit me in the face when I denied having an affair with my ex-wife, my ex-partner at the time. And he said he had proof, I denied it. And I was walking out of the bedroom, slapped me across the face. I turned to look at him and I said, "Johnny, you hit me. You just hit me."

Elaine: I'm going to ask you, Michelle, can you bring up 1783, please?

Judge Azcarate: What number again, please?

Elaine: I'm sorry?

Judge Azcarate: What number?

Elaine: Defendant's 1783.

Judge Azcarate: 1783? Thank you.

Elaine: Do you recognize this picture?

Amber: Yes, I do.

Elaine: And could you tell us what it is?

Amber: It's a picture of my face with a note that Johnny left for me by the coffee, typically is where we'd leave notes like that.

Elaine: And does this accurately depict the scene portrayed?

Amber: It was one of those scenes, I... As embarrassing as it sounds now, I don't know which scene this came from. There was a lot, it escalated quickly fast and it was...became...

Elaine: Amber, let me ask it a different way.

Amber: Thank you.

Elaine: Is this a picture of you...is it an accurate picture of you?

Amber: Yes.

Elaine: Your Honor, I'm going to move the admission of 1783.

Camille: Your Honor, we have an objection. May we approach?

Judge Azcarate: Okay. Sure. Sure.

Elaine: Will you please describe for the jury some of the cycles you had with Mr. Depp through 2012?

Amber: So, in 2012, the violence was pretty...you know, relative to what it became, pretty... You know, slapping, backhanding. Well, it went from this eggshell...kind of you're walking on eggshells, nothing you're doing is kind of right, but you don't know what you're doing wrong. And then I was doing something wrong, clearly, but they were...it was unclear within the scope of an argument what I was defending myself against.

So, it would shift from a rumor he had heard that I was with my...a friend or I had been photographed standing too close to a male person, that was a person I had had something with and I was lying to him about. And it would be eggshells, accusations, accusations, and then he would explode. It started with throwing things, destroying the property, and screaming at me. I remember the screaming at me was the worst because I kind of always felt like I had done...you know, I had to defend myself, I had to tell him so he didn't think these things were true. And sometimes, you know, I...he would shift accusations. While I'm trying to dispel one accusation, he'd start another one.

And nothing I could do to calm him down, it seemed like. I'd walk away and that would make it worse. I remember he...in my apartment in Orange, it would...he would grab me by the hair or he'd grab me by the arm, pull me into him, scream at me that way. He'd smash things around me, then he would smash things very close to me. And then he would just hit me.

And it started with slapping. And it got to be, like, repetitive slaps, where he'd hold me in a position and slap me multiple times in a row. Then it would be, you know, eventually I later would either push him off of me or I'd try to hit his hands away from me. I'd try to... Not in 2012 so much, at that time I was mostly...my defense was I'd go some other place. Like, I don't know how to describe that. It was I'd focus on something else, I'd stand up, look at him, try to stand up to him that way. Later, I adopted other kind of strategies to deal with it. But at the...in 2012, it was he'd have this blowout, and then he would leave, disappear, and he would...I'd be committed to not talking to him, "I'm done with this relationship, I can't take it anymore." I said that so many times.

And then he'd come back, clean and sober, tell me he had a chip. He didn't have any chips, but he would say, "I've gone to meetings. I have a sober companion now. I'm doing this program, I'm reading this, I'm doing this," and he was done with drugs and alcohol for good this time. And he'd come back in my life, and with the combination of him being sober

and having gone through this horrible thing where I felt like my heart ripped out of my chest. You know, like, a relationship ending is hard, I think, for anyone, but ending under that circumstance is really painful.

And so when he'd come back, it would almost feel like a solve, a solution to that. And it would feel great and we would be good again and it would be...he'd be extra nice and extra apologetic and extra loving. And it would just... And we'd be back in the good bubble, the warm glow. And eventually, he'd get bored, and then I'd see him drinking again. When I started to get upset, noticing the pattern of the violence going with the drinking and drugs, then I...then he started sneaking it.

So, it became less clear and I'd have to look for clues as to what he was on. So, I just knew how to react, you know. Johnny on speed is very different from Johnny on opiates. And Johnny on opiates is very different from Adderall and cocaine Johnny, which is very different from Quaaludes Johnny. But I had to get good at paying attention to the different versions of him. 2012, I was in the beginning stages of this, just learning these patterns, I was just learning that drinking kind of correlated with the violence.

Elaine: And did you confide in anyone about these issues you were having?

Camille: Objection, hearsay.

Elaine: I think she can...

Camille: Objection, hearsay.

Elaine: I think she can say if she told anybody.

Judge Azcarate: As long as she doesn't say what she said.

Elaine: Right, right.

Judge Azcarate: Go ahead. All right. Overruled.

Elaine: So, did you tell anyone?

Amber: Yes, I did. Who did you tell? I told my therapist. I told...I eventually told my mom.

Elaine: And let's go ahead and take a look at defendant's exhibit 150.

Judge Azcarate: I'm sorry, 150?

Elaine: 150, 1-5-0.

Camille: You Honor, I'm going to object on hearsay.

Judge Azcarate: All right. You want to approach?

Camille: Yeah.

Judge Azcarate: I'm sorry, I apologize.

Elaine: Why did you decide to confide in your mother about the issues you were having with Mr. Depp?

Amber: I think I felt safe talking to my mom because I knew that she understood these dynamics and she wouldn't judge me for staying with him, for loving him, even though this was happening, was happening to me. I knew she would understand.

Elaine: And when, approximately, did you start confiding in your mom about your issues with Mr. Depp and the physical abuse?

Camille: Objection, hearsay, compound.

Judge Azcarate: I sustain as the compound.

Elaine: When did you start confiding in your mother about the abuse you were suffering at the hands of Mr. Depp?

