



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

M. REBECCA DOWNING, et al., )  
 Plaintiffs )  
 VS )  
 )  
 YORK COUNTY DISTRICT ATTORNEY )  
 H. STANLEY REBERT, et al. )  
 Defendants )

3000 2464  
Civil Action - Law  
No. 1:CV-05-0351

--oOo--

DEPONENT: H. Stanley Rebert, Esquire

TAKEN BY: Plaintiffs

DATE: Friday, April 21, 2006

TIME: 9:15 a.m.

PLACE: Blakey Yost Bupp & Rausch  
17 East Market Street  
York, Pennsylvania

REPORTER: Karen J. Meister  
Reporter, Notary Public

--oOo--

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1 Q Okay. Fair enough. We'll get to  
2 them then. That's, just for the record, in Mr.  
3 Blakey's handwriting?  
4 A Yes, sir.  
5 Q That was provided to you today so you  
6 could discuss those issues in this deposition?  
7 A That's actually something we talked  
8 about yesterday.  
9 Q Okay, fair enough. Are you taking  
10 any medication today, sir?  
11 A I take Diovan for blood pressure.  
12 Nothing otherwise.  
13 Q Is there any reason why you would not  
14 be able to hear, understand, be able to respond  
15 to questions today because of medication or some  
16 other reason?  
17 A No.  
18 Q How old are you, sir?  
19 A 62.  
20 Q And you have been an attorney for how  
21 long?  
22 A Since 1971.  
23 Q Where did you go to law school?  
24 A Boston University.  
25 Q Have you ever been subject to

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1 discipline by the Pennsylvania Disciplinary  
2 Board?  
3 A Yes, sir.  
4 Q When was that?  
5 A That was in, I believe, the early to  
6 mid '90's that I recall.  
7 MR. BLAKEY: Are you referring to the  
8 case where you were exonerated?  
9 THE DEPONENT: Yes.  
10 BY MR. LAVERY:  
11 Q Were you actually disciplined?  
12 A No, I was not.  
13 Q Were you actually ever disciplined?  
14 A No, sir.  
15 Q That was my question. There was a  
16 disciplinary board proceeding against you that  
17 you were exonerated. Is that your testimony?  
18 A Yes, sir.  
19 Q What briefly was that about?  
20 MR. BLAKEY: I object to that. The  
21 man was exonerated. It's none of your business.  
22 MR. LAVERY: I just want brief terms  
23 of what it's about. It could be relevant to the  
24 practice claim.  
25 THE DEPONENT: It was a claim by

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1 defense counsel that I had not provided  
2 discovery to him when, in fact, I had.  
3 MR. BLAKEY: That's enough.  
4 MR. LAVERY: That's all I want to  
5 know.  
6 BY MR. LAVERY:  
7 Q You have been the York County  
8 District Attorney since when, sir?  
9 A Since 1986.  
10 Q And since you were district attorney,  
11 who was your first chief detective, first chief  
12 county detective?  
13 A That goes back a ways.  
14 Q Let me just strike that question.  
15 I'll tell you what fellow I'm interested in.  
16 At some point did William Ken Ingle  
17 become chief county detective in your office?  
18 A Yes, sir.  
19 Q When was that, approximately?  
20 A I believe that was in the late '80's.  
21 Q Was Mr. Ingle also affectionately  
22 known as Bubba?  
23 A Among other names, yes.  
24 Q Other descriptions, okay. And when  
25 did Mr. Ingle leave your employ as chief county

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1 detective?  
2 A I don't recall the specific date.  
3 Q Do you recall the year?  
4 A No, I don't.  
5 Q Do you recall how long it was before  
6 you hired Becky Downing?  
7 A Not specifically, no, I don't.  
8 Q Did Mr. Ingle establish any rules or  
9 regulations for the detective bureau to your  
10 knowledge?  
11 A Very few.  
12 Q And did Mr. Ingle run personal  
13 errands for you and your family?  
14 A On occasion.  
15 Q Did he shovel your sidewalk?  
16 A I don't recall that.  
17 Q Did he shovel your driveway?  
18 A I don't recall that.  
19 Q Did he cut your grass?  
20 A No.  
21 Q Did he feed your dog?  
22 A Not to my knowledge.  
23 Q Did he pick up or take your family  
24 members either to the bus or train station?  
25 A On occasion.

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1 Q Did he do that while on county time?  
 2 A I don't recall.  
 3 Q Mr. Ingle at least is quoted in the  
 4 newspaper saying that he picked up family  
 5 members at the airport both on and off duty. Is  
 6 that accurate or not?  
 7 A I don't know.  
 8 Q He also said that he and other staff  
 9 members carried a television that you had  
 10 purchased into your home. Do you know anything  
 11 about that?  
 12 A At one point I had purchased a  
 13 television that was in the back of my car, and I  
 14 did need assistance in getting that up to the  
 15 bedroom, yes, sir.  
 16 Q Was that done on county time?  
 17 A I don't recall.  
 18 Q Did you have a policy disallowing  
 19 detectives to run personal errands for you while  
 20 on county time?  
 21 A Did I --  
 22 Q Did you have a policy of not allowing  
 23 that?  
 24 A Did I have a policy of not allowing  
 25 that?

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1 Q Yes.  
 2 A Allowing them to use personal time to  
 3 run my errands. Is that what you're saying?  
 4 Q Did you have a policy not allowing  
 5 them to run your personal errands on county  
 6 time?  
 7 A Policy of not allowing them to run my  
 8 personal errands on county time?  
 9 Q Um-hm.  
 10 A No, I didn't have a policy, no.  
 11 Q You said on occasion Mr. Ingle did do  
 12 some personal errands for you and your family.  
 13 What errands do you recall him having done?  
 14 A I don't recall any specific errands.  
 15 Q Do you recall any general errands?  
 16 A No, I don't.  
 17 Q You just recall he ran errands of  
 18 some type from time to time?  
 19 A I don't know what you mean by  
 20 errands.  
 21 Q Like picking up family members; the  
 22 types of things that --  
 23 A He did that.  
 24 Q Okay. Did he ever bring any other  
 25 items over to your house that you purchased

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1 other than a television?  
 2 A Not specifically that I recall.  
 3 Q In this newspaper article -- And I'll  
 4 show you a copy of it. We'll mark it as Rebert  
 5 Exhibit Number 2.  
 6 A I guess if it's written in the paper  
 7 you believe it, it must be true.  
 8 Q So do I. That's why I'm asking you  
 9 about it.  
 10 (Rebert Exhibit Number 2 was marked  
 11 for identification)  
 12 Q In that article it's indicated that  
 13 Mr. Ingle said, I ran a lot of errands for him.  
 14 We all did. It was just stuff one would do for  
 15 one's boss, Rebert confirmed in a phone call  
 16 Wednesday evening. That's pretty much the case.  
 17 We all work together.  
 18 Do you remember providing that quote?  
 19 A Where are you?  
 20 Q Down towards the bottom of the page.  
 21 A I don't specifically recall making  
 22 that comment, but, like I say, it's in the paper  
 23 so it must be true.  
 24 Q Do you deny making the comments?  
 25 A No, I don't deny making that comment.

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1 I just don't recall making it.  
 2 Q Fair enough. Now, at some point Mr.  
 3 Ingle resigned; isn't that correct?  
 4 A Yes, sir.  
 5 Q Was that a forced resignation?  
 6 A Well, he discovered, Paul Crouse,  
 7 that Mr. Ingle had been patting his overtime and  
 8 I checked it out and, unfortunately, I confirmed  
 9 it and confronted him with it and he apologized  
 10 and resigned. It was forced in the sense that  
 11 he was confronted with some misdeeds, for lack  
 12 of a better word. However, I think the record  
 13 might indicate that he resigned. I don't  
 14 recall.  
 15 Q I believe it did. Let me just ask  
 16 you this. Did you indicate to him if he didn't  
 17 resign he would be terminated?  
 18 A I don't know that I admitted that to  
 19 him specifically, but certainly that was the  
 20 veiled message, if you will.  
 21 Q Was he allowed to retire with a  
 22 county pension?  
 23 A I don't know.  
 24 Q Did you consider the padding of his  
 25 overtime to be in any way criminal?

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1 A No, I didn't.  
 2 Q Did you consider that to be theft of  
 3 services from the County of York; putting down  
 4 for overtime that you didn't actually work?  
 5 A Oh, I suppose potentially it could  
 6 have been, yes, sir.  
 7 Q Okay. But in your discretion you  
 8 decided not to pursue that; is that correct?  
 9 A We didn't pursue that, no.  
 10 Q And you made that decision as  
 11 district attorney not to pursue that; isn't that  
 12 correct?  
 13 A At that time I don't know that that  
 14 was being considered at all.  
 15 Q All right. So you never even  
 16 considered the possibility of charging him with  
 17 theft of services even for padding of the  
 18 overtime that he didn't work?  
 19 A I don't recall. I don't believe I  
 20 did.  
 21 Q Why not?  
 22 A I thought it was punishment enough  
 23 for him to lose his job and go out in disgrace,  
 24 if you will. Ken and I had -- You know, we had  
 25 been very good friends for a long period, for as

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1 long as he was in the D.A.'s office.  
 2 I was literally heartbroken when he  
 3 did what he did. I was -- I felt violated,  
 4 and -- And he just lost his job. I didn't  
 5 realize at that point in time what other  
 6 activity he had been into in terms of the  
 7 property of the D.A.'s office.  
 8 Q Okay. You just saved me my next  
 9 question. I'll talk about that then later.  
 10 Now, you said he was your friend.  
 11 Did the fact that he was your friend, did that  
 12 play into the decision not to prosecute him for  
 13 theft of services?  
 14 A It may have.  
 15 Q Now, I'm going to show you what I'm  
 16 going to mark as Rebert Exhibit Number 3.  
 17 (Rebert Exhibit Number 3 was marked  
 18 for identification)  
 19 MR. HUTCHINSON: Was there a Rebert  
 20 1 or is that just something that was  
 21 pre-numbered?  
 22 MR. LAVERY: Yes. That was the notes  
 23 that he brought.  
 24 MR. HUTCHINSON: Oh, okay.  
 25 MR. LAVERY: This is Rebert 3.

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1 BY MR. LAVERY:  
 2 Q I'm showing you what I marked as  
 3 Rebert Exhibit Number 3, which is a memo, I  
 4 believe, from you to all chiefs of police dated  
 5 October 19, 2000. Do you see that?  
 6 A Um-hm. Yes.  
 7 Q You have to say yes so we can get --  
 8 A I did.  
 9 Q Okay. I do the same thing. So  
 10 believe me, I'm not being critical of you.  
 11 A I understand, but I did say yes.  
 12 Q I know you did.  
 13 As you may know, it indicates William  
 14 K. Ingle has left the district attorney's office  
 15 for personal reasons. Do you see that?  
 16 A Yes, sir.  
 17 Q There was nothing else indicated in  
 18 there about why Mr. Ingle left the district  
 19 attorney's office; isn't that right?  
 20 A That's correct.  
 21 Q Now, you said he left in disgrace.  
 22 Did you in any way indicate to any of the other  
 23 chiefs of police, the other county detectives,  
 24 anybody like that, the reasons why that he --  
 25 the reasons why he left and the fact that that

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1 had to do with the padding of his overtime?  
 2 A Not by a written memo I didn't --  
 3 Q Okay.  
 4 A -- to my knowledge.  
 5 Q You didn't in that memo indicate that  
 6 he left for cause or --  
 7 A No, I didn't.  
 8 Q -- for him having done something  
 9 improper?  
 10 A I don't think I did. I don't think  
 11 that says anything like that in this memo.  
 12 Q I know this one doesn't. But I  
 13 asking, did you send any others that may have  
 14 said that like you did with Becky Downing?  
 15 A If I did you would have them.  
 16 Q Okay. So I take it --  
 17 A Apparently not.  
 18 Q Okay. Do you know if there was any  
 19 discussion about whether or not Mr. Ingle would  
 20 be entitled to a pension upon his retirement  
 21 when he left?  
 22 A There was no such discussion with me.  
 23 He may have had a discussion of that nature with  
 24 other people in the office or with --  
 25 Q H.R.?

1 A Yeah.  
 2 Q All right. How long had Mr. Ingle  
 3 been a county employee, approximately, when he  
 4 retired -- when he resigned?  
 5 A I don't recall. Thirteen years comes  
 6 to mind, but I'm not sure. I noticed in the  
 7 newspaper article that it indicated that he had  
 8 worked there since 1988. I don't recall when it  
 9 was that he was dismissed.  
 10 Q Good enough. Fair enough.  
 11 THE DEPONENT: Do you know?  
 12 MR. BLAKEY: (Negative head motion).  
 13 BY MR. LAVERY:  
 14 Q You were aware, though, sir, at that  
 15 point that someone with 13 years of service  
 16 would qualify for county pension upon  
 17 resignation; isn't that right?  
 18 A No, I'm not --  
 19 Q You didn't know that?  
 20 A I don't know what the numbers or the  
 21 age are to tell you, quite frankly. I apologize  
 22 for that.  
 23 Q All right. Now, in terms of the  
 24 hiring of Becky Downing, did you seek her out or  
 25 did she seek you out in that process?

1 resignation over the padding of overtime?  
 2 A Well, you're talking about day 1 and  
 3 day 2. I mean, I'm talking about before I  
 4 learned of his misdeeds.  
 5 Q And with respect to Becky Downing,  
 6 you were aware of her reputation in law  
 7 enforcement circles as being outstanding.  
 8 Wouldn't you agree with that, sir?  
 9 A It appeared to be at that time, yes,  
 10 sir.  
 11 Q Okay. And, in fact, as you said, and  
 12 you indicate in your Answer you hired her  
 13 because you knew that she was a good  
 14 administrator and she would bring organization,  
 15 rules and regulations and a chain of command to  
 16 the office; isn't that correct?  
 17 A Is that what my Answer says?  
 18 Q I believe it says she is a good  
 19 administrator.  
 20 A Is that what you just read to me?  
 21 Q I'll just give it to you. No, it  
 22 isn't, to be fair to you.  
 23 A Oh, okay. I thought you were reading  
 24 correctly.  
 25 MR. LAVERY: We're going to mark it

1 A I sought her out.  
 2 Q Why did you do that?  
 3 A Well, I was aware of Miss Downing's  
 4 administrative skills and her skills as a  
 5 supervisor in the York City Police Department  
 6 and her background. I always liked Becky, and I  
 7 thought we could use some organization in the  
 8 office since we had precious little with Ken  
 9 Ingle, although, you know, I think he did a fine  
 10 job. But I thought the --  
 11 Q You thought Ken Ingle did a fine job?  
 12 A Yeah, I did.  
 13 Q Even knowing everything you know  
 14 today with all this?  
 15 A No, no. Not in hindsight I don't  
 16 think that at all. In hindsight, I don't think  
 17 Becky did a good job, so --  
 18 Q I'm going to get to that, believe me.  
 19 A I understand that. But --  
 20 Q But you think Mr. --  
 21 A At the time --  
 22 Q -- Ingle did a --  
 23 A At the time I thought he did a good  
 24 job, yes, sir.  
 25 Q Even though you forced his

1 as the next exhibit. We'll break it down  
 2 because you're right about that. This is will  
 3 be Rebert Exhibit Number 4, which is the Answer  
 4 to the Amended Complaint.  
 5 (Rebert Exhibit Number 4 was marked  
 6 for identification)  
 7 Q Take a look specifically at the  
 8 second page, the answer to number 13.  
 9 A Okay.  
 10 Q You said you hired her because you  
 11 knew she was a good administrator; isn't that  
 12 right?  
 13 A Apparently, yes, sir.  
 14 Q Okay. And 14 you admit that Miss  
 15 Downing was a good administrator while she was  
 16 employed by the D.A.'s office; isn't that  
 17 correct?  
 18 A Yes, sir.  
 19 Q And getting back to the second part  
 20 of my question, in terms of her good  
 21 administration, you hired her to bring  
 22 organization, rules, regulations and a chain of  
 23 command to the detective bureau; isn't that  
 24 correct, sir?  
 25 A Well, not specifically, but in the

1 sense that she would bring a better organization  
 2 to the detective bureau, yes. So, that may be  
 3 the same way of saying the same thing.  
 4 Q Well, I think it is. But, I mean, a  
 5 good organization generally encompasses rules,  
 6 regulations and some kind of chain of command.  
 7 Would you agree with that, sir?  
 8 A Yes, sir.  
 9 Q Thank you. By the way, just on  
 10 Exhibit Number 4, would you take a look at that.  
 11 I just want to confirm. Those are your answers  
 12 to the Amended Complaint; isn't that right?  
 13 Just take a look through that.  
 14 A (Deponent complies.)  
 15 MR. BLAKEY: I think we can agree to  
 16 that.  
 17 MR. LAVERY: Okay.  
 18 MR. BLAKEY: It's written by an  
 19 attorney, of course, and signed by him.  
 20 MR. LAVERY: I know. I understand  
 21 that. That's why I'm asking him about it.  
 22 MR. LEBER: I don't think it's signed  
 23 by him.  
 24 MR. LAVERY: No, it's not. It's  
 25 signed by the attorney I believe...(voice trails

1 MR. BLAKEY: Do you want him to stop  
 2 and read it all?  
 3 MR. LAVERY: Sure. I think he said  
 4 he read it before the deposition.  
 5 (Deponent reviews document.)  
 6 BY MR. LAVERY:  
 7 Q Is there anything in there -- You  
 8 said you read it before the deposition and  
 9 you've had a chance to leaf through it briefly  
 10 here now. Is there anything in there that you  
 11 saw that's not accurate?  
 12 A I don't believe so.  
 13 Q Thank you. Now, prior to the hiring  
 14 of Becky Downing, did you discuss with her  
 15 establishing rules, policies and procedures for  
 16 the detective bureau?  
 17 A I don't know that I specifically  
 18 discussed that with her. I don't recall.  
 19 Q She testified that there was such a  
 20 discussion. Is it that you don't recall or you  
 21 don't believe that that took place?  
 22 A No, no, I won't deny that.  
 23 Q All right.  
 24 A I just don't recall.  
 25 Q You don't recall it, okay. And as

1 off).  
 2 MR. BLAKEY: Let me say, those are  
 3 the answers I prepared based on the information  
 4 I had available to me.  
 5 MR. LAVERY: I understand that.  
 6 THE DEPONENT: And I think these --  
 7 This was a response to your Amended Complaint;  
 8 is that right?  
 9 MR. LAVERY: Yes.  
 10 BY MR. LAVERY:  
 11 Q Is that correct?  
 12 A I don't know. I'm asking.  
 13 Q I believe it is.  
 14 A I think that's what it is.  
 15 Q I think it says, Answer to Amended  
 16 Complaint.  
 17 A Yes, sir.  
 18 Q Did you have input into the drafting  
 19 of that answer?  
 20 A Yes, sir.  
 21 Q Is there anything in there that's not  
 22 accurate to the best of your knowledge?  
 23 A I hope not.  
 24 Q Well, leaf through it. Tell me if  
 25 there is.

1 you said before in your testimony, given the  
 2 misdeeds that had taken place at least at the  
 3 end of Mr. Ingle's tenure, you agree that it was  
 4 necessary to establish those things for the  
 5 office; isn't that correct?  
 6 A Yes, sir.  
 7 Q At some point Miss Downing drafted  
 8 what are called the general orders, which were  
 9 the rules and regulations for the York County  
 10 Detective Bureau to govern the operation of that  
 11 bureau; isn't that right?  
 12 A Yes, sir.  
 13 Q And did you have input into that  
 14 document before it was finalized?  
 15 A Yes. She let me review it and I gave  
 16 it my blessing.  
 17 Q Okay. In fact, you approved and  
 18 signed off on it; did you not?  
 19 A I believe so, yes, sir.  
 20 Q All right. And it was also reviewed  
 21 by other attorneys in your office; isn't that  
 22 right?  
 23 A I don't recall that. It may be, but  
 24 I don't recall.  
 25 Q Maybe to refresh your recollection,

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1 do you recall Mr. Kelley, Mr. Barker, either of  
 2 those individuals reviewing that document;  
 3 having input into it?  
 4 A I'm sure they did because we all were  
 5 involved in decision making – the decision-  
 6 making process, so I'm sure they did have input,  
 7 but I don't specifically recall.  
 8 Q How about Mr. Crouse? Did he review  
 9 it as well?  
 10 A Probably. But again, I don't  
 11 specifically recall.  
 12 Q And if there was anything that you  
 13 disagreed with in the rules and regulations, you  
 14 would have brought those to Miss Downing's  
 15 attention before approving them; isn't that  
 16 right?  
 17 A Yes.  
 18 Q You wouldn't have signed off on  
 19 something that you didn't agree with; isn't that  
 20 correct?  
 21 A That's correct, but, you know, we had  
 22 ongoing discussions about Mr. Daryman, and I  
 23 wanted to ensure that he was going to be all  
 24 right under her rules and regulations, and I --  
 25 Q I'm going to get to Mr. Daryman.

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1 Don't worry. Believe me, I'm going to get to  
 2 him. I'm talking about the rules and  
 3 regulations in general as they were drafted.  
 4 If you were not in agreement with  
 5 those, you would not have signed or approved  
 6 them; isn't that right?  
 7 A Yes, sir.  
 8 Q Now, I want to just go over with you  
 9 some of the discussions that you had with Becky  
 10 Downing prior to her hiring in terms of her  
 11 vacation and comp time. Are you with me on  
 12 that?  
 13 A Yes.  
 14 Q All right. Did she tell you prior to  
 15 her hiring that she needed more than the two  
 16 weeks' vacation that was being offered at that  
 17 time with respect to the position?  
 18 A I believe she did, yes.  
 19 Q And did she tell you that she had  
 20 more than 50 vacation days with the city at that  
 21 time?  
 22 A I don't recall specifically, but I  
 23 don't have any reason to deny it if that's what  
 24 she said.  
 25 Q Okay. Did you come to an agreement

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1 with Miss Downing, whereby, she would receive  
 2 three weeks of vacation in exchange for  
 3 foregoing the health care benefits package?  
 4 A I believe so, but I'm not positive.  
 5 Q I'll just show you what we will mark  
 6 as the next exhibit.  
 7 (Rebert Exhibit Number 5 was marked  
 8 for identification)  
 9 Q As I look at that, that appears to be  
 10 a letter that you wrote to Miss Downing December  
 11 21st, 2000, confirming the offer of and her  
 12 acceptance of the position of chief county  
 13 detective; isn't that correct?  
 14 A It appears to, yes, sir.  
 15 Q Okay. And the next sentence  
 16 indicates that the chief administrative/clerk  
 17 has permitted me to authorize three weeks  
 18 vacation in consideration of you retaining your  
 19 health insurance with the city; isn't that  
 20 right?  
 21 A That's what it says, yes, sir.  
 22 Q Okay. Does that refresh your memory  
 23 that that was the arrangement?  
 24 A Yes, sir.  
 25 Q Now, did you have -- Had you had a

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1 discussion with Mr. Noll, who I believe was the  
 2 chief administrator/clerk at that time, blessing  
 3 that arrangement?  
 4 A The correspondence would indicate  
 5 that I had, yes, sir.  
 6 Q Now, did you also have a discussion  
 7 with Becky Downing prior to her taking the  
 8 position with respect to the accumulation or  
 9 accrual of comp time?  
 10 A I don't recall that specifically, but  
 11 I may have.  
 12 Q Do you recall Becky's testimony that  
 13 you discussed that with her and authorized her  
 14 to be able to use comp time after her employment  
 15 as chief county detective?  
 16 A Yes, sir.  
 17 (Rebert Exhibit Number 6 was marked  
 18 for identification.)  
 19 Q I'm showing you Rebert Number 6,  
 20 which is a memo dated much later than the time  
 21 period we're talking about, November 25th, 2003.  
 22 Actually, what I'm most interested from you, Mr.  
 23 Rebert, is the last page which I believe  
 24 contains handwriting by you. Do you see that?  
 25 A Yes, sir.

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1 Q And if you go down to the  
2 third-to-the-last paragraph where it begins with  
3 the word yes, do you see that?

4 A Okay. I'm sorry, wait a minute.  
5 Okay, yes.

6 Q These are Miss Downing's words to  
7 you, at least in the memo dated November 25th,  
8 2003. Yes, I was absolutely assured that I  
9 would be able to accrue and utilize comp time in  
10 my pre-employment interview with you, and, in  
11 fact, I have reiterated to you before, I would  
12 not have accepted the position with only two  
13 weeks' vacation.

14 Did you have a handwritten response  
15 to that statement?

16 A Apparently, yes, sir.

17 Q Okay. What was your handwritten  
18 response to that statement?

19 A Where do you want me to start?

20 Q Under that particular paragraph  
21 there. I think the word begins with agree.

22 A Okay. You don't want the things  
23 before that?

24 Q Not yet, but I will get to those  
25 later. Right now I'm just talking about this

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1 misunderstanding of that, but she actually ended  
2 up only teaching for eight days and always took  
3 vacation time to do it. My question to you is,  
4 do you disagree with that assertion --

5 A No. I --

6 Q -- in terms of what she actually did?

7 A -- don't know that, but I don't

8 disagree with that. I'm not in a position to  
9 disagree with that.

10 Q Okay. Now, I want to talk about --  
11 Just so you're with me, I just want to -- If you  
12 need a break, let me know.

13 A I'm sorry?

14 Q If you need a break, just let me know  
15 any time. I know you got a medical condition,  
16 so if you need a break, let me know.

17 A Don't patronize me, Mr. Lavery.

18 Q I'm not patronizing you, sir, believe  
19 me. I'm not.

20 A I'm fine.

21 Q I just saw you wiping your brow. I  
22 just said if you need a break, because I hadn't  
23 given you that instruction before. I'm not  
24 trying to patronize you, sir, believe me.

25 Did you request that Miss Downing

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1 section.

2 A Agree. Methodology was not  
3 specifically discussed. Talk to me.

4 Q So, you were agreeing with her  
5 statement that she was assured absolutely that  
6 she would be able to accrue and utilize comp  
7 time, but you're indicating that the methodology  
8 of that was not discussed; is that right?

9 A Apparently.

10 Q Was not specifically discussed; is  
11 that accurate?

12 A That's what it says.

13 Q Okay. Now, Miss Downing has  
14 testified in her deposition that while she was  
15 employed as the chief county detective, that she  
16 taught at HACC eight days per year and always  
17 took vacation time to do so. Do you have any  
18 reason to disagree with that statement or  
19 assertion by Miss Downing?

20 A No, sir. Twelve days seems to stick  
21 in my mind on that HACC thing. Maybe she can  
22 elaborate on that. I thought when she first  
23 came on she said she needed 12 days.

24 Q Okay. But is -- I think she  
25 testified, though, that there was a

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1 during work hours ever assist your wife in  
2 starting her car?

3 A I don't recall that. I very well may  
4 have.

5 Q Would that be --

6 A Do we have a time or date or  
7 anything?

8 Q I believe in the Complaint that would  
9 be back in 2001, if that refreshes your memory.

10 A It really doesn't. Summer, spring,  
11 fall?

12 Q I believe early 2001.

13 A I don't recall that specifically, but  
14 as I said, I very well may have.

15 Q Around that same time, early 2001,  
16 did you ask Miss Downing to go to a bank office  
17 on Leader Heights Road to pick up an election  
18 petition for you?

19 A Not that I recall.

20 Q And when you say not that you recall,  
21 is that because you don't recall one way or  
22 another, or it's because you don't believe that  
23 happened?

24 A I don't believe it happened, but I  
25 don't recall one way or another.



1 Q Do you recall Miss Downing  
 2 complaining to you that it would be improper for  
 3 her to do something like that?  
 4 A No, I don't.  
 5 Q And again, is that because you don't  
 6 feel it took place, or you just don't remember  
 7 one way or another?  
 8 A That's an interesting question. I  
 9 believe she would have complained about that if  
 10 that had been my request. I don't doubt that  
 11 she would have, but I don't recall that she did.  
 12 How about that?  
 13 Q Fair enough. Did she complain or  
 14 speak to you about the assemblage of campaign  
 15 posters or signs in your office around that same  
 16 time frame, early 2001?  
 17 A I don't recall that specifically, but  
 18 she very well may have.  
 19 Q And if she had, given her style,  
 20 would she tell you that that's not something  
 21 appropriate to do if she had made a complaint?  
 22 MR. BLAKEY: I object to this.  
 23 You're asking him to speculate about what she  
 24 would have said in a conversation he doesn't  
 25 recall.

1 question with respect to any specific objection  
 2 if you wish.  
 3 MR. LAVERY: All right.  
 4 BY MR. LAVERY:  
 5 Q Now, in April of 2001, Miss Downing  
 6 avers in her Complaint and also testified that  
 7 she discovered a poster with Hillary Clinton's  
 8 face on a bare-breasted woman in the forensic's  
 9 office when school children were being given a  
 10 tour of the lab and that she reported that to  
 11 you. Do you recall that?  
 12 A The testimony yesterday I think  
 13 refreshed my memory somewhat about that  
 14 incident. I didn't recall it before because --  
 15 Even in the Pleadings I didn't recall it. But  
 16 as it was described, I did have some refreshed  
 17 recollection.  
 18 As I understand it, this group of  
 19 children was brought into the lab by Becky or  
 20 Doug or somebody else and that's when the  
 21 photograph was discovered. Is my understanding  
 22 correct as far as the facts go on that? I --  
 23 Q I don't know, sir. It's your  
 24 testimony. But if that's what you remember,  
 25 that's what you remember.

1 MR. LAVERY: That's a fair objection.  
 2 BY MR. LAVERY:  
 3 Q I'm saying in terms of -- If she  
 4 would voice an objection, and I'm sure she had,  
 5 at least the documents that I saw she voiced  
 6 objections repeatedly --  
 7 A She had plenty of objections.  
 8 Q And I'm sure she did. I'm going to  
 9 go over a lot of them with you.  
 10 A That's good.  
 11 Q My point is, when she would make  
 12 those objections, would she tell you that this  
 13 is something improper, not proper to do on your  
 14 part?  
 15 MR. BLAKEY: You're asking about with  
 16 reference to every objection she made?  
 17 MR. LAVERY: Yeah, how she would  
 18 voice her objections. Did she say this is not  
 19 something you should be doing, this is something  
 20 that's improper? Are those the types of words  
 21 she would use? That's all I'm asking.  
 22 MR. BLAKEY: I think you have to be  
 23 more specific. You quarreled with me asking a  
 24 question that covers four years with no  
 25 specificity. You certainly can ask that

1 A Well, I'm trying to put it together,  
 2 honest.  
 3 Q Let me just make it general then for  
 4 you. Do you remember her complaining to you  
 5 about an incident like that; that there were a  
 6 group of kids --  
 7 A No.  
 8 Q -- in there and --  
 9 A No, I don't.  
 10 Q Don't remember anything like that?  
 11 A No.  
 12 Q Do you remember being made aware of  
 13 an incident like that from any source back then?  
 14 A I can't say that I specifically  
 15 recall that, no, sir.  
 16 Q Was that Rodney George's office at  
 17 the time?  
 18 A It was not Rodney George's office.  
 19 The crime lab, quote unquote, was behind the  
 20 courthouse in a church, in a church that had  
 21 been sold to the county and it was fixed up by  
 22 Rodney to be a lab. And that was -- Besides  
 23 being a lab, that was their little, they called  
 24 it the squirrel hut where the detectives would  
 25 gather and bond and discuss cases, and so forth.

