

1 THE REPORTER: Could you raise your
2 right hand, please? Do you swear to tell
3 the truth, the whole truth and nothing but
4 the truth so help you God?

5 MS. KAREN SWITZER: I do.

6

7 DIRECT EXAMINATION OF KAREN SWITZER

8 BY MR. RUELO:

9 Q. Please state your name and address.

10 A. It's Karen Marie Switzer, known as
11 Kaylee,
12 Petersburg, Florida 33710.

13 Q. Do you have a connection with the
14 Disabled American Veterans?

15 A. Yes, I'm a member, a life member.

16 Q. Since when?

17 A. 1999.

18 Q. Do you know Chapter 9?

19 A. Yes.

20 Q. What is your connection to that
21 chapter?

22 A. Besides being a member, I'm also the
23 past Vice-Commander, or Junior Vice-Commander.
24 I was First-Vice, Second-Vice, and in the past I
25 had to step in as acting Adjutant for a little

1 while.

2 Q. Do you know Paul Branesky?

3 A. Yes, I do. He's not only a Comrade but
4 he's also a very good friend.

5 Q. How do you classify him as a veteran
6 and as an officer of Chapter 9?

7 A. Wow. As a person he's very loving,
8 caring, and giving of himself. I mean, he
9 thinks more of others than he does of himself.
10 I mean, he's just always like that, he just
11 gives. As a veteran he's always, I've always
12 seen him at the chapter. He always did
13 everything at the chapter from his heart. He
14 volunteered around there, fixed things up.
15 There's so many things to say about him.

16 Q. How about as an officer of Chapter 9?

17 A. He was a great commander, a great
18 treasurer, helped build our bingo up, helped
19 build our membership up. We had the best
20 membership when he was commander. And as far as
21 far as I'd say, he's probably one of the most
22 trustworthy people I know.

23 Q. How about as treasurer?

24 A. As treasurer he did everything by the
25 book. He kept receipts. In fact, to my

1 knowledge he is the only one that did everything
2 by the book. He kept receipts for petty cash,
3 the checks, and any monies going in and out. He
4 kept up with the accountant that the DAV had,
5 kept up with the monthly reports, always
6 provided a report that was like to the penny.
7 We never had any worries about it.

8 Q. He was suspended because one of the
9 reasons is that he allegedly issued one-
10 signature checks or withdrawals. What can you
11 say about that?

12 A. I could say a lot about that. I used
13 to be around the chapter a lot. I ran the -- I
14 guess you could say the snack bar or the
15 kitchen, and used to help out at the chapter all
16 the time. This one particular day I was in the
17 office waiting for Larry King to come in.

18 Q. Who is Larry King?

19 A. Commander Larry King, and Holly was in
20 the office.

21 Q. Who is Holly?

22 A. The Adjutant, Holly Crabtree. And I
23 was in there waiting for Commander Larry King to
24 come in, and while I was waiting, Paul Branesky
25 had come in. At the time he was treasurer, and

1 as always, he had come in with all the bills
2 with corresponding checks. He had filled out
3 the checks, his signature, and had them all
4 ready and had put them on Larry's desk for Larry
5 to review and sign, then to be put in the
6 envelope, then handed to Holly to be mailed out.
7 He told Holly, as I was sitting in there, that
8 these checks still need to be signed by Larry
9 and then mailed out. Well, not even five
10 seconds after Paul walked out the door, Holly
11 got up, snickering, grabbed all the stuff off
12 Larry's desk, stuffed the bills and the one-
13 signature checks into the envelopes right in
14 front of me, put the stamps on them and put them
15 right out in the mail. And I was like, "What
16 the," and she told me to shut the F up. But no
17 one would listen to me.

18 Q. Did you report that incident to
19 anybody?

20 A. Yes, I did.

21 Q. To whom?

22 A. I reported that incident to Mr.
23 Rainwater.

24 Q. How?

25 A. By letter.

1 Q. This letter exhibit that's in Mr.
2 Branesky's evidence file dated February 25,
3 2005, is this the same letter that you sent to
4 Mr. Rainwater?

5 A. Yes, it is, and there's also other
6 things in that letter about what Holly and Larry
7 had done.

8 Q. And did you get any response?

9 A. After a while of constant writing
10 letters and I e-mailed Mr. Linden, I finally got
11 a phone call from Mr. Rainwater, and he said he
12 was coming down, and when he did, it turned out
13 that the investigation was not against Larry and
14 Holly, it went against Paul. And I could not
15 understand why the investigation was turned
16 against Paul when the person who was guilty was
17 Holly and Larry for everything that I had
18 brought up.