Amber: I... Well, I was confiding in her from the very beginning about the abuse, the psychological abuse, the kind of control, the disappearing, the not knowing where he was, then he'd come back, sometimes in the middle of the night, the constant accusations. Like that sort of thing I talked to her about probably from the very beginning. The fact that I was secret, I had to hide. I couldn't tell any of my friends that I was with him for a long time because he told me everyone would blame me for the split with him and his partner. So, I had to kind of sneak around and kind of get brought to his house, typically in a secretive way, and then he'd come to mine in a secretive way. And it was just all very, you know...very isolating.

And I confided with her at the very beginning on that sort of thing. And then later, opened up to her about some of the violence. I did it gently. You know, first, I just wanted to have someone to talk to about how scary it was, you know, the rage and the uncontrolled violence, the rage that this man had, and why it was pointed at me.

Camille: Objection, Your Honor. Hearsay. May we approach, please?

Judge Azcarate: Okay. Ladies and gentlemen, we're going to go ahead and take our 15-minute afternoon break. So, please do not talk about the case or do any outside research, okay? We'll see you soon.

[03:32:05]

[silence]

[03:32:21]

Judge Azcarate: All right. And, Ms. Heard, just to remind you that now that you're on the stand, you cannot discuss your testimony with anybody, to include your attorneys. Okay?

Amber: Of course.

Judge Azcarate: All right. So, we'll be back, let's make it, 3:45. Okay?

Elaine: Thank you, Your Honor.

Judge Azcarate: Thank you.

[inaudible 03:32:35]

Judge Azcarate: All right. We ready for the jury?

Elaine: Yes, Your Honor.

Judge Azcarate: Okay, great. All right. Thank you. Please be seated. Your next question?

Elaine: Thank you, Your Honor. Amber, I'm going to take you up to March of 2013. Can you describe your relationship with Mr. Depp during that month? And we'll start there.

Amber: I remember it was after a period of really some...it was after a period of some peace and sobriety, Johnny was sober, drinking Beck's. And my dad, who was struggling with alcohol and drug addiction at the time, had fallen off the wagon. And I remember he said, "Why don't we send a...I want to send a picture to your dad of support," because my sister was upset with my dad.

And so he poured a shot and kind of said, "Let's take a picture." I don't drink spirits, but I know that... You know, I kind of held up... In that picture, it's kind of eerie because I just think it's bizarre he had broken this long period of sobriety that I thought was going to be the end of him drinking forever. It sounds foolish now, but I, you know, held up this kind of glass with him and we sent the picture to my dad because, you know,

I didn't know what else to do. And I remember thinking it was weird that he was drinking.

And then the month got really crazy from that point on. It was a bit of a revolving door of accusations. He was accusing me of having affairs with, well, frankly just one person I had...I was an... I had an acquaintance with somebody and he was accusing me of being with them. And then he was accusing me of being with my friend, the one I had seen in Spain. I'm...you know, in these kind of arguments, nothing I do is working. Walking out of the room is me leaving him, walking away from me, you know, "Hey, where you going? I'm talking to you." It went from that to pulling me in by my arm, still shouting at the...about the accusations. I'm trying to defuse the situation by trying to tell him I'm not sleeping with this person and I'm not sleeping with that person. And it was kind of as soon as it seemed as though I had convinced him of one, there was somebody else he was sure I was sleeping with.

And it was a revolving door at the time. A painting I had hanging on the wall, done by my ex who's an artist, that was...one day he was convinced that that was proof I was sleeping with her or having an affair with her, I didn't really love him. And all the while, I'm madly in love with him and trying to convince him.

So, March started with this picture of him doing a shot and he's kind of saying, "Let's send it to your dad to show support." And what I remember of March is just like an almost...it's almost like it was a never-ending fight, it was just there were breaks in it. What kept me in it is because I kept waiting for the other shoe to drop, you know, the sobriety shoe, if you will. I kept waiting for him to get to the point where it's not supportable anymore and he's done with it and he's ready to get clean and sober again, because there commences a period of, like, pure joy. And it was one fight after the other, March.

Elaine: So, let me start with the painting incident. Please tell the jury what happened on that particular incident with the painting.

Amber: As I mentioned, the painting, which had been hanging there for months, one day he kind of stayed up doing cocaine. Just drinking, doing cocaine, music. Which is not in and of itself that weird in my relationship with Johnny at this point. You know, like, he stays up and keeps weird hours and smokes and stuff. But the...he was drinking brown liquor and doing a lot of cocaine, and it was like it became clear to me in that argument, if you will, that it...he wasn't making sense. He had effectively just taken, it seemed like, a turn and had decided that the painting was the...an offense that he could not forgive me for, it meant I

was having an affair with my ex-partner, whom I had already split...with whom I had already split. And it made no sense to me.

So, I'm trying to kind of quell the accusations by saying, you know, "It's been there, and what are you talking about?" And it's like, "That doesn't mean anything." And, you know, he was demanding I take it down. He eventually takes it down and tries to burn it, but was unsuccessful, luckily, because he was not...he didn't...he wasn't... With one of those normal, what do you call them? BIC lighters, he wasn't very successful at doing it while drinking to the extent he was. But I remember it was this kind of ridiculous fight, like didn't feel like it needed to be an argument, but it seemed like nothing I could do, nothing I could say. I tried leaving, I left the room, I left the house, I eventually came back. It was like a whole night of...an evening, a night, and then a morning of this.

So, this morning, in particular, I think it was the, like, 22nd or March. There were several incidents in March though. But in this particular one, he had something to go to. He was filming with Keith Richards and Tom Waits.

Elaine: Let me...before you go into that part, let's pull up defendant's exhibit 161. Which is already admitted into evidence, I believe, Your Honor.

Judge Azcarate: Yes, 161 with redactions is in evidence.

Elaine: Thank you. And I'm going to show you defendant's exhibit 161. And the date on this is 3/12/2013, and it's a text exchange between you and Mr. Depp. Do you see that?

Amber: I do.