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1 It was kind of a private little nest, if you  
 2 will. And the allegation was that a group of  
 3 kids came in unannounced and -- That's what I  
 4 had heard.  
 5 Q Okay. And do you remember telling  
 6 Miss Downing in connection with an incident like  
 7 this that Rodney George was an icon --  
 8 A No.  
 9 Q -- and refusing to discipline him for  
 10 it?  
 11 A Well, given the circumstances that  
 12 I'm learning in the course of this thing, I  
 13 would have refused to discipline him, yes,  
 14 because I would have thought that was not his --  
 15 He didn't set that thing up to alarm school  
 16 kids --  
 17 Q Did you think that was --  
 18 A -- even if it was there. I never saw  
 19 it.  
 20 Q Would you think that that would be  
 21 something that would be appropriate to be either  
 22 in the lab or in even the squirrel hut of the  
 23 detectives?  
 24 A Well, for a kindergarten class going  
 25 through it, yeah. Yes. For a bunch of

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1 detectives, I don't know. I never saw the  
 2 picture.  
 3 Q Okay. Well, just assume that there  
 4 was a poster where Hillary Clinton's --  
 5 A Assume a picture of Hillary  
 6 Clinton --  
 7 Q -- face was superimposed --  
 8 A -- with large breasts.  
 9 Q -- on a large bare-breasted woman.  
 10 A It's hard to imagine.  
 11 Q Okay. Well, it may be hard to  
 12 imagine for you, sir, but my question is, would  
 13 you consider that something to be appropriate to  
 14 be hung up on the walls --  
 15 A Well, was it hanging --  
 16 Q -- in your office?  
 17 A -- on the walls? Is that where it  
 18 was?  
 19 Q I believe it was. That was the  
 20 allegation.  
 21 A No.  
 22 Q Would you consider that something  
 23 that's appropriate?  
 24 A No. No, I wouldn't.  
 25 Q And if something like that was

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1 brought to your attention, would that be  
 2 something you would order taken down and try to  
 3 find out and discipline the person who did it?  
 4 MR. BLAKEY: He's asking you at least  
 5 two, maybe three questions here.  
 6 MR. LAVERY: Let me break it down.  
 7 I'll break it down.  
 8 BY MR. LAVERY:  
 9 Q Would that be something if you found  
 10 out about that you would order to be taken down?  
 11 A I would probably suggest that they  
 12 take that down, yes, sir.  
 13 Q Would you order that it be taken  
 14 down?  
 15 A No, I don't think I'd have to because  
 16 they probably would take it down.  
 17 Q Okay. Would you attempt to find out  
 18 who put it and discipline the person who did  
 19 that?  
 20 A I think a request to take it down and  
 21 a don't-do-that-again verbal reprimand, if you  
 22 will, would be sufficient. You have to  
 23 understand, Mr. Lavery, I always tried to talk  
 24 to people and discuss matters with them and not  
 25 take any extreme action, such as discipline and

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1 so forth. I think that sometimes goes too far.  
 2 Q Okay. Well, would you believe that  
 3 that type of conduct would at least merit a  
 4 written reprimand of some type?  
 5 A Not necessarily, no, sir.  
 6 Q Okay. Let's turn to the prosecution  
 7 of Mr. Ingle, which Miss Downing also testified  
 8 to at some length in her deposition. Did Miss  
 9 Downing come to you about discovering guns that  
 10 she felt may have been improperly taken by Mr.  
 11 Ingle from the district attorney's office?  
 12 A I don't recall who came to me  
 13 initially with that information.  
 14 Q But someone did; is that correct?  
 15 A Yes, sir.  
 16 Q Okay. And at some point Miss Downing  
 17 came to you and discussed that information with  
 18 you; isn't that right?  
 19 A That very -- Probably, yes, sir.  
 20 Q Did you initially indicate that you  
 21 did not want the matter pursued and you did not  
 22 want an investigation or prosecution of Mr.  
 23 Ingle?  
 24 A Absolutely not.  
 25 Q Did you make any statement to the

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<p>1 effect that an investigation or prosecution of 2 Mr. Ingle would be an embarrassment to your 3 office? 4 A No, sir. It would be, but I don't 5 know that I made that statement. 6 Q Why would it be? 7 A Well, he was my chief county 8 detective. As I said, as I indicated to you, 9 what he had done before I felt violated. 10 Q Wouldn't it show that you were 11 serious about cleaning up your own house to 12 prosecute someone like that? 13 A It very well may, yes, sir. 14 Q By the way, was Mr. Crouse opposed to 15 the prosecution of Mr. Ingle? 16 A No. I mean, he and -- As a matter of 17 fact, it was Mr. Crouse who dined Kenny out, if 18 you will. Mr. Crouse kept track of overtime 19 requests and comp time requests, and all of 20 those things. He alerted me to the fact that 21 Mr. Ingle was putting in a lot of time for a lot 22 of overtime, and I simply took it upon myself to 23 investigate his hours. 24 I went through a week of his hours 25 and discovered that he was reporting having gone</p>	<p>1 Ingle had taken other property belonging to the 2 county other than the guns that were found in 3 his home? 4 A Well, I think there was other 5 property at his home that belonged to the 6 D.A.'s office as well, yes. 7 Q And Miss Downing in her deposition 8 had a litany of those items. Was she accurate 9 in her testimony in that regard? 10 A I don't know. 11 Q Okay. Do you recall it being a 12 substantial amount of property worth a 13 substantial amount of money? 14 A Well, substantial is a relevant term. 15 There was property at his home that should not 16 have been there, which I think was eventually 17 returned, and that was -- I think that was more 18 the sticking point than anything. I think at 19 that point the -- And I'm not sure. But I think 20 at that point the gun prosecution had been 21 initiated and there was some other property that 22 he was to return, and I think actually was 23 returned by his attorney, Jerry Lord. 24 Q What property do you remember that 25 being, sir?</p>
<p>Page 48</p> <p>1 to crime scenes when he hadn't. I called the 2 city police department, I think it was in one 3 case. I called Northern Regional in another 4 case. I called Spring Garden, a third. This 5 was over a two-week period and discovered that 6 he was not going to those places. 7 He was also reporting doing 8 investigations of bingo operations and small 9 games-of-chance operations, when, in fact, he 10 had not. I found that out. I confirmed that 11 after having heard it from Paul Crouse who was 12 overseeing, if you will, all the overtime and 13 indicated that he was suspicious about that 14 overtime. So that's when we -- That's when I 15 launched my own investigation. 16 Q But I'm talking about the issue of 17 the guns, the actual taking of the guns. Did 18 Mr. -- Was Mr. Crouse opposed to prosecuting Mr. 19 Ingle for the theft of the guns? 20 A Not to my knowledge, no. 21 Q Now, Miss Downing also indicated that 22 there was other property that Mr. Ingle had 23 taken which she estimated amounted to 24 approximately \$20,000 worth of property. Do you 25 recall that there were allegations that Mr.</p>	<p>Page 50</p> <p>1 A I don't recall what specific property 2 that was. 3 Q More than a couple of items? 4 A Yes, sir. 5 Q Miss Downing alleges that she told 6 you that Mr. Ingle should also be prosecuted for 7 theft of these items as well, but that you 8 disagreed and indicated that that should not 9 take place. Is that accurate? 10 A Well, that may be. I don't recall 11 specifically. Miss Downing had an inordinate 12 amount of glee by prosecuting Mr. Ingle. She 13 thought that was the greatest thing since sliced 14 bread. I don't know why she had such pleasure 15 in doing that. 16 Q Maybe cleaning up the office? 17 A That may be. That may be. 18 Q Wouldn't that be something that you 19 would yourself want to do with glee; cleaning up 20 your office and prosecuting someone who had 21 wronged you and embarrassed you that way? 22 Wouldn't that be something that someone should 23 take a certain amount of glee in doing, frying 24 that person? 25 A I think that's what happened.</p>

1 Q And did you not want Mr. Ingle  
2 prosecuted for the other items that he had at  
3 his house belonging to the county due to your  
4 friendship with him?

5 A No. I just thought it was of no  
6 value. The items were returned. I think that  
7 was agreed to by both the state police and Mr.  
8 Augustine that there was no need to prosecute  
9 those other items.

10 Q The guns were returned too, weren't  
11 they?

12 A I think Ken had returned some of the  
13 guns but had hidden some of the others and  
14 that's -- which is doubtful, if you will.

15 When you say the guns were recovered,  
16 do you mean recovered by the state police?

17 Q As I understand it, some he  
18 supposedly returned and some were found by the  
19 state police --

20 A Right.

21 Q -- with the execution of a search  
22 warrant.

23 A Right.

24 Q Is that accurate?

25 A Right, yes, sir.

1 Q Or any words that would indicate to  
2 you that he felt, he, being Mr. Augustine, felt  
3 that Mr. Crouse was not being cooperative in  
4 that prosecution?

5 A Not that I recall. I would be  
6 surprised if that were the case since Mr. Crouse  
7 is the one who, as I say, alerted me to his  
8 misdeeds early on.

9 Q The overtime misdeeds for which he  
10 was not prosecuted, right?

11 A Yes, sir.

12 Q All right. I want to move on now to  
13 the issue of the gun in the desk. Specifically,  
14 if you could look at, again, your Amended  
15 Complaint. I'll tell you which paragraph.

16 A To get back to the Crouse thing, as I  
17 recall, one of the things that Becky wanted me  
18 to do was to discipline Crouse for appearing on  
19 Kenny's behalf.

20 Q Did you do that?

21 A No. What Crouse was doing was taking  
22 his own time to protest on behalf of his  
23 friend -- or maybe not protest, but to minimize  
24 the judge's sentence on behalf of his friend. I  
25 didn't think it was appropriate for me to

1 Q Do you know if he was prosecuted for  
2 any of the guns that he returned voluntarily?

3 A That I don't know.

4 Q He received a county prison sentence;  
5 isn't that right?

6 A I don't know. I believe so, yeah.

7 Q Do you know if Mr. Crouse testified  
8 on his behalf at the sentencing hearing?

9 A I don't know if he testified or not.

10 I know that he took time -- He took vacation  
11 time to appear, and I think he may have appeared  
12 on Mr. Ingle's behalf. I'm not positive. I'm  
13 fairly certain that he did.

14 Q Didn't Mr. Augustine express  
15 displeasure to you that Mr. Crouse, the  
16 administrator of your office, actually testified  
17 for Mr. Ingle at a sentencing hearing?

18 A I believe he did, yes, sir.

19 Q What did he tell you specifically?

20 A I don't recall the specifics.

21 Q Didn't he tell you that Mr. Crouse  
22 had not been cooperative in the prosecution of  
23 Mr. Ingle?

24 A I don't recall him telling me that,  
25 no, sir.

1 discipline Mr. Crouse for making a statement  
2 that he was fully entitled to make. I wasn't  
3 happy about it, but I wasn't going to discipline  
4 him for that.

5 Q But Miss Downing thought you should;  
6 isn't that right?

7 A I believe she did.

8 Q I was actually going to get to that,  
9 so I'm glad you brought it up.

10 A Oh, good. I'm glad we're on the same  
11 page here.

12 Q We are, indeed. Thank you, sir.

13 A I think she wanted me to fire him.

14 Q And, in fact, at some point did you  
15 indicate that you were going to fire him?

16 A I don't know that I indicated that.  
17 I was giving it some thought, yes.

18 Q Okay. Was that around the time of  
19 the Ingle sentencing?

20 A Yes, sir.

21 Q And was one of the reasons you were  
22 giving it some thought is that he had actually  
23 gone and testified for a person who stole from  
24 you, embarrassed you, humiliated you the way Mr.  
25 Ingle did?

1 A Yes, but then I thought better of it.  
 2 Q And hadn't Mr. Crouse, in fact,  
 3 stolen his personnel file as testified to by  
 4 Randy Rizzuto in her deposition?  
 5 A Stolen Ken Ingle's personnel file?  
 6 Q No, his own personnel file.  
 7 A I'm sorry. I didn't understand the  
 8 question.  
 9 Q Do you recall Mr. Crouse having  
 10 stolen Mr. Crouse's own personnel file because  
 11 he didn't agree with something that was in it?  
 12 Do you recall that?  
 13 A No, I don't.  
 14 Q Do you recall him misappropriating or  
 15 taking his personnel file from where it was  
 16 supposed to be, and that being brought to your  
 17 attention?  
 18 A I don't recall that, no.  
 19 Q So you wouldn't recall Becky Downing  
 20 having complained about that, is that right,  
 21 since you don't recall it having happened?  
 22 A Right. And I don't recall Becky  
 23 Downing having a complaint about that, no, I  
 24 don't.  
 25 Q Now, if we can turn to the gun in

1 A No.  
 2 Q Now, I want to turn to the allegation  
 3 that Miss Downing made about a request from  
 4 Commissioner Riley for information to be run on  
 5 an individual. Do you remember that testimony?  
 6 A Yes, sir.  
 7 Q Did Mr. Riley make such a request?  
 8 A Yes, sir.  
 9 Q What request do you recall him making  
 10 to you?  
 11 A I don't recall the specifics.  
 12 Q Was it to obtain criminal information  
 13 on an individual?  
 14 A I believe so, yes.  
 15 Q And did you direct Miss Downing to  
 16 obtain this information and provide it to Mr.  
 17 Riley?  
 18 A I think I referred his request to  
 19 her.  
 20 Q By the way, did you ask Mr. Riley for  
 21 what purpose he wanted this information?  
 22 A I don't know that I did, no. I don't  
 23 know.  
 24 Q Was it your understanding that the  
 25 obtaining of this information from, I believe

1 your desk. If you would look at page 5 of your  
 2 Answer to the Amended Complaint. It's  
 3 subparagraph E.  
 4 A Yes, sir.  
 5 Q That indicates that someone placed a  
 6 Walther handgun in a drawer in Mr. Rebert's  
 7 office. For a period of time Mr. Rebert was not  
 8 aware of that fact and he does not know where  
 9 the gun came from or that it was removed from  
 10 the evidence room. Is that accurate?  
 11 A Yes, sir.  
 12 Q And did Becky Downing and Tony  
 13 Glowczewski remove that Walther handgun from the  
 14 drawer in your desk?  
 15 A I don't know.  
 16 Q Did someone?  
 17 A Yeah. Pat McFadden told me he did,  
 18 but I don't recall that either.  
 19 Q Did Becky Downing ever tell you that  
 20 this was a missing ARD gun?  
 21 A Not to my knowledge, no.  
 22 Q Did Becky Downing tell you that it  
 23 was inappropriate to have had that Walther gun  
 24 in your drawer in your office; that it was not a  
 25 proper thing to have had there?

1 what's called the CLEAN system, could only be by  
 2 an authorized user for a proper law enforcement  
 3 reason?  
 4 A If it's obtained from the CLEAN  
 5 system, yes, sir.  
 6 Q And is that generally where criminal  
 7 background information concerning an individual  
 8 would be obtained?  
 9 A Background information, yes, sir.  
 10 But criminal information can be obtained from a  
 11 number of sources that don't involve CLEAN or  
 12 NCIC or any other official record-keeping  
 13 bureaucracy.  
 14 Q I understand, but generally that is  
 15 where you would go for that information, to  
 16 CLEAN; isn't that right?  
 17 A I don't know.  
 18 Q You don't know. Did Miss Downing  
 19 refuse to do that, refuse to obtain that  
 20 criminal information for you?  
 21 A I don't know.  
 22 Q Did she tell you that that was  
 23 something that was improper to do?  
 24 A I believe so, yes, sir.  
 25 Q Did you tell her to call Mr. Riley

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1 herself if she didn't want to provide the  
2 information?  
3 A I believe so, yes, sir.  
4 Q Had Mr. Riley ever made requests for  
5 this type of information from you in the past?  
6 A Not from me, no, sir.  
7 Q From your office?  
8 A I don't know.  
9 Q Do you know if Mr. Riley had ever  
10 obtained or made a request for this information  
11 from Mr. Ingle in the past?  
12 A I have no personal knowledge of that,  
13 no, sir.  
14 Q Before this occasion with  
15 Commissioner Riley, had any other fellow  
16 politician ever requested that you or your  
17 office obtain criminal background information on  
18 an individual?  
19 A What other fellow politician might  
20 that have been?  
21 Q Anybody from the President of the  
22 United States down to the row officers in York  
23 County. Any politician that you know.  
24 A Any politician that I know make a  
25 request for NCIC information or for CLEAN

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1 information?  
2 Q Criminal background information.  
3 A Specifically for criminal background  
4 information?  
5 Q Yeah.  
6 A I don't recall, no.  
7 Q How about for any information  
8 concerning individuals' backgrounds?  
9 A Well, you have a memo that you got  
10 somewhere from a Michael Barley.  
11 Q I'm going to get to that later. I'm  
12 talking before this time. No. I'm going to ask  
13 you. I'm talking before Riley, had anybody --  
14 had any politician ever asked you to obtain  
15 background information on another individual?  
16 A Not that I recall.  
17 Q And by that are you saying that, to  
18 the best of your recollection, that didn't  
19 happen or you don't remember or aren't --  
20 A No, the request --  
21 Q -- aware of it?  
22 A A request may have been made, but I  
23 don't specifically recall any such requests.  
24 Q Do you know if any such requests for  
25 background information on an individual had ever

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1 been made to you or your office before Riley  
2 from any political supporters?  
3 A So now we want political supporters  
4 as opposed to politicians?  
5 Q That's exactly correct, sir.  
6 A Again, the request may have been  
7 made. I don't specifically recall any such  
8 requests.  
9 Q How about from friends of yours prior  
10 to Mr. Riley? Had friends of yours ever  
11 requested that you provide them with background  
12 information concerning --  
13 A Friends as opposed to political  
14 supporters, as opposed to politicians?  
15 Q Yep. We're now on the third  
16 category. We're on the same page.  
17 A Same answer.  
18 Q Okay. How about family members? Had  
19 family members ever requested that you get this  
20 information or your office get background  
21 information on other individuals?  
22 A Friends as opposed to family members  
23 as opposed to political supporters as opposed to  
24 politicians?  
25 Q Yep. On the fourth category, sir.

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1 Family members.  
2 A Same answer.  
3 Q Had you ever directed that Mr. Ingle  
4 obtain background information on any individuals  
5 for either -- anyone fitting within those  
6 categories, fellow politicians, political  
7 supporters, friends or family members?  
8 A And the first part of that question  
9 was?  
10 Q Had you ever directed Mr. Ingle to  
11 provide any of those categories of individuals  
12 with background information concerning  
13 individuals prior to Mr. Riley's request?  
14 A Not that I specifically recall.  
15 Q Does that again mean you may have,  
16 but you just don't recall it at this point?  
17 A Yes.  
18 Q Turning to the York Fair -- Strike  
19 that. Let me ask you this first before we get  
20 to the York Fair.  
21 (Rebert Exhibit Number 7 was marked  
22 for identification)  
23 Q I'm showing you what I marked as  
24 Rebert Number 7, which is a memo from you to  
25 Chief Downing dated February 23rd, 2001,

1 concerning Winterstown Elementary School.  
 2 A Yes, sir.  
 3 Q What was that all about? What was  
 4 happening there?  
 5 A As I recall, there was a fellow that  
 6 entered the school with a knife and just started  
 7 slashing kids and teachers. It was a mess.  
 8 Q The way you described it was a  
 9 multiple cluster F. Does that mean cluster  
 10 fuck?  
 11 A Yes, sir.  
 12 Q Did you routinely use that phrase  
 13 cluster fuck in memos to your subordinates?  
 14 A I don't believe I did, no.  
 15 Q You say it became obvious rather  
 16 quickly that you had a handle on the situation  
 17 and you were able to direct all the parties to  
 18 proceed appropriately. You're doing a hell of a  
 19 job and appear to be a keeper. What did you  
 20 mean by that, sir?  
 21 A Just what it says.  
 22 MR. BLAKEY: Is the date of this memo  
 23 in the record?  
 24 MR. LAVERY: Yes.  
 25 THE DEPONENT: February 2001. That

1 A Yes, sir.  
 2 Q So you would receive the tickets  
 3 yourself, and then you would redistribute those  
 4 to the employees in your office?  
 5 A I don't know that I received the  
 6 tickets myself.  
 7 Q Isn't that what that paragraph would  
 8 indicate?  
 9 A Well, I don't know that it would  
 10 necessarily indicate that, no.  
 11 Q Well, did you, as this paragraph  
 12 indicates in your answer, continue a practice of  
 13 redistributing tickets that you received to  
 14 employees of your office?  
 15 A That was the practice, yes.  
 16 Q And did you continue that practice?  
 17 A I believe so, yes, sir.  
 18 Q And did you receive approximately  
 19 150 tickets per year to the York Fair?  
 20 A I don't know that it was that many,  
 21 but it was in the neighborhood of, I think  
 22 closer to 125, but I don't recall.  
 23 Q And the face value of the tickets to  
 24 the York Fair, if you had to actually go there  
 25 and pay for them is how much?

1 was early on.  
 2 BY MR. LAVERY:  
 3 Q By the way, did you ever provide a  
 4 memo to Miss Downing indicating that she was not  
 5 doing a hell of a job?  
 6 (Miss Downing left the deposition  
 7 room.)  
 8 THE DEPONENT: I don't know that I  
 9 did a specific memo to that effect. No, I don't  
 10 believe I did.  
 11 BY MR. LAVERY:  
 12 Q Let's talk about the York Fair. Have  
 13 you received free entrance passes to the York  
 14 Fair?  
 15 A Our office did, yes.  
 16 Q Would you take a look at the answer  
 17 to the Amended Complaint, page 7, 18K.  
 18 A (Deponent complies.)  
 19 Q That indicates that since at least  
 20 1958, long before Rebert became district  
 21 attorney, the York Fair distributed free passes  
 22 to numerous county employees, and Rebert, during  
 23 his time, continued the practice of  
 24 redistributing the tickets he received to  
 25 employees of his office. Is that accurate?

1 A Four or five dollars I believe.  
 2 Q Now, do you know if these tickets  
 3 were provided to any other elected officials of  
 4 the county by the fair?  
 5 A For time in Memorial as far as I  
 6 know.  
 7 Q What other elected officials in York  
 8 County received free tickets to the York Fair as  
 9 of Becky Downing's tenure in your office? We'll  
 10 limit it to that time frame, 2001, two, three.  
 11 A I don't know. I can't name specific  
 12 individuals that got them, no.  
 13 Q Can you name any of them other than  
 14 you?  
 15 A Not without asking them, no.  
 16 Q And you also received, did you not,  
 17 sir, free tickets to the concerts that were held  
 18 at the York Fair; isn't that right?  
 19 A Yes, sir.  
 20 (Miss Downing returns to the  
 21 deposition room.)  
 22 THE DEPONENT: I mean I could,  
 23 (Rebert Exhibit Number 8 was marked  
 24 for identification)  
 25 Q I'm showing you, sir, what we marked



1 as Rebert Number 8, which is a ticketing history  
 2 for the account of Stan Rebert from the York  
 3 Fair. Do you see that document?  
 4 A Yes, sir.  
 5 Q It indicates that in 2000 you  
 6 received four tickets at no charge - or I'm  
 7 sorry, six tickets at no charge to the Alabama  
 8 concert. Is that accurate?  
 9 A I have no reason to question it.  
 10 Q Okay. And if you look at the second  
 11 page of the exhibit, the cost of those tickets  
 12 would range anywhere from \$18 to \$14; isn't that  
 13 right?  
 14 A I think that's what it says, yes,  
 15 sir.  
 16 Q Did you use those tickets?  
 17 A I don't recall.  
 18 Q 2001 the records would indicate that  
 19 you received four free tickets to the Brooks and  
 20 Dunn concert and four free tickets to the Kenny  
 21 Chesney concert. Is that accurate?  
 22 A If that's what that indicates, it  
 23 would appear to be accurate, yes, sir.  
 24 Q And in terms of the Brooks and Dunn  
 25 tickets, from what the fair indicates, the cost

1 was anywhere, if you had to actually pay for  
 2 them, between \$21 and \$26. Does that appear  
 3 accurate to you?  
 4 A No reason to not think it's accurate.  
 5 Q And for Kenny Chesney it would  
 6 indicate prices between \$19 and \$24. Does that  
 7 appear accurate to you?  
 8 A Yes, sir.  
 9 Q 2002 it would indicate that you got  
 10 four free tickets to the Alabama concert. Is  
 11 that accurate?  
 12 A Okay. Yes, sir.  
 13 Q And the prices there would range  
 14 anywhere, I believe from \$22 to \$25. Do you  
 15 have a reason to dispute that?  
 16 A No, sir.  
 17 Q 2003 indicates you got four to the  
 18 LoneStar concert, four freebies to that, and  
 19 that you got four free tickets to the Randy  
 20 Travis concert. Is that accurate?  
 21 A It appears to be, yes, sir.  
 22 Q By the way, did you use those  
 23 tickets?  
 24 A I don't recall.  
 25 Q How about, the same answer for the

1 Alabama tickets in 2002?  
 2 A Yes, sir.  
 3 Q The cost for the Randy Travis would  
 4 appear to be somewhere between - Well, they  
 5 were between \$17 and \$20 per ticket. Do you  
 6 have a reason to dispute that, if you had to pay  
 7 for them?  
 8 A No, I don't.  
 9 Q Then for LoneStar would indicate to  
 10 be somewhere between \$22 and \$25, if you  
 11 actually had to pay for them. Do you have any  
 12 dispute that that's accurate?  
 13 A No.  
 14 Q Then in 2004 you got four free  
 15 tickets to Brooks and Dunn, and four free  
 16 tickets to Clay Aiken -- Clay Aiken concert as  
 17 indicated by this document; is that accurate?  
 18 A It appears to be, yes, sir.  
 19 Q Did you go to those concerts?  
 20 A I don't recall.  
 21 Q The cost for Clay was anywhere from  
 22 \$26 to \$30 per ticket. Would you agree with  
 23 that, sir, what's indicated?  
 24 A That's what's indicated, yes, sir.  
 25 Q Do you have any reason to disagree

1 with that?  
 2 A No.  
 3 Q The cost for Brooks and Dunn  
 4 indicates anywhere from \$26 to \$30 per ticket.  
 5 Any reason to disagree with that?  
 6 A No, sir.  
 7 Q Did you use those tickets in 2004?  
 8 A I don't recall.  
 9 Q Did you ever tell Miss Downing that  
 10 these free concert tickets were an executive  
 11 privilege or perk?  
 12 A No, sir.  
 13 Q What's that?  
 14 A No, sir.  
 15 Q Okay. Did Miss --  
 16 A I think it should be noted, I don't  
 17 know for sure, but as I recall there's a special  
 18 area that they allow these tickets to be used in  
 19 which is right down front. I don't know what --  
 20 Q I'm sure they're good ones, but --  
 21 A Yeah, they are. They're good ones.  
 22 But I don't know how they allocate the cost of  
 23 those. I think they set them aside, but I don't  
 24 know.  
 25 Q They're the good seats, right?



1 A Oh, yeah, when you use them.  
 2 (Pause.) But you were in the midst of another  
 3 question.  
 4 Q I'm thinking about one, actually.  
 5 Did Miss Downing object, as she has testified,  
 6 to the receipt by you of free concert tickets?  
 7 A No.  
 8 Q Did you ever discuss with Miss  
 9 Downing the fact that she could receive free  
 10 concert tickets if she wanted?  
 11 A I may have, yes, sir.  
 12 Q Okay. And did she tell you that she  
 13 thought that practice was not appropriate and  
 14 she wouldn't be taking them?  
 15 A Not to my knowledge.  
 16 Q Do you recall her making any response  
 17 at all on that subject?  
 18 A No, sir.  
 19 Q By the way, did you get free concert  
 20 tickets in 2005 after Miss Downing left last  
 21 year?  
 22 A I don't recall.  
 23 Q Did you ever after Miss Downing left  
 24 direct the fair to no longer provide you with  
 25 free concert tickets; asked them not to?

1 get in to do --  
 2 Q Do her job.  
 3 A -- her job as county detective.  
 4 Q And I know that. In fact, all the  
 5 detectives to go in there would have -- to do  
 6 their job on duty would have to get a pass to go  
 7 in there; isn't that right?  
 8 A Yes, sir.  
 9 Q And they were special passes to do  
 10 that; isn't that right?  
 11 A Yes, sir, auto and driver passes.  
 12 Q But these 125 tickets that you would  
 13 get, these were admission tickets that would be  
 14 used by the general public; isn't that right?  
 15 A That's right.  
 16 Q And didn't Miss Downing indicate to  
 17 you that she would not take those tickets?  
 18 A I don't recall her doing that, no,  
 19 sir.  
 20 Q Did she ever indicate in any words  
 21 that she felt that the acceptance or taking of  
 22 these tickets by either you, her or her  
 23 detectives would not be proper?  
 24 A Not to my knowledge.  
 25 Q Do you ever remember a meeting at the

1 A No, sir.  
 2 Q Did you have any discussion with them  
 3 on that subject after Miss Downing left?  
 4 A I don't believe so, no, sir.  
 5 Q Okay.  
 6 A We didn't get any passes after the  
 7 suit was filed if that's --  
 8 Q No, I'm getting to the passes. I  
 9 know that. I'm talking about the concert --  
 10 Just so the record is clear, I'm talking about  
 11 the concert tickets.  
 12 A Okay.  
 13 Q And did Miss Downing ever indicate to  
 14 you that she didn't think that you should be  
 15 getting free admission tickets to the fair, the  
 16 125 or so tickets you would get a year? Did she  
 17 ever tell you anything about that?  
 18 A No.  
 19 Q Did she ever express any view on that  
 20 subject?  
 21 A I don't think she took them herself,  
 22 although --  
 23 Q I'm sorry?  
 24 A I don't think she took any herself,  
 25 but she would have had to have gotten a pass to

1 York Fair in 2001 when Miss Downing was hired?  
 2 Do you remember going out there with her?  
 3 A I'm sure I did.  
 4 Q Do you remember any issues about the  
 5 propriety of the acceptance of the free passes  
 6 being discussed at that meeting?  
 7 A No, I don't.  
 8 Q Do you believe that there was no such  
 9 discussion, or is it that you just don't  
 10 remember one way or another?  
 11 A I don't recall any such discussion.  
 12 Q Now, getting back to what you said  
 13 about the passes. You said you didn't get the  
 14 passes in 2005; is that right?  
 15 A Yes, sir.  
 16 Q Why was that, sir?  
 17 A They didn't give them to us.  
 18 Q Okay. Did you ask them why they  
 19 didn't give them to you?  
 20 A I don't know that I did, no.  
 21 Q Did you have any discussion with the  
 22 people at the fair about the free admission  
 23 passes after Miss Downing left?  
 24 A I don't believe so.  
 25 Q They just stopped giving them to you;

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1 is that right.  
 2 A As I recall, yes, sir.  
 3 Q And did that make you -- Did that  
 4 upset you in any way, that you were no longer  
 5 getting your 125 tickets to hand out?  
 6 A Well, it didn't upset me. It upset  
 7 the staff.  
 8 Q I'm sure it did. But were you upset  
 9 that you could no longer be Santa Claus and hand  
 10 out these tickets to everybody?  
 11 A Santa Claus is your term.  
 12 Q I'm sorry. I'll strike that.  
 13 A That's --  
 14 Q Were you upset that you would no  
 15 longer be able to handle out those tickets to  
 16 provide --  
 17 A Me as opposed to Santa Claus?  
 18 Q Yeah, as opposed to Santa Claus, or  
 19 Fair Claus, however you want to put it.  
 20 A Actually, I used Stana Claus at  
 21 Christmas.  
 22 Q Good point. Well, were you upset  
 23 about that, sir?  
 24 A Oh, I wasn't happy about that.  
 25 Q I'm sure. Do you know if in the past

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1 prior to Miss Downing the detectives had  
 2 received free -- As opposed to their pass to get  
 3 in to do their law enforcement, do you know if  
 4 any of the detectives had received free tickets  
 5 to the fair?  
 6 A I don't know. The pass that they did  
 7 get was an auto and driver pass that was good  
 8 any time, all -- the entire time the fair was  
 9 there. So they could have used that on or off  
 10 duty, which I believe they did.  
 11 I mean, the fair was something that  
 12 was enjoyed by Miss Downing and everybody else  
 13 on that detective bureau. I'm sure that they  
 14 enjoyed using those passes whenever they wanted.  
 15 Q Okay. But that would be their  
 16 official law enforcement pass to get in; is that  
 17 right?  
 18 A Well, it didn't say -- It didn't --  
 19 Q But that would be the pass that --  
 20 MR. BLAKEY: Hold it.  
 21 THE DEPONENT: Let me finish. It  
 22 didn't carry a badge with it, you know.  
 23 BY MR. LAVERY:  
 24 Q I know.  
 25 A It didn't show any official

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1 designation.  
 2 Q And I know what you're saying. I'm  
 3 not trying to dispute what you're saying. I'm  
 4 just trying to differentiate that. I know  
 5 you've testified that they received those.  
 6 My question, though, is, in addition  
 7 to that, prior to Miss Downing, did any of the  
 8 detectives also receive free tickets to the fair  
 9 from the stack that you would get?  
 10 A I don't know. Detective Ingle would  
 11 do the distribution, if you will, so they  
 12 very -- turn over. They very well may have.  
 13 Q Do you recall Miss Downing indicating  
 14 that a prohibition, that the detectives should  
 15 not receive free tickets to the fair any more  
 16 after she took over as chief county detective?  
 17 A I don't recall that, no.  
 18 Q Again, is it that you don't recall  
 19 that because you don't believe it happened, or  
 20 you don't remember it one way or another?  
 21 A I don't remember it one way or  
 22 another.  
 23 Q Okay. Now, you said that Miss  
 24 Downing enjoyed the fair. Did Miss Downing, in  
 25 fact, indicate to you that she really did not

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1 like the fair very much?  
 2 A Not that I recall.  
 3 Q Did Miss Downing ever complain about  
 4 the detectives having to provide law enforcement  
 5 or security functions at the fair?  
 6 A No.  
 7 Q Did she ever bring that subject up to  
 8 you that the detectives should not be providing  
 9 law enforcement -- free law enforcement services  
 10 out at the fair?  
 11 A Free law enforcement services. She  
 12 complained of the duties out there that were  
 13 coming -- when they had concerts, and so forth,  
 14 that they were becoming more burdensome, if you  
 15 will, but not that they were provided at all.  
 16 Q Okay.  
 17 A And I don't remember her using the  
 18 term free law enforcement.  
 19 Q All right. That's fair enough. You  
 20 remember her complaining about the duties and  
 21 role that they would -- that the detectives  
 22 would assume with respect to the concerts; isn't  
 23 that right?  
 24 A Well, no. Only that it was -- the  
 25 duties were more burdensome, as I said, because

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1 they were bigger concerts and they started  
2 selling beer I think at one point. So, yeah,  
3 that was one of her concerns.