19 Q. Do you know Paul Branesky's son,
20 Steven?

21 A. Yes, I do. I know everybody in the
22 family very well.

23 Q. Do you know if there is a chapter
24 resolution, motion, or order banning him from
25 entering the chapter building?

1 A. No, there was never anything said about
2 Steven not being able to come into the building.
3 In fact, everybody was more than happy for him
4 to be there. He was helping around the chapter,
5 he was helping individuals in the chapter at
6 their homes, and he was even helping with
7 upcoming events with the hurricane.

8 Q. But subsequently you learned that
9 Steven pleaded guilty to stealing some money
10 from the chapter?

11 A. Well, when I learned about that and I
12 learned about the amount, I knew that the amount
13 was wrong, and when Steven had said how much he
14 took, I knew what he was saying had to be true
15 because, there again, like I said, I'm always at
16 the chapter. Paul had been holding onto the
17 cash from the ball games as asked by Commander
18 Larry King, but prior to, I believe it was, the
19 Reno trip, and to put it in these words, I was
20 sitting in the office, Holly Crabtree was having
21 a fit about Paul having that money in his
22 office, and Larry went and got the money, the
23 \$2,000. They put it in the big safe in
24 Commander Larry King's office. So all that was
25 left in Paul's office was the petty cash. And

1 after they had learned that Steven had, quote,
2 unquote, "stole" the money, then all the sudden
3 that's when the amount went from \$200 to \$2,000.
4 And I personally saw the Reno money because it
5 had paper around it and paper clips. Larry and
6 Holly had it in their hands after the incident
7 had occurred, and there again, I was told to
8 shut up, keep my mouth shut, and Holly Crabtree
9 had the money in her hands, and that was also in
10 my letter to Mr. Rainwater and in my
11 conversations to everybody, that the money was
12 taken by Holly Crabtree, but no one would
13 listen.

14 Q. After the Hurricane Charlie, do you
15 remember if the chapter donated any money for
16 the purchase of relief goods to the hurricane
17 victims?

18 A. Yes. That was a hard one for me, that
19 was the same month that my father passed away.
20 They donated -- we decided on \$500, and no one
21 wanted to run and get the supplies, and
22 everybody instantly turned and looked at Paul
23 and said, "Well, you have the trailer, you have
24 the van, and you have a Sam's card. We pick
25 you." And Paul said, "No problem." And the

1 person that with Paul and helped him the whole
2 time was Steven. They went and picked up all
3 the supplies, came back to the chapter and made
4 sure that everything was in check, everything
5 was loaded up, and no one had a problem with it.
6 The chapter all voted on donating \$500 and that
7 Paul would be the person who would pick up the
8 supplies. And he also carried all the supplies
9 down to the victims.

10 Q. On November 15, 2004, there was a
11 meeting of the chapter. Were you present during
12 that meeting?

13 A. Oh, yes.

14 Q. Do you know what happened there?

15 A. A lot of fighting, arguing, bickering,
16 screaming, most of it from, one, Holly Crabtree
17 and Curt Wynell attacking, verbally attacking
18 Paul Branesky, going after Paul, his son, and
19 then literally trashing his family, and getting
20 to a point that they got up in his face and
21 basically called his family "white trailer
22 trash," to put it as polite as I can without
23 using the foul words that they were using.

24 Q. You know the cause for this incident?

25 A. Well, to put as plainly as Holly, you

1 can't really -- it's hard to say something about
2 someone when they are not here to defend
3 themselves -- but as Holly had told me one day,
4 she will be National Commander no matter how she
5 has to get there and her first two steps were to
6 remove me and Paul. This was one of her steps,
7 and she knew that if she would go after Paul and
8 his family, she thought that it would be a
9 weakness, and she was trying to get me on her
10 side that night to attack Paul, and I was not
11 going to do it because there was no grounds to
12 go after Paul. He had done nothing wrong. And
13 to this day I still know he has done nothing
14 wrong. I'd trust this man with my life and my
15 daughter's life.

16 Q. So when Crabtree yelled and screamed at
17 Branesky and his family, calling them names,
18 what happened? What did Paul Branesky do?

19 A. He finally got to a boiling point and
20 before he would say -- he stood up and I thought
21 he said, "Before he would kill someone", is what
22 I thought I heard. This is what I thought I
23 heard, "Before I kill someone, I am going
24 leave." And that's when he started to exit the
25 door or exit from where he was sitting, and as

1 he was doing that, he was still being yelled and
2 screamed at by Curt Wynell and a few others, and
3 even with him trying to leave and get away from
4 it, they still would not let it go.

5 COMMANDER STONE: Can I ask a question?
6 If all this is happening, why did not Mr.
7 Branesky write a letter to Carlos Rainwater
8 or to State in regards to all this
9 testimony I'm hearing now? Why did he not
10 write a letter in his defense to State
11 Headquarters?