Elaine: Okay. And the first one is from you to Mr. Depp, "Just thought you should know there exists a book"... Is that to you...is it to Mr. Depp from you? Or it's vice versa, isn't it?

Amber: It's Johnny texting me.

Elaine: "Just thought you should know there exists a book titled, 'Disco Bloodbath'." And then you say, "We need that book!" And you say, "Is this about last Friday night, by any chance?" And he says, "How can you make me smile about such a hideous moment???" And I'm not going to repeat the rest of it. Could you tell the jury what happened on that Friday night?

Amber: There were...like I said, there was a few different incidents in March. I believe this one happened in the Eastern Columbia Building,

which are one of Johnny's penthouses. They're in downtown, so a different part of Los Angeles. And we would sometimes go there. I remember he was accusing me again of sleeping with this musician, who I had never slept with. I was denying it, I barely knew the person. And then he was accusing me of sleeping with my friend in Spain. And I remember nothing I could do... He, like, called this person on the phone and screamed at him. He didn't speak English, so he was really confused as to what he was being yelled at by Johnny. But I remember those are the accusations, that was the fight that... But it was one to the next accusation.

And I remember I was kind of doing that juggling act. I was in his...one of these fights, I believe it's this one, in his downtown ECB, we call it, loft. And we're in the kitchen/living room area and he backhands me. And, you know, it was... You know, he wears a lot of rings. I remember kind of just feeling like my lip went into my teeth. And it got a little blood on the wall. Just that simple, a little bit of blood on the wall.

As hard as it is to explain this, I was so caught up in the relationship and also very occupied in defending what I only could assume he believed, these accusations, that, you know, I didn't internalize, like I didn't make that big of a deal of it. I'm... You know, I kind of pride myself on being tough and, you know, I don't make a big deal out of, you know, smaller injuries. And I know that sounds horrible because it...and hard maybe to understand, but my best way to cope with it is I kind of, you know, minimize it and make sure no one...make sure he knows that I'm tough and can't knock me down and I make a joke of it, clearly. Make light...

Elaine: I'm going to... Michelle, if you can take this one down and bring up 170A. Did there come a time in March, Amber, where you sent a picture to your mom?

Amber: Yes. This is sometime in March 2013. I'm just...I sent it to her because I had been texting about some of the craziness and I...

Camille: Objection, hearsay.

Judge Azcarate: I'll sustain as to what she may have texted. All right. Next question.

Elaine: Without saying what you said in the text, explain why you were sending it to your mom.

Amber: I was reaching out. I was very lonely in what I was living in and wanted help, I wanted advice, help. I just wanted to talk to somebody and figure out how I could make this stop.

Elaine: And is this a picture that you took of yourself in March of 2013?

Amber: I did.

Elaine: Your Honor, I'm going to move the admission of defendant's exhibit 170A.

Judge Azcarate: Any objection?

Camille: No objection, Your Honor.

Judge Azcarate: All right, 170A in evidence. You can publish the picture.

Elaine: Thank you, Your Honor. And how did you sustain that bruise, Amber?

Amber: I was...I had thrown a... Well, Johnny slapped me, I walked away from him, and that made it worse. We got into, like, a shouting match. And he kind of did this thing with his body where I could tell he was going to hit me again. I picked up a...like, a... I remember kind of, like, a little...not a pot, but, like, a vase. And I remember I got away from him enough as he reels back, I threw it in his direction and actually managed to get away before he got me. He grabbed me by the arm and he kind of just held me on the floor, screaming at me. I don't know how many times he hit me in the face, but I remember being on the floor in my apartment and I'm just...I remember thinking, "How could this happen to me again?"

Elaine: Can you bring up 170? Thank you, Michelle. And if we can... And just for...to start, it's 3/23/2013. And if we can scroll up. This is a text message exchange with your mom, correct?

Amber: Yes, it is.

Elaine: Okay. Let's go...I mean, scroll down.

Camille: Your Honor, I'm going to object to hearsay.

Elaine: Let's wait until we get to the spot. All right. And is this the picture that you sent to your mom on 3/23/2013?

Amber: Yes, it is.

Elaine: Your Honor, I'm going to move the admission of 170, just that picture that's on the text.

Judge Azcarate: With no words?

Elaine: Well, it says "from two weeks" ago on it.

Camille: Your Honor.

Judge Azcarate: I'll sustain the objection.

Elaine: If we redact the "from two weeks ago," can we admit it then, and then just have the...showing that she sent it to her mom?

Camille: Can we approach, Your Honor?

Judge Azcarate: Okay. All right, 170 will be in evidence with redactions.

Elaine: And may we publish to the jury, please?

Judge Azcarate: All right.

Elaine: And that's the picture you sent to your mom?

Amber: Yes, it is.

Elaine: On March 23rd, 2013?

Amber: Yes, it was from a previous fight.

Elaine: Okay.

Amber: The bruise.

Elaine: All right. Now, did you have any other altercations in March 2013 with Mr. Depp?

Amber: Yes. We had a couple of these fights in Orange that were around this time, one of which I started to tell you about the painting.

Elaine: You know, and I know I've interrupted you now twice on that, but I realize the jury doesn't... Can you tell them what you mean by "Orange," "at Orange"?

Amber: Sorry, Orange was my apartment that I kept in Los Angeles at the time.

Elaine: And it was an apartment, what type of an apartment?

Amber: I rented the top of a duplex. So, it was a house with the landlord living on the bottom floor. I rented the top floor.

Elaine: Okay. Thank you. Now, please continue with the painting, I'm sorry.

Amber: I...nothing I could...it seemed like nothing I could say to Johnny would convince him. He wanted me to remove the painting. And he

wanted me to admit to this affair that I wasn't having. And I didn't want to admit to it because it's not true. So, I held out and he just started...I mean, he just drank more and did more cocaine. And I woke up the next morning, I think it was on the 22nd or the 23rd, I woke up in the morning and he was...the breakfast table was, like, cocaine and booze.