4 Q Okay. And did Miss Downing indicate  
5 that in her view, in whatever words she used,  
6 the detectives should not be providing security  
7 services for those concerts?

8 A No. Not to my knowledge, no.

9 Q Now, Miss Downing also alleges that  
10 there was a discussion of a ride which had been  
11 involved in a fatal accident with a child, a  
12 Reithoffer ride; that it was shut down  
13 permanently in Pennsylvania. Do you remember a  
14 discussion about that at an executive staff  
15 meeting?

16 A I don't recall that specifically, no,  
17 sir.

18 Q Does that mean that it could have  
19 happened, but you just don't recall one way or  
20 another?

21 A Oh, I'm sure it could have happened.  
22 It probably did happen, but I need to know more  
23 details and when it happened and so forth.

24 Q Do you ever remember making a comment  
25 at a meeting where that topic was discussed to

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1 the effect that that just cost me 500 bucks?

2 A I'm aware of that allegation, yes.

3 Q Okay. Did you make that statement?

4 A No. No, sir.

5 Q Do you remember Reithoffer being  
6 upset that the ride had been closed down?

7 A I don't recall that specifically.

8 I'm sure he would have been, but I don't know.

9 Q Do you recall Reithoffer indicating  
10 that they may not return to the fair because of  
11 that ride having been closed down?

12 A I don't recall that, no.

13 MR. LAVERY: I'd like to take a  
14 five-minute break.

15 (Short recess occurred.)

16 BY MR. LAVERY:

17 Q Who was John W. Thompson?

18 A Senior or Junior?

19 Q Senior.

20 A He was the chairman of the Republican  
21 party.

22 Q Private citizen?

23 A God rest his soul. Yes, sir.

24 Q And did you ever request from Ms.  
25 Downing that any of the county detectives

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1 provide ammunition to Mr. Thompson?

2 A There was an ammunition issue. He  
3 requested ammunition for a special gun. I don't  
4 know whether I went directly to Becky or talked  
5 to someone else about that ammunition, yes, sir.

6 Q I'm going to show you what I'm going  
7 to mark whatever the next exhibit is.

8 (Rebert Exhibit Number 9 was marked  
9 for identification)

10 Q Fourth paragraph from the bottom,  
11 Stan left me a voice mail. Those are two pages  
12 out of Miss Downing's journal. The first is  
13 February 26, 2002. The second page is May 1 of  
14 2002.

15 The first page, fourth paragraph from  
16 the bottom indicates: Stan left me voice mail  
17 that I needed a box of ammo we talked about  
18 2/18. I went over and asked him from what  
19 budget it was to be bought out of, Grand Jury?  
20 No, it's for Old Man Thompson. I told him I  
21 needed to know what caliber, AR15-M160. Deb  
22 Flinchbaugh and Bev Mackereth in his office at  
23 the time.

24 Do you see that?

25 A Yes, sir.

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1 Q Does that refresh your recollection  
2 as to whether you actually asked Miss Downing to  
3 arrange for the procurement of this ammunition?

4 A It appears I did, yes, from her  
5 diary.

6 Q And did she object to doing that?

7 A I don't recall that she did, no.

8 Q Do you remember her making any  
9 statement that that wasn't proper to provide  
10 ammunition to a private citizen?

11 A No, I don't recall her making that  
12 statement, no.

13 Q Did you believe that it was  
14 appropriate for the detectives to provide  
15 ammunition to a private citizen such as Mr.  
16 Thompson?

17 A Well, I wasn't asking the detectives  
18 to provide the ammunition. I was just asking  
19 about the ammunition. I don't recall that the  
20 cost ever came up at all. I just assumed he was  
21 going to pay for it. I don't recall any  
22 conversation about the cost.

23 Q Whether he was going to pay for it or  
24 not, do you think it's proper for the detectives  
25 to go out and buy his ammunition for him,

<p style="text-align: right;">Page 83</p> <p>1 whether he's going to reimburse them or not?  2 A I don't think there's anything  3 inappropriate about that.  4 Q Would you do that for the Democratic  5 chairman too in the county?  6 A I'd do it for Hillary Clinton.  7 Q Will you do it for the Dem -- Did you  8 do that for the Democratic chairman as well?  9 A I don't know. If he asked, I don't  10 know what I'd do, to tell you the truth.  11 Q Okay. The second page indicates on  12 the 1st that Mr. Kelley came and got information  13 Stan requested in January on what ammo needed  14 for John Thompson. I gave him the info,  15 caliber's (sic), what gun it fits, and the name  16 and phone number of where to buy it. Then it  17 was the wrong caliber, so Doug had to intervene.  18 Go to Republican headquarters and look at the  19 gun and tell them that it was a 32 ASP Mauser.  20 Do you see that?  21 A Yes, sir.  22 Q Does that refresh your recollection  23 about any further contact between either you or  24 anyone else from your office with Miss Downing  25 about the subject?</p>	<p style="text-align: right;">Page 85</p> <p>1 the question. It's not been established that he  2 did it.  3 BY MR. LAVERY:  4 Q Well, that you asked that that be  5 done. Did you do that as a political favor for  6 Mr. Thompson?  7 A Well, political favor is a relative  8 term. I suppose --  9 Q I'm sure it is.  10 A -- you could interpret that as you  11 interpreted it.  12 Q Okay.  13 A Obviously, it was a favor because he  14 apparently didn't know what kind of ammunition  15 the gun used to facilitate that effort; called  16 upon the person who knew the most about guns and  17 where it could be on obtained.  18 Q Did Mr. Thompson kill himself, commit  19 suicide?  20 A I don't know that that's any of your  21 concern.  22 Q I'm just asking you. Did he?  23 A I don't know.  24 Q You don't know whether he shot  25 himself in the head?</p>
<p style="text-align: right;">Page 84</p> <p>1 A Well, it doesn't appear that I was  2 involved in any of that.  3 Q Did you have any discussion with Mr.  4 Kelley about that?  5 A I may have. I don't recall.  6 Q Sergeant Demangone, as you recall,  7 testified in his deposition that he actually did  8 go over, buy the ammunition for Mr. Thompson out  9 of his own pocket, give it to him and was never  10 reimbursed from that. Do you remember that  11 testimony?  12 A I don't recall. I don't think I  13 reviewed that deposition.  14 Q Do you remember sitting there while  15 it was being taken?  16 A I guess I was, but I don't recall it,  17 no.  18 Q Okay. Well, do you recall Mr.  19 Demangone having to go over and get this  20 ammunition for Mr. Thompson?  21 A No, I don't.  22 Q Was that a political favor that you  23 did for the chairman of the Republican party of  24 the county?  25 MR. BLAKEY: Object to the frame of</p>	<p style="text-align: right;">Page 86</p> <p>1 A I don't know that.  2 Q Okay.  3 A I have no personal knowledge of that.  4 Q Has anybody told you that?  5 A That was the initial report that I  6 had heard.  7 Q From who?  8 A I believe the information came from  9 Kathy Burke with York Area Regional Police  10 Department.  11 Q Okay. Did she tell you whether he  12 had shot himself in the head with the 32 ASP  13 Mauser?  14 A No, I didn't -- The weapon was not  15 mentioned, no.  16 Q Okay. Now, the note indicates that  17 Deb Flinchbaugh and Bev Mackereth were in your  18 office at that time. Who is Bev Mackereth?  19 A She's a -- At this point she is a  20 Representative of the Pennsylvania House. At  21 that -- Or in the past she was the Child Abuse  22 Administrator in our office.  23 Q Was that the job she had at that time  24 back in 2002, February?  25 A I think she had left by that time.</p>

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1 Q Okay.  
 2 A I believe.  
 3 Q All right. And who is Deb  
 4 Flinchbaugh?  
 5 A Deb Flinchbaugh is my former  
 6 secretary.  
 7 Q Okay. Did you ever tell Miss Downing  
 8 not to tell your wife when Miss Flinchbaugh was  
 9 in your office?  
 10 A I may have.  
 11 Q Did she complain about that to you?  
 12 A Did who complain about that?  
 13 Q Miss Downing, about you telling her  
 14 that.  
 15 A Did she complain about --  
 16 Q Yeah.  
 17 A -- me telling her not to tell my  
 18 wife?  
 19 Q Not to tell your wife, yeah.  
 20 A I don't recall that.  
 21 Q Okay. Why would you tell her that;  
 22 not to tell your wife about Miss Flinchbaugh  
 23 being in your office?  
 24 MR. HUTCHINSON: Why would she  
 25 complain about that?

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1 MR. JACOB: Why wouldn't she?  
 2 BY MR. LAVERY:  
 3 Q Why wouldn't she?  
 4 A Well, there was a little jealousy  
 5 there, so --  
 6 Q About what?  
 7 A Nothing. Nothing to be jealous  
 8 about.  
 9 Q Did your wife ever accuse you of  
 10 having an affair with Miss Flinchbaugh?  
 11 A No.  
 12 Q Did you ever have an affair with her?  
 13 A No.  
 14 Q Susan Voyzey, specifically with  
 15 respect to the Whitman criminal investigation,  
 16 Miss Downing testified that she made you aware  
 17 that there were allegations being made that  
 18 Susan Voyzey had taken crime scene photos from  
 19 the D.A.'s office, gruesome crime scene photos  
 20 from the Whitman homicide and displayed them at  
 21 a social gathering at somebody's house. Do you  
 22 remember that?  
 23 A I don't remember the specific notice  
 24 by Miss Downing, but I remember the allegations,  
 25 yes.

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1 Q And what I recited, is that a  
 2 reasonably accurate description of what those  
 3 allegations were?  
 4 A Yes, sir.  
 5 Q And those allegations I understand  
 6 were being made by the defense attorney, Mr.  
 7 Kearney, who was representing the Whitman boy  
 8 who was accused of murder at the time; is that  
 9 right?  
 10 A Yes, sir.  
 11 Q Now, if true, would that be a serious  
 12 breach of discipline within your office to do  
 13 that?  
 14 A If true -- I don't know what you mean  
 15 by a serious breach of discipline. I don't  
 16 think it would be proper.  
 17 Q Miss Voyzey held what position at  
 18 that point in your office?  
 19 A Deputy administrator.  
 20 Q Did she have any right to take crime  
 21 scene photos out of the district attorney's  
 22 office, gruesome murder pictures of a murdered  
 23 boy and display those at a social gathering?  
 24 Did she have a right to do that?  
 25 A Did she have a right to do that?

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1 Q Yes.  
 2 A You know, she may have had access to  
 3 the photographs.  
 4 Q Did she have a right to do that?  
 5 A We would not have encouraged her to  
 6 do that, certainly.  
 7 Q In fact, you would certainly  
 8 discourage her from doing that?  
 9 A Yes, sir.  
 10 Q And that's totally improper, is it  
 11 not, sir?  
 12 A That's a pretty fair statement, yes,  
 13 sir.  
 14 Q And if true, that would merit serious  
 15 discipline on the part of an employee who did  
 16 that; isn't that correct, sir?  
 17 A It would depend on the circumstances,  
 18 but yes, I would imagine that that would be a  
 19 disciplinary situation.  
 20 Q And if those photographs were taken  
 21 and not returned, would that be potentially  
 22 theft?  
 23 A Of course, you're assuming they were  
 24 taken, and so forth.  
 25 Q Right, that's a hypothetical.

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<p>1 A That's a hypothetical.</p> <p>2 Q That's what Mr. Blakey said to my</p> <p>3 client. Assuming the hypothetical --</p> <p>4 A Is correct.</p> <p>5 Q -- if they were both taken and not</p> <p>6 returned, that would be a crime; would it not?</p> <p>7 A Potentially a theft, yes.</p> <p>8 Q Now, to your knowledge did Becky</p> <p>9 Downing and Tony Glowczewski, and don't ask me</p> <p>10 to spell that, interview the people who were</p> <p>11 making the allegations?</p> <p>12 A I believe so, yes.</p> <p>13 Q Okay. Did they both come back and</p> <p>14 tell you that the people appeared to be</p> <p>15 credible?</p> <p>16 A They may have. I don't recall that</p> <p>17 specifically.</p> <p>18 Q Okay. Did you know the people who</p> <p>19 were making the allegations?</p> <p>20 A Yes, sir. I didn't know them</p> <p>21 closely. We weren't best buddies, but I was</p> <p>22 aware of who they were.</p> <p>23 Q And who were they?</p> <p>24 A Rita DeGrandis Wynegar, and I guess</p> <p>25 her then husband.</p>	<p>1 ever --</p> <p>2 A No.</p> <p>3 Q -- refer to --</p> <p>4 A No.</p> <p>5 Q -- her on those terms, in either of</p> <p>6 those terms?</p> <p>7 A I may have when Ken was in the</p> <p>8 office. When Ken was with us I may have used</p> <p>9 that term as well.</p> <p>10 Q Which one, baby girl or honey girl?</p> <p>11 A Baby girl.</p> <p>12 Q Baby girl. Did you refer to her as</p> <p>13 baby girl at this meeting with Miss Downing?</p> <p>14 A Oh, I don't recall.</p> <p>15 Q Is it possible that you did --</p> <p>16 A It's possible.</p> <p>17 Q -- and you don't remember? Okay.</p> <p>18 Did Miss Voyzey ever sit on your lap</p> <p>19 at Christmas parties?</p> <p>20 A Oh yes.</p> <p>21 Q How did that come about?</p> <p>22 A She walked over to me and sat on my</p> <p>23 lap.</p> <p>24 Q Okay. Did you allow that?</p> <p>25 A I wasn't going to push her away.</p>
<p>Page 92</p> <p>1 Q Did you call them white trash in Miss</p> <p>2 Downing's presence?</p> <p>3 A No.</p> <p>4 Q Did Miss Downing or Mr. Glowczewski</p> <p>5 tell you that the Wynegars had agreed to a</p> <p>6 polygraph at their own expense?</p> <p>7 A I believe there was a mention of a</p> <p>8 polygraph, yes.</p> <p>9 Q Okay. Was there a meeting with Miss</p> <p>10 Voyzey then where these allegations were aired?</p> <p>11 A I believe so, yes.</p> <p>12 Q At that point did she agree to a</p> <p>13 polygraph test?</p> <p>14 A I don't recall.</p> <p>15 Q When you say you don't recall, again,</p> <p>16 is that because you don't believe it happened,</p> <p>17 or it may have happened and you just don't</p> <p>18 remember one way or another?</p> <p>19 A It may have happened. I just don't</p> <p>20 remember one way or the another.</p> <p>21 Q All right. By the way, did you ever</p> <p>22 refer to Susan Voyzey as either honey girl or</p> <p>23 baby girl?</p> <p>24 A Ken Ingle used to call her baby girl.</p> <p>25 Q That wasn't my question. Did you</p>	<p>Page 94</p> <p>1 Q Why's that?</p> <p>2 A Did you ever see her?</p> <p>3 Q No. I haven't had the pleasure.</p> <p>4 A No. I mean, you know, she wanted to</p> <p>5 sit on my lap and I let her sit on my lap. I do</p> <p>6 that to any --</p> <p>7 Q Any good-looking girl.</p> <p>8 A -- willing female. I'm not sure I'd</p> <p>9 do to -- I'm kind of a homophobe, so I'm not</p> <p>10 sure I'd do it with you.</p> <p>11 Q It's good to know. Now, did you</p> <p>12 subsequently advise Miss Downing that you closed</p> <p>13 the investigation and that Voyzey didn't have to</p> <p>14 take a polygraph?</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. And why was that?</p> <p>17 A Because I thought it was ludicrous.</p> <p>18 Q Why was that?</p> <p>19 A I didn't believe it happened. I</p> <p>20 believe even if it had happened, it would have</p> <p>21 been a disciplinary matter at worst. This was</p> <p>22 all being generated by Tom Kearney who I thought</p> <p>23 was a -- not a legitimate source of information,</p> <p>24 as well as I thought that the DeGrandis and</p> <p>25 Wynegar were not legitimate sources of</p>

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1 information.  
 2 Q Did you have any question about Susan  
 3 Voyzey being a legitimate source of information?  
 4 A I don't think Susan Voyzey was in the  
 5 mix at that time. I was basing my decision more  
 6 on my knowledge of those other folks who were  
 7 making the allegations.  
 8 Q Why didn't you just let the  
 9 polygraphs take place then, I mean, if they were  
 10 that incredible and the source was inaccurate?  
 11 They were volunteering to take polygraphs at  
 12 their own expense. Why didn't you just allow  
 13 that to take place to see whether or not you  
 14 were right?  
 15 A I just decided to not let it take  
 16 place. Polygraphs are not admissible in any  
 17 event.  
 18 Q But they are legitimate investigatory  
 19 tool; are they not?  
 20 A Yes. Absolutely they are, yes, sir.  
 21 Q In fact, your office uses them, don't  
 22 they?  
 23 A Yes, sir.  
 24 (Rebert Exhibit Number 10 was marked  
 25 for identification)

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1 Q I'm showing you, sir, what we marked  
 2 as Rebert Exhibit Number 10. Is that your memo  
 3 to Becky Downing about the investigation of  
 4 Susan Voyzey?  
 5 A Yes, sir.  
 6 Q And had Susan Voyzey advised you that  
 7 she was offended by these allegations and was  
 8 even more offended by the fact that you would  
 9 give them credence?  
 10 A Yes, sir.  
 11 Q And you said, enough is enough and  
 12 considering the source I couldn't agree with you  
 13 more -- couldn't agree with her more; is that  
 14 right?  
 15 A Um-hm.  
 16 Q Miss Downing writes; if the source  
 17 was a liar, we had the opportunity to prove  
 18 that. You stopped that process because,  
 19 perhaps, Susan lied. She admitted to Tom that  
 20 she lied about 2709 phone calls. She was afraid  
 21 to admit she showed photos around that she had  
 22 no right having -- no right having privilege to.  
 23 Do you see that?  
 24 A Yes, sir.  
 25 Q Do you remember receiving that from

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1 Becky Downing?  
 2 A No, I don't recognize that.  
 3 Q You don't recognize that as Becky  
 4 Downing's handwriting?  
 5 A Well, it may be Becky Downing's  
 6 handwriting, but I don't remember her giving me  
 7 that, no.  
 8 Q Okay. Well, do you think she wrote  
 9 it on later on?  
 10 A Wouldn't surprise me, but I don't  
 11 know. I don't know.  
 12 Q How about the, Becky, please see me?  
 13 A That was probably about the memo  
 14 itself.  
 15 Q Okay. Well, why would you --  
 16 A I wanted to talk to her about it.  
 17 Q Why didn't you just have that typed  
 18 in then? You say, please advise. Why did you  
 19 put please see me under that if that note wasn't  
 20 from Miss Downing?  
 21 A Oh, it was there for Miss Downing.  
 22 Q Okay. So the notation she wrote that  
 23 the source was a liar was on that memo, and  
 24 that's --  
 25 A No, no.

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1 Q -- why you wrote please see me?  
 2 A What I'm saying is, sometimes I ask  
 3 people to see me as well as read the memo. So,  
 4 I simply don't recognize this editorializing  
 5 she's doing on this memo.  
 6 Q If that note wasn't on there for Miss  
 7 Downing or that handwriting from whatever source  
 8 it's from, why would you write both, please  
 9 advise in typewritten form and then, Becky  
 10 please see me in handwritten form?  
 11 A Because I wanted to speak to her  
 12 personally. She was pretty hard to find.  
 13 Q It looks like she wasn't too hard to  
 14 find on this issue. Did she complain to you  
 15 about stopping the investigation into the Susan  
 16 Voyzey matter?  
 17 A She may have. I don't recall  
 18 specifically.  
 19 Q And was Miss Voyzey at that point  
 20 being suspected of drug use in the office?  
 21 A I don't believe. There was a time  
 22 when she was suspected of drug use, but I'm not  
 23 sure of the time frame as it relates to this  
 24 memo.  
 25 Q And did Miss Downing come to you

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1 about Miss Voyzey's drug use as well?  
 2 A I don't know if it was Miss Downing  
 3 or who it was. I think it -- I thought it -- I  
 4 think it was Paul Crouse who was concerned about  
 5 her coming in late and not appearing to do her  
 6 job well.  
 7 Q Did Miss Downing also voice those  
 8 issues with you as well?  
 9 A She may have. I don't recall her  
 10 doing that, but she may have.  
 11 Q Did she also voice to you the  
 12 possibility of Miss Voyzey being a drug user?  
 13 A Again, she may have.  
 14 Q And Miss Voyzey was later terminated;  
 15 isn't that right?  
 16 A Yes, sir.  
 17 Q Wasn't that because of drug use?  
 18 A No, sir.  
 19 Q Why was she terminated, sir?  
 20 A I believe she was terminated because  
 21 she just wasn't doing her job.  
 22 Q Okay. Did she go into some sort of  
 23 drug rehabilitation at that point?  
 24 A She went into counseling. I don't  
 25 know if it was at that point or if it before she

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1 was dismissed. It was during the time of the  
 2 drug allegations she, I believe, went into  
 3 counseling and was tested, and so forth. But  
 4 I'm not sure how that relates in time to her  
 5 ultimate dismissal.  
 6 Q I understand. The counseling she  
 7 went into, that was drug and alcohol abuse  
 8 counseling?  
 9 A I believe so, yes, sir. I don't want  
 10 to get into any HIPAA trouble, though.  
 11 Q I promise not to tell anybody. In  
 12 Susan Voyzey's position as administrator, would  
 13 there be any legitimate reason for her to have  
 14 access to those crime scene photos?  
 15 A Well, Ken would have those pictures  
 16 developed at the Camera Center, which is about  
 17 two blocks away from the then courthouse and one  
 18 block away from the judicial center, which we  
 19 were back at the courthouse at that time.  
 20 Susan would periodically pick up the  
 21 photographs for Ken simply as a courtesy because  
 22 she was going to market or something. Anybody  
 23 who might have been going to market could have  
 24 done that if Ken needed somebody to pick  
 25 something up for him. So, it would not have

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1 been unusual for her to be in possession of  
 2 those photographs, assuming that's what  
 3 happened.  
 4 Q All right. Assuming she did pick  
 5 them up or someone else picked them up, though,  
 6 and they're given them to Mr. Ingle and they're  
 7 kept wherever they should be kept, would she  
 8 have any reason to -- legitimate reason to have  
 9 access to those photos after bringing them back  
 10 and giving them to Mr. Ingle?  
 11 A Not really, no.  
 12 Q Mary Ellen Levy or Lecvy (phonetic),  
 13 does that name ring a bell to you?  
 14 A Yes, sir.  
 15 Q Who is she?  
 16 A Apparently she's the wife of the CEO  
 17 of Triangle Printing, but I only gathered that  
 18 from the Pleadings and the testimony.  
 19 Q Do you know her?  
 20 A I believe that's the woman who --  
 21 that I got a call from Attorney Niles Benn about  
 22 who had been to a social event with her  
 23 auxiliary, cancer auxiliary board members or  
 24 something and had a couple glasses of wine and  
 25 was picked up in the city for a DUI.

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1 Q And was Niles Benn her attorney?  
 2 A He was acting as -- As I recall, he  
 3 was acting as her attorney. They were friends  
 4 too, I guess, at that time.  
 5 Q Had the case come to preliminary  
 6 hearing at that time?  
 7 A I don't know that.  
 8 Q Okay. Were you made aware that she  
 9 was the wife of this CEO at Triangle Printing  
 10 from Mr. Benn or any other source?  
 11 A I don't remember that portion of it.  
 12 I just recall him calling me about that woman.  
 13 Q And did he ask you to help out, do  
 14 something, intervene, anything like that; see  
 15 what you could do?  
 16 A That's probably a fair statement.  
 17 Q Which one of them is the fairest  
 18 statement?  
 19 A Well, I mean, he was calling on  
 20 behalf of his client and he wanted some  
 21 consideration I guess is a fair statement, as  
 22 all attorneys who call me do.  
 23 Q Consideration as to what?  
 24 A Well, whatever can be done, if you  
 25 will.



1 Q You mean like getting the charges  
2 dropped?

3 A Probably.

4 Q Okay.

5 A I mean, that would be the extreme,  
6 but that's what they would desire for their  
7 client I'm sure.

8 Q And had you done that for people in  
9 the past?

10 A No, not that I recall.

11 Q Did you tell Miss Downing that you  
12 were going to somehow attempt to provide her  
13 with consideration or something along those  
14 lines, help her out, anything like that?

15 A Did I -- Could you repeat the  
16 question?

17 Q Did you tell Miss Downing that you  
18 were going to try to help her out, provide her  
19 with consideration, do something for her?

20 A I don't know that I did that. I may  
21 have told her to find out what she could about  
22 the case and see if there was any possibility of  
23 any alternate disposition other than the DUI  
24 charges. I may have said that. I don't recall  
25 specifically.

1 Q Never raised an objection or anything  
2 to that?

3 A If that's improper, I'm in trouble  
4 because that's done all the time. You talk to  
5 the officers, get their opinion as to what  
6 should happen. Officers and victims are always  
7 included in these discussions as to any kind of  
8 a plea arrangement or plea agreement or charge  
9 bargain.

10 The officer is in the loop, and you  
11 don't do anything without getting the officer's  
12 blessing. You know, meaculpa if I'm doing the  
13 wrong thing when I do those things.

14 Q Including getting the charges  
15 dropped; isn't right?

16 A Including getting the charges  
17 dropped, yes.

18 Q And to your knowledge Miss Downing  
19 voiced no issue or objection or anything with  
20 respect to your request. Is that what you're  
21 saying?

22 A Not to my knowledge.

23 Q Okay. Is it possible she did and you  
24 just don't remember?

25 A It's possible, sure.

1 Q Did you tell her that you were going  
2 to write a letter to the city police which would  
3 include Miss Downing's name requesting  
4 consideration or leniency in this matter?

5 A I doubt that I would have told her  
6 that. That would have done -- I don't think  
7 that would have done any good.

8 Q Okay. So, you wanted her to see if  
9 she could arrange an alternate disposition of  
10 this; is that right?

11 A I think I asked her to -- I asked her  
12 or someone, I'm not sure who--Maybe it was Tom  
13 Kelley--to talk to the officer.

14 Q Okay. And was that in an effort to  
15 get the officer to drop the charges?

16 A To see what the officer would do.

17 Q Is that one of the options that the  
18 officer could do?

19 A That's always one of the options,  
20 sure.

21 Q Okay. And did Miss Downing tell you  
22 that that was not appropriate for you or her to  
23 do; that you shouldn't be intervening, providing  
24 this type of consideration?

25 A I don't believe she did, no.

1 Q Let's talk about another intervention  
2 or consideration.

3 A I think that woman was charged and  
4 prosecuted, if that's of any interest to you. I  
5 think the officer was not inclined to give her  
6 any consideration, and that was an important  
7 part of the decision-making process.

8 Q Well, do you know if Miss Downing  
9 went to the officer to try to get consideration  
10 for this person? Is that something --

11 A I don't know.

12 Q Did you ever know her to ever do  
13 that?

14 A To ever go to an officer to get  
15 consideration --

16 Q To get consideration to have charges  
17 dropped against somebody.

18 A Well, I would hope that if she  
19 thought the charges weren't appropriate, that's  
20 exactly what she would do.

21 Q Obviously, you said this woman was  
22 prosecuted, so the charges were appropriate;  
23 isn't that right?

24 A Yeah. I don't know why you're asking  
25 about her then.

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1 Q Okay. Let me ask you this. Do you  
2 know any situation where charges like this were  
3 appropriate, where prosecution took place and  
4 there was a conviction obtained, where Miss  
5 Downing ever attempted to intervene to get  
6 consideration for the person or get the charges  
7 dropped?

8 A I don't recall specifically, no.

9 Q Okay. Did you ever have a wreck at  
10 the Sam's Club and called the chief to have  
11 other charges brought against you so you  
12 wouldn't get points?

13 A Say again?

14 Q Did you ever contact Miss -- Chief  
15 Eshbach after having a car accident at the Sam's  
16 Club and requesting that different charges be  
17 brought against you so you wouldn't get points?

18 A No, I don't -- I think that was --

19 MR. BLAKEY: Can you help us out with  
20 a time frame here?

21 THE DEPONENT: I'm sorry?

22 MR. BLAKEY: I'm asking him if he can  
23 help us out with a time frame.

24 THE DEPONENT: Oh, I remember the  
25 accident. I remember that.

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1 BY MR. LAVERY:

2 Q Okay.

3 A Chief Eshbach and I did have a  
4 conversation. I don't know who initiated the  
5 conversation. As I recall, I told him I was  
6 going to go ahead and plead guilty to whatever  
7 was charged. I don't recall any discussion  
8 about a lesser charge. I remember after the  
9 fact that Eshbach told me that was a bad stop  
10 sign and I wouldn't have had to plead guilty,  
11 but I didn't contest it.

12 Q So you don't remember --

13 A I don't recall the specifics of that  
14 conversation.

15 Q Do you remember any effort on your  
16 part to have Chief Eshbach have the officer file  
17 a charge against you that would not include any  
18 points for your license? Do you remember that?