12 THE WITNESS: I'm not sure why he did
13 not. There was plenty of us that have
14 wrote letters. I mean, I can name off a
15 handful right now that have written
16 letters, that have sent letters even to the
17 National Commander. We were all trying to
18 get things settled and trying to get Holly
19 stopped, because Holly was the main culprit
20 in all of it, especially when I saw her
21 shredding things.

22 COMMANDER STONE: Are you an officer at
23 the chapter?

24 THE WITNESS: I was; not at the present
25 time since we merged.

1 COMMANDER STONE: I'm talking about
2 Chapter 9.

3 THE WITNESS: Yes.

4 COMMANDER STONE: Did you attend the
5 convention at Altamonte Springs?

6 THE WITNESS: I went up there for the
7 purpose of the hearing, but I didn't attend
8 the convention, no.

9 COMMANDER STONE: Nothing further.

10 MR. RUELO: May I proceed?

11 COMMANDER STONE: Yes.

12 BY MR. RUELO:

13 Q. There is an affidavit dated January 13
14 by Karen Kaylee Switzer. Is this your
15 signature?

16 A. Yes, it is.

17 Q. Do you want this affidavit to be
18 included in the records as part of your
19 testimony?

20 A. Yes.

21 MR. RUELO: That's all.

22 COMMANDER STONE: Department, any
23 questions?

24 MR. MCCOY: I have one. In your
25 statement that you said you signed, you

1 said about killing someone?

2 MS. KAREN SWITZER: Yes.

3 MR. MCCOY: Were you at the following
4 meeting preceding this that happened?

5 MS. KAREN SWITZER: Yes.

6 MR. MCCOY: Okay. When the minutes
7 were read, were there any omissions or
8 deletions to those minutes?

9 MS. KAREN SWITZER: Paul Branesky was
10 there.

11 MR. MCCOY: No. Was there any
12 omissions or deletions to the minutes when
13 they were read?

14 MS. KAREN SWITZER: They tried.

15 MR. MCCOY: Was there any omissions or
16 deletions to the minutes when they were
17 read?

18 MS. KAREN SWITZER: Yes.

19 MR. MCCOY: And they were put in the
20 record?

21 MS. KAREN SWITZER: As far as I know
22 they were supposed to, but there again,
23 Holly Crabtree was the one who was taking
24 the records. That's what I'm saying, is --

25 MR. MCCOY: Were there omissions and

1 deletions specifically to that one
2 statement that Paul was going to kill
3 someone?

4 MS. KAREN SWITZER: Yes.

5 MR. MCCOY: Who made it?

6 MS. KAREN SWITZER: Paul, myself, there
7 was several of us that stood up and was
8 like, yes, that was not right, you know,
9 because she had said something when she
10 was --

11 MR. MCCOY: Wait a minute, wait a
12 minute. You're saying that was not right,
13 yet in the minutes it says that he made a
14 statement that he was going to kill
15 someone. You signed an affidavit that he
16 said he was going to kill someone --

17 MS. KAREN SWITZER: What I'm saying is
18 what they were saying. I'm saying what
19 they were saying. There was Paul. I'm
20 sorry, there was Paul, there was --

21 MR. MCCOY: And what I'm saying is in
22 the minutes that were read, was there any
23 omissions or deletions to that statement
24 that Paul had made about killing someone?

25 MS. KAREN SWITZER: Yes.

1 MR. MCCOY: And who made that?

2 MS. KAREN SWITZER: Paul, Phil. I
3 think it was Paul and Phil, and I was
4 backing them up when she was reading it,
5 and she started arguing with them.

6 MR. MCCOY: You were backing them up
7 and you admitted and signed in the
8 statement that you heard it?

9 MS. KAREN SWITZER: What I'm saying is
10 the way -- I was backing them up when she
11 was yelling at them is what I'm saying.

12 COMMANDER STONE: Gentlemen?

13 MR. HAYNES: This is John Haynes
14 speaking. When were you the Vice-
15 Commander?

16 MS. KAREN SWITZER: Let's see, I was
17 Second Junior-Vice -- this is '06 -- First
18 Junior-Vice '04-'05 and then Second Junior-
19 Vice '03-'04, I do believe, and then I was
20 acting Adjutant a couple of years prior to
21 that.

22 MR. HAYNES: Then you were Vice-
23 Commander when these alleged occurrences
24 were taking place?

25 MS. KAREN SWITZER: Yes, sir.

1 MR. HAYNES: Did you take action to
2 have it brought before the Grievance
3 Committee?

4 MS. KAREN SWITZER: Yes, sir.

5 MR. HAYNES: What was the result?

6 MS. KAREN SWITZER: I was told
7 basically to shut up and mind my own
8 business.

9 MR. HAYNES: Who runs the Grievance
10 Committee?

11 MS. KAREN SWITZER: In there it was
12 whoever Commander Larry King decided to put
13 together at the time. He had no set
14 people.