And I realized that I wasn't going to be able to talk my...like, I wasn't going to be able to talk our situation down, I wasn't going to be able to talk him out of it, and he was just so convinced that I was fighting with him or at the reason that he wouldn't leave the house. And he had something to go film that was important, and there were important people waiting for him. And I remember people were reaching out, his assistant, his manager, sister. You know, everyone was wondering where he was. And I kind of...I kept feeling embarrassed and unable to move this person out of my house, I couldn't calm him down, I couldn't change... He was just so intent on me admitting the details of this affair that I wasn't having and me pointing out that the cocaine wasn't making his situation any better, it made me the bad cop. Then I'm the nag.

So, eventually, I call my sister. He had kind of a buddy-buddy relationship with her at the time. And at the time, she occasionally did cocaine. I didn't, but she did. And so I was like, "Hey, come take over. You know, maybe you can buddy-buddy him and talk him into leaving the house, just getting out of the house." And she did. I remember his assistants trying to get him out. Like, we eventually, in the evening, I think early evening, he finally agrees to leave, but I can't tell our relationship status, I can't tell if he still is convinced of these things or if he's just going to sleep it off and it's going to go back to normal sobriety, "sorry" kind of phase.

And he was still upset, but, like, seemingly calming down. So, I agreed to go with him, he wanted me to go to the shoot. I had plans. So, I kind of reluctantly agreed, but didn't want to set anything off, I didn't want to engage anymore, I didn't want to do anything that could be perceived as antagonizing him or engaging more. So, I went with him.

We grab the dogs, we get in the car, we're on the way there, we're headed up Sweetzer, is the street, it's a major street that leads up to Johnny's houses. He effectively owns the end of the street, it's like a cul-de-sac. So, we're nowhere near his home, but we're driving up this street. And he has the window down, he's smoking. It wasn't all the way down, but, you know, he's constantly smoking.

And at some point he starts howling out of the window, and then grabs two small dogs. Well, one was Johnny's dog and one was my dog. But

he grabs, if I remember correctly, Boo, the...his dog. Slightly chunkier teacup Yorkie. And he grabs this teacup Yorkie and holds Boo out of the window of the moving car. And he's howling like an animal while holding the dog out of the window. And everyone in the car, I'll never forget it, everyone just froze. No one did anything. And I, too, was, like, torn as to what I should do because I didn't want to do anything to cause him to react, drop the dog. You know, it was just this eerie where he's howling and holding this animal outside of the car window.

And more than that weird memory is that I have... More than that weird memory, I have a memory of everyone just kind of not really reacting to him. Like no one really kind of did anything. They... I eventually kind of pulled his arms gently back into the vehicle and kind of got the dog back on the seat and we continued driving, but no one reacted, they just kind of avoided dealing with it.

We get to the place, the house where he was going, this thing that he was late for, I suppose, for the day. And we walk in. Meanwhile, I've been bombarded by text messages and calls and conversations with everyone seemingly so stressed about...

Camille: Objection, hearsay.

Judge Azcarate: All right.

Elaine: Just don't tell us what somebody else said, just what you observed.

Amber: I understood everyone was stressed. They seemed stressed, to me, about the tardiness. Whereas he..."Let's get him there," you know. So, we get there. And no one reacts when we get in. I mean, we walk into this house where everyone was waiting for him and everyone smiles and says, you know, "Hey, boss"...

Camille: Objection, hearsay.

Elaine: Okay. Sorry. Let's... Can... Michelle, can we pull up 167A? I think... Is B the one that's in? 167B is already in, right?

Michelle: It's A.

Elaine: Oh, okay. Okay. Then go ahead and pull up A. Do Your Honor show that one to be in, 167A? Defendant's, I'm sorry.

Judge Azcarate: Well, this might be your 167A, but it's in evidence as a plaintiff's number and I'm not sure which plaintiff's number it is. I don't need it in twice, so.

Elaine: I would agree. Do we...

Camille: Your Honor, I don't think it's this version of the photograph that's been admitted, so it's...

Judge Azcarate: So, it's a different version?

Camille: It's a different...

Judge Azcarate: Same photograph, but a little different, is that what we're...

Camille: It's not the same photograph.

Judge Azcarate: Okay. Not the same photograph.

Elaine: All right. Well, then...

Judge Azcarate: Then we'll go with it. Then what's your...what number is it?

Elaine: Do you recognize this photo?

Amber: Yes, I do.

Elaine: Please tell the jury what it is.

Amber: It's a picture I took of my breakfast table that morning.

Elaine: Your Honor, I'm going to move the admission of defendant's exhibit 167A.

Judge Azcarate: 167A. Any objection?

Camille: Your Honor, may we approach?

Judge Azcarate: Sure. 167A is in evidence. You can publish.

Elaine: So, we...may we publish that? Thank you, Your Honor. Okay. And, Amber, you said that you took this that morning? Is that correct?

Amber: Yes.

Elaine: Could you tell the jury what the boxes that has the "PROPERTY"...with the skull bones, "PROPERTY OF JD"?

Amber: That's Johnny's drug box. I've seen it used for pills, but at the time it was bags of coke, like dime bags of coke.

Elaine: Okay. And what are these white lines on the table, to the left of that box?

Amber: That is cocaine.

Elaine: Okay. And do you know what is in these two glasses that have kind of a gold-colored liquor?

Amber: Yes. They're different, actually. It's confusing, they're different, different liquids. The one in the back in the larger glass is, I believe at the time, I was doing these tabs of Berocca, is what they're called. They're little tablets. And, anyway, I remember at the time that that's what I was putting in my water because I had just come back from France, where they sell them. And then the brown liquid in the shot glass is Johnny's liquor. I don't know what it's called, but we kept it in the freezer. At the time, it was... You know, at that time, March 2013, I hadn't, you know...I still didn't have the, you know, hard-line "I won't even keep that, you know, in my freezer" sort of attitude or posture with him, I wasn't that bold at the time. You know, I didn't like it, but I didn't have that strength. I kind of, at that time, I think, was doing things like trying to pour it out when I could.