19 A I may have made that request. I  
20 don't remember making it. I guess Chief Eshbach  
21 would have to tell us about it.

22 Q Anthony Argento, do you know Mr.  
23 Anthony Argento? Have you ever heard of him?

24 A I've heard the name, yes, sir.

25 Q Okay. And in what context have you

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1 heard the name?

2 A He was charged, I think, with a  
3 chop-shop violation --

4 Q Okay. Miss Down --

5 A -- and having some -- I think a  
6 stolen four-wheeler, ATV, I think.

7 Q Okay. Miss Downing contends that she  
8 spoke to you about the Argento chop-shop case  
9 and that you requested that Mr. Argento not be  
10 arrested. Is that accurate?

11 A No, absolutely not. Not be arrested  
12 at all?

13 Q Well, for starters.

14 A No, that didn't happen.

15 Q Okay. Well, how about being arrested  
16 on some sort of reduced charge or having the  
17 charges altered or changed somehow? Did you  
18 speak to her about that, about Mr. Argento.

19 A Not that I recall.

20 Q Did you speak to her about Mr.  
21 Argento's case at all?

22 A I may have. I don't recall  
23 specifically.

24 Q All right. Did you speak to her  
25 possibly about some consideration being offered

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1 to Mr. Argento, like you testified was done in  
2 the Levy case?

3 A I don't recall doing that, no. I  
4 don't know why I'd be talking to her about  
5 Argento at all.

6 Q That's an interesting subject. My  
7 point though is, did you -- Is it that you don't  
8 remember because you know it didn't happen, or  
9 you don't remember one way or another?

10 A Well, I feel comfortable in saying it  
11 didn't happen.

12 Q Okay. That's what I want to do know.

13 A I didn't suggest dropping charges or  
14 not arresting him or making a deal for him or  
15 anything like that.

16 Q All right.

17 A There again, I think he was  
18 prosecuted and sentenced, and I think he was  
19 convicted of a chop-shop violation among other  
20 things.

21 Q Did you request that Mr. Argento's  
22 name and arrest not appear in the media? Did  
23 you discuss that with Miss Downing?

24 A I don't think we can do that. The  
25 media has been pretty obstinate about their

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1 ability to publish information. I've not had  
 2 much success in even asking them to not do that.  
 3 So no, I didn't tell her to do that.  
 4 Q You didn't tell her to try to do  
 5 that?  
 6 A No.  
 7 Q Did you tell Miss Downing that  
 8 Argento was Susan's aunt (sic)?  
 9 A Susan's aunt?  
 10 Q Yes.  
 11 A Susan who?  
 12 Q That's a good question. Either --  
 13 The only two Susans I know that are connected  
 14 with this case would either be Susan Voyzey or  
 15 Susan Rebert. Did you ever tell Miss Downing  
 16 that Mr. Argento was either Susan Voyzey or  
 17 Susan Rebert's aunt?  
 18 A No.  
 19 Q Do you know that to be the case?  
 20 MR. LEBER: How can Mr. Argento be  
 21 anybody's aunt?  
 22 MR. HUTCHINSON: One of those gender  
 23 things again.  
 24 MR. LAVERY: Good point.  
 25 MR. BLAKEY: I was thinking about

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1 that, but I thought we'd just let it hang there.  
 2 MR. LAVERY: Okay. That's a good  
 3 point.  
 4 THE DEPONENT: You homophobe.  
 5 MR. LAVERY: What's that?  
 6 MR. JACOB: Good point, but we'll  
 7 remind you that the one attorney objected from  
 8 the other side --  
 9 MR. LAVERY: No, that's a good point.  
 10 That's a nice --  
 11 MR. BLAKEY: He couldn't resist that.  
 12 MR. JACOB: I agree, but just a  
 13 reminder for future objections too.  
 14 MR. HUTCHINSON: I might sneak a few  
 15 in, Devon, you better watch out.  
 16 MR. JACOB: I'll be ready for you.  
 17 THE DEPONENT: You better get this  
 18 straight.  
 19 MR. LAVERY: Okay. I'm sorry, you're  
 20 right. That's correct. You're right.  
 21 BY MR. LAVERY:  
 22 Q Did you ever tell Miss Downing that  
 23 Argento's aunt was related to either Susan  
 24 Voyzey or Susan Rebert?  
 25 A Not to my knowledge.

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1 Q Is it possible that you did and you  
 2 just don't remember that?  
 3 A That Argento's aunt was related to  
 4 Susan Rebert or Susan Voyzey?  
 5 Q Yes.  
 6 A No.  
 7 Q The Schaad party, Schaad Detective  
 8 Agency Christmas party, that was attended by  
 9 members of the district attorney's office. Are  
 10 you familiar with that?  
 11 A Yes, sir.  
 12 Q Did you request that Miss Downing  
 13 have the county detectives drive or shuttle  
 14 members of the office to that event?  
 15 A I don't recall doing that  
 16 specifically, but I very well may have, yes.  
 17 Q Do you recall her objecting to doing  
 18 that?  
 19 A No, I don't.  
 20 Q You don't recall her raising any  
 21 issue, objection, telling you that that was  
 22 improper; anything like that?  
 23 A No, I don't recall that, no.  
 24 Q Do you remember her refusing to do  
 25 that?

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1 A I'm sorry, I don't specifically  
 2 recall that, no.  
 3 Q Well, you say you don't specifically  
 4 recall that. Does that mean it's possible that  
 5 it happened and you just don't recall it?  
 6 A It's possible that it happened.  
 7 Q Do you know if any shuttle to the  
 8 Schaad party occurred during Miss Downing's  
 9 tenure?  
 10 A Yeah, whenever there was an  
 11 opportunity for somebody, be it a detective or  
 12 other employee to take people out there, sure it  
 13 happened. Your reference to it as a shuttle I'm  
 14 not sure is accurate. But if the opportunity  
 15 arose for people to give other people a ride to  
 16 the Schaad party in the limited time they all  
 17 had for lunch, yes, that would happen.  
 18 Q Did that happen with county  
 19 detectives being requested to drive these people  
 20 to the party?  
 21 A I'm sure if they were available, yes.  
 22 Q Did you specifically request that?  
 23 A I may have. I don't specifically  
 24 recall, but I may have.  
 25 Q And did Miss Downing object to that

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1 request?

2 A I don't recall if she did.

3 Q Again, she may have. You just don't

4 recall one way or another; is that right?

5 A Right, um-hm.

6 Q Badges, did your wife ever ask Miss

7 Downing for an A.D.A.'s office badge for her

8 dentist?

9 A Apparently, although I don't -- I

10 wasn't privy to that request.

11 Q How did you find out about it?

12 A I don't know. It may have been from

13 my wife's deposition. She may have told me

14 about that. I don't recall.

15 Q Well, from whatever source of

16 information, what did you learn?

17 A That she requested a badge for her

18 dentist.

19 Q Do you know why she would have done

20 something like that?

21 A Probably to give the dentist a badge

22 as some kind of recognition for what he had

23 done.

24 Q What type of recognition would a

25 badge from the D.A.'s office be to a dentist?

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1 A I don't know that.

2 Q Does that like help you do your

3 dental work, or is there some other reason?

4 A I don't know that. That's a good

5 question. I know in-house the badges were

6 assigned, if you will, of working in the D.A.'s

7 office, which I thought everybody was proud of

8 doing and was kind of a perk with no -- not much

9 authority to it, but it was nice to have.

10 But, as to a dentist doing his

11 independent dental work, I can't imagine what

12 advantage that would have for him.

13 Q Other than maybe getting out of

14 police stops or traffic stops?

15 A Well, he could try it.

16 Q In fact, isn't that really why

17 private citizens request those things?

18 A Oh, I don't know. Private citizens

19 request a lot of things for a lot of reasons. I

20 don't know. That's what happened with Phillip

21 Serls, certainly.

22 Q I'm going to ask you about him. I

23 mean, can you think of any other legitimate

24 reason or illegitimate reason why a dentist

25 would want a D.A.'s metal badge other than for

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1 that reason?

2 A Other than my wife wanting him to

3 have it, no.

4 Q Phillip Serls, who is Phillip Serls?

5 A Phillip Serls is a friend who is in a

6 number of businesses, one of them being the

7 disposal business.

8 Q Okay. Private citizen?

9 A Political supporter.

10 Q Political supporter, okay. And did

11 Mr. Serls get a badge from your office?

12 A Yes, sir.

13 Q Did you have knowledge of that?

14 A Yes, sir.

15 Q Did you approve that?

16 A Yes, sir.

17 Q Why was that?

18 A Well, Phillip Serls did a lot of work

19 for us.

20 Q For us or for you politically?

21 A Us as an office.

22 Q Okay. Because you said he was a

23 political supporter. That's why I wanted to --

24 A Well --

25 Q Did he do work for you too as a

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1 political supporter?

2 A Only supported me.

3 Q Financially?

4 A I'm sure he did over the years, yes,

5 sir.

6 Q And in other ways as well?

7 A Well, I'm sure he voted for me and

8 told his friends to vote for me, and so forth.

9 I'm not sure, but I would suspect he did.

10 Q When did he get his badge?

11 A He got his badge early on. What

12 happened was, we had a homicide over in the

13 projects on the south end of Penn Street and

14 there was an allegation that a gun had been

15 thrown off the bridge into the Codorus Creek. I

16 asked Phillip to let us use his crane and magnet

17 to fish the gun out of the creek, and he did

18 that. It was great.

19 He had the crane driven down to the

20 Penn Street Bridge and the magnet went over the

21 side and he fished the creek and put it in a

22 truck; never charged us for any of that. We

23 never found the gun, but he did that for us.

24 It's like seeing the cavalry coming down the

25 street, to tell you the truth, when it happened.

1 Then he asked for a badge, so I gave him a  
 2 badge.  
 3 Q You're saying it was in exchange for  
 4 that cavalry service?  
 5 A In a sense. In a sense it was.  
 6 Q Okay. What did you expect he was  
 7 going to do with that badge?  
 8 A Well, I was hoping he wouldn't do  
 9 anything in terms of trying to get out of  
 10 tickets. What he did do was, he pulled the  
 11 badge out when he got stopped over in Lancaster  
 12 County I think. Then I asked him to give it  
 13 back. I'm not sure I ever did get it back. But  
 14 that incident was -- Boy, that was shortly after  
 15 I was elected, so that was quite some time ago.  
 16 Q Did you bring that subject up to Miss  
 17 Downing about Phillip Scris?  
 18 A I don't know.  
 19 Q The reason I'm saying that is, it's  
 20 in her journal somewhere that you discussed that  
 21 with her.  
 22 A Okay.  
 23 Q Do you dispute that?  
 24 A I don't recall that, but if she wrote  
 25 it down, I guess it's like the newspaper, it

1 A I don't recall her telling me that,  
 2 no.  
 3 Q Do you recall her raising any issue  
 4 with some of the people who had badges having  
 5 those?  
 6 A I don't specifically recall that, no.  
 7 Q When you say you don't specifically  
 8 recall, is it possible that she did and you just  
 9 don't remember that?  
 10 A It's possible, sure.  
 11 Q Did you ever tell Miss Downing these  
 12 words, to the effect that you had Mr. Ingle make  
 13 up badges for certain friends?  
 14 A Make up badges for certain friends?  
 15 Q Yep, or words to that effect,  
 16 something along those lines. Maybe not those  
 17 exact words.  
 18 A When you say make up, do you mean  
 19 manufacture? What do you mean?  
 20 Q Have them made up; stamped, however  
 21 you make them. Get badges, extra badges.  
 22 A I don't know, you tell me. Made up,  
 23 that's what I need to know.  
 24 Q Okay, that's what I'm saying. Did  
 25 you ever tell her anything like that? That

1 must be true.  
 2 Q Okay. And do you have reason to  
 3 dispute that it's not true?  
 4 A I don't know. I don't recall  
 5 specifically talking about it to her, but --  
 6 Q You may have; is that right?  
 7 A Anything is possible.  
 8 Q Okay. Now, did Miss Downing complain  
 9 to you about your wife having asked her for a  
 10 badge for her dentist?  
 11 A I don't recall.  
 12 Q Again, by, you don't recall, does  
 13 that mean that it's possible that Miss Downing  
 14 may have made that complaint, you don't remember  
 15 it, or that you're sure she didn't?  
 16 A She may have made that comment. I  
 17 don't recall.  
 18 Q Okay. Did Miss Downing also speak to  
 19 you about the number of badges that were  
 20 floating out there with individuals within the  
 21 office?  
 22 A She may have.  
 23 Q Okay. Did she tell that you she felt  
 24 that some of those individuals should not have  
 25 badges?

1 Kenny had badges either obtained, made up,  
 2 however they were procured, for certain friends  
 3 of yours?  
 4 A For certain friends of mine?  
 5 Q Yeah.  
 6 A No.  
 7 Q Did Miss Downing tell you that Susan  
 8 Voyzey's badge should be taken?  
 9 A I don't recall her telling me that,  
 10 no.  
 11 Q Do you recall her questioning the  
 12 fact that Susan Voyzey had a badge?  
 13 A She may have. Susan Voyzey was the  
 14 deputy administrator and it was an  
 15 identification tool, if you will. My feeling  
 16 was that if my employees, the employees of the  
 17 district attorney's office wanted to have a  
 18 badge to identify themselves, I saw no harm in  
 19 that.  
 20 I thought it was a badge of courage,  
 21 if you will, for being in that office. It was a  
 22 perk that didn't cost any money or cost very  
 23 little money. And, you know, most of the  
 24 employees got badges if they wanted them.  
 25 Q Didn't those employees already have

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1 photo ID's that would identify who they were and  
2 where they worked?

3 A Yeah, they did. Where's my jacket?

4 MR. BLAKEY: Your jacket is right  
5 behind you.

6 (Deponent producing a badge.)

7 THE DEPONENT: This is the badge.  
8 I'll describe the badge. It's a plastic badge  
9 with your picture, not a real flattery picture  
10 and your name and your department on there with  
11 a clip on it that held it onto your jacket.  
12 It's about an inch and a half by three inches.

13 BY MR. LAVERY:

14 Q And all the employees would be issued  
15 those; is that right?

16 A Every employee would have one of  
17 these, which they could show proudly to anybody  
18 who asked them where they worked.

19 Q And, of course, those wouldn't get  
20 them out of traffic stops either, would they?

21 A No, they wouldn't. No, they  
22 wouldn't. It wouldn't give them any  
23 recognition, whereas, a badge might.

24 Q Had you ever become aware that  
25 employees in your office had used their badges

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1 to get out of traffic stops?

2 A No, I wasn't made aware of that. I  
3 wasn't aware of that happening.

4 Q Were you ever made aware of an  
5 allegation that Susan Voyzey had used her badge  
6 from the office; that there was an allegation  
7 that she had used her badge to get out of a  
8 traffic stop or some sort of police encounter?

9 A No.

10 Q Miss Downing never brought that up to  
11 you at all?

12 A No.

13 Q Stacy Shillito or Anastashia  
14 Shillito, does that name ring a bell with you?

15 A Yes, sir.

16 Q Who is she?

17 A She's a barmaid at Murph's Study  
18 Hall.

19 Q Okay. And how did you know her, if  
20 you did?

21 A I knew her from that job.

22 Q Okay. Was she a friend?

23 A Yeah.

24 Q Did you ask Miss Downing to do  
25 anything with respect to Miss Shillito, provide

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1 any service, consideration, criminal history,  
2 anything like that?

3 A Not that I recall specifically.

4 Q Is it possible then that you did and  
5 you don't remember it?

6 A Well, it's alleged that I asked Becky  
7 to get the dirt on Stacy Shillito. I don't  
8 recall that specifically.

9 Q When you say specifically, does that  
10 mean you may have, but you just don't have a  
11 specific recollection?

12 A I don't have a specific recollection.  
13 I know that Miss Shillito was involved in a  
14 dispute with the Northern Regional Police  
15 Department for which she sued them. I got  
16 involved in that with the chief. Eventually,  
17 that was settled by agreement. I think the  
18 department paid them some money, but I don't  
19 know if that was in the context of that request  
20 or not.

21 I also think it's important to --  
22 There are any number of ways, as I said before,  
23 to get the dirt that are perfectly legitimate  
24 without going through NCIC or any other -- Just  
25 call the D.J., call the police department; you

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1 know, our business of sharing information, and  
2 Becky always wanted to make that as hard as  
3 possible for me for, I have no idea what reason.  
4 But she didn't want to take the time, I guess,  
5 to pick up the phone and call the cop or call  
6 the district justice and get me some information  
7 that I needed.

8 Q Okay. And why would --

9 A She would just throw up these  
10 barriers, eventually all the time, to the point  
11 that it was just impossible to do the job.

12 Q I'm sure she threw up many barriers,  
13 sir. My question is, why did you need the dirt  
14 on Stacy Shillito? What legitimate purpose did  
15 you have --

16 A I assume it was in the context of her  
17 lawsuit against the police department.

18 Q Okay. Did you intervene in that  
19 matter?

20 A I intervened in the sense that I was  
21 in contact with the police department, you know,  
22 to find out what was going on and see if I could  
23 somehow resolve it.

24 Q Okay. And did that involve criminal  
25 charges not being filed against Miss Shillito?

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1 A It appears so, yes, sir.  
 2 Q Okay. And, in fact, if you look at  
 3 the page before the Stan Rebert Superman  
 4 stickies, it's another copy of the 6/14/02  
 5 sheet. Do you see that? It's right before the  
 6 Superman stickies.  
 7 A Okay.  
 8 Q Did you sign for that?  
 9 A Yes, sir.  
 10 Q Okay. Now, you also --  
 11 MR. BLAKEY: Do you have any of these  
 12 later than November 17th, '03, or is this  
 13 everything?  
 14 MR. LAVERY: That's all I have at  
 15 this point. I'll ask her to check for anything  
 16 else. That's all I have at this point. You got  
 17 them.  
 18 MR. JACOB: Hugh probably has them in  
 19 the county records, I would assume.  
 20 MR. LAVERY: Or Mr. Crouse would have  
 21 them, one or the other, at least some copy of  
 22 them I would think. But that's what I have  
 23 right now.  
 24 BY MR. LAVERY:  
 25 Q You continued to approve the -- at

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1 least from the documents we have here, the comp  
 2 time after June 2002, all the way through  
 3 November 17th, 2003; isn't that right?  
 4 A Yes, sir.  
 5 Q And the first time you raised any  
 6 issue whatsoever with respect to Miss Downing's  
 7 comp time was more than a year and a half into  
 8 her employment. Isn't that right, sir?  
 9 A That may be. I don't recall.  
 10 Q Okay. Were you already deeming her  
 11 inflexible at that point?  
 12 A I don't know.  
 13 Q Let's look at another one that is in  
 14 2003.  
 15 (Rebert Exhibit Number 12 was marked  
 16 for identification)  
 17 Q Is that a memo from you to Human  
 18 Resources with respect to employee's days off?  
 19 A Apparently, yes, sir.  
 20 (Ms. Downing returns to the  
 21 deposition room.)  
 22 Q You indicate that she has your  
 23 permission to be off work and away from the  
 24 office the following days, and I believe there  
 25 is seven of them listed there. Is that right,

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1 sir?  
 2 A It appears to be, yes, sir.  
 3 Q Okay. And you indicate there: In my  
 4 opinion, Chief Downing has accumulated more than  
 5 ample time to cover these dates by working over  
 6 and above the normal expectation for normal  
 7 county employees.  
 8 Do you see that?  
 9 A Yes, I do, but I don't see a date on  
 10 this memo. Does it say when it was received?  
 11 Yes, that's on that.  
 12 Q Yeah, 4/5/03 (sic). May 8, 2003, is  
 13 that right, sir?  
 14 A According to the time stamp, yeah.  
 15 Q Do you have any reason to dispute  
 16 that?  
 17 A No, but I was just surprised there's  
 18 no date on the memo itself.  
 19 Q Okay.  
 20 A Just a point of observation.  
 21 Q That's your memo; isn't that right?  
 22 A Yes, sir.  
 23 Q Do you see after H. Stanley Rebert,  
 24 District Attorney, there looks to be some sort  
 25 of initial there?

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1 A Yes, sir. That's my initials.  
 2 Q Does that appear to be yours?  
 3 A Yes, sir.  
 4 Q Okay.  
 5 A There's still no date on it, except  
 6 for the time stamp.  
 7 Q Are you somehow suggesting that this  
 8 was faked or altered?  
 9 A No. I said it as a point of  
 10 interest. That's all.  
 11 Q I was just wondering what point of  
 12 interest it would be.  
 13 A That there's no date on it.  
 14 Q Okay, that's good. Is it accurate  
 15 that what you told Human Resources that she  
 16 accumulated more than ample time to cover these  
 17 dates by working over and above the normal  
 18 expectation by county employees?  
 19 A It speaks for itself.  
 20 Q Well, you wouldn't tell that -- You  
 21 wouldn't tell that to Human Resources if it  
 22 wasn't accurate; isn't that right?  
 23 A Um-hm.  
 24 Q I'm sorry?  
 25 A Yes, sir.

1 Q Now, did you tell -- Did you have any  
2 conversation with Miss Downing about an  
3 individual by the name of Charles Perez, a  
4 vendor at the fair?

5 A Yes, sir.

6 Q What do you remember about that?

7 A I think he was, as you say, a vendor  
8 at the fair and was arrested. And his employer  
9 was concerned about his being away from the job  
10 and not being able to work. I think I made a  
11 request to have the D.J. give him some  
12 consideration in terms of bail.

13 Q Okay. And did you ask Miss Downing  
14 to take care of that or to try to take care of  
15 that?

16 A I may have.

17 Q Okay. Did she object or tell you  
18 that that shouldn't be done?

19 A I don't recall that she did, no.

20 Q So you don't believe that occurred;  
21 that she told you anything like that, or is it  
22 possible that it did and you just don't remember  
23 it?

24 A No, I believe there was some effort  
25 made to reduce the bail because I think I got a

1 think it was Bobby Pugh who was the fair -- He's  
2 in charge of the Reithoffer rides. And there's  
3 an allegation that he went ahead of our  
4 inspection to tip off the counterfeit people.

5 It was common practice to tell those  
6 folks that they can't be selling that stuff on  
7 the fairgrounds. I mean, we would go to all of  
8 the stands beforehand or somebody would and say  
9 if they had knives or weapons of any kind or  
10 pipes or drug paraphernalia, you know, we're  
11 going to seize that stuff, so don't have it out  
12 because you're taking a chance it's going to be  
13 seized. So, you know, they knew the rules.

14 The allegation of him going ahead to  
15 warn all the counterfeit people, I didn't see  
16 that happen. I didn't direct that it happen. I  
17 would be shocked if it did happen because it  
18 wouldn't have done any good.

19 Q Let me ask you this.

20 A So, I don't believe it happened.

21 Q Okay. Mr. Pugh, is Mr. Pugh the  
22 individual that asked you for the bail  
23 consideration for Mr. Perez?

24 A I don't know. I don't recall.

25 Q But it was requested by somebody from

1 call from the D.J. that it was denied.

2 Q Why --

3 A So I would assume that somebody did  
4 something, and that had to be Becky.

5 Q Okay. So you believe Miss Downing  
6 actually did that?

7 A Well, I don't know. I mean, I'm not  
8 sure why I would get a call from the D.J. that  
9 it wasn't -- that it didn't happen.

10 Q Well, do you think you may have  
11 assigned it to somebody else maybe after she  
12 told you she wouldn't do it?

13 A I don't recall.

14 Q Okay. Now, why would you be  
15 intervening to get bail reduced for a fair  
16 vendor?

17 A I just did. I didn't think it was an  
18 unreasonable request to get him back to work.

19 Q Wasn't this the same individual that  
20 had been involved in tipping off individuals  
21 when the detectives were going to make some sort  
22 of raid over there? Isn't this the same Mr.  
23 Perez who had provided tip-offs?

24 A I don't know anything about that  
25 tip-off allegation. I think you're mistaken. I

1 Reithoffer; is that correct?

2 A I believe so, because I think Perez  
3 was a Reithoffer employee.

4 Q Now --

5 A I think Perez was prosecuted, as have  
6 most of these people been, and didn't dodge the  
7 system.

8 Q Well, did he get his bail reduced?

9 A No.

10 Q So the consideration didn't work?

11 A What do you mean didn't work?

12 Q The request for consideration didn't  
13 work; is that right? The request for the bail  
14 consideration for Mr. Perez didn't work; is that  
15 right?

16 A That's right.

17 Q Okay. And --

18 A But he was prosecuted and sentenced.  
19 The charges weren't dismissed.

20 Q So you didn't ask for any  
21 consideration for him on that, like --

22 A Right.

23 Q -- Mary Ellen Levy or some of these  
24 other people that consideration was asked for;  
25 is that right?



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1 A Exactly. And they didn't receive  
2 consideration either, remember.

3 Q How about Mr. Daryman? You asked for  
4 consideration for Mr. Daryman up in Potter  
5 County too, didn't you?

6 A Yes, sir.  
7 (Rebert Exhibit Number 13 was marked  
8 for identification)

9 Q I'm showing you Exhibit 13, which  
10 purports to be -- it's unsigned, but purports to  
11 be a letter from you to Honorable Jeffrey Leber  
12 or Lieber (phonetic) up in Coudersport, the D.A.  
13 up there.

14 A Yes, sir.

15 Q Did you send that letter to the  
16 district attorney in Potter County?

17 A Yes, sir.

18 Q Did Mr. Daryman receive any  
19 consideration up in Potter County?

20 A Well, I think what the district  
21 attorney did up there was file a motion out of  
22 his office to somehow withdraw the prosecution  
23 or dismiss the prosecution, which created quite  
24 a fire storm --

25 Q In the press?

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1 A -- in the press and in his area.  
2 Then as I recall, I sent a follow-up letter to  
3 this one saying, you know, that's causing too  
4 much trouble for you. My recommendation is to  
5 just let the thing go through the system as it  
6 should. And I think that's what he did.

7 Q Did Mr. Daryman receive ARD?

8 A I'm sorry?

9 Q Did Mr. Daryman receive ARD for that  
10 charge?

11 A Eventually, yes, he did.

12 Q Okay.

13 A He was prosecuted, and ARD was an  
14 option that any first offender would have --

15 Q Sure.

16 A -- and he exercised that option.

17 Q Okay. And you would have known that  
18 as of the time, July 16, 2002, that that would  
19 have been an option for Mr. Daryman; isn't that  
20 right? Just go through the system normally and  
21 get ARD like anybody else.

22 A Well, every county has different  
23 rules, you know. I learned after the fact that  
24 he could not have gotten ARD if he had taken his  
25 preliminary hearing.

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1 Q But he could have just waived the  
2 preliminary hearing and asked for entry into the  
3 ARD program?

4 A He could have, sure.

5 Q In fact, that's usually what most  
6 first-time offenders do; isn't that right?

7 A Yes, sir.

8 Q But Mr. Daryman was special and  
9 didn't have to do that, or shouldn't have to do  
10 that in your view; isn't that right?

11 A Under the circumstances of this case,  
12 I told -- I asked D.A. Leber to take a real  
13 close look at the case.

14 Q And he did initially file a motion to  
15 dismiss the charges, but then he got a big press  
16 furor up in his neck of the woods, didn't he --

17 A Yes, sir.

18 Q -- over that? In fact, the outcry  
19 was that what he did was improper, intervening  
20 in this prosecution at your request; isn't that  
21 right?

22 A I don't know what the basis of the  
23 furor was. It was his intervention certainly.

24 Q Okay. Now, did you ever deny to the  
25 press that you had contacted the D.A. of Potter

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1 County concerning Mr. Daryman?

2 A Not to my knowledge, no.

3 Q Well, you would know that, wouldn't  
4 you?

5 A I would think I would, yeah.

6 Q So the answer is no, you didn't?

7 A I don't believe I did, no.

8 Q Did you consider your intervention  
9 and request for consideration that led to the  
10 D.A. initially filing to withdraw the charges in  
11 Potter County to have been appropriate?

12 A Well, I thought there were stop  
13 issues in the case. I didn't think the case was  
14 right on the letters and terms of probable cause  
15 and sufficient reason to stop Daryman. And I  
16 pointed that out in my letter to D.A. Leber,  
17 which is an evaluation that we go through every  
18 time we review a case and evaluate a case to  
19 determine if there are search and seizure  
20 problems, evidence problems, other things. And  
21 I pointed those out to Leber as a portion of my  
22 letter.

23 Q Was there ultimately any search and  
24 seizure in the case, or did Mr. Daryman just  
25 take ARD?

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1 Q That's first, with other district  
2 attorneys like this case. Then I'll ask about  
3 you.  
4 A All right. I don't believe so.  
5 Q How about you? Did you ever  
6 intervene yourself on behalf of any individuals  
7 in law enforcement that had been arrested for  
8 DUI within York County?  
9 A Did I ever intervene myself?  
10 Q Yeah, request consider -- You know,  
11 did you ever do anything for that person, the  
12 law enforcement person that had been arrested,  
13 go to the officer who arrested, get  
14 consideration, get the charges dropped, get the  
15 charges reduced? Had you ever done that  
16 yourself for any other person in law enforcement  
17 arrested in the county?  
18 (Mr. Leber and Deponent confer  
19 privately.)  
20 (Pause.)  
21 THE DEPONENT: Not that I  
22 specifically recall.  
23 Q Mr. Daryman was special in another  
24 way too, wasn't he, between the time of his  
25 retirement from the City of York and his hire by

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1 the district attorney's office as county  
2 detective? He was paid as an independent  
3 contractor or vendor; isn't that right?  
4 A I'm not sure how you would qualify  
5 the paid as, but he worked for our office and  
6 did receive compensation from the county in some  
7 manner.  
8 Q Okay. Let me show you the manner in  
9 which he received his compensation.  
10 (Rebert Exhibit Number 14 was marked  
11 for identification)  
12 Q These were produced, I believe, Mr.  
13 Rebert, by your counsel to us. They purport to  
14 be, I believe, the method of payment to Mr.  
15 Daryman for that time frame.  
16 (Mr. Leichter left the deposition  
17 room.)  
18 A Okay.  
19 Q Is that accurate to the best of your  
20 knowledge?  
21 A It appears to be, yes, sir.  
22 Q Okay. And he was paid as a  
23 request -- requisition for supplies, equipment  
24 and expenses from the County of York Purchasing  
25 Department?

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1 A Okay. Yes, sir.  
2 Q Okay. Now, let me ask you at this  
3 point. He's retired from the City of York,  
4 right?  
5 A I'll take your word for it.  
6 Q Okay. And he's not a county  
7 detective; is that right? He doesn't become a  
8 county detective until May of 2003, and we'll go  
9 through all that in a little bit.  
10 A Well, I don't know that you can say  
11 he was not a county detective. He may have been  
12 deputized at that point in time. I don't recall  
13 what his situation was technically speaking.  
14 Q Was he employed as a county  
15 detective? Was he considered to be an employee,  
16 an employed county detective from the time he  
17 retired from the city until May 7, 2003, when he  
18 was sworn in?  
19 A I know that he was doing the Lillie  
20 Belle Allen investigation and the Schaad  
21 investigation, so he was doing that for the  
22 county. So I would assume he was doing that in  
23 the context of a county detective.  
24 Q As an employee?  
25 A Well, he was being paid to do it, so

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1 I guess yes.  
2 Q So you considered him to be an  
3 employee during this time frame; is that right?  
4 A I don't know. If he's getting paid,  
5 it seems to me he's an employee. Getting paid  
6 by the county, he's an employee of the county.  
7 Q Do you know of any other detectives  
8 that were ever paid in this manner other than  
9 Mr. Daryman?  
10 A No, I don't.  
11 Q Okay. Did Mr. Daryman have police  
12 powers during this time?  
13 A Yes, sir.  
14 Q Did he have a badge from the York  
15 County District Attorney's office during this  
16 time?  
17 A I don't know that.  
18 Q When you said he was working on the  
19 Lillie Belle Allen, Schaad investigations, as I  
20 understand it, by 2003 the Lillie Belle Allen  
21 case had been tried; isn't that right?  
22 A I don't know. I don't know what the  
23 dates were.  
24 Q I believe it was the fall of 2002.  
25 A Okay.