15 MR. HAYNES: I have no further
16 questions.

17 MR. WHITNEY: Jim Whitney. You are
18 Della Switzer, is that right?

19 MS. KAREN SWITZER: No, I'm her
20 daughter.

21 MR. WHITNEY: I see. This check to
22 Della Switzer was made out to her daughter.
23 Do you know what that was for?

24 MS. KAREN SWITZER: I'm sorry.

25 MR. WHITNEY: In December 31, #1903.

1 MS. KAREN SWITZER: I'm not Della
2 Switzer.

3 MR. WHITNEY: The question is, do you
4 know what she was getting \$200 for?

5 MS. KAREN SWITZER: Oh, I have no idea.
6 I don't know.

7 MR. WHITNEY: What was your position in
8 December of '03?

9 MS. KAREN SWITZER: Of '03? That would
10 be Second Junior-Vice.

11 MR. WHITNEY: This check was signed
12 just by Paul Branesky. I'll show you a
13 copy of the check.

14 MS. KAREN SWITZER: Well, it says,
15 "Cleaning, happy holidays," so I would
16 assume that had to do something with
17 cleaning of the building.

18 MR. WHITNEY: Do you know of your own
19 independent knowledge that your daughter
20 did do cleaning of the building?

21 MS. KAREN SWITZER: My daughter didn't,
22 my daughter is only 15.

23 MR. WHITNEY: Thank you.

24
25

CROSS EXAMINATION OF KAREN SWITZER

1 BY MR. RAINWATER:

2 Q. Just a couple of questions Ms. Switzer.
3 You testified that you were present at the
4 meeting of November 14, 2004, when Paul
5 allegedly made those untoward remarks?

6 A. Yes.

7 Q. Did you have an automobile accident
8 sometime in '04?

9 A. Back, I want to say October --

10 Q. The reason I ask, if you'll refer to
11 Exhibit 8 in the State's evidence file, the
12 first page it says, "Ms. Switzer has had an
13 automobile accident and is recovering." Were
14 you recovering at the meeting or -- I'm a
15 little confused. It says you had an automobile
16 accident and you were recovering.

17 A. Where is this at?

18 MR. RUELO: Can you show it for the
19 case?

20 MR. LINDEN: It's on page two of
21 Exhibit 8, of our Exhibit 8, right at the
22 top.

23 MS. KAREN SWITZER: I had nothing to
24 recover from. Somebody just bumped my rear
25 end of the car a little bit, didn't even do

1 any damage, and I --

2 Q. You're testifying you were, in fact, at
3 that meeting?

4 A. Yes.

5 Q. So the minutes are wrong, correct?

6 A. Correct. The only meeting I missed was
7 in September of '03 when my sister passed away.

8 Q. You made a statement that Mr. Branesky
9 made significant contributions in, quote,
10 "Bringing the bingo up", correct?

11 A. Correct.

12 Q. Bare in mind, Mr. Branesky said he
13 resigned as treasurer in November of '04 in
14 those minutes. Shortly thereafter he got this
15 alleged suspension from the Commander, which
16 we've already discussed. Do you know what the
17 bingo profits were for Chapter 9 for June, July,
18 August and September of '04?

19 A. I'm not aware, but what I'm speaking of
20 when he brought the bingo up, I'm talking about
21 from when I became a chapter member on through.

22 Q. Okay. Well, I would like to read into
23 record that in June, July, August, and September
24 the official report from Chapter 9's bingo was a
25 net profit of \$17, 321 in those months of '04.

1 In '05 for the same months, June, July, August,
2 and September, the reported bingo profits was
3 \$36,935.

4 A. And also in '04 we had the hurricanes,
5 and we also had a Thursday night bingo and also
6 two other places in town that also held bingo.
7 In '05 we didn't have the local hurricanes and
8 we had two local bingo places that closed, so,
9 therefore, hence we would have a better turn-out
10 at our building so the bingo profits naturally
11 would go up.

12 Q. Okay. Thank you for that explanation.
13 These communications you say where you initiated
14 these, quote, "whistle-blower" statements, did
15 you ever communicate any retraction of any of
16 those statements to anybody?

17 A. I was told to by Phil Condon upon the
18 resignation of Holly Crabtree.

19 Q. My question was, did you ever retract
20 any of those statements?

21 A. Yes.

22 MR. RAINWATER: No further questions.

23 MR. RUELO: Nothing further. Thank
24 you. We call Della Switzer.

25 THE REPORTER: Raise your right hand,