Elaine: So, what is the bag, the brown bag, on the left side, what is that?

Amber: That's a Dopp kit. It's like, you know, his prescriptions and cigarette tobacco, weed, things like that.

Elaine: Okay. Then above it, there appears to be a CD of some sort, a DVD, something. Do you recognize that?

Amber: Yes, it's the single, I believe is what it's called. The single he was making at the time. And I think that's the song that they were filming a video for, if I'm correct.

Elaine: Okay. All right. Now, did you end up sending a copy of this picture to Rocky Pennington that day?

Amber: I did. I sent it to me best friend at the time and, you know, was like, "Look at my morning."

Camille: Objection, hearsay.

Elaine: Okay. You can't say what you said, but you sent it to your friend, correct?

Amber: I sent it to my friend.

Elaine: Let's go to 167, please. And is that the e-mail in which you sent this picture to Rocky Pennington on 3/22/2013?

Amber: Yes.

Elaine: Your Honor, I'd like to move the admission of the picture with the redaction of the message on it, with the top...with identifier redactions, and would take out the rest of it.

Judge Azcarate: Oh, all right. Any objection?

Camille: No objection.

Judge Azcarate: All right. [inaudible 04:00:33] those redactions. 167 into evidence with redactions.

Elaine: All right. And may we publish, please? All right. And is this the text message...the e-mail that you sent to Rocky with this picture?

Amber: Yes.

Elaine: Okay. Now, I'm going to take you to... Let's go to Hicksville. Let's tell the jury about Hicksville, May 2013. Can you tell the jury what transpired at Hicksville?

Amber: It is a...it's like a fancy trailer park, like a little hotel in the middle of nowhere, set up with these little trailers. And we had made a plan to go there with friends. And we were going to do, you know, like, laughy...as we said, laughy drugs, like mushrooms, eat mushrooms, sit by a campfire. There's really not a whole lot else to do out there, it's like a getaway.

We had made this plan and it was going fine. It was like a...you know, kind of like a party out in the desert with a few friends and campfire and music. And I don't know who brought...somebody brought MDA, it was being passed around. And somebody who took it kind of was starting the feel the effects of it, I guess is the best way to describe. She kind of reacted in this way where when the MDA hit her, she kind of, you know... We were sitting around a campfire, all of us, and she kind of just leaned into me and put her, you know, head on my shoulder and kind of grabbed my arm. I took it, you know, to be the effects of the drug.

And I think I had eaten a mushroom cap, but was not feeling anything at the time. I don't remember feeling anything. Because then I just kind of changed pretty dramatically before I really felt anything of the effects of that. But that was the environment we were in.

And as soon as she kind of did this thing where she leaned into me, Johnny gets really activated, he gets really upset and he starts... Well, at first, she thought he was kidding, too. She thought he was kind of making a joke. I think we all did, everyone kind of responded at first, you know, like it was a joke. But he was like, "Hey, man, what are you

doing?" You know, "What do you think you're doing?" And she kind of giggled and kind of leaned into me more. And I knew in my body just instantly that it wasn't a joke, but she didn't.

So, she's kind of still attached to my arm when he says it again to her, louder. He says, "Hey, man, you think you're touching my fucking girl? You think you're touching my fucking girl? That's my fucking girl." And he gets louder and louder. And she kind of did this thing half understanding what was going on. I think she kind of started to cry at this point, but she kind of threw up her hands. And Johnny grabbed her wrist and kind of twisted it and pulled her into him and said, "Do you know how many pounds of pressure it takes to break a human wrist?" "Huh?" And he kind of held her and she just looked frozen.

And she's crying and she was just denying understanding what was going on. I stepped in, I kind of take Johnny's arm around, trying to take Johnny's hand. And kind of we start communicating. I don't remember if he immediately was accusing me or if it was sometime after, I wish I remembered. But we agreed that we'd go and talk about it in the trailer.

So, we walked to the trailer. And when we're in the trailer, Johnny...by the time we get into the trailer, Johnny tells me that I had been instigating the...like, you know, and asking for this, and that I had invited it and that I hadn't been honest with him about my relationship with this woman. I didn't really know her that well. I mean, I actually don't know her at all, but I had met her.

And I remember in the trailer, he's accusing me of lying about it and that I...you know, that I had something with her. I'm trying to defuse that, I'm trying to calm him down. And he just turned all that...it seemed like he turned all that rage onto the trailer itself and started smashing things. He picked up something on the table and threw it right into the glass cabinet. He hit, with his hand, a wall sconce. He cleared the tabletop on the little fold-down, like, kitchen/dining room area in this trailer. I mean, it's a trailer, so there's only so much you can do. And he's screaming at me, he's just screaming at me.

And I eventually go back into the back, the bedroom area. He comes into the bedroom area. We had what I can only describe as a...it sounded like nonsense from him, it wasn't making sense. I realize that he's just probably really high. Because it wasn't making sense anymore, it wasn't, like, a direct accusation, I wasn't...he wasn't hearing me when I was saying I wasn't involved, I wasn't cheating on him, I wasn't secretly trying to engage this woman in some sort of sexual affair.

And then it became clear to me he was, like, looking for something. He cleared things off the bed. I went into the bathroom. And as I come out, he asked me where it is and how long I've been hiding it. And I was like, "What are you talking about?" And he says, "You know what I'm fucking talking about, you know what I'm fucking taking about. Be honest with me. Where are you hiding it?" And he kind of, like, makes to look into the bathroom. And I gesture to the bathroom, which was to my right. I kind of, like, gestured to him and I said, like, "What am I... Where am I going to... What am I hiding and where am I going to hide it?"

And we're standing in this little hallway area outside of the bathroom and he starts, you know, what feels like patting me down, or saying he's patting me down, I can't recall. But he ripped my dress, the strap top part of my dress. I had just dyed this thing myself pink. And it was one of those things I...it was like, you know, "That's my... I just finished that dress." And he's, like, grabbing my breasts, he's touching my thighs. He rips my underwear off.