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1 Q Do you know when the Grand Jury for  
2 Schaad indicted Smickle Wright and Freeland?  
3 A I don't recall specifically, no.  
4 Q Do you know if they were addicted by  
5 the beginning of 2003?  
6 A I don't recall.  
7 Q Do you know of any work legitimately  
8 that Mr. Daryman would have been doing on Lillie  
9 Belle Allen from the beginning of 2003 through  
10 May 7 of 2003?  
11 A If it was after his investigation, he  
12 may have been involved in the trial of it. I  
13 don't recall specifically.  
14 Q And he was being paid out of drug  
15 task force funds?  
16 A Well, he was the Weed and Seed  
17 detective as well, so that may have been the  
18 purpose of the payment. I don't know.  
19 Q I mean, if he's working on Lillie  
20 Belle Allen case, how is he being paid -- I  
21 mean, is that a drug case?  
22 A No.  
23 Q How is he being paid out drug task  
24 force money if he's working on the Lillie Belle  
25 Allen and Schaad case?

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1 A I understand the question and that  
2 wouldn't make sense, no. I'd have to defer to  
3 Bill Graff in terms of what this money went for  
4 when John was with us. He was a Weed and Seed  
5 detective as well, so he may have been paid in  
6 that capacity. I don't know.  
7 Q Pretty unusual payment arrangement  
8 you would agree, though, wouldn't you, sir?  
9 A I'm sorry?  
10 Q Pretty unusual payment arrangement,  
11 wouldn't you agree, sir?  
12 (Pause.)  
13 (Mr. Leichter returns to the  
14 deposition room.)  
15 THE DEPONENT: Well, these  
16 requisitions, if you will, appear to be the --  
17 out of the drug forfeiture account, so no,  
18 that's not an unusual method of payment out of  
19 that account.  
20 BY MR. LAVERY:  
21 Q To an individual who is retired by  
22 one department, but who hadn't been appointed as  
23 a detective in another department, you don't  
24 consider that to be unusual if that person is  
25 working a case that's not even related to drugs?

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1 You don't think that's an unusual arrangement?  
2 A Well, now you're jumping because  
3 this -- I don't know, but this apparently is not  
4 in connection with the Lillie Belle Allen case  
5 because the dates don't comport.  
6 Q So your testimony was not accurate in  
7 that regard --  
8 A Yeah.  
9 Q -- is that what you're telling me?  
10 A Yeah.  
11 Q All right. By the way, did that Weed  
12 and Seed grant at that time require him to be a  
13 county detective employed by the district  
14 attorney's office?  
15 A I don't know. I didn't want him as  
16 anything other than a detective.  
17 Q Okay. But my point --  
18 A I needed to have him maintain his  
19 detective status and his law enforcement  
20 capabilities. I don't recall what the terms of  
21 the grant were.  
22 Q Okay. Did Miss Downing --  
23 A That was a matter that Miss Downing  
24 constantly fought me about. She didn't want  
25 John Daryman to have his police powers, and I

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1 insisted that he have them.  
2 Q I'm going to get to all of that. I'm  
3 just asking you right --  
4 A I'm just laying the groundwork for  
5 you.  
6 Q I'm going to get to all of it.  
7 But at this point Miss Downing was  
8 also objecting to the manner in which Mr.  
9 Daryman was being paid during this time as well,  
10 wasn't she?  
11 A I don't recall her objecting to that,  
12 no.  
13 Q So she --  
14 A She objected to him being there at  
15 all, but I don't recall that she objected to the  
16 manner in which he was being paid.  
17 Q So she never raised any issue by the  
18 manner in which he was paid; that it was not in  
19 accordance with the grant or that there was any  
20 type of problem with this arrangement? She  
21 never raised anything like that?  
22 A Not that I recall, no.  
23 Q Okay. So, it just started after you  
24 were going to actually formally put him on as a  
25 county detective; is that right? That's when

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1 the problems started?  
 2 A Which problem?  
 3 Q About Daryman. You don't remember  
 4 raising any problems about this arrangement, is  
 5 that right; the arrangement, whereby, he was  
 6 paid out of the drug task force funds before he  
 7 was sworn in as a county detective?  
 8 A I don't recall her making any --  
 9 verbalizing any concerns about that, no.  
 10 Q By the way, on these it looks like  
 11 there's some scrawls on there. It's to the  
 12 right of where it says John Daryman, care of  
 13 D.A.'s office. Is that yours?  
 14 A I think that's Bill Graff's  
 15 signature. We would -- Is that what he's  
 16 talking about?  
 17 Q Yeah. It looks like okay, and then  
 18 something --  
 19 A Yeah.  
 20 Q -- underneath there.  
 21 A We would cosign on the -- We would  
 22 both review the task force bills and approve  
 23 them.  
 24 Q Okay.  
 25 A So that's his -- Those are his

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1 chicken scratchings saying okay, and then I  
 2 signed it.  
 3 Q Okay. During this time frame between  
 4 the time he retired from the city and the time  
 5 he became hired as a county detective, do you  
 6 know if he carried a gun on the job?  
 7 A I don't know, but I assume that he  
 8 did.  
 9 Q Do you know if Miss Voyzey during the  
 10 time of this arrangement before Mr. Daryman was  
 11 hired as county detective had referred to  
 12 Daryman as a county detective in a grant  
 13 application while this arrangement was ongoing?  
 14 A I don't know.  
 15 Q Did Miss Downing ever raise that  
 16 issue with you?  
 17 A Not to my knowledge, no.  
 18 Q Did you ever request or speak to Miss  
 19 Downing about having detectives remove a county  
 20 couch from your basement?  
 21 A Yes, sir.  
 22 Q Tell me about that.  
 23 A Well, when Mr. Ingle was being  
 24 prosecuted for having county property, it  
 25 crossed my mind that I had a couch that had been

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1 purchased when I physically moved my office, my  
 2 private office to the courthouse. I bought a  
 3 couch with county money and had it in my office.  
 4 Q Okay.  
 5 A Then when we relocated I gave my  
 6 furniture to, I think Detective Ingle, and I  
 7 took the couch home because there was no place  
 8 for it in my office anymore.  
 9 Q Was there a place somewhere else in  
 10 the office for it?  
 11 A No. As a matter of fact, our office  
 12 was very small.  
 13 Q So really the only place you could  
 14 put that was home; is that right?  
 15 A Well, I could have put it out on the  
 16 back porch of the courthouse, but I took it  
 17 home.  
 18 Q Okay.  
 19 A And --  
 20 Q This concerned you somehow?  
 21 A Well, it came to mind that if I'm  
 22 prosecuting my detective for having county  
 23 property, I better take the county property that  
 24 I have back to the courthouse, or whatever. And  
 25 then after a day I said, this is ridiculous. I

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1 gave my own personal furniture away and took  
 2 that couch in the process, so I thought it was  
 3 ludicrous to even make that gesture, so I  
 4 decided not to. And eventually that couch was  
 5 ruined in a flood that our home had just a few  
 6 weeks later I think.  
 7 Q If you have the explanation of the  
 8 exchange of your furniture to Mr. Ingle in  
 9 return for you taking the county couch, why was  
 10 it a problem then with --  
 11 A Well, I just thought the appearance  
 12 was not a good one.  
 13 Q Okay.  
 14 A So I thought maybe I better remedy  
 15 that. And then I thought, well, that's  
 16 ridiculous. I don't have to remedy that. There  
 17 was nothing wrong with that.  
 18 Q Did you request that Miss Downing  
 19 send detectives or that detectives be sent  
 20 there?  
 21 A I may have, yes, sir.  
 22 Q And she objected to that, didn't she?  
 23 A I don't recall how far that went  
 24 because I decided not to do it.  
 25 Q Okay. Well, did you decide not to do

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1 it because she told you that that was improper  
2 and that it shouldn't be done --  
3 A No.  
4 Q -- and she wasn't going to do that?  
5 A No.  
6 Q That wasn't an example of her  
7 inflexibility?  
8 A What? That she --  
9 Q That she wouldn't --  
10 A That she wouldn't do it?  
11 Q -- have the county detectives remove  
12 the county couch from your basement?  
13 A I don't recall her saying that. But  
14 I'm the one who decided not to follow through  
15 with it.  
16 Q And as I understand, Mr. Ingle was  
17 being prosecuted for stolen guns; is that right?  
18 A I believe so, yes, sir.  
19 Q He wasn't being prosecuted for any of  
20 the other stolen property that was in his house;  
21 isn't that right?  
22 A Well, I think that was the consensus,  
23 myself, Assistant Attorney General Augustine,  
24 Trooper --  
25 Q Devitt?

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1 A -- Devitt of the Pennsylvania State  
2 Police. You know, we all discussed the  
3 prosecution against Detective Ingle, and we all  
4 concurred that the property that was eventually  
5 returned to us would not be the subject of any  
6 charges. And that was done in concert with the  
7 A.G.'s office, with PSP, both of whom I had  
8 requested to assist me with this prosecution.  
9 So that was a judgment call that was made to not  
10 pursue those charges.  
11 And we did eventually get those  
12 items back, and they were, as I recall, of  
13 fairly minimal value. Because of the number of  
14 things, it came out to \$20,000, although I think  
15 there was a computer and some other --  
16 Q Cameras.  
17 A -- electronic equipment.  
18 Q Cameras.  
19 A But all of that was returned --  
20 Q Um-hm. Well, isn't it --  
21 A -- by agreement and with the  
22 consensus of the Attorney General and  
23 Pennsylvania State Police.  
24 Q Are you finished? I don't -- I  
25 really don't --

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1 A Well, it's important to realize that  
2 this case had been referred --  
3 Q I'm going to ask you about that.  
4 A -- because of a potential conflict or  
5 appearance of a conflict of interest so that  
6 they became involved, and they were calling the  
7 shots. They were the ones that made those  
8 decisions. I certainly had some input, but --  
9 Q I'm sure you had some input. Isn't  
10 it true that Mr. Devitt and Mr. Augustine  
11 originally did want to prosecute Mr. Ingle for  
12 that, but that you talked them out of it?  
13 A You'd have to talk to them about it.  
14 I don't recall that. And it was their case, so  
15 I would not have been able to talk them out of  
16 it.  
17 Q Well, did you try?  
18 A I don't recall that I tried, no.  
19 Q Did you ever ask Miss Downing to keep  
20 any of the items that had been seized at the  
21 fair, any of the counterfeit items like --  
22 A Well, I understood she did.  
23 Q -- clothing? Did you ever ask her if  
24 you could keep any of those items?  
25 A Oh, oh, oh. I said, well, yeah,

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1 you're going to give me a Rolex, aren't you,  
2 things like that, yes.  
3 Q Just joking around?  
4 A Yes.  
5 Q Okay. But you never said, no, I'm  
6 serious, I really want some of this stuff?  
7 A No.  
8 Q Okay.  
9 A And I don't have it. So if you have  
10 it somewhere, let me know.  
11 Q That's because she told you she  
12 wouldn't give it to you; isn't that right?  
13 A I don't know what she told me. I was  
14 never serious in my request for any of that  
15 material.  
16 Q Okay. Mr. Accardo, Frank Accardo, do  
17 you know that gentleman, or are you aware of  
18 that gentleman?  
19 A Yes, sir.  
20 Q Who is Frank Accardo?  
21 A Frank Accardo was the boyfriend of  
22 Susan Voyzey.  
23 Q And were you aware of that at the  
24 time of his arrest at West Manchester Township?  
25 A Which arrest?

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1 Q Yeah, you're right, there were two of  
2 them. Not the one that Harry Ness intervened  
3 on. I'm talking about the second one, the 2003  
4 arrest, the road rage arrest.

5 A Okay. Yes, I was aware of that.

6 Q Okay. Had charges been filed against  
7 Mr. Accardo by a West Manchester Township  
8 officer?

9 A I don't recall the sequence. I think  
10 that they had.

11 Q And did you tell Chief Smith that you  
12 wanted to approve any charges that were filed  
13 against Frank Accardo?

14 A I think I may have. I don't recall  
15 specifically. I wish you had that letter that I  
16 supposedly showed to Becky.

17 Q I'd love to see it, believe me, as  
18 well as a couple other letters I'd love to see  
19 that I haven't been able to.

20 A Okay. Well, let's focus on this one.  
21 Where's this one, do we know?

22 Q I don't have it, sir.

23 MR. JACOB: I think it's in Rizzuto's  
24 file.

25 MR. LAVERY: Yeah, maybe it's in

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1 A No, I didn't. I arranged -- I think  
2 I made arrangements for him to take the  
3 polygraph. He never did, and so I just figured,  
4 the hell with it. He had his opportunity and  
5 let the chips fall where they may. So that was  
6 my involvement in that case.

7 As far as I know, Accardo pled guilty  
8 as well. So they both pled guilty even though  
9 they said the other guy did it.

10 I simply thought that the reaction of  
11 West Manchester to give one man a polygraph  
12 versus another was unfair. And I thought at  
13 least Mr. Accardo should have the same  
14 opportunity, and that's what I was upset about.  
15 I arranged to have him have the same  
16 opportunity, but he declined to take the  
17 opportunity, so I figured, the hell with him.

18 Q Okay. Well, did you try to intervene  
19 for a consideration for Mr. Accardo in this  
20 situation with West Manchester?

21 A What kind of consideration?

22 Q Reduced charges, the kind of  
23 considerations that you would normally ask for;  
24 charges be dropped, charges be reduced; anything  
25 like that.

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1 Rizzuto's file.

2 THE DEPONENT: Oh, it is?

3 BY MR. LAVERY:

4 Q I don't know, but we'd like to see  
5 it, though. That's what she testified to in her  
6 deposition since you asked.

7 A I'll do my best to find it.

8 Q Thank you.

9 A Anyway, I don't recall if I asked  
10 Chief Smith to allow me to approve the charges  
11 beforehand. I was upset that -- As I understood  
12 it, they had given -- They didn't like Frank,  
13 which was understandable, but they had given  
14 the --

15 Q Why was it understandable?

16 A Well, he's a jerk.

17 Q Okay.

18 A They had given the other guy a  
19 polygraph, and I just didn't think that was  
20 fair.

21 Q Did the other guy pass the polygraph?

22 A Apparently he did, but eventually he  
23 pled guilty anyway. So, figure that out for me.

24 Q Did you tell Accardo not to take a  
25 polygraph?

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1 MR. BLAKEY: I object to the  
2 characterization that he would normally ask for  
3 it. He said on occasion.

4 MR. LAVERY: Well, on the --

5 MR. BLAKEY: When he did ask for it.

6 MR. LAVERY: That's a good objection.  
7 You're right.

8 BY MR. LAVERY:

9 Q Was it the same time type of  
10 considerations that you would ask for in the  
11 past on the occasions that you had?

12 A Well, every case is different. You  
13 know that, Mr. Lavery. Every case is different.  
14 You don't ask for the same thing in every case.  
15 There are different considerations.

16 In this case I thought it was unfair  
17 to give party A a polygraph without affording  
18 party B the same opportunity. So my purpose in  
19 intervening in this case was to give party B the  
20 opportunity to take the polygraph. That's what  
21 I was upset about there. I had a specific  
22 purpose in that case for the polygraph. The  
23 eventual disposition of the charges were not a  
24 factor in that particular situation.

25 Q Other than asking that Mr. Accardo be

1 afforded to take a polygraph, did you ask for  
2 any other type of consideration such as charges  
3 being dropped or reduced against him in that  
4 instance?

5 A No, that would eventually depend on  
6 the polygraph if you wanted to put on any  
7 credence in the polygraph. So no, I did not.

8 Q Did you discuss this situation with  
9 Becky; do you know?

10 A Apparently I did. She said I showed  
11 her a letter.

12 Q Did Becky Downing indicate to you  
13 your intervention in the Accardo situation was  
14 not proper or appropriate, or used words to that  
15 effect?

16 A I don't believe so. She told me not  
17 to write the letter, not to send the letter.

18 Q Why did she tell you not to send the  
19 letter?

20 A I do not know. There are letters  
21 that I draft during the heat of the moment that  
22 I have enough sense to sit on for a few days and  
23 not send. This apparently was one of them.

24 Q What was the contents of the letter  
25 that you decided to sit on and not send? What

1 Q Yes.

2 A No, I don't recall that.

3 Q Did Miss Downing ever discuss with  
4 you an allegation that Miss Voyzey had  
5 inappropriately contacted the West Manchester  
6 Township?

7 A I don't know if Miss Voyzey did.  
8 Somebody did. I don't recall specifically.

9 Q Tell me what you do remember about  
10 that situation.

11 A That she had called to make some  
12 inquiries about the Accardo case and that she  
13 said she was from the D.A.'s office.

14 Q Did she attempt to get a police  
15 report on the Accardo incident?

16 A I don't remember the specific request  
17 that she made.

18 Q Would that have been proper for her  
19 to do that for her boyfriend?

20 A No.

21 Q Was she disciplined?

22 A Not for her boyfriend.

23 Q Was she disciplined for that?

24 A I don't know.

25 Q Why --

1 was in there?

2 A I don't recall. I would assume it's  
3 because I was upset that they had, I thought,  
4 altered the playing field against Accardo, but I  
5 don't know.

6 Q Now, had you intervened or asked for  
7 consideration for Mr. Accardo with respect to  
8 his 2000 arrest at West Manchester Township?

9 A No.

10 Q Did you have any involvement in  
11 speaking to a district justice or Harry Ness  
12 with respect to that matter?

13 A I may have spoken with Harry Ness  
14 about it, but I don't recall what the  
15 conversation was. I think Harry Ness was the  
16 one who ultimately defended Mr. Accardo.

17 Q Harry Ness is a friend and a  
18 political supporter of yours; isn't that right?

19 A Among other things, yes, sir.

20 Q Do you know if you spoke to Harry  
21 Ness while he was at the D.J.'s office with  
22 respect to a hearing on charges against Mr.  
23 Accardo?

24 A If I spoke to him while at the  
25 district justice office?

1 A I don't do the discipline. I find  
2 out about it, but I don't do it.

3 Q Did you recommend -- You're the boss  
4 of the office. Did you recommend to Mr. Crouse  
5 that some sort of discipline be imposed against  
6 her for that?

7 A I don't believe I did, no.

8 Q Did you have a problem with her  
9 having done that?

10 A I don't have a problem with her  
11 trying to get the information.

12 Q For her boyfriend?

13 A But getting a police report I think  
14 is inappropriate.

15 (At or about 12:40 p.m., short recess  
16 taken for lunch.)

17 (At or about 1:35 p.m., the  
18 deposition resumed.)

19 (Rebert Exhibit Number 15 was marked  
20 for identification)

21 BY MR. LAVERY:

22 Q Mr. Rebert, I'm showing you Rebert  
23 15 which is a newspaper article about the  
24 accreditation of the detective bureau.

25 A Yes, sir.

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<p>1 Q Is that something you supported 2 during the process? 3 A Yes, sir. 4 Q And, in fact, didn't that occur right 5 after the Ingle conviction, the accreditation; 6 didn't that occur? 7 A I'm not sure what the time frame was. 8 Q But it was clearly something that was 9 a benefit to your office. Would you agree with 10 that? 11 A It was a credit to the office, yes, 12 sir. I'm not sure I agree it continues to be 13 advantageous, but at the time it was, yes. 14 Q Especially following on the heels of 15 all the problems with Mr. Ingle? 16 A Yes, sir. 17 Q Now, by the way, is the agency still 18 accredited or not? 19 A No. 20 Q When did that stop? 21 A I'd say this past year or at the end 22 of last year. 23 Q And why was that, sir? 24 A We just opted out of that 25 accreditation.</p>	<p>1 moment, especially with Voyzey's contact with 2 West Manchester concerning Accardo, did you have 3 a discussion with Miss Downing about that issue? 4 A I don't recall. I very well may 5 have, but I don't recall specifically. 6 Q Okay. Now, let's turn to the hiring 7 of Mr. Daryman. He was going to be hired under 8 an arrangement where he would work 32 hours per 9 week, four eight-hour days, and he wouldn't have 10 to work weekends; isn't that correct? 11 A I believe so. At the time a 32-hour 12 week qualified as a full-time employee by county 13 standards, so I was able to hire him on that 14 basis. 15 Q Okay. And all the other detectives 16 were supposed to work five-day, 40-hour weeks 17 and had to work weekends; isn't that right? 18 A I believe so, yes, sir. 19 Q And they had to take call and Mr. 20 Daryman did not have to take call; isn't that 21 correct? 22 A I believe he was willing to take 23 calls. I don't know that he did not have to. 24 Q Well, given his schedule would it 25 have been practical for him to be on the call</p>
<p>Page 172</p> <p>1 Q Is there any reason for that other 2 than just doing it? 3 A It was too difficult to maintain. I 4 think it took away from the other duties of the 5 detectives. 6 Q In what way? 7 A Well, they were more busy in 8 maintaining accreditation than doing the job 9 that had to be done. 10 Q How so were they more busy with -- 11 What did they have to do with accreditation that 12 would stop them from doing their job? 13 A Well, there's a lot of paperwork. 14 Q Are you talking about the paperwork 15 to maintain the accreditation? 16 A Yeah. 17 Q Okay. All right. In fact, in the 18 article Miss Downing is quoted that 19 accreditation may help to correct misperceptions 20 about the bureau, which hasn't exactly enjoyed a 21 stellar reputation in the law enforcement 22 community, let alone the public. 23 Would you agree with that statement? 24 A Yes, sir. 25 Q Now, just going back to Voyzey for a</p>	<p>Page 174</p> <p>1 rotation if he couldn't work weekends? 2 A No, but I don't know that he couldn't 3 work weekends. I thought that he was -- there 4 were weekends that he -- it would indicate that 5 he could work. 6 Q Now, did you have discussions with 7 Becky Downing concerning the hiring of Mr. 8 Daryman? 9 A Yes. 10 Q Did they involve this issue of Mr. 11 Daryman's schedule, again, working the four 12 eight-hour days and not having to take call and 13 not working on weekends? 14 A I believe they did, yes. 15 Q Okay. And did Miss Downing indicate 16 to you that that could present labor problems 17 for you? 18 A I don't know that she indicated that 19 could create labor problems, but she was not in 20 favor of it. I don't recall the rationale for 21 her opposition. 22 Q Did she express her rationale for 23 opposition? 24 A I don't recall her doing that. 25 Q Did she ever tell you that if you</p>



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1 treated Mr. Daryman differently than the other  
 2 members of the bargaining unit, i.e., having to  
 3 work a special schedule, not working weekends,  
 4 that that could lead to either a labor grievance  
 5 or an unfair labor practice?  
 6 A She may have, sure.  
 7 Q Now, did you at some point agree not  
 8 to hire Mr. Daryman after a discussion with Miss  
 9 Downing?  
 10 A No.  
 11 Q There was never any discussion?  
 12 A Did I agree not to hire him?  
 13 Q Yes.  
 14 A No.  
 15 Q You never had any discussion at  
 16 Subway with Miss Downing, wherein, it was  
 17 discussed that you would not be hiring Daryman?  
 18 A No.  
 19 Q Now, do you remember a meeting where  
 20 the detectives were brought into your office  
 21 with Miss Downing to discuss the Daryman hire?  
 22 A I think. I'm not sure which meeting  
 23 you might be referring to.  
 24 Q Do you remember a meeting with Miss  
 25 Downing and all the detectives in your office

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1 concerning the issue?  
 2 A Is that when she spit on my desk?  
 3 Q Did she spit on your desk?  
 4 A Or made a spitting motion on the  
 5 paper.  
 6 Q Well, which one was it?  
 7 A Depending on the interpretation, you  
 8 could probably interpret it as being either.  
 9 Q Well, I mean, did any spittle or  
 10 expectorant come out of her mouth?  
 11 A I didn't wipe my hand on anything to  
 12 check that.  
 13 Q Well, did you observe any?  
 14 A No.  
 15 Q And did you have an open-door policy  
 16 at that time?  
 17 A Always.  
 18 Q What did you understand your  
 19 open-door policy to be?  
 20 A The door was open to anyone at any  
 21 time to talk to me about anything.  
 22 Q And if they had any complaints,  
 23 problems, they could come in and talk to you  
 24 about it?  
 25 A Yes, sir.

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1 Q Did that include the county  
 2 detectives?  
 3 A Absolutely.  
 4 Q When Miss Downing brought the county  
 5 detectives to your office, she was exercising  
 6 that open-door policy; was she not?  
 7 A Yes.  
 8 Q Okay. And isn't it true that all the  
 9 detectives at the meeting told you that they  
 10 were not in favor of hiring Daryman because of  
 11 the special schedule?  
 12 A I don't recall them telling me that,  
 13 no.  
 14 Q Well, what do you recall them saying?  
 15 A I don't -- They were with Becky, and  
 16 I don't know that any of them were talking  
 17 except Becky. And all she did was spit on the  
 18 paper.  
 19 Q That's all she did? Did she say  
 20 anything?  
 21 A We had a little discussion about  
 22 Daryman and how she thought this was an insult  
 23 to her because she had just successfully  
 24 prosecuted Detective Ingle.  
 25 Q And didn't she not say that it was

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1 improper to treat Mr. Daryman specially, to give  
 2 him this special schedule and him not having to  
 3 work weekends and the like? Didn't she express  
 4 her opposition to that?  
 5 A Yes.  
 6 Q And didn't the other detectives also  
 7 express their opposition to that special  
 8 schedule as well?  
 9 A See, that's -- I don't recall them  
 10 doing that.  
 11 Q All right. Is it that you don't  
 12 believe that they did that, or you don't  
 13 remember one way or another?  
 14 A I don't recall them doing that.  
 15 Q Okay. You don't recall any of the  
 16 other detectives saying anything?  
 17 A I don't dispute that if that's what  
 18 they say.  
 19 Q Well, there's been some of them that  
 20 have testified that said --  
 21 A Okay.  
 22 Q -- they expressed their opposition.  
 23 Do you dispute that they did?  
 24 A But I don't recall that.  
 25 Q Do you dispute that they did?

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<p>1 A If they're saying it, no.</p> <p>2 Q In fact, didn't at least one of the</p> <p>3 detectives advise at the meeting that there</p> <p>4 would be a labor grievance or an unfair labor</p> <p>5 practice if Daryman was hired under those terms?</p> <p>6 A I don't know.</p> <p>7 Q You don't remember one way or</p> <p>8 another; is that right?</p> <p>9 A Right. Would that have been a</p> <p>10 threat?</p> <p>11 Q I don't know if it's a threat or a</p> <p>12 statement, I'm just asking you was it expressed?</p> <p>13 A I don't recall.</p> <p>14 Q Okay. Now, tell me exactly what you</p> <p>15 remember Becky Downing doing with respect to</p> <p>16 this piece of paper and what she said.</p> <p>17 A As I recall, she spit on the desk.</p> <p>18 Q She actually spit on the desk?</p> <p>19 A As I recall, yeah.</p> <p>20 Q Or did she spit -- Or did she</p> <p>21 supposedly spit on a piece of paper?</p> <p>22 A Well, she says she spit on the paper.</p> <p>23 Q I don't want to hear what she said.</p> <p>24 A Maybe --</p> <p>25 Q I want to know what you said.</p>	<p>1 only my -- one man's opinion.</p> <p>2 Q Did she tell you at the meeting that</p> <p>3 it was not personal with Daryman, but rather the</p> <p>4 objection was to terms under which he was hired?</p> <p>5 A I'm not sure she said that</p> <p>6 specifically, but, you know, if that was the</p> <p>7 gist of the conversation and it was about</p> <p>8 Daryman, which it was, she probably did say</p> <p>9 that.</p> <p>10 Q Now, did you consider it</p> <p>11 insubordination --</p> <p>12 A Absolutely.</p> <p>13 Q -- for her to have made this spitting</p> <p>14 gesture?</p> <p>15 A Insubordination? I'm not sure</p> <p>16 insubordination. Certainly disrespect.</p> <p>17 Q Okay. Well, did you --</p> <p>18 A I mean, I didn't order her not to</p> <p>19 spit. Of course, I didn't have the chance to do</p> <p>20 that. She had already done it. So it wouldn't</p> <p>21 have been insubordination.</p> <p>22 Q You considered it to be highly</p> <p>23 disrespectful; isn't that right?</p> <p>24 A Highly disrespectful.</p> <p>25 Q And you were highly offended by that,</p>
<p style="text-align: right;">Page 180</p> <p>1 A Maybe the paper was on the desk at</p> <p>2 the time.</p> <p>3 Q Well, what do you remember? That's</p> <p>4 what I want to know. Not what she said or what</p> <p>5 she testified to. I want to know what you</p> <p>6 remember, what you observed with your own two</p> <p>7 eyes.</p> <p>8 A I remember -- I remember her spitting</p> <p>9 on the desk, but I can't say for sure that the</p> <p>10 paper wasn't in the way. So, that's all I can</p> <p>11 say.</p> <p>12 Q But if the paper was in the way, it</p> <p>13 was sitting on the desk; is that right?</p> <p>14 A As I recall, yeah.</p> <p>15 Q Okay. And you said before that you</p> <p>16 didn't see her actually expectorate any spittle</p> <p>17 or expectorant on that paper; isn't that right?</p> <p>18 A Right.</p> <p>19 Q So it would have been a spitting</p> <p>20 gesture; is that right?</p> <p>21 A Yeah. If nothing was ejected, that</p> <p>22 would be a spitting gesture, yes.</p> <p>23 Q Okay. All right. Now --</p> <p>24 A I think it was disrespectful whether</p> <p>25 it was on the paper or on the desk, but that's</p>	<p style="text-align: right;">Page 182</p> <p>1 weren't you?</p> <p>2 A I was, yeah.</p> <p>3 Q I'm sure you sent her a written</p> <p>4 reprimand immediately about that, didn't you?</p> <p>5 A I sent her something.</p> <p>6 Q Did you send her a written reprimand?</p> <p>7 A I don't know. I may have. I think</p> <p>8 there's a written reprimand in there somewhere.</p> <p>9 I think it was eventually withdrawn.</p> <p>10 Q I know there was one written</p> <p>11 reprimand that was eventually withdrawn. Do you</p> <p>12 remember a written reprimand over the so-called</p> <p>13 spitting incident?</p> <p>14 A No, sir, I don't.</p> <p>15 Q And did you consider her actions at</p> <p>16 that meeting to be insubordinate?</p> <p>17 MR. BLAKEY: He's already answer</p> <p>18 that.</p> <p>19 BY MR. LAVERY:</p> <p>20 Q No. I mean, other than the spitting</p> <p>21 issue. Other than the spitting issue, did you</p> <p>22 consider anything else that she said at that</p> <p>23 meeting to be insubordinate?</p> <p>24 A Well, she was venting her spleen,</p> <p>25 which she's fully entitled to do.</p>

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1 Q I know you already said that. So, is  
 2 there --  
 3 A Okay.  
 4 Q -- anything else that she did --  
 5 A I'm just trying to answer your  
 6 question. I'm not sure what's your definition  
 7 of insubordinate. She wasn't disobeying any  
 8 orders, so I guess that couldn't be  
 9 insubordinate, but certainly disrespectful and  
 10 insulting, if you will.  
 11 Q The spitting part of it?  
 12 A Well, do you want to limit it or  
 13 don't you?  
 14 Q Well, no. I'm saying --  
 15 A You're talking about everything else  
 16 except the spitting.  
 17 Q No, no. I want to find out  
 18 everything else. You're the one that had the  
 19 open-door policy. You said that she had a  
 20 perfect right to vent her spleen. I'm trying to  
 21 find out what in the venting of her spleen did  
 22 you find disrespectful, other than the spitting.  
 23 That's all I'm asking you.  
 24 A Her manner, the tone of her voice,  
 25 the volume of her voice, it was all

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1 disrespectful.  
 2 Q Well, hadn't other employees come to  
 3 your office and expressed their views or vented  
 4 their spleen in a loud tone of voice, argued  
 5 with you like that?  
 6 A Sure.  
 7 Q In fact, that's the essence of an  
 8 open-door policy, isn't it?  
 9 A Yes, sir. Well, I think you can use  
 10 a little class, for lack of a better word, when  
 11 you express yourself, and so forth. You don't  
 12 necessarily have to raise your voice. You don't  
 13 have to scream and yell. You don't have to yell  
 14 and pound on the desk and spit on the desk, and  
 15 so forth.  
 16 So, there are degrees, but I don't  
 17 have any problem with -- As a matter of fact, I  
 18 welcome the conversation, but you can be  
 19 civilized about it.  
 20 Q Okay. But you do acknowledge in  
 21 these open-door sessions people do from time to  
 22 time come in and vent their spleens in a loud  
 23 manner? Would you agree with that?  
 24 A Very rarely, but yes, it does happen.  
 25 Q And you never disciplined anybody for

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1 that, did you?  
 2 A No.  
 3 Q Now, isn't it true that Bill Graff  
 4 actually called your wife a drug addict?  
 5 A Not to her face.  
 6 Q Well, whether it was to her face or  
 7 to someone else, didn't he call your wife a drug  
 8 addict?  
 9 A No. No.  
 10 Q Did he say anything about your wife  
 11 and drugs?  
 12 A At some point he indicated to another  
 13 party that a certain person was my wife's drug  
 14 supplier.  
 15 Q Okay. Well, that would indicate your  
 16 wife uses drugs, right?  
 17 A Well, but that's not the way you had  
 18 it phrased before.  
 19 Q Okay, I'm sorry. I'll phrase it your  
 20 way. Who was the other party? Was that  
 21 somebody in the office?  
 22 A No, um-hm.  
 23 Q Who was it?  
 24 A I can't remember who -- I can't  
 25 remember -- I think it was a defendant.

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1 Q A defendant?  
 2 A Yeah.  
 3 Q In a case?  
 4 A Yeah.  
 5 Q An A.D.A. told a defendant in a  
 6 case --  
 7 A No, no.  
 8 Q -- that someone was your wife's --  
 9 A He told an acquaintance of my wife  
 10 that that defendant was my --  
 11 Q Wife's drug --  
 12 A -- wife's drug supplier.  
 13 Q Drug supplier. And did you fire Mr.  
 14 Graff for that?  
 15 A I did.  
 16 Q You did. Is he still at the D.A.'s  
 17 office?  
 18 A Yes, sir.  
 19 Q How did that happen?  
 20 A I guess it didn't take.  
 21 Q What do you mean it didn't take?  
 22 A Well, he showed up Monday and I  
 23 didn't pursue it.  
 24 Q Let me get this straight.  
 25 A He apologized and I said okay.

1 Q This guy calls your wife a drug --  
 2 A No, no, no.  
 3 Q He says this to a third party that  
 4 your wife -- that someone, who is a defendant in  
 5 a case, is your wife's drug supplier. You fire  
 6 him, he refuses to leave, and he tells you he's  
 7 sorry and that's fine. Is that the way it  
 8 happened?  
 9 A That's pretty much the way it  
 10 happened.  
 11 Q Okay. That was disrespectful, wasn't  
 12 it?  
 13 A Absolutely.  
 14 Q That's a lot more disrespectful than  
 15 the spitting on the desk; isn't it?  
 16 A Well, you use your standards.  
 17 Q I'm asking what yours are. I know  
 18 what mine are. What are yours?  
 19 A That's disrespectful.  
 20 Q I think so.  
 21 A But I got an apology.  
 22 Q That made it all right; is that  
 23 right?  
 24 A In that case it did, yes.  
 25 Q Now, according to paragraph 18A of

1 MR. LAVERY: I read it that his  
 2 averment is that it did detract; isn't that  
 3 right?  
 4 MR. BLAKEY: Yeah. You said in your  
 5 Complaint that it did not.  
 6 MR. LAVERY: Right.  
 7 MR. BLAKEY: And the answer says it  
 8 did.  
 9 MR. LAVERY: It did, okay. That's  
 10 what I'm getting at.  
 11 BY MR. LAVERY:  
 12 Q That's your averment, isn't that  
 13 right, Mr. Rebert?  
 14 A Repeat again what --  
 15 Q Your averment is that the conflict  
 16 with respect to the employment of Daryman did  
 17 detract from the effective/efficient operation  
 18 of your office. Isn't that your contention?  
 19 A Okay.  
 20 Q Is that your contention?  
 21 A Yes, sir.  
 22 Q Okay. And you'll agree with me that  
 23 there can't be much more conflict with respect  
 24 to employment than someone supposedly spitting  
 25 on your desk. Would you agree with that?

1 your Complaint, the conflict relating to the  
 2 employment of Daryman detracted from the  
 3 efficient/effective operation of the office.  
 4 I'll show it to you if you want.  
 5 A Well, just read it to me.  
 6 Q The Answer to the Amended Complaint.  
 7 THE COURT REPORTER: It's number 1.  
 8 MR. JACOB: No, 2.  
 9 MR. LAVERY: 4. This is 18A.  
 10 MR. BLAKEY: What page are you on?  
 11 MR. LAVERY: 3.  
 12 BY MR. LAVERY:  
 13 Q That's the answer, right?  
 14 A (No verbal answer.)  
 15 Q You say: Denied with respect to the  
 16 conflict relating to Rebert's employment of  
 17 Daryman, which did detract from the  
 18 effective/efficient operation of the D.A.'s  
 19 office; isn't that right?  
 20 A Let me review the whole thing here.  
 21 MR. BLAKEY: How can you read it  
 22 without the Complaint?  
 23 MR. LAVERY: Yeah, it's right here.  
 24 Here you go.  
 25 (Document handed to Mr. Blakey.)

1 A There can't be much --  
 2 Q There can't be much more conflict  
 3 than somebody supposedly spitting on your desk,  
 4 isn't that right, sir?  
 5 A Well --  
 6 Q That's pretty --  
 7 A -- it could be, but that's pretty --  
 8 Q It's up there on the conflict scale,  
 9 isn't it?  
 10 A In the conflict scale?  
 11 Q Yeah. That's a pretty -- That's a  
 12 pretty good piece of conflict, isn't it?  
 13 A Okay.  
 14 Q And did you ask for a resignation?  
 15 A Not at that time, no.  
 16 Q Did you suspend her?  
 17 A No.  
 18 Q And, in fact, you didn't even issue a  
 19 written reprimand, did you, for that?  
 20 A No, sir. I'm not big on discipline.  
 21 Q In fact, a couple days later you were  
 22 laughing about the incident, isn't it true, sir?  
 23 A I don't know. Probably.  
 24 Q Staying with that same paragraph,  
 25 admitted, that Miss Downing's limited discussion

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1 with Rebert as to some of the matters alleged in  
 2 her Complaint, while bothersome, were manageable  
 3 and did not detract from the operation of the  
 4 D.A.'s office. Do you see that?  
 5 A Yes, sir.  
 6 Q Is it fair to say that any of the  
 7 other matters that she raised with you, whatever  
 8 they are, in your view did not detract from the  
 9 operation of the district attorney's office?  
 10 Would you agree with that, sir?  
 11 A At that point in time, yes.  
 12 Q And how are the limited discussions  
 13 with Miss Downing on some of the matters alleged  
 14 in her Complaint bothersome to you? How did  
 15 they bother you?  
 16 A Which conversations? Which --  
 17 Q I'm just looking at your language.  
 18 A Which discussions?  
 19 Q I'll read it for you and you can tell  
 20 me which discussions and tell me how they were  
 21 bothersome. Admitted, that Miss Downing's  
 22 limited discussions with Rebert as to some of  
 23 the matters alleged in her Complaint, while  
 24 bothersome, were manageable and did not detract  
 25 from the operation of the D.A.'s office.

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1 My question to you is, what are you  
 2 talking about and how were these matters  
 3 bothersome but manageable?  
 4 A Well, I guess I need to see the --  
 5 Q Sure.  
 6 A -- the allegations in the first  
 7 place --  
 8 (Document handed to Deponent.)  
 9 THE DEPONENT: -- to see what my  
 10 lawyers are denying.  
 11 What were the matters of public  
 12 concern? (Pause.) Spoke out on these matters  
 13 of public concern. What are the matters of  
 14 public concern?  
 15 BY MR. LAVERY:  
 16 Q All I'm asking, sir, and maybe you  
 17 may have answered it. I'm just trying to find  
 18 out what your -- Your averment says that she had  
 19 limited discussions with you as to some of the  
 20 matters alleged in her Complaint. That's the  
 21 averment there. You further aver, your lawyer  
 22 further avers that these were bothersome, but  
 23 were manageable and did not detract --  
 24 A Okay. But --  
 25 Q -- from the operation of the office.

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1 My -- Let me -- and you can -- Let me just  
 2 finish the question.  
 3 My question to you is, which matters  
 4 and how were they bothersome?  
 5 A Okay. Well, then I have to ask the  
 6 question back to you, because you relate in your  
 7 Complaint, spoke out on matters of public  
 8 concern, and I don't know what those matters  
 9 are.  
 10 MR. BLAKEY: This is a very general  
 11 question much like the one I asked and you  
 12 objected to. Do you want to go back over  
 13 everything that Downing allegedly complained  
 14 about and ask him was that bothersome or not?  
 15 MR. LAVERY: No, um-hm. I really  
 16 don't. In fact, I'm trying to move this along.  
 17 That's why I'm asking it to him in a gentle way.  
 18 MR. BLAKEY: I think it's very hard  
 19 for him. He's recited now dozens of alleged  
 20 complaints, admitted to some and not -- says he  
 21 doesn't remember others.  
 22 MR. LAVERY: And you're right.  
 23 BY MR. LAVERY:  
 24 Q I guess -- Let me ask you this. And  
 25 maybe this will clarify it. I'm not really

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1 trying to give you a hard time on it. I'm just  
 2 trying to move this along.  
 3 Whatever she did discuss with you,  
 4 would you agree that the matters, while you  
 5 thought were somewhat bothersome, did not  
 6 detract from the office and the management of  
 7 the office? Would that be fair to say?  
 8 A At that point in time, yes, sir.  
 9 Q All right. Would you know of any  
 10 other matter other than the Daryman issue that  
 11 she raised later that detracted from the office  
 12 other than the Daryman -- the operation of the  
 13 office other than the Daryman matter?  
 14 A That she raised later?  
 15 Q Yeah. You said at this point in  
 16 time. Did she raise anything later? I know you  
 17 said Daryman affected the operation of the  
 18 office.  
 19 My question to you is, other than her  
 20 raising Daryman after this point in time, did  
 21 she raise anything else that affected the  
 22 efficient operation of the office? That's my  
 23 question, other than Daryman.  
 24 A I'm not sure what you mean by raised  
 25 other issues. I mean, there were other issues

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1 that developed that detracted from the office.  
 2 Q That's what I'm talking about. Were  
 3 there any other complaints that she made that  
 4 detracted from the overall effective operation  
 5 from the office after this time? That's my  
 6 point. I'll get to the things that she  
 7 supposedly did. I'm talking about, did she make  
 8 any other complaints other than Daryman?  
 9 A Well, complaints that her detectives  
 10 were being used for matters that shouldn't be  
 11 related to detective duties as she saw them, if  
 12 that's an example.  
 13 Q Okay. That might -- Were there any  
 14 other complaints that she made?  
 15 A Again, I'm just not clear as to what  
 16 you mean as far as complaints go. Her  
 17 unavailability, her not appearing --  
 18 Q That's not --  
 19 A -- or participating in meetings, are  
 20 you going to that degree? Or are you just  
 21 talking --  
 22 Q No. I'm talking about things that  
 23 she complained about. You said she complained  
 24 about the use of her detectives, and you said  
 25 that was a problem.

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1 A Okay.  
 2 Q My question is, other than the use of  
 3 her detectives and Daryman, was there anything  
 4 else that she complained about that you felt was  
 5 a problem with the office in the operation of  
 6 the office? That's all I'm asking.  
 7 A (Pause.) Well, she would talk about  
 8 specific individuals that ought to be  
 9 disciplined and sanctioned, and so forth, over  
 10 which she really had no control.  
 11 Q Such as who?  
 12 A Susan Voyzey for one.  
 13 Q Okay. Anybody else?  
 14 A Paul Crouse for another.  
 15 Q Okay. Was Paul Crouse --  
 16 A Bill Graff. I mean, she complained  
 17 about everybody.  
 18 Q We already talked about Voyzey,  
 19 right?  
 20 A Yeah. We've talked about Voyzey,  
 21 yes.  
 22 Q Okay. And you said she also  
 23 complained about Paul Crouse should be  
 24 disciplined. What did she complain that Paul  
 25 Crouse should have been disciplined for?

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1 A For appearing at Ken Ingle's  
 2 sentence.  
 3 Q And perjuring himself?  
 4 A I never heard any allegation that he  
 5 perjured himself. Did she tell me that?  
 6 Q Yeah. Did she tell you that; that he  
 7 lied at that hearing?  
 8 A No, she didn't tell me that.  
 9 Q Did anybody else --  
 10 A Did he?  
 11 Q -- tell you that? Did anybody else  
 12 tell you that?  
 13 A No.  
 14 Q What did she complain about Mr.  
 15 Graff? Was that the unarresting of Mr. Fitzkee?  
 16 A No, she was always complaining about  
 17 Bill Graff not buying her a car, or whatever.  
 18 Q What did she complain about Mr. Graff  
 19 that he should have been disciplined for?  
 20 A No, I don't know that she talked  
 21 about disciplining Bill Graff.  
 22 Q Okay. Well, you said there were a  
 23 lot --  
 24 A But she did complain.  
 25 Q All right. Was there anybody else

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1 other than Voyzey and Crouse that she complained  
 2 about that should be disciplined?  
 3 A I believe and I'm not positive, but I  
 4 believe the Josh Neiderheiser incident, she was  
 5 the moving party in that.  
 6 Q Is that the one with Carletta's  
 7 breasts?  
 8 A No. That's the definition of sexual  
 9 harassment.  
 10 Q Oh, okay. All right. I'll get to  
 11 that one. That is later on. That's two  
 12 thousand -- Anything else? Any other complaints  
 13 that she recommended discipline on?  
 14 A Well, I understand she disciplined  
 15 her secretary, but I guess she thought that was  
 16 within her ability, although my understanding  
 17 is, disciplining goes through Mr. Crouse.  
 18 Anybody else? I'm only basing this  
 19 on her testimony, so, I think she --  
 20 Q I want to know what you know; not her  
 21 testimony. I want to know what you remember.  
 22 A Well, I heard her testimony.  
 23 Q I know. But I mean, I want to know  
 24 what you remember; not what she testified to.  
 25 So you tell me what you remember. If her

1 testimony refreshes your recollection, that's  
2 fine. But I want to know what you remember --

3 A Okay.

4 Q -- not what she testified to.

5 A Okay.

6 Q Do you remember any of the complaints  
7 that she made about people who should be  
8 disciplined?

9 A (Pause.) Well, Rodney George.

10 Q What was the incident with Mr. George  
11 that she thought -- Was that the one back with  
12 the Hillary Clinton thing?

13 A Hillary Clinton.

14 Q Okay. Anything else?

15 A Daryman for -- Oh, we're not doing  
16 Daryman.

17 Q Yeah, I know Daryman. As I said,  
18 other than Daryman.

19 A Not that I can recall right now.

20 (Rebert Exhibit Number 16 was marked  
21 for identification)

22 Q I'm showing you Rebert 16, which I  
23 think was also marked in Miss Downing's  
24 deposition as well. That's your memo to Miss  
25 Downing on March 18th about the Daryman hire; is

1 (Rebert Exhibit Number 17 was marked  
2 for identification)

3 Q I'm showing you your memo of March  
4 21st, 2003, to Miss Downing, which we marked as  
5 Rebert 17. I think that may have also been  
6 marked in Miss Downing's deposition. I'm not  
7 sure.

8 A It was.

9 Q Okay. Specifically, I'm referring to  
10 the third paragraph.

11 A Yes, sir.

12 Q You said. That having been said,  
13 this is not about Daryman. This is about Graff.  
14 Try as you will, you will not turn me against  
15 Bill Graff.

16 A And why you're doing that is beyond  
17 me.

18 Q Um-hm.

19 A You both have worked well together.  
20 You both can be a large pain in the ass but,  
21 sooner or later, you get what you need.

22 Q Okay.

23 A If there is an impasse, I'll take the  
24 bullet. You're basically forcing me to make a  
25 choice that is not necessary; nor is it fair to

1 that correct?

2 A Yes, sir.

3 Q In there you indicate that he can  
4 work four days at the most, which would be the  
5 special schedule; isn't that right?

6 A Yes, sir.

7 Q Then you say: To add insult to  
8 injury, I would like to have him report directly  
9 to Bill.

10 A Yes, sir.

11 Q Okay. Did you consider that would be  
12 an insult to Miss Downing?

13 A Yes, sir.

14 Q Okay. Now, you say: Try to put the  
15 personalities aside and let your loyalty to the  
16 boss guide you. Why did you believe there was a  
17 personality issue there?

18 A Well, she had made it clear to me  
19 that she didn't think John Daryman should be  
20 working there, so that's why I requested that  
21 she approve of Daryman reporting to me.

22 Q Okay. And her complaint about  
23 Daryman was the special schedule; isn't that  
24 right?

25 A Okay. Yes, sir.

1 me.

2 Q Is it accurate that at that point you  
3 felt this situation was not about Daryman but it  
4 was about Graff?

5 A Well, Daryman and Graff were very  
6 close, and, you know, I think Becky resented  
7 both of them. I think in large measure Graff  
8 was a contributing factor to the conflict as  
9 well as John.

10 Q But yet, you specifically used the  
11 language, this is not about Daryman. Is that an  
12 accurate statement?

13 A That's what it says, yes, sir.

14 Q At that point you said that both  
15 Becky and Graff could be a large pain in the  
16 ass; isn't that right?

17 A Yes, sir.

18 Q Because they would both complain and  
19 make complaints; is that right?

20 A Yes, sir.

21 Q By the way, did Rodney George ever  
22 scream and curse at you at a meeting over an  
23 A This grant or some sort of grant?

24 A I had my screaming matches with  
25 Rodney. He and Becky were very similar, in

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<p>1 that, they both thought if they talked louder 2 than the other one they would win the argument. 3 Q Okay. So, you remember Mr. George 4 screaming and cursing at a meeting with you; is 5 that right? 6 A Yes, sir. 7 Q Okay. Was he disciplined for that? 8 A I don't believe so, no, sir. 9 Q Didn't Miss Downing remark to you 10 about, why did you let him talk to you like 11 that? 12 A I don't recall her specifically 13 saying that, but she very well may have after 14 the shouting match, yes. 15 Q Okay. Did not Miss Downing and Doug 16 Demangone tell you that Mr. Daryman at his 17 orientation had said that he would not abide by 18 the rules and regulations of the detective 19 bureau? 20 A I think I was there at the time, and 21 I said yes, you will, John. But yes, he did say 22 that. 23 Q Isn't that insubordinate? 24 A Well, I think perhaps if we did -- He 25 had done that in the future and had not abided</p>	<p>1 Q You don't remember him ever using the 2 f-word directed at her at a meeting that you 3 were present at? 4 A I'm sorry, I don't specifically 5 recall it, but it very well may have happened. 6 Q Would that be -- 7 A I was there? 8 Q That's what he said. 9 A Okay. 10 Q Assuming that he is telling the truth 11 in his deposition, would that be something that 12 would be disrespectful? 13 A Yes, sir. 14 Q Was he ever disciplined for any 15 disrespect that he showed? 16 A I don't believe so. 17 Q Wasn't it also your understanding 18 that Mr. Daryman was to take a polygraph as part 19 of the hiring process? 20 A Yes, sir. 21 Q Weren't you told on several occasions 22 that Mr. Daryman had refused to take the 23 polygraph? 24 A No, sir. 25 Q Weren't you told that he wouldn't</p>
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<p>1 by the rules and regulations, yes, it would be. 2 Q Do you consider -- 3 A But I was confident that he would 4 abide by the rules and regulations at my behest. 5 Q But do you consider it to be 6 insubordination for a new employee to come in 7 and say, I'm not going to abide by the rules and 8 regulations of the bureau? Do you consider that 9 to be insubordinate? 10 A I don't know. I don't know the 11 answer to that question. 12 Q Was Mr. Daryman ever disciplined for 13 his -- 14 A For making that statement? 15 Q Yeah. For saying, I'm not going to 16 abide by the rules and regulations of this 17 bureau. 18 A As I recall, I told him he would. 19 But, he was not disciplined for making that 20 statement, no. 21 Q There was a meeting, was there not -- 22 At Mr. Daryman's deposition admitted that he was 23 throwing the f-word at a meeting with Becky 24 Downing. Do you remember that? 25 A No, sir, I don't.</p>	<p>1 schedule his polygraph? 2 A No, sir. 3 Q You were never told of any problems 4 with getting Mr. Daryman to take a polygraph? 5 A I learned that he did not -- I 6 thought he had taken it. I learned later that 7 he had not. That's the only thing that I 8 recall. 9 Q Okay. And you specifically told him 10 that that would be one of the things that he 11 would have to comply with, isn't that correct, 12 sir? 13 A Yes, sir. 14 Q Was he ever disciplined for not 15 taking that polygraph test? 16 A No, sir. I thought he had. 17 Q But you later found out that he 18 didn't; isn't that right? 19 A Yeah, but that wasn't until fairly 20 recently. 21 Q All right. How you ever made him 22 take it? 23 A No, sir. 24 Q Okay. Have you disciplined him since 25 you learned that he didn't take it after he told</p>



1 you that he did?  
 2 A No, sir.  
 3 MR. BLAKEY: I don't think the record  
 4 reflects --  
 5 MR. LAVERY: No, you're right.  
 6 You're right.  
 7 MR. BLAKEY: Hold it. I want to get  
 8 on the record. The record doesn't reflect the  
 9 fact that John Daryman told him that --  
 10 MR. LAVERY: No, you're right. Let  
 11 me withdraw that. I should ask him that  
 12 question. You're right.  
 13 BY MR. LAVERY:  
 14 Q Did Mr. Daryman tell you that he had  
 15 taken the polygraph?  
 16 A No, I don't believe he did.  
 17 Q What was the basis of your belief  
 18 that he had taken it, then?  
 19 A I just thought he had.  
 20 (Rebert Exhibit Number 18 was marked  
 21 for identification)  
 22 Q Rebert 18 appears to be a memo that  
 23 you wrote to Bill Graff dated April 4th, 2003.  
 24 A Yes, sir.  
 25 Q References a meeting on April 3rd,

1 Q Then at the end you put, in the  
 2 meantime, our only option is to simply not to  
 3 put him in the vacant county detective spot, but  
 4 maintain him on his part-time duties and pay him  
 5 out of the drug fund. Please see me ASAP.  
 6 Was that your solution at that point?  
 7 A Apparently, yes, sir.  
 8 Q Okay. I show you the next --  
 9 (Rebert Exhibit Number 19 was marked  
 10 for identification)  
 11 Q Rebert 19 is a memo to Mr. Donahue  
 12 from you dated April 17, 2003.  
 13 A Yes, sir.  
 14 Q And that references that under the  
 15 county handbook, 32 hours is a full-time  
 16 employee; is that right?  
 17 A Yes, sir.  
 18 Q What had changed between the memo of  
 19 April 4th where you said that Noll, Luker and  
 20 the labor counsel said that he had to work a  
 21 full-time position, eight hours a day, five days  
 22 a week and this memo where he can work a 32-hour  
 23 week, four days a week?  
 24 A I don't know. As I recall, at that  
 25 time the 32 hours was a full-time workweek by

1 reviewing every possible job scenario with Chuck  
 2 Noll, Sharon Luker and their labor counsel with  
 3 regard to John Daryman.  
 4 A Yes, sir.  
 5 Q And you were told that since the  
 6 union does not have a contract, anything other  
 7 than a full-time position, eight hours per day  
 8 for a five-hour (sic) week cannot be  
 9 accomplished; isn't that right?  
 10 A Yes, sir.  
 11 Q And you were told that by Mr. Noll,  
 12 who's the county clerk; Sharon Luker, who was  
 13 the head of H.R., and the labor counsel for the  
 14 county; isn't that right?  
 15 A Yes, sir.  
 16 Q Okay. Were they telling you anything  
 17 differently than what Becky Downing was telling  
 18 you at that point?  
 19 A No, sir.  
 20 Q And specifically at that point you  
 21 had indicated, if we're going to have to hire  
 22 John, he's going to have to come on as a  
 23 full-time employee with those hours; isn't that  
 24 right?  
 25 A Yes, sir.

1 county standards, so I thought that would  
 2 qualify as full time, but I don't know what  
 3 changed between those two memos. If the 32-hour  
 4 workweek was full time by county standards, then  
 5 there should have been no prohibition from  
 6 hiring him as a full-time employee as my prior  
 7 memorandum indicated.  
 8 Q But didn't the rules and regulations  
 9 of the D.A.'s department at that point mandate  
 10 the five-day, eight-hour schedule?  
 11 A I don't know.  
 12 Q Were you going to treat Mr. Daryman  
 13 specially even if it violated the rules and  
 14 regulations that you had approved and signed and  
 15 that applied to everybody else?  
 16 A To hire him, yes. If that would have  
 17 been required, I apparently was going to do  
 18 that.  
 19 Q Did any of these individuals, Noll,  
 20 Luker and -- I won't ask you about the labor  
 21 counsel. I'll just ask you about Noll and  
 22 Luker. Did they ever indicate that if you hired  
 23 Mr. Daryman under this arrangement, that it  
 24 could cause you labor problems?  
 25 A Not that I'm aware of. I don't

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1 and he said yes. Is that accurate?  
 2 A Yes.  
 3 Q He asked if I'd present a problem  
 4 with him getting a gun and police powers. I  
 5 said no. Is that accurate?  
 6 A According to her memo, yes.  
 7 Q I know what the memo says. I want  
 8 your recollection. To your recollection is that  
 9 accurate?  
 10 A Yes, sir.  
 11 Q I asked him who he'd report to and he  
 12 said Stan -- he said to Stan. Is that accurate?  
 13 A I suppose so, yes, sir.  
 14 Q I asked why? And it's indicated, in  
 15 case I have something secret.  
 16 At that meeting did you say that to  
 17 Miss Downing; that you wanted Daryman to report  
 18 to you in case you had something secret?  
 19 A I think she raised the term secret,  
 20 but yes, something to that effect was said.  
 21 Q And it goes on to say that she asked  
 22 why you would have something secret that he  
 23 couldn't tell the chief county detective. Do  
 24 you remember her raising that issue?  
 25 A Yes, sir.

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1 Q Okay. And it's not indicated that  
 2 you responded; is that accurate?  
 3 A Yeah. It kind of stops there without  
 4 any -- You'd like to see a to-be-continued note,  
 5 but there's nothing here.  
 6 Q Okay. Why did you tell her that you  
 7 wanted Daryman to report to you in case you have  
 8 something secret?  
 9 A That was said in jest. She said,  
 10 what do you mean? You want him to do your  
 11 secret investigations? I said yeah.  
 12 Q Okay. So she actually asked you if  
 13 you wanted him to do your secret  
 14 investigations --  
 15 A I think that's the way --  
 16 Q -- and you said yes?  
 17 A I think that's the way it went, yes,  
 18 sir. Secret stuff I think is the way she  
 19 referred to it.  
 20 Q Okay. So she asked you if you wanted  
 21 Daryman to do your secret stuff, and you said  
 22 yeah; is that right?  
 23 A Yes, sir.  
 24 Q Okay. Did you say, ah, just joking;  
 25 you know I'm joking?

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1 A No, I didn't say that.  
 2 Q Okay. Were you laughing when you  
 3 said it?  
 4 A I think I might have had a smirk on  
 5 my face, yes, sir.  
 6 Q Do you know whether you did or  
 7 didn't?  
 8 A I don't know that I did or didn't,  
 9 no.  
 10 Q Okay.  
 11 A I probably did.  
 12 Q Did you ever request Daryman, as he  
 13 reported to you, to obtain any criminal  
 14 background information on other people? Did you  
 15 ever ask him to do that?  
 16 A I don't believe so, no.  
 17 Q Well, what does he do when he reports  
 18 to you?  
 19 A Just tells me what he's been doing,  
 20 what he's been involved in.  
 21 Q Is that still the arrangement?  
 22 A Yes, sir.  
 23 Q So he doesn't report to Chief Mendez  
 24 either; isn't that right?  
 25 A He either -- Well, he does not report

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1 to Chief Mendez. You know, as I tried to stress  
 2 to John from day 1 and stressed all through this  
 3 relationship that he was to advise Becky and the  
 4 chief of what he was doing. Whether he was to  
 5 report to them per se, that may not be the case,  
 6 but he was to advise them of what he was doing.  
 7 Q Okay. The chain of command, though,  
 8 still under Chief Mendez is that Daryman reports  
 9 to you; isn't that right?  
 10 A Daryman reports to myself or Bill  
 11 Graff at this point. I don't -- But again,  
 12 keeping Chief Mendez advised of his activities.  
 13 Q The same arrangement that was in  
 14 place with Downing; isn't that right?  
 15 A I believe so.  
 16 Q So he's still being treated  
 17 specially, right?  
 18 A Yes, in your words.  
 19 (Rebert Exhibit Number 21 was marked  
 20 for identification)  
 21 MR. LAVERY: What's the number?  
 22 THE COURT REPORTER: 21.  
 23 BY MR. LAVERY:  
 24 Q That's a memo of April 25th, 2003,  
 25 from you to Miss Downing; isn't that right?