And then he proceeds to do a cavity search. He was looking...he said he was looking for his drugs, his cocaine, his coke. I was wondering how I, somebody who didn't do cocaine and was against it... That was in and of itself causing problems in our relationship. How could I hide... Why would I hide his drugs from him? Like, he was insinuating that I was doing it or something, it made no sense.

And he was telling me, "We're doing... We're going to conduct a cavity search, shall we?" Like, just shoved his fingers inside me. I just stood there staring at the stupid light. I didn't know what to... You know, I didn't know what to do. I just stood there while he did that. He twisted his fingers around. I don't... I didn't say, like, "Stop or anything," I just...

Elaine: So, the next morning, what transpired?

Amber: I remember thinking that Johnny would change his mind and it would be... Yeah, I thought it would end differently. I kind of froze. I don't know how we went to bed that night, I don't know how I went to bed, I don't know how I slept, I don't know how we woke up, I don't remember having a conversation with him the next day, I don't remember talking to him about it or confronting him about it. I remember wanting it to be okay. I remember just wanting whatever fucking weird trip...excuse me, whatever trip that was to end, you know, just to be over and for it to just go back to normal.

And I remember my friends were out by the pool. Like, there was a pool in the center of the trailer park. And I remember putting on my...you

know, just putting on my face and going back into this, like... You know, and I remember seeing my friends by the pool, thinking they were just having a great time, and no one knew what was... You know, I felt so lonely, like no one knows what's... Everyone was just having a good time, you know, like normal stuff.

So, I just smiled, made a joke about how trashed the trailer got, and we had to get the manager. Who started off furious that Johnny had wrecked the thing. And then he had this, like, black mesh tank top...not tank top, like a meshy kind of shirt on. And I remember he came into the trailer and looked around and was like, "Whoa, what happened here? Whoa." And Johnny had an exchange with him. And I remember watching this man be so charmed.

It was just, like, kind of a surreal experience and, you know, it just went away. You know, that just got fixed, we walked out of the trailer at some point, my dog stepped on a bee, we went to the vet, and went on with our, you know, vacation. We actually went to another location after that, and then eventually went home and went about our life.

Elaine: I'm going to ask you to take a look... And, Michelle, can you bring up defendant's exhibit 176? So, Hicksville was in May of 2013. Did there come a time that you wrote an e-mail...

Camille: Objection, leading and hearsay, Your Honor. May we approach?

Judge Azcarate: All right.

Elaine: In June 2013, how were you feeling about your relationship with Mr. Depp?

Camille: Your Honor, may we have the exhibit taken away from...

Judge Azcarate: Okay, sure.

Camille: Thank you.

Amber: I... By June, I was so torn, I was so in love with this person. Because when it was good, it was so good. You've never felt love like that, at least that's how it felt. I loved him so much. I felt like he recognized me and I recognized him and there was just something there that I thought he was the love of my life. And he was. He was. But he was also this other thing. He was also this other thing. And that other thing was awful, awful thing that would come out and take over. And it was you couldn't see the Johnny I loved underneath it, it was this other thing.

And no one told him, no one was honest with him, no one... You know, he passed out in his vomit, he'd lose control of his body, his...you know, he'd lose control, and everyone would clean up after him, I cleaned up after him. I mean, this man lost control of his bowels and I cleaned up after him. His security cleaned up after him, changed his pants in front of me. He passed out in his own sick.

You know, and then he'd walk around saying he didn't have a problem. Until he did. Until he couldn't support it anymore and he'd get clean and he'd get sober, and then he was this thing again, this thing that made me feel so loved, that made me feel like my soul mate, as cheesy as that sounds. I just felt like he knew me. And I recognized something in him, there was some part of my makeup and my background or something that I just got it, and I loved him and understood him. It just got so scary, the other part of him.

And in June, I wanted to leave him. I wanted to... I didn't want to leave him. I wanted to want to leave him, I wanted him to get better. And he expressed to me so many times when he was in that period of getting clean and sober, he would tell me, "You saved my life. Baby girl, you saved my life." Everyone else was saying that to me and I believed it. You know, everyone else was saying it, he was saying it. I thought... Just like his other friends who had gotten clean and sober and stayed that way, his older friends, these rock stars that he hung out with that had, like, gotten clean and sober and they had 20, 30 years, something, you know. I thought, and Johnny told me, he would be that person, that he was going to be that person, and I believed it.

I had so much... I looked at that man, twice my age, you know, I was 25, looking at this man twice my age and I saw hope and, like, promise. I had so much hope. You know, the whole thing. Kids and growing old together sort of hope. If it was just for this one thing that he could do which would save his life, which would be to get clean and sober. And I believed it. And I wrote this letter to myself, among many letters to myself...

Camille: Objection, hearsay.

Elaine: All she did was refer to that she wrote it, she isn't saying what she said.

Judge Azcarate: I'll overrule for that point.

Elaine: Thank you.

Judge Azcarate: Okay.

Amber: I wrote that letter because I thought it would be read to him, I could read it to him, I could say it to him in intervention, you know, in help. And he would later thank me for...as he did, as he used to thank me all the time for saving his life. Just I...

Elaine: Did there come a time later in June that you finally met Johnny's kids?

Amber: I'm sorry. Yeah. I finally met them in the summer of 2013. I had been with Johnny for over a year, maybe like a year and a half, at this point, is my best guess. And I was dying to meet them, you know, dying to get to know these kids, I felt like I knew them already. I had his daughter's, actually, and Jack's, both of his kids', art on my fridge and I had never even met them. You know, Johnny had brought them over one day and kindly given them to me and I had them up on my fridge because I felt like I knew them, just how much he talked about them. And I finally got to meet them at "The Lone Ranger" premiere at Disneyland. Yeah, summer 2013.