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<p>1 A Yes, sir.</p> <p>2 Q I believe that one may have been</p> <p>3 marked in her deposition, but I'm not sure.</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. You indicate towards the end</p> <p>6 of the first paragraph: Should the eventual</p> <p>7 county detective contract change the rules and</p> <p>8 mandate a different schedule, I'll have to cross</p> <p>9 that bridge when I come to it.</p> <p>10 What did you mean by that?</p> <p>11 A Well, I believe I meant that if the</p> <p>12 contract called for a 40-hour, five-consecutive-</p> <p>13 day week, there would probably be a grievance if</p> <p>14 John kept his schedule and we'd address it at</p> <p>15 that time.</p> <p>16 Q Okay. So you --</p> <p>17 A I'm assuming that's what I meant from</p> <p>18 that.</p> <p>19 Q And the contract was in arbitration</p> <p>20 at that point; isn't that right?</p> <p>21 A That I don't know.</p> <p>22 Q Eventually it did have to go to</p> <p>23 binding interest arbitration; isn't that right?</p> <p>24 A Yes, sir.</p> <p>25 Q So you knew there were going to be</p>	<p>1 Q Isn't it true that he was still</p> <p>2 submitting his schedule directly to Chief</p> <p>3 Downing until the blowup over the reprimand in</p> <p>4 late 2003?</p> <p>5 A Okay. Well, I don't know. If that's</p> <p>6 true, I can't deny it.</p> <p>7 (Rebert Exhibit Number 22 was marked</p> <p>8 for identification)</p> <p>9 Q This is a note of Becky Downing of</p> <p>10 October 21st, 2003, concerning a note over the</p> <p>11 discipline that she had -- or the reprimand that</p> <p>12 she had given Daryman over the scheduling issue.</p> <p>13 Do you remember that?</p> <p>14 A Yes.</p> <p>15 Q Do you remember having a meeting?</p> <p>16 That's the first question.</p> <p>17 A Yes, sir.</p> <p>18 Q Okay. It indicates in there that --</p> <p>19 It says in there: Daryman blew up at the end of</p> <p>20 it asking me as he held his up discipline, how</p> <p>21 can I avoid more of this until then? I told him</p> <p>22 to obey the rules. He told me he didn't break</p> <p>23 the rules. He stood and shouted again. I told</p> <p>24 him Stan -- I told Stan I will not be yelled at</p> <p>25 again in front of him. Did that take place?</p>
<p>Page 220</p> <p>1 potential contract issues if there was a</p> <p>2 different schedule mandated in the ultimate</p> <p>3 contract; isn't that right?</p> <p>4 A Apparently, yes, sir.</p> <p>5 Q And you knew there was a strong</p> <p>6 likelihood that if that took place, the union</p> <p>7 would file a grievance; isn't that right?</p> <p>8 A If Becky had anything to do with it,</p> <p>9 yes, sir.</p> <p>10 Q Okay. In fact, that's precisely what</p> <p>11 Miss Downing told you would happen; isn't that</p> <p>12 right?</p> <p>13 A You had said before that she had</p> <p>14 warned me that there would be labor difficulties</p> <p>15 down the road, and I don't recall her saying</p> <p>16 that, no. Could she have said that? Yes.</p> <p>17 Q And it also indicates about Daryman</p> <p>18 reporting directly to you. Do you see that?</p> <p>19 A Yes, sir.</p> <p>20 Q Who did his scheduling, though, at</p> <p>21 that point? Did you do that or was Chief</p> <p>22 Downing still doing that?</p> <p>23 A I think John was doing his own</p> <p>24 scheduling and submitting it to myself or to</p> <p>25 Bill Graff.</p>	<p>Page 222</p> <p>1 A Yes, sir.</p> <p>2 Q Was Mr. Daryman in any way</p> <p>3 reprimanded or disciplined for yelling at the</p> <p>4 chief?</p> <p>5 A For yelling at the chief?</p> <p>6 Q Yeah.</p> <p>7 A No. There was apparently a lot of</p> <p>8 yelling going on and nobody was reprimanded, no.</p> <p>9 Q Sounds like there's a lot of yelling</p> <p>10 in general going on in that office; is that</p> <p>11 right?</p> <p>12 A It's a hell of a place.</p> <p>13 (Rebert Exhibit Number 23 was marked</p> <p>14 for identification)</p> <p>15 Q This is a journal note, November 7,</p> <p>16 2003, marked as Rebert 23, Miss Downing's</p> <p>17 journal. Refer specifically to the last</p> <p>18 paragraph: Gave Stan my four-page letter</p> <p>19 reference, Daryman hiring. He asked me if when</p> <p>20 Daryman asked me about payroll Wednesday if I</p> <p>21 treated him like a white man. I told him I was</p> <p>22 quite professional and that John came</p> <p>23 tattletaling to daddy.</p> <p>24 Did you make a comment to Miss</p> <p>25 Downing at any time about treating Mr. Daryman</p>

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1 like a white man?  
 2 A Yes, sir.  
 3 Q Why would you make a racial statement  
 4 like that?  
 5 A It was an ignorant, unthinking  
 6 statement made behind closed doors, although  
 7 that does not excuse it. I have no excuse for  
 8 making that statement.  
 9 Q Did she complain about you making  
 10 that statement?  
 11 A Well, she just said that she was  
 12 quite professional.  
 13 Q Have you made that -- Do you use that  
 14 phrase commonly, treating people like white men?  
 15 A No, sir, although I am surprised that  
 16 she's unsettled by such comments when I see your  
 17 Exhibit Number 13 yesterday when she talked  
 18 about retarded people being in Hoss's when she  
 19 had lunch. I guess she was offended by that.  
 20 Q So you think a reference to a  
 21 retarded person is the same as asking whether  
 22 someone was treated like a white man?  
 23 A I don't think they're the same, no,  
 24 sir.  
 25 Q That's a pretty ignorant statement,

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1 isn't it?  
 2 A Which one is?  
 3 Q Treating somebody like a white man.  
 4 A Yeah, I said it was ignorant.  
 5 Q Did you apologize for making that  
 6 statement?  
 7 A No, sir.  
 8 Q And, in fact, you made that statement  
 9 to your chief county detective right in the  
 10 aftermath of the race riots trial, didn't you?  
 11 A Oh, I don't know about that. If the  
 12 timing was as such, I guess I did. I don't  
 13 know.  
 14 Q Okay.  
 15 A What I meant was, she should have  
 16 been more civil to John, which she constantly  
 17 had a problem with a lot of people.  
 18 Q So were you insinuating that black  
 19 people aren't civil?  
 20 A No.  
 21 MR. HUTCHINSON: Give it a rest.  
 22 THE DEPONENT: I was insinuating that  
 23 she wasn't civil.  
 24 (Rebert Exhibit Number 24 was marked  
 25 for identification)

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1 BY MR. LAVERY:  
 2 Q Rebert Number 24 is a memo from you  
 3 to Chief Downing dated October 29, 2003. Do you  
 4 see that?  
 5 A Yes, sir.  
 6 Q Okay. You indicate in the top  
 7 paragraph that he was -- that Mr. Daryman would  
 8 report directly to the district attorney and  
 9 that you will direct assignments, review,  
 10 approve/disapprove requests, et cetera. Is that  
 11 right?  
 12 A Yes, sir.  
 13 Q Had you been doing that before that  
 14 date?  
 15 A I believe so, yes, sir.  
 16 Q You indicate that, although under the  
 17 district attorney's direct supervision, Daryman  
 18 will remain bound by the rules and regulations  
 19 of the York County Detective Bureau; is that  
 20 correct?  
 21 A Yes, sir.  
 22 Q Wasn't one of the rules and  
 23 regulations of the York County Detective Bureau  
 24 that Mr. Daryman would be in the same chain of  
 25 command as the other detectives?

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1 A Yes, sir.  
 2 Q How could he be bound by the rules  
 3 and regulations of the bureau if he was  
 4 reporting outside of that chain of command?  
 5 A Other than that rule and regulation  
 6 he was to abide by them.  
 7 Q Okay. And other than a special  
 8 schedule, right?  
 9 A Yes, sir. Special chain of command  
 10 in this case.  
 11 Q Special chain of command.  
 12 (Rebert Exhibit Numbers 25 and  
 13 26 were marked for identification)  
 14 Q I'm showing you Rebert 25 and 26.  
 15 Rebert 25 is a memo from Doug Demangone to you  
 16 dated October 28, 2003, referencing Daryman.  
 17 A Yes, sir.  
 18 Q And in there Mr. Demangone is telling  
 19 you that they had discussed the matter with the  
 20 association members and with their attorney, Mr.  
 21 Lightman.  
 22 A Yes, sir.  
 23 Q And that the association feels that  
 24 if John is to be conducting investigations and  
 25 carrying a firearm, he must accountable to the

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<p>1 chain of command and rules and regulations that 2 are in place for the county detectives; isn't 3 that right? 4 A That's what it says, yes, sir. 5 Q And he also indicates, if there's a 6 civilian position, basically, that he doesn't 7 have to conduct investigations, carry a fire 8 arm, they would not have an objection; is that 9 right? 10 A Okay. 11 Q Was that the position of the 12 detective association? 13 A I don't know. Sergeant Demongone was 14 their steward at the time and he was apparently 15 directed by Chief Downing to do this research 16 and come up with this answer, so I would assume 17 that that was their position. yes, sir. 18 Q And, in fact, wasn't that an effort 19 by Miss Downing to again accommodate Mr. Daryman 20 by putting him in an investigator position 21 within the office? 22 A No, sir. 23 Q It's not. And then Rebert 26 is your 24 response -- 25 A Yes, sir.</p>	<p>1 A Yes, sir. 2 Q That sets forth her position on the 3 issue of Mr. Daryman; isn't that right? 4 A It appears to. I haven't read it in 5 its entirety, but I'll assume that that's what 6 it says, yes. 7 Q Okay. My question on that at this 8 point is, did you in any way attempt to ask for 9 her resignation; ask her to leave at that point? 10 A No, I don't believe I did. I'm sure 11 I talked to her about it and went to her once 12 again to try to make peace, if you will, and try 13 to accommodate everyone that I wanted in the 14 department. But no, I didn't threaten to fire 15 her or sanction her or give any retribution or 16 discipline her. 17 Q Didn't indicate she was being 18 disloyal, insubordinate, or anything like that; 19 isn't that true? 20 A Yes, that's true. 21 (Rebert Exhibit Number 28 was marked 22 for identification) 23 Q Rebert 28 is a memo from Miss Downing 24 to you dated November 25th, 2003. I think I had 25 shown you early on the one with your responses.</p>
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<p>1 Q -- to Mr. Demangone. 2 A Yes, sir. 3 Q And you said that you're disappointed 4 the county detectives have placed John in this 5 position and appear to be doing everything in 6 their power to preclude him from doing the 7 outstanding job that we all know he can. 8 A Yes, sir. 9 Q So, at that point you were on notice 10 that the association was going to make this an 11 issue, isn't that right, as of the end of 2003? 12 A I don't know that I was on notice 13 that they were going to make an issue of it, no. 14 Q Doesn't the letter -- 15 A No, there's no indication in here 16 that they were going to do that. 17 Q Doesn't the last paragraph of Rebert 18 25 indicate that; that that's their position? 19 A (Deponent reviewing document.) I 20 guess, yes, it could be interpreted as that, 21 yes. 22 (Rebert Exhibit Number 27 was marked 23 for identification) 24 Q Rebert 27 is a memo from Miss Downing 25 to you dated November 7, 2003. Do you see that?</p>	<p>1 Do you remember that? It's earlier in the -- 2 You had actually put some handwritten responses 3 on this document. 4 A Yes, sir. 5 Q Okay. My question to you about this 6 document is, within several weeks of Miss 7 Downing's memo of November 7 to you about Mr. 8 Daryman, you're questioning her comp time; isn't 9 that right? 10 A I questioned her comp time on many 11 occasions. That may be right, yes, sir. 12 Q Do you know of any other memo that -- 13 because this references a memo. Do you remember 14 any other memo other than a memo around that 15 time where you questioned her comp time? 16 A I thought I had questioned her comp 17 time early on. 18 Q No, you may well have. I'm not 19 saying that you didn't. I'm saying, did you 20 ever write a memo before this time frame, 21 November of 2003? 22 A That's what I'm saying. I said I may 23 have, but I don't recall. I thought I had, yes, 24 but I don't know that I did it in written memo 25 form. I guess that's what I'm trying to --</p>

1 Q But you're again bringing up the  
 2 issue within several weeks of her letter of  
 3 November 7th about Mr. Daryman; isn't that  
 4 right?  
 5 A If that's what it says, yes, sir.  
 6 MR. JACOB: I'll ask that you look in  
 7 the records for any other memo and produce it if  
 8 there is one.  
 9 MR. LEBER: What are we looking for?  
 10 MR. JACOB: Any other memo. He says  
 11 he may have written another memo questioning the  
 12 comp time. So I'm just asking if you would  
 13 review the records to see if, in fact --  
 14 MR. LEBER: I'll look, but I think  
 15 you guys have everything.  
 16 MR. JACOB: I think so too.  
 17 MR. LAVERY: Let's just keep going.  
 18 BY MR. LAVERY:  
 19 Q Do you remember in 2003 Miss Downing  
 20 discussing with you the subject of former  
 21 employees having cell phones paid by the drug  
 22 task force and using them for reasons not  
 23 related to official business?  
 24 A I believe so, yes, sir.  
 25 Q Okay.

1 A So that I'd be able to use the phone  
 2 if I didn't have mine; if I was in her vehicle.  
 3 Q Were these stationary phones?  
 4 A At the time, yes, sir.  
 5 Q Well, let's talk about 2003. Were  
 6 they stationary phones?  
 7 A By that point in time they probably  
 8 were not, but to this day she still has her  
 9 cradle in the car, so although I don't use the  
 10 cradle she still has a phone. At that one time,  
 11 as you know, the phones were kind of married to  
 12 the cars and you had your antenna and you had  
 13 your cradle, and so forth.  
 14 Q Yeah, I remember.  
 15 A As times advanced and as technology  
 16 advanced, we got phones that were more  
 17 independent, if you will, but they kept the same  
 18 number. So, she still has a phone. It's not  
 19 necessarily married to the car, although the  
 20 facilities to access the phone in the car are  
 21 there, as they are in my vehicle.  
 22 Q Okay. But you had your own portable  
 23 cell phone by 2003; isn't that right?  
 24 A By 2003, yes, sir.  
 25 Q And your wife had her own portable

1 A I don't know about the last part, but  
 2 I believe I remember her talking to me about  
 3 former employees having cell phones, yes, sir.  
 4 Q And she told you that she felt that  
 5 that was improper; isn't that right?  
 6 A I believe she may have. I don't  
 7 recall specifically, but --  
 8 Q And didn't she complain about your  
 9 wife having a cell phone as well paid for by  
 10 drug task force money?  
 11 A I don't remember her saying that, no.  
 12 Q Do you remember her bringing up the  
 13 subject of your wife having a cell phone paid  
 14 for by --  
 15 A She may have brought --  
 16 Q -- the drug task force account?  
 17 A She may have brought up the subject,  
 18 but I don't remember her complaining about it,  
 19 no.  
 20 Q Okay. When did your wife get a cell  
 21 phone?  
 22 A Oh, probably the -- I'm guessing the  
 23 mid '90's, but I'm sure that's a pretty big  
 24 window because I can't be specific.  
 25 Q Why did your wife get a cell phone?

1 cell phone at that point; isn't that right?  
 2 A I would believe. I think so, yes,  
 3 sir.  
 4 Q And what legitimate reason was there  
 5 for your wife to have an extra portable cell  
 6 phone at that time?  
 7 A Because if I was in her car and if  
 8 her phone was in her car, I could use that phone  
 9 if I didn't have my phone.  
 10 Q Well, couldn't you just carry your  
 11 phone with you --  
 12 A Yes, sir.  
 13 Q -- like this (producing a cell  
 14 phone)?  
 15 A But your phone sometimes runs out of  
 16 juice, so you know --  
 17 Q You need an extra phone in case  
 18 you -- as opposed to an extra battery, right?  
 19 A Well, it's helpful. But if I did not  
 20 have my phone and I was in her presence or in  
 21 her car, I could use her phone. It's just a  
 22 matter of being able to communicate and having  
 23 the ability to do so.  
 24 Q Did your wife also use that cell  
 25 phone for her own personal use?

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<p>1 A Yes, sir, to the extent she could.  2 She's not very knowledgeable about technology.  3 She doesn't even have --  4 Q You mean even pushing buttons on cell  5 phones?  6 A She doesn't even know how to use her  7 voice mail on the phone. I'll play my  8 daughter's response to her voice mail messages.  9 Q I can't blame her for that because I  10 don't like using my either. But anyway, she  11 could push the buttons, couldn't she?  12 A Yes, sir.  13 Q And hit send?  14 A Yes, sir.  15 Q Okay. Was there any restriction on  16 your wife using the phone for only to call you  17 or to call the office, or could she also use  18 that for her own personal use?  19 A She could use that for own personal  20 use, yes, sir.  21 Q And, in fact, she did, didn't she?  22 A I would imagine she used it, yes,  23 sir.  24 Q And that practice continued until  25 when?</p>	<p>1 detectives and the people that I need to contact  2 for those purposes.  3 Q Have you ever sought a legal opinion  4 concerning -- or a state ethics opinion  5 concerning the propriety of that practice?  6 A No, sir.  7 Q Have you ever --  8 A I believe I made some inquiries of  9 the Attorney General's Office concerning the  10 drug task force moneys in general, and they will  11 not issue any advisory opinions.  12 Q Do you list that on your financial  13 disclosure statement?  14 A I'm sorry?  15 Q Do you list that on your financial  16 disclosure statement?  17 A On my financial disclosure statement?  18 Q Yes.  19 A No.  20 Q Did you ever list any of the free  21 tickets that you got for the York Fair on your  22 financial disclosure statement?  23 A No, sir.  24 Q Did you ever list any of the free  25 concert tickets that you got on your financial</p>
Page 236	Page 238
<p>1 A Continues to this day.  2 Q Does she still have a cell phone paid  3 for by drug task force money?  4 A Yes, sir.  5 Q Okay. And who's that account with?  6 A Nextel.  7 Q Is she still allowed to use it for  8 personal phone calls?  9 A Yes, sir.  10 Q Do you think that's appropriate?  11 A So long as the cost does not exceed  12 what the monthly fee is.  13 Q Has it ever?  14 A I don't know.  15 Q Mr. Graff would know that?  16 A Well, you got the phone bills, so  17 that's --  18 Q Well, does that coming out of Mr.  19 Graff's drug task force money, the same money --  20 A Yes.  21 Q -- that was being used to pay Daryman  22 before he became a detective?  23 A Yes, sir. By the way, her phone is  24 programmed, as is my phone, so that if I am  25 using her phone I'll have access to the drug</p>	<p>1 disclosure statements?  2 A No, sir.  3 (Rebert Exhibit Number 29 was marked  4 for identification)  5 Q Rebert 29 is a journal note of  6 October 20th, 2003, concerning an alleged  7 discussion between you and Miss Downing.  8 There's two issues that I want to talk to you  9 about. The first one is with respect to an  10 indication in there that you discussed  11 detectives and asked Miss Downing what  12 detectives I could give him on Election Day.  13 I explained we always pick the  14 detective that lives near the poll where the  15 problem is. Why, he said. That's his day to  16 work the crowds. I asked, what does that have  17 to do with detectives? He was dead serious.  18 Do you remember a discussion along  19 those lines?  20 A Yes, sir.  21 Q Did you want the detectives to go  22 with you or a detective to go with you while you  23 worked the crowds or worked the polls?  24 A Well, it's our duty, and we make a  25 detective specifically available on every</p>

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1 Election Day for purposes of responding to  
 2 complaints at polling places. The polling  
 3 places also have constables that respond to  
 4 whatever problems those polling places would  
 5 have.  
 6 Q I'm well aware of that.  
 7 (Mr. Leichter leaves the deposition  
 8 room.)  
 9 Q I'm just asking, did you -- because I  
 10 am trying to move this along. Did you ever tell  
 11 her or indicate to her that you wanted a  
 12 detective to go with you to help you work the  
 13 crowds?  
 14 A I may have told her and I probably  
 15 did that I would be working the crowds at the  
 16 polls. I never told her I wanted a detective to  
 17 go along. I may have told her I wanted to  
 18 accompany a detective as he patrolled the county  
 19 on Election Day, but --  
 20 Q So you could work the crowds?  
 21 A No, I never suggested that a  
 22 detective go along with me to work the polls.  
 23 Q When you accompanied that detective,  
 24 you were going to work the crowds, though,  
 25 weren't you?

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1 A I always work the crowds when I have  
 2 the opportunity, yes, sir.  
 3 Q Okay. And she told you that that was  
 4 improper, didn't she?  
 5 A She may have told me that that was  
 6 improper, but it's not.  
 7 Q Okay.  
 8 A And I probably argued with her about  
 9 that.  
 10 Q There's another indication in that  
 11 note of a discussion about a Chad Sterner. Do  
 12 you remember a discussion with a -- about --  
 13 with Miss Downing about a Chad Sterner?  
 14 A Yes, sir.  
 15 Q Were you aware that he was the nephew  
 16 of your secretary Randy Rizzuto?  
 17 A I became aware of it, yes, sir.  
 18 Q Okay. Did you become aware of it  
 19 back around October of 2003?  
 20 A I'm sure I was aware of it at the  
 21 time because my secretary obviously knows the  
 22 individual.  
 23 Q Okay.  
 24 A Was related to him.  
 25 Q And that was a DUI arrest by

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1 Northeast Regional; isn't that right?  
 2 A Yes, sir.  
 3 Q Okay. And did you want Miss Downing  
 4 to ask for consideration or to inquire into that  
 5 matter with the police agency?  
 6 A I may have asked her to inquire into  
 7 that matter, yes, sir.  
 8 Q Okay. And did she tell you that that  
 9 would be improper to do that?  
 10 A Well, it wouldn't be, but I don't  
 11 know why she would tell me that. I don't recall  
 12 her telling me that because it wouldn't be  
 13 improper to inquire about the matter.  
 14 Q Did she decline to do that?  
 15 A Well, if she did, I think that would  
 16 have been insubordination, but I don't recall  
 17 that she did decline to do that.  
 18 Q Did you discipline her for  
 19 insubordination around that time?  
 20 A Like I say, if she did. I don't know  
 21 if she did make that statement.  
 22 Q All right.  
 23 A Now, do you want to know what  
 24 happened to Chad Sterner? Does that matter?  
 25 Q Sure. You tell me whatever you want

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1 to tell me. What happened with Chad Sterner?  
 2 A Well, he was arrested for a DUI and  
 3 he applied for -- He was a first offender and he  
 4 applied for A.R.D. I denied the A.R.D., and my  
 5 secretary was justifiably upset with me, but he  
 6 ended up going to jail.  
 7 Q Was that the discussion after -- Did  
 8 you do that after the discussion with Miss  
 9 Downing on the subject?  
 10 A Well, obviously, yes, sir. But  
 11 that's the consideration he got for my  
 12 intervention in that case.  
 13 Q Unlike Mr. Daryman, right?  
 14 A Yeah. Well, Daryman didn't do so  
 15 well either.  
 16 Q He got A.R.D., didn't he?  
 17 A He would have gotten A.R.D. like  
 18 anybody else in that situation.  
 19 (Rebert Exhibit Number 30 was marked  
 20 for identification)  
 21 Q Rebert 30 is a note from Barley  
 22 Autumn House at Powder Mill to Stan Rebert dated  
 23 November 3rd, 2003, from Mike referencing a  
 24 Jennifer Kathryn Curran with her date of birth,  
 25 Social Security number. Do you see that?



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1 (Mr. Leichter returns to the  
2 deposition room.)  
3 A I don't specifically recall this memo  
4 to me, but obviously, that's what it is. And I  
5 don't -- I'm not familiar with this note down at  
6 the bottom of it from -- this self-serving note  
7 from, I suppose that's from Miss Downing.  
8 Q Um-hm. Well, do you recognize that  
9 as being her handwriting?  
10 A I assume so. I don't -- Yes.  
11 Q Okay. Had Mike Barley requested that  
12 you run a criminal investigation check on a  
13 Jennifer Kathryn Curran?  
14 A Apparently that's what this is, yes,  
15 sir.  
16 Q Okay. Did you know for what purpose  
17 he wanted that check run?  
18 A Yes. She was an applicant for  
19 employment that he had at Autumn House, which is  
20 an old folks home, so I didn't think there was  
21 anything wrong with making the request, so I  
22 guess I turned it over to Becky. But like I  
23 say, her handwriting note down here does not --  
24 I don't know that I saw that.  
25 Q That would be a CLEAN -- That would

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1 definitely be a CLEAN network check, would it  
2 not, sir, for a nursing home worker?  
3 A Well, yes, you could do that. The  
4 way it's set out with date of birth and Social  
5 Security number, that would be the easiest way  
6 to accomplish that, yes, sir.  
7 Q And did you request that Miss Downing  
8 run that check?  
9 A I assume that I did, yes, sir.  
10 Q Now, there's an indication that  
11 Barley is supposed to pay his \$10 like everybody  
12 else. Do you see that?  
13 A Yeah. That's on her note, yes, sir.  
14 Q Is that true? If private citizens  
15 want to do a check for a legitimate purpose,  
16 they have to pay a fee for that?  
17 A I believe so, yes, sir.  
18 Q And isn't that a more limited inquiry  
19 than is run by law enforcement through the CLEAN  
20 system if a private citizen is doing that?  
21 A That I don't know.  
22 Q Okay. And it indicates on the bottom  
23 in her handwriting, 9:30, Stan asked for the  
24 results. Told him this is illegal. He asked  
25 what Barley was supposed to do. I said, pay the

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1 \$10 like everyone else. Is that accurate? Did  
2 that happened?  
3 A That's what it says.  
4 Q Do you agree with it? Is that  
5 accurate?  
6 A Yes, sir.  
7 Q And there's also an indication that  
8 she said, this is the rules that you think  
9 you're entitled to break because you're the D.A.  
10 My name goes on this. I'm not violating this  
11 for you. Did she tell you that?  
12 A No, no.  
13 Q Okay. She did refuse to run the  
14 check, though, didn't she?  
15 A I believe she did, yes.  
16 Q And that was not insubordinate, was  
17 it?  
18 A Well, I guess if it's an illegal  
19 check, I guess it's not insubordinate, no.  
20 MR. LAVERY: Let's take five minutes.  
21 THE DEPONENT: Do you want to know  
22 what happened to this request?  
23 BY MR. LAVERY:  
24 Q Sure.  
25 A I understand that he did go through

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1 the proper channels and got the information.  
2 Q Okay.  
3 A So nothing was done untoward for him.  
4 Q Okay. But that was only because Miss  
5 Downing refused to --  
6 A Well --  
7 Q -- do it; isn't that right?  
8 A We can argue about why, but --  
9 MR. LAVERY: Okay. Just give me  
10 five.  
11 (At or about 3:00 p.m., a short  
12 recess occurred.)  
13 (At or about 3:08 p.m., the  
14 deposition resumed.)  
15 (Rebert Exhibit Number 31 was marked  
16 for identification)  
17 BY MR. LAVERY:  
18 Q Rebert 31, sir, references an  
19 incident with a Chandrakant Shah. Miss  
20 Downing's note, it's a note of March 15th, 2004.  
21 It discusses a fatality. I guess she did give  
22 you the weekly update that week.  
23 But anyway, it indicates in there  
24 that we discussed Friday night's fatal at 462  
25 and 30. Said I hated when the innocent person

1 died. He shrugged his shoulders and said he was  
 2 a terrorist. I told him a foreigner does not a  
 3 terrorist make. Deceased was Chandrakant Shah.  
 4 Do you remember that discussion with  
 5 Miss Downing?  
 6 A Yes, sir.  
 7 Q Okay. Did you make the comment that  
 8 he was a terrorist?  
 9 A I believe so, yes, sir.  
 10 Q Why did you do that?  
 11 A No reason.  
 12 Q Because of the fact that he has a  
 13 foreign name?  
 14 A Perhaps.  
 15 Q Did she tell you that that was  
 16 inappropriate?  
 17 A She may have. I don't recall  
 18 specifically.  
 19 Q There's also a reference in there  
 20 about a Mr. Wagner, Senior, PSP case. Wagner,  
 21 Senior wanted Rebert to personally handle his  
 22 son's case. He also called Representative Ron  
 23 Miller. Do you remember that situation?  
 24 A I had looked at a Wagner case. I  
 25 think there was a name to it. I don't know if

1 Q Okay. You don't remember one way or  
 2 another; is that right?  
 3 A No, I don't.  
 4 Q Okay. There's also an indication  
 5 that you made a comment, is he a registered  
 6 voter and told her that she needed to look at  
 7 things like that.  
 8 A That's very likely I made a comment  
 9 like that, yes, sir.  
 10 Q Why would you ask if the man was a  
 11 registered voter? How does that matter in his  
 12 criminal case? Why would you need to look at  
 13 things like that?  
 14 A It was said tongue in cheek.  
 15 Q Okay. Just a joke, or were you  
 16 serious?  
 17 A What does tongue in cheek mean?  
 18 Q I don't know. What does it mean to  
 19 you? Were you serious or was it a joke? It's  
 20 really one or the other.  
 21 A I'll rest on my statement.  
 22 Q Okay. I mean, let's make it clear.  
 23 In terms of your involvement in matters, do you  
 24 look at things like whether people are  
 25 registered voters?

1 it's the same Wagner, but he was prosecuted and  
 2 convicted. I don't -- That's all I know about  
 3 it.  
 4 Q Let me ask you this.  
 5 A And I don't recall any connection  
 6 with Representative Ron Miller, nor does he  
 7 because I asked him about that.  
 8 Q All right. Do you remember, though,  
 9 being asked -- a Wagner, Senior asking you to  
 10 personally handle his son's case?  
 11 A I'm not sure who Wagner, Senior is.  
 12 Q Well, do you remember anybody asking  
 13 you to handle a case involve -- personally  
 14 handle a case involving a Mr. Wagner, Senior or  
 15 Junior?  
 16 A I don't specifically recall it, but  
 17 it very well may have had happened, yes, sir.  
 18 Q Do you remember asking Miss Downing  
 19 again to get information concerning the matter?  
 20 A I don't specifically recall that, but  
 21 if it's -- I don't have any reason to contest  
 22 it, if you will.  
 23 Q Okay. Did Miss Downing object to  
 24 becoming involved in that matter?  
 25 A I don't know.

1 A No, sir. I don't hire on the basis  
 2 of voter registration. You don't even have to  
 3 be registered to be hired by the D.A.'s office.  
 4 You probably should be, but I've never based a  
 5 decision, any decision, be it hiring, firing,  
 6 doing favors for people on voter registration.  
 7 Q So that was just a kind of  
 8 tongue-in-cheek jocular comment; is that right?  
 9 A You said tongue in cheek.  
 10 Q No, that's your words, right? Is  
 11 that your testimony?  
 12 A If you want to adopt my words, that  
 13 would be fine.  
 14 Q Okay.  
 15 A Jocular, that's good too.  
 16 Q Well, whether it was jocular, tongue  
 17 in cheek, which I believe is the gist of what  
 18 you're trying to tell me, did she object to that  
 19 and tell you that that was an improper  
 20 statement; you shouldn't be saying things like  
 21 that?  
 22 A Probably, but I don't recall  
 23 specifically.  
 24 Q Okay. The next thing is going to be  
 25 this not-sent letter to Chief Smith, which your

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1 attorney has just given me.  
2 (Rebert Exhibit Number 32 was marked  
3 for identification)

4 Q I'm going to ask you to take a look  
5 at that. Is that the letter that you were  
6 planning on sending to Chief Smith before you  
7 spoke to Miss Downing?

8 A I guess so, but give me a couple  
9 seconds to read it.

10 Q Sure.

11 A (Deponent reviews document.) Yes,  
12 sir.

13 Q And after discussion with Miss  
14 Downing, you did not send that; is that right?

15 A Yeah. I was mistaken about the  
16 contents of it. I thought it was dependent upon  
17 a polygraph, but I guess that would have been  
18 the further investigation.

19 After discussion with Miss Downing, I  
20 did not send it, that's correct.

21 Q All right.

22 A I mean, I -- That was something that  
23 I sought from her, as well as a lot of other  
24 people, was input on these kinds of things and a  
25 lot of other things. So we discussed it, and I

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1 guess she thought it was not an appropriate  
2 letter, perhaps, a poison pen letter, if you  
3 will, and I decided to not follow through with  
4 the sending of it.

5 Q Did you ever use that phrase, poison  
6 pen letter?

7 A No. I just learned of it.

8 Q Okay. That was Miss Downing's  
9 language?

10 A Yep.

11 Q Okay. Do you remember having the  
12 detectives drop off a TV at your house and pick  
13 up a slot machine there?

14 A No, sir. We talked about the TV, and  
15 I asked them to take it out of my car and put it  
16 up in our bedroom.

17 Q Was that under Miss Downing's tenure  
18 or Mr. -- I think you talked about one under Mr.  
19 Ingle's tenure, but I could be wrong. Do you  
20 remember under Miss Downing's tenure ever having  
21 the detectives deliver a TV to your house?