Elaine: So, then I'm going to jump to, and it's not much of a jump, to June 26, 2013. There's a plane ride to Russia with Johnny, do you recall that?

Amber: Yes.

Elaine: Tell the jury about that particular event.

Amber: Well, that was the first and last time I ever decided it would be a decent idea to do drugs with Johnny. I did MDA with...or did MDA with him on the plane, which was as stupid as it may sound. I just had never... I was very against, obviously, the cocaine, it had been a problem. I was very much against him using cocaine. I was against the drinking and supportive of the sobriety. You know, but I'm 26 maybe, ish, and I wanted... You know, I had never heard of anyone making MDA like what I had... I had done MDA before, you know, I thought it's the lovey drug, it's a, you know...it's like a kind of...I never knew anyone to get violent on it.

And, you know, I thought, "Well, this is a relatively contained environment. Maybe this will be different, maybe I can be good cop and be part of the"... You know, like I don't have to be the lesbian camp counselor all the time, as he would say. You know, I could maybe be the fun girlfriend. And I learned the hard way that that was not happening.

Elaine: So, what happened?

Amber: Well, we took MDA. I took a capsule, it's like a powder in a capsule. I took a capsule and Johnny took several. I didn't count, but, you know, it's very different when you see someone take one versus a handful of something. But nothing seemed to set any alarm bells off.

And things were going fine until the flight attendant got involved. The flight attendant came by, was engaging with us. I don't think that there really... It felt like it was before the effects of the drug took over. So, it was relatively soon after we first took our dose, if you can say. And the flight attendant, Johnny offered her some. She, of course, said "no." And then after some back and forth between them, Johnny convinced her that it would be fine.

So, she acquiesced and took MDA with us. And within, you know, a few minutes go by and the same thing happened that happened on the mushrooms at Hicksville with the woman Kelly Sue, who I've told you about. Flight attendant got friendly with me, but just friendly, just, like, MDA friendly. You know, was kind of I'm a woman and he's a man, so she was naturally, I think, more comfortable with me physically. She kind of leaned into me and kind of sat on the arm of the chair I was sitting in. I mean, after all, she's on drugs. And Johnny grabs her hand and tells her not to touch me. And she kind of reacts in a way, like...you know, like defending herself and was trying to clarify. And he grabbed her by the wrist and slammed it down on the table and told her he could break her wrist.

And I remember thinking, "I've heard this before." And that was a pattern that would repeat itself a few times. These things would happen in these kind of cycles where there'd be a certain element that would get filtered for a while, where it was an accusation or a gesture. And that would be the thing that he looped on, I called it "lopped"... "loops."

And he grabs her wrist and he tells her he could break her wrist. She cries instantly, denies it, is so apologetic. Eventually, he lets go, she goes to the front of the plane where the flight attendant, you know, normally hangs out, and the doors close and I don't see her much of that whole flight.

We land in Russia and I don't really remember, you know, any...there was...I don't recall any violence on the plane between Johnny and I, but I remember feeling this tension because I was wondering when it was going to aim at me. Because he had this particular thing about... Well, at the time, I understood he had a particular thing, a sensitivity, about me and women because I had had a female partner.

So, I was feeling nervous, anxious, and I remember we had a very quiet ride, at least I didn't say anything, to the...ride to the hotel. And almost as soon as we get into the hotel room, Johnny is accusing me of effectively having engaged that, caused that. I, of course, deny it, point out what I thought was obvious, that, you know, we had given her drugs. You know, it's...it wasn't an affair, it wasn't... You know, and I'm trying to argue and defend myself at the same time.

And at one point, Johnny just shoves me. Like, I mean, just shoves me hard. And I fall back onto this glass table. I catch myself on the table. I don't know how some furniture got knocked around, there was a...you know, I'm trying to stand up for myself, I'm trying to stand up, literally. I'm not... You know, at this point, I don't even try to hit back or try to run. I'm in this hotel room trying to do my best to fight mostly the verbal accusations, but also I try to stay on my feet, you know.

At some point, Johnny whacks me in the face. And I don't even...I don't remember feeling pain or, like, awareness of my nose or anything, I just...I don't remember thinking that. I remember kind of crying and feeling... I went into the bathroom and I wanted him to have a... Like I just remember wanting him to realize what had happened, I wanted him to kind of snap out of it, I wanted him to care, I wanted him to realize what was going on. Because a big part of this, I felt like, he wasn't aware. There was this sense that he didn't know what was going on.

You know, again, I don't know how much of the drugs or alcohol is part of this, but I remember crying. And I came out at some point because I don't hear him in that room. I remember we had been arguing in the main room, but I went out to the hallway, which is where I presume he walked out. And his bodyguard Jerry Judge was in the hall. And I don't recall seeing Johnny in the hallway, but I remember seeing Jerry Judge, who gestured to my nose.

Camille: Objection, hearsay.

Elaine: She's just saying "gesture," he hasn't said anything yet.

Judge Azcarate: All right. A gesture is fine. I'll overrule the objection.

Amber: He gestures to my nose and holds out his handkerchief, like a cloth handkerchief. And I instantly felt...I just felt really embarrassed. I felt ashamed. I don't know how else to describe it, I just felt, like, just really embarrassing. And I went inside the room.

Elaine: And what, if any, injury did you have?

Amber: I had a little blood coming out of my nose. I didn't know it, I didn't feel it at the time, until Jerry gave me the...Jerry let me know.

Elaine: Okay.

Amber: And I went inside the hotel room. And as embarrassing as it is, I remember just wanting Johnny to say "sorry," I wanted him to realize it. It's so stupid, but I... Like, the emotional part. You know, I just wanted him to acknowledge that this was...that he...like, he could hurt me. You know? And I wanted it to be okay, I didn't want him to think I was interested in this flight attendant, I didn't want him to think that I was capable of cheating on him. I was in love with him. I wanted... You know, I just wanted things to be okay.

Elaine: Let's take you to July 9, 2013. Did there come a time that you went for a ride on...you went to The Bahamas and went on a ride, the yacht, with Johnny and his kids?

Amber: Well, it was less like a... We flew out to The Bahamas to his island. He was selling the yacht to J. K. Rowling and he wanted to kind of have a goodbye trip on the yacht. So, it was docked off the island and I went with him and his kids, who I had quickly developed a bond with and loved. And we brought a friend along with us, I think, to kind of help. And yeah.

Elaine: Okay. Tell the jury what happened on that trip.

Amber: Johnny was upset that he had to sell the boat. And he was off the wagon again. But he didn't want to tell his kids, so he was hiding it from them. He was putting it in coffee cups and drinking and the behavior just kind of, like...he was upset, he was emotional, and he just...you know, that's how he dealt with it, just drink. But there's just no off button with Johnny. So, he just kept drinking and the behavior kept getting more obviously drunk. And Lily-Rose, his daughter at the time, was young, she's like maybe 14. And she started to get panicky and ask...started to ask my questions about his drinking.

Camille: Objection, hearsay.

Elaine: Without saying what Lily-Rose was saying, please continue on.

Judge Azcarate: I'll sustain the objection.

Camille: Thank you.

Amber: So, she was asking me questions about the drinking and was very upset.

Judge Azcarate: I'll sustain the objection.

Elaine: Yeah, you can't say what Lily-Rose said.

Amber: Oh.

Elaine: But you can tell the gestures, you can tell...and you can say what you and Mr. Depp said. Okay?

Amber: Sorry. So, she was upset. And Johnny kind of...we were with the kids and he kind of threw himself off the boat in a half playful way, like a dead...like dead fish kind of way. I don't know how to describe it, almost like a bellyflop. But we were on a...like, a smaller boat parked next to the yacht and he's jumping...well, he jumped off the front of it, but kind of in a face/chest-forward way, like it looked a little scary, like not something somebody would do if they're completely okay. You know, it was...started off all of us kind of taking turns jumping off the edge of the yacht into the water. And then he, at one point, kind of throws himself over and it looked a little scary, the way his body fell into the water. And Lily-Rose started to cry and expressed to me that she was upset.

Camille: Objection, hearsay.

Judge Azcarate: Sustained.

Elaine: You can't say what she said. You can say...you can tell expressions or observations, but you can't say what Lily-Rose said. Okay?

Amber: So, Lily-Rose is crying, and the crying becomes like a panic, like almost like a panic attack. Like rapid breathing, crying, lots of questions. And I'm holding her and kind of comforting her. And Johnny comes in and, within a few seconds, I realize that he, you know, kind of shifted his attention on me, and then he seemed very angry. He asked Lily-Rose to leaves, Lily-Rose leaves. Looks at me, leaves crying. And Johnny, and I don't remember the words he used, but starts accusing me of kind of, like, telling on him and calling him, you know, a drunk in front of his kids. I hadn't done that. I was actually trying to protect Johnny. I wasn't... It didn't feel like my place at all to share that with his daughter or anyone at the time, other than adults who might help with it, but not his kids.

So, I was trying to tell him, "I was just trying to comfort her, I was trying to protect you." He basically was accusing me of doing this thing of making them aware of his...that he was drinking again. And he slams me up against the side wall of the bedroom of the...we were in the bedroom this whole time, but up against the wall of the cabin. And slams me up by

my neck. And holds me there for a second and tells me that he could fucking kill me and that I was an embarrassment. I was embarrassing, I was an embarrassment, this whole thing was a joke, it was all an embarrassment, I made him feel sick.

And I'll never forget I'm...I was...I'm very, very, very much in love with this whole family now and he's saying I'm embarrassing to him. And that somehow stuck in me more than the "I could fucking kill you." It just sounded like hyperbole, it sounded like something he was just saying. But the names that he was calling me, or kind of just pushing me up against the wall by my neck, you know. It hurt. It hurt my feelings. It hurt.

I... When I communicated with... When I saw Lily-Rose again, we get...I won't say what she told me, but the next thing we do is we call for a helicopter to come and take us off of the boat...or off of the island. So, we leave the boat, go to the landing of a part of the island, or maybe it was a different, you know, island we had to get to to leave. And we take off. I'm holding Lily-Rose in my...literally holding her under my arm while she's crying and we're lifting off. And Jack ended up not coming with us at the last minute, he stayed behind.

And we were taking off and I remember being really torn about leaving. I felt bad about leaving. Even though that had happened, I still felt awful leaving. I felt awful leaving him. I also felt like I had done something wrong. You know, like he was mad at me and I wasn't sure, you know, what I had done, but I remember not being... You know, I'm getting all these text messages from him calling me all these names and barely coherent, barely. And I'm holding his daughter crying.

Elaine: And let me just stop you for a moment. Michelle, can you pull up defendant's exhibit 180?

Judge Azcarate: I do believe that's already in evidence.

Elaine: It is already into evidence, Your Honor.

Judge Azcarate: All right.

Elaine: So, if we may publish it to the jury. And, Amber, I'm going to ask you to take a look at 180. And this is text messages from Mr. Depp to you. Do you recall these?

Amber: Yes, I do.

Elaine: And are these the text messages?

Amber: Yes, that's what he was sending me while I was taking care of his daughter.

Elaine: Your Honor, I'm about to go into another event. Should I keep going?

Judge Azcarate: I mean, that's fine, if you think this is a good point to break for the day.

Elaine: I think it's probably a good point.

Judge Azcarate: All right, ladies and gentlemen, we'll go ahead and conclude for today. Again, do not read anything about this case, do not do any outside research, and don't discuss it with anybody. Okay? Have a good evening and we'll see you in the morning, okay? Thank you. And again, ma'am, since you're still on the stand, you cannot discuss your testimony with anybody, to include your attorneys, okay? All right. Anything further before? All right, we'll see you in the morning.

Elaine: Thank you, Your Honor.