22 A No, I don't.

23 Q Do you remember the detectives under  
24 Miss Downing's tenure ever picking up a slot  
25 machine that was at your house, taking it back

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1 to your office?

2 A No, sir.

3 Q The reason I ask is, there's been  
4 testimony by several of the detectives that that  
5 did take place. You don't remember it one way  
6 or another?

7 A Picking up a slot machine in my house  
8 and taking it to the office?

9 Q No, dropping off a TV and picking up  
10 a slot machine that was there.

11 (Pause.)

12 Q If you don't remember, that's fine.

13 A I don't believe that occurred --

14 Q All right.

15 A -- but I don't -- certainly don't  
16 recall that. Dropping off a TV and picking up a  
17 slot machine, no.

18 Q Okay. So you wouldn't remember Miss  
19 Downing complaining about a practice because you  
20 don't remember anything like that; isn't that  
21 right?

22 A Yes, that's right.

23 (Rebert Exhibit Numbers 33 through 35  
24 were marked for identification)

25 Q These all basically do go together

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1 because they pertain to the award of the  
2 arbitrator with respect to the collective  
3 bargaining agreement for the detectives.  
4 35 (sic) appears to be a memo from Crouse to  
5 Luker that you're copied on. 36 (sic) appears  
6 to be another e-mail from Crouse to Luker and to  
7 you.

8 THE COURT REPORTER: Wait a minute.  
9 Excuse me. It's 33 and 34.

10 BY MR. LAVERY:

11 Q 33 is an e-mail from Crouse to Luker  
12 that you're copied on, re, detective award  
13 attached. 34 is an e-mail from Crouse to Luker  
14 and you dated September 27, 2004, re, grievance;  
15 and 35 is an e-mail from Crouse to you copying  
16 Barker dated September 24, 2004, re, grievance.  
17 Do you see that, all three of those?

18 A Yeah. Give me a second.

19 Q Sure. When you're ready, my question  
20 will be, do you remember receiving these? Take  
21 your time to look at them.

22 A (Deponent complies.) Yes, sir.

23 Q And there was, indeed, was there not,  
24 an award of the arbitrator indicating that the  
25 detectives were to work a 40-hour week; isn't

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1 that right?  
 2 A Yes, sir.  
 3 Q Okay. Now, if you look at Exhibit  
 4 34, that references a salary board -- that  
 5 references a salary board action to move John  
 6 into a nonunion management position. Do you see  
 7 that?  
 8 A Yes, sir.  
 9 Q Was that in response to the award  
 10 that had come down mandating the 40-hour,  
 11 five-day week?  
 12 A (Pause.) I'm sorry. What was your  
 13 question again?  
 14 Q Sure. It references a move to move  
 15 John -- This is Exhibit 34.  
 16 A Right.  
 17 Q This references a move -- a salary  
 18 board action to move John into a new nonunion  
 19 management position.  
 20 A Right.  
 21 Q My question was, was that in response  
 22 to the arbitrator's award mandating that the  
 23 detectives had to work a 40-hour, five-day week?  
 24 A Yes, sir.  
 25 Q Whose idea was that?

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1 A I believe that was my idea.  
 2 Q Okay. And Mr. Crouse indicates that  
 3 if this takes place, the union will then move to  
 4 have the PLRB declare the position eligible for  
 5 representation and the fight will then be taken  
 6 up by the lawyers. Do you see that?  
 7 A Yes, sir.  
 8 Q So you were aware that if that move  
 9 was approved by the salary board, there would  
 10 likely to be a PLRB action; isn't that right?  
 11 A I don't know how likely, but yes.  
 12 Q At least that was Mr. Crouse's, your  
 13 administrator's advice to you; isn't that  
 14 correct?  
 15 A Yes, sir.  
 16 Q Okay. I have one question on 35. It  
 17 looks like it references the same original  
 18 e-mail, but it indicates: Stan, I'm sure it's  
 19 no coincidence that they filed this right after  
 20 Sharon caved in on the memorandum of agreement.  
 21 What was your interpretation of that?  
 22 A My interpretation of that?  
 23 Q Yeah. I guess what I'm trying to  
 24 find out, and I know you're not the author of  
 25 this. If you don't have an interpretation, you

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1 can tell me that. But what did you understand  
 2 Mr. Crouse to mean about Sharon caving in on the  
 3 memorandum of agreement, if you had an  
 4 understanding?  
 5 A Yeah, I don't know that I can answer  
 6 that.  
 7 Q All right.  
 8 MR. HUTCHINSON: You said what was  
 9 his statement about it?  
 10 MR. LAVERY: His understanding of  
 11 what Mr. Crouse meant by that, if he had an  
 12 understanding. And he said he did not.  
 13 BY MR. LAVERY:  
 14 Q Now, with respect to Mr. Daryman's  
 15 new management position, what was the title?  
 16 A I don't recall.  
 17 Q Were his job duties going to change?  
 18 A I believe so.  
 19 Q How?  
 20 A It was a management position.  
 21 Q What --  
 22 A He was going to supervise more  
 23 people.  
 24 Q Who was --  
 25 A I'd have to have it in front of me.

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1 I don't -- And I don't, so --  
 2 Q So your understanding is, he was  
 3 going to be a manager and he was going to  
 4 supervise more people; isn't that right?  
 5 A Yes, sir.  
 6 Q Wasn't he the Weed and Seed  
 7 detective?  
 8 A Yes, sir.  
 9 Q So you'd have to have additional Weed  
 10 and Seed detectives under his supervision, isn't  
 11 that right --  
 12 A Yes, sir.  
 13 Q -- to keep him in that position?  
 14 A Um-hm. Yes, sir.  
 15 Q Okay. Did the salary board  
 16 ultimately refuse to approve the position?  
 17 A Yes, sir.  
 18 Q Why was that?  
 19 A I don't know.  
 20 Q Were you ever advised that that was  
 21 because they felt that that would cause an  
 22 unfair labor practice if that took place?  
 23 A No, I don't recall them saying that.  
 24 Q Okay. Do you know if it was on  
 25 advice of counsel that that didn't occur?

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<p>1 A I don't know that for sure either.</p> <p>2 Q Who were the decision makers on the</p> <p>3 salary board on that, do you remember?</p> <p>4 A Well, of course, the three</p> <p>5 commissioners.</p> <p>6 Q Okay.</p> <p>7 A The salary board consists of the</p> <p>8 three commissioners, the controller and the</p> <p>9 elected official in the case of a row officer.</p> <p>10 So, if you don't have the support of the three</p> <p>11 commissioners, obviously, you don't win.</p> <p>12 Q So you were actually at that salary</p> <p>13 board meeting; were you not?</p> <p>14 A Yes, sir.</p> <p>15 Q Why were the commissioners opposed to</p> <p>16 it?</p> <p>17 A I don't know that they verbalized why</p> <p>18 they were opposed to it. They knew there was an</p> <p>19 ongoing battle between myself and the chief</p> <p>20 detective concerning Daryman's employment. I</p> <p>21 don't know that they wanted to get -- to</p> <p>22 continue that battle. I don't know. There was</p> <p>23 discussion to that effect.</p> <p>24 But since I -- In order for me to</p> <p>25 prevail on the salary board, I've got to have</p>	<p>1 Q Okay. Well, why don't you go to the</p> <p>2 last page. Go to page 17. That's at the very</p> <p>3 end of a labor opinion. They call it an award.</p> <p>4 A Right. Okay.</p> <p>5 Q Called award or opinion.</p> <p>6 A Okay.</p> <p>7 Q The arbitrator sustained the</p> <p>8 grievance of the detectives; did he not?</p> <p>9 A The grievance is sustained. The</p> <p>10 county is ordered to -- Okay, yes.</p> <p>11 Q Okay. And you then, or the county</p> <p>12 then appealed that, did they not, to the Court</p> <p>13 of Common Pleas?</p> <p>14 A No, I don't believe the county</p> <p>15 appealed, no.</p> <p>16 (Rebert Exhibit Number 37 was marked</p> <p>17 for identification)</p> <p>18 Q You were actually the petitioner,</p> <p>19 were you not, on the appeal?</p> <p>20 A Yes, sir.</p> <p>21 Q And Exhibit 37 is actually a petition</p> <p>22 for review that was filed by your attorneys here</p> <p>23 in the Court of Common Pleas; isn't that right?</p> <p>24 A Yes, sir.</p> <p>25 Q Okay. There was a ruling by the</p>
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<p>1 the support of at least one commissioner. I can</p> <p>2 usually get the support of the controller, but</p> <p>3 if I don't have support of at least one</p> <p>4 commissioner I lose.</p> <p>5 Q And here you couldn't even get one of</p> <p>6 them to go along with you; isn't that right?</p> <p>7 A That's correct. Yes, sir.</p> <p>8 Q But you don't remember why they said</p> <p>9 they wouldn't do it?</p> <p>10 A I don't remember why specifically</p> <p>11 other than the Daryman-Downing loggerhead.</p> <p>12 Q Did they specifically reference that,</p> <p>13 or did --</p> <p>14 A Yes, sir. As I recall, they did,</p> <p>15 yes, sir.</p> <p>16 Q Now, the grievance was actually</p> <p>17 arbitrated, was it not, the grievance referenced</p> <p>18 in this?</p> <p>19 A I believe so, yes, sir.</p> <p>20 (Rebert Exhibit Number 36 was marked</p> <p>21 for identification)</p> <p>22 Q And Exhibit 36 is an award of the</p> <p>23 arbitrator; is it not?</p> <p>24 A This says grievance. I don't see</p> <p>25 award.</p>	<p>1 Common Pleas judge on this; was there not?</p> <p>2 A Yes, sir.</p> <p>3 Q Didn't the Common Pleas judge sustain</p> <p>4 the award of the arbitrator?</p> <p>5 A Yes, sir.</p> <p>6 Q Is that currently on appeal?</p> <p>7 A Yes, sir.</p> <p>8 Q How much money has that cost the</p> <p>9 county to go through the arbitration and the</p> <p>10 lawsuit? Do you have any idea?</p> <p>11 A No, sir, I don't.</p> <p>12 Q Where's it at now? Commonwealth</p> <p>13 Court?</p> <p>14 A Yes, sir.</p> <p>15 Q Okay. Is Mr. Daryman still working</p> <p>16 his 32-hour schedule?</p> <p>17 A No, sir. I believe he's working a</p> <p>18 full schedule, at least a 40-hour schedule.</p> <p>19 Q When did that take place?</p> <p>20 A I think that's been taking place. I</p> <p>21 don't know for how long.</p> <p>22 Q Did that begin after Miss Downing's</p> <p>23 termination?</p> <p>24 A I think it took place after the</p> <p>25 grievance was sustained.</p>

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1 Q Okay.

2 A I don't know. I'd have to defer to

3 Bill Graff or John on his schedule.

4 Q So does he work five eight-hour days

5 now?

6 A Not five eight-hours. He works five

7 consecutive days, but not five eight-hour days.

8 Q Okay. How many hour days does he

9 work?

10 A Well, I think he works -- And again,

11 I'm not positive about the hours. But I believe

12 he works four hours on Sunday, and the rest of

13 the 40 hours is Monday through Thursday. I

14 believe that's what his schedule has been.

15 Q All right. Is any other detective

16 afforded that courtesy to work that type of

17 schedule?

18 A No, sir.

19 Q Who made that decision to give him,

20 again, the special hours?

21 A That would have been my decision.

22 Q Has there been any further action or

23 grievance by the union with respect to that?

24 A Not to my knowledge, no, sir.

25 Q Do you remember an incident in July

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1 of 2004 concerning -- I think you referenced the

2 name of the attorney before; but anyway, it was

3 supposedly an incident where a male attorney had

4 grabbed the buttocks of a secretary. Do you

5 remember that --

6 A Yes, sir.

7 Q -- approximately July of 2004?

8 A Yes, sir.

9 Q Did Miss Downing bring that to your

10 attention?

11 A I don't know who brought that to my

12 attention.

13 Q Okay. Is it possible it was Becky

14 Downing?

15 A It's possible, yes, sir. And that

16 was one of the situations where she recommended

17 discipline, I believe, and I believe that was

18 referred to Human Resources, and I believe there

19 was discipline. I don't know what it was. I

20 think he went to counseling and got an ass

21 chewing, excuse me, got a chewing-out, and I

22 don't know what else.

23 Q This is Mr. Dishman?

24 A Leiderheisen (phonetic).

25 Q I'm sorry. Wrong name.

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1 A I mean, Neiderheiser.

2 Q Neiderheiser.

3 A Neiderheiser.

4 Q I don't where I got Dishman. Sorry

5 about that.

6 Miss Downing indicates in her

7 averments that after hearing this, you made a

8 comment to the effect of, what sexual

9 harassment? Did I get caught sticking a

10 rolled-up 20-dollar bill down Carletta's bra. I

11 know Randy saw me do it, and you were laughing.

12 Do you remember making a statement

13 like that?

14 A My recollection was refreshed when I

15 heard the Pleadings and information in

16 depositions, and so forth.

17 Q Okay. And is that true that you made

18 that statement?

19 A I believe what happened was, Randy

20 didn't understand what sexual harassment was,

21 and I made a comment, it would be like me

22 sticking a 20-dollar bill down Carletta's

23 breast, ha-ha-ha.

24 Q Did you say something like, what

25 sexual harassment? Did I get caught sticking --

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1 A Okay, that may be the way it

2 transpired, yes, sir.

3 Q Did I get caught sticking a rolled-up

4 20-dollar bill down Carletta's bra. I know

5 Randy saw me do it, ha-ha-ha.

6 A Okay. That's --

7 Q Does that sound about right?

8 A That could be the scenario, yes, sir.

9 Q Okay. And did Miss Downing tell you

10 that that was inappropriate?

11 A I don't recall her telling me that,

12 no.

13 Q Do you think it's appropriate for you

14 as the -- And I mean, I know you get some

15 chuckles out of things like this. But do you

16 think that you as the head of the agency, it's

17 appropriate for you to laugh at allegations of

18 sexual harassment, which again later turn out to

19 be founded? Do you think that's an appropriate

20 response by you?

21 A Well, no, I don't think it's an

22 appropriate response, no. But I'm not sure what

23 you're talking about that later appeared to be

24 founded; later determined to be founded.

25 Q Well, didn't you say --

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1 A Because I don't think any of these  
2 things were founded.  
3 Q Well, didn't you say that Mr.  
4 Leader -- What's his name?  
5 A Neiderheiser.  
6 Q Well, didn't you say he was  
7 investigated and he did receive discipline?  
8 A Yes, sir.  
9 Q So wasn't that founded?  
10 A That was founded, yes, sir. But I  
11 don't recall making any jokes about that  
12 incident. I know I didn't.  
13 Q Well, do you remember making, in a  
14 joking way, what sexual harassment? Did I get  
15 caught sticking a rolled-up 20-dollar bill  
16 down --  
17 A Yes. I do remember that, yes, sir.  
18 Q Do you think that's appropriate?  
19 MR. BLAKEY: What? To do that?  
20 MR. LAVERY: Yeah, appropriate  
21 comment.  
22 MR. BLAKEY: To do that or to say it?  
23 MR. LAVERY: Say it.  
24 BY MR. LAVERY:  
25 Q As the head of the agency, do you

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1 think that's an appropriate comment to make to  
2 your subordinates?  
3 A It's probably not in the best  
4 judgment to say that, no.  
5 Q Did Miss Downing voice any objection  
6 to the promotion of Daryman to the nonmanagement  
7 position? I'm sorry, to the nonunion management  
8 position that the salary board ultimately  
9 refused to okay.  
10 A As I recall, she would voice an  
11 opposition to Daryman's being promoted to  
12 anything.  
13 Q Okay. But I'm say -- I understand  
14 your position. I'm saying, but do you remember  
15 her voicing that objection specifically here  
16 with respect to this promotion?  
17 A I don't recall her voicing that  
18 specific objection, no.  
19 Q Okay.  
20 A But, it certainly would not have  
21 surprised me had she done so.  
22 Q You don't remember her making any  
23 comments or objection to the promotion of  
24 Daryman that did not get passed by the salary  
25 board; is that right?

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1 A Can you refresh my --  
2 Q Sure. I'm sorry.  
3 A -- recollection --  
4 Q That's a bad question.  
5 A -- as to what she said?  
6 Q I don't know. I'm just asking you  
7 whether -- I don't know if she said anything.  
8 I'm asking you what you remember. Again, it was  
9 probably a poorly-phrased question. So let me  
10 ask it to you hopefully better.  
11 Did Becky Downing voice any objection  
12 to you about promoting John Daryman to the  
13 management position that the salary board  
14 ultimately did not approve? That's the  
15 question.  
16 A I don't recall her making any  
17 specific objection, but I'm sure she did.  
18 Q Okay.  
19 A Does that work?  
20 Q Whatever the truth is works for me,  
21 sir. Is that what you remember?  
22 A Whatever the truth is works for me  
23 too. I don't recall it specifically.  
24 Q All right. Then that's your answer.  
25 Do you remember Miss Downing making

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1 any comment that this type of action would be  
2 improper and would constitute an unfair labor  
3 practice?  
4 A I don't recall specifically, no.  
5 Q Okay. Do you remember Miss Downing  
6 sustaining a workers' compensation injury?  
7 A Yes, sir.  
8 (Rebert Exhibit Numbers 38 and 39  
9 were marked for identification)  
10 Q Exhibit 38 is a memo from you to Miss  
11 Downing dated August 26, 2004, with respect to  
12 her schedule for the balance of 2004. 39 is her  
13 memo dated 8/30/04 in response to your memo.  
14 Do you remember sending 38 and  
15 receiving 39?  
16 A Yes, sir.  
17 Q And did this occur right around the  
18 same time that John Daryman did not receive the  
19 approval of the salary board for the management  
20 position?  
21 A If those dates coincide, obviously,  
22 it did, yes, sir.  
23 Q Now, my client was asked a lot about  
24 this Matt Millsaps incident where both she and  
25 Detective Millsaps were reprimanded. Do you

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1 remember that?  
 2 A Millsaps being reprimanded --  
 3 Q And Downing.  
 4 A -- and the exchange of e-mails?  
 5 Q Yes.  
 6 A Is that the one?  
 7 Q Yeah, the one about detective  
 8 101 and detective 305.  
 9 A Yes, sir.  
 10 Q You reprimanded both Millsaps and  
 11 Downing?  
 12 A I believe so.  
 13 Q And didn't you withdraw both  
 14 reprimands ultimately after Miss Downing  
 15 explained to you what had happened?  
 16 A Yes, sir.  
 17 Q And, in fact, isn't it true that the  
 18 only written reprimand that Becky Downing ever  
 19 received prior to her termination was the  
 20 reprimand with respect to Millsaps that you  
 21 withdrew?  
 22 A That may be. As I said, I'm not big  
 23 on reprimands. I'm not big on sanctions. I  
 24 like to talk things out. When Becky came  
 25 forward and requested the withdraw, I agreed to

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1 the withdraw.  
 2 (Rebert Exhibit Number 40 was marked  
 3 for identification)  
 4 Q Now, we'll talk about the workers'  
 5 compensation injury. Rebert Number 40, it's an  
 6 employee incident report concerning a workers'  
 7 compensation injury that was sustained by Miss  
 8 Downing on September 20th, 2004. Do you  
 9 remember seeing this form?  
 10 A Yes, sir.  
 11 Q Okay. There's a comment section and  
 12 there is, looks like some handwriting there, and  
 13 then H. Stanley Rebert printed and then some  
 14 writing on top of that. It looks like a  
 15 signature. Do you see that --  
 16 A Yes, sir.  
 17 Q -- under comments, employee --  
 18 A Yes, sir.  
 19 Q Employee indicated that she would be  
 20 taking a comp day that Monday, in parens,  
 21 9/20/04, Exhibit 1, and was not expected to be  
 22 in the office. Apparently she did come in and  
 23 the injury occurred, date 10/1/04. H. Stanley  
 24 Rebert. Is that your signature?  
 25 A Yes, sir.

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1 Q Is that your handwriting?  
 2 A No, sir.  
 3 Q Who's handwriting is that?  
 4 A I believe that is Randy Rizzuto's  
 5 handwriting.  
 6 Q Okay. And by that paragraph were you  
 7 meaning to question whether or not she actually  
 8 had a workers' compensation injury?  
 9 A No.  
 10 Q Why did you indicate that she would  
 11 be taking a comp day but apparently came in?  
 12 Why did Randy indicate that, if you know?  
 13 A I don't know.  
 14 Q Did you direct her what to write, or  
 15 was that her language?  
 16 A No, I directed her to write that.  
 17 Q Okay.  
 18 A That is my signature.  
 19 Q Did Miss Downing indicate to you that  
 20 she was concerned that you were potentially  
 21 questioning the legitimacy of her injury?  
 22 A Yes.  
 23 Q And what was your response?  
 24 A That I wasn't.  
 25 Q Okay. You still don't to this very

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1 day, do you?  
 2 A I don't think I do. I asked Mr.  
 3 Hutchinson the other day if I was the one who  
 4 stopped her payments. And I don't think I was.  
 5 Q Okay. We'll get to that in a little  
 6 bit. Well, why was the reference to her taking  
 7 a comp day and coming -- expected to be in the  
 8 office put in there? Was there any purpose for  
 9 that, or was that just put in there for no  
 10 reason?  
 11 A I don't know. I don't know. Maybe  
 12 because it was unusual that she came in that  
 13 day. I don't know.  
 14 Q Okay. Did you --  
 15 A I know when she came in she didn't  
 16 come to see me. She didn't say anything --  
 17 Didn't stop in to see me. I think she was back  
 18 in her area and Tim Barker saw her, I believe.  
 19 Q Saw her what?  
 20 A Saw her there.  
 21 Q Okay. So it's clear she was there?  
 22 A She was there, but she never came to  
 23 see me, which is not unusual.  
 24 Q Now, with respect to the meeting that  
 25 Miss Downing was questioned about, a meeting on



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1 October 5th, 2004, do you remember a meeting  
2 like that? I'll mark this as an exhibit.  
3 (Rebert Exhibit Number 41 was marked  
4 for identification)  
5 Q It was the meeting where you asked  
6 for her resignation according to her.  
7 A Yes, sir. Um-hm.  
8 Q It indicates: Met with him from  
9 1:50 to 2:02. He asked me to resign, and said  
10 if I didn't he will terminate me. Is that  
11 accurate?  
12 A Yes, sir.  
13 Q Is that the first time you had ever  
14 mentioned the possibility of termination to Miss  
15 Downing, to her?  
16 A I believe it was, yes, sir.  
17 Q Had you ever indicated prior to this  
18 time that she was in any jeopardy of being  
19 terminated or losing her job and that she should  
20 modify her behavior or face potential  
21 termination?  
22 A I don't believe so. No, sir.  
23 (Rebert Exhibit Number 42 was marked  
24 for identification)  
25 Q These are notes of Miss Downing's,

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1 typewritten notes with some handwriting, again,  
2 concerning the meeting of 10/5/04. I just want  
3 to go over them with you to determine whether or  
4 not you'd agree with them. So just take a look  
5 at them and just tell me when you're finished.  
6 Just read through.  
7 A (Deponent complies.) This is the  
8 same day.  
9 Q Yeah. Same day.  
10 A (Deponent continues to review  
11 document.) Is this from her journal or her  
12 notes, or what is it?  
13 Q They're her notes, yes. They've been  
14 provided to your counsel. Just tell me when  
15 you're finished. I just want to go over  
16 portions of it with you.  
17 A (Deponent continues to review  
18 document.) I've read it.  
19 Q Okay.  
20 A Was there not a journal entry? Was  
21 this typed from a journal entry? I'm just  
22 curious.  
23 Q I'm not sure, Mr. Rebert. I don't  
24 know if your attorney has questioned Miss  
25 Downing. That was another long day. I'm really

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1 not sure at this point, so I don't want to  
2 misrepresent anything.  
3 A You would agree that it's unusual  
4 that we got this form rather than journals that  
5 we got before; would you not?  
6 MR. JACOB: I'm disclosing this in  
7 the disclosures.  
8 THE DEPONENT: Are you --  
9 BY MR. LAVERY:  
10 Q Let me just ask -- Let me just ask  
11 you some questions. That may be an argument for  
12 your attorneys to make if they want to make that  
13 argument. But let me just ask you --  
14 A No, I'm asking you, but go ahead.  
15 Q Okay. Well, I'm not here to answer  
16 questions.  
17 MR. BLAKEY: It's not any part of the  
18 journal that I'm aware of.  
19 MR. LAVERY: No, I think you're  
20 right. I think he's correct.  
21 THE DEPONENT: I know I'm right.  
22 BY MR. LAVERY:  
23 Q All right. Fair enough. I want to  
24 know if this is accurate. That's all I'm trying  
25 to ask.

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1 She indicates that she went to your  
2 office about 1:44 and updated you on your  
3 condition -- on her condition because he asked.  
4 Told him I had physical therapy. Is that  
5 accurate?  
6 A I'm sorry?  
7 Q First sentence: Went to his office  
8 1:44, updated --  
9 A Okay.  
10 Q -- him on my condition because he  
11 asked.  
12 A Okay.  
13 Q Told him I had physical therapy. Is  
14 that accurate?  
15 A I believe so.  
16 Q Okay. Then there's a reference to  
17 something that's really not pertinent here, the  
18 ATPA conference. It goes on to indicate in the  
19 exhibit: I then asked if he had five minutes to  
20 discuss with me my work comp injury form, and we  
21 discussed that. Is that accurate?  
22 A I would assume so.  
23 Q He attached Exhibit 1, innuendo that  
24 I wasn't at work for injury. I think you've  
25 already testified that she did raise that issue,

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1 and you told her that no, you did believe the  
 2 injury took place; is that right?  
 3 A I guess that was her interpretation,  
 4 I suppose.  
 5 Q And you told her that that was not  
 6 accurate; is that correct?  
 7 A Yes, sir.  
 8 Q All right. I asked to explain it to  
 9 me, I asked why. He said, I had told him that I  
 10 had stopped comp time and then why did I have to  
 11 ask to use more -- to use some. Re-explained I  
 12 told him I'd long stopped keeping more than  
 13 nine-hour days, but that I cleared it with him  
 14 and that I intended to be redeemed with time for  
 15 the long crime scenes and the horrendous extra  
 16 hours at the fair, which he approved ahead of  
 17 time. Is that accurate?  
 18 A Well --  
 19 (Mr. Blakey and Deponent confer  
 20 privately.)  
 21 Q Did she raise that issue?  
 22 A I assume she raised that issue from  
 23 the content of the memorandum, or whatever it  
 24 is. I don't have a specific recollection of it.  
 25 Q That's fine. Just tell me if you do

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1 or don't. Next paragraph: He said that if and  
 2 when I am not here he wants someone to now know  
 3 about it other than me. And I said I will fill  
 4 in any form that everybody else does, but I want  
 5 every other salaried employee have to do the  
 6 same. Is that accurate?  
 7 A (Pause.) Again, okay.  
 8 Q Is that accurate?  
 9 A Yes, sir.  
 10 Q It goes on to indicate: I stated I  
 11 wanted to work well with him because that  
 12 adversarial arrangement is difficult under the  
 13 circumstances, and I asked, do you want me to  
 14 resign? Is that accurate as to what she said?  
 15 A What adversarial arrangement is she  
 16 referring to?  
 17 Q I don't know. Did she make that  
 18 statement? That's all I'm asking you. I don't  
 19 know what she's referring to.  
 20 A Okay.  
 21 Q I'm just asking, was that statement  
 22 made?  
 23 A Yes, sir.  
 24 (Mr. Jacob leaves the deposition  
 25 room.)

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1 Q Okay. Yes, sir?  
 2 A Yes, sir.  
 3 Q Okay. He looked at me saying nothing  
 4 for 40 seconds and said, now that you mention  
 5 it, I was going to ask you to resign, yes. Is  
 6 that accurate?  
 7 A Yes, sir.  
 8 Q She supposedly said: Okay, now that  
 9 I know how you feel, is there anything else? He  
 10 said yes. When shall we do this? And I stated,  
 11 oh, no. I'm not agreeing to this. I just  
 12 wanted to know your position. Is there anything  
 13 else? Is that accurate?  
 14 A Yes, sir.  
 15 Q He said, it would be to your benefit  
 16 to resign because if not, I will terminate you.  
 17 Is that accurate?  
 18 A Yes, sir.  
 19 (Mr. Jacob returns to the deposition  
 20 room.)  
 21 Q I asked, are you terminating me at  
 22 this time? Did she ask that?  
 23 A I don't know. I assume from the  
 24 content of the memo that she did.  
 25 Q Okay. It goes on to indicate: I

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1 stated I am not resigning. Did she say that?  
 2 A I believe so, yes, sir.  
 3 Q And then she said: I asked, this is  
 4 all about the Daryman thing, isn't it? Did she  
 5 make that statement?  
 6 A I believe so, yes, sir.  
 7 Q It indicates then that your response  
 8 is: Oh, no. This happened somewhere along the  
 9 line. You just decided you didn't want to work  
 10 with me. Is that an accurate statement of what  
 11 you said?  
 12 A Yes, sir.  
 13 Q It goes on to indicate: I said now,  
 14 don't try to place this on me. He said, it's  
 15 absolutely you. Is that accurate?  
 16 A Yes, sir.  
 17 Q I asked if there was anything else.  
 18 He got upset. Is that accurate?  
 19 A Sounds like I was already upset, but  
 20 I guess so, yes, sir.  
 21 Q All right. I asked, is there  
 22 anything else, Mr. Rebert? I trust you will  
 23 notify me of your time frame when you do reach  
 24 the termination time. Did she make that  
 25 statement?

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1 A Yes, sir.  
 2 Q Is there anything else? No. Thank  
 3 you. 2:02 p.m. Is that accurate as to what was  
 4 said?  
 5 A I assume so.  
 6 Q Do you remember anything else being  
 7 said at this meeting other than what we've  
 8 already gone over?  
 9 A I think we may have had some  
 10 discussion about the comp time even prior to  
 11 this recitation.  
 12 Q Okay. During this meeting or at  
 13 another meeting?  
 14 A No, I think at this one.  
 15 Q All right. So you admit there may  
 16 have been some more discussion about comp time;  
 17 is that right?  
 18 A I believe so, but again, I don't -- I  
 19 can't specifically recall.  
 20 Q Other than perhaps some more  
 21 discussion about comp time that you don't  
 22 specifically recall, do you remember anything  
 23 else that was said at this meeting other than  
 24 what we went over?  
 25 A No, sir.

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1 Q Did you have another meeting with her  
 2 two days later on October 7th?  
 3 A As I recall I did, yes, sir.  
 4 (Rebert Exhibit Number 43 was marked  
 5 for identification)  
 6 Q I marked Rebert 43. It's Miss  
 7 Downing's journal note of October 7th, 2004. Do  
 8 you see that? I think that was also marked at  
 9 her deposition.  
 10 A Okay.  
 11 Q Do you remember a meeting? According  
 12 to her journal it was about an hour, from 1 to  
 13 2. Do you remember that?  
 14 A Yes, sir.  
 15 Q Do you remember her bringing up the  
 16 issue of the Voyzey investigation at that  
 17 meeting?  
 18 A As I recall, we talked about a number  
 19 of things at that meeting.  
 20 Q Is that one of them?  
 21 A I believe so.  
 22 Q Okay. Did you talk about Daryman at  
 23 that meeting as well?  
 24 A Probably.  
 25 Q Did you talk -- Did she raise the

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1 issue of the requests for intervention and  
 2 accessing of the criminal information about  
 3 individuals at that meeting?  
 4 A Is it in here?  
 5 Q I don't see it in there, no.  
 6 A Okay.  
 7 Q But she testified that that was  
 8 discussed.  
 9 A Oh, okay. Well, I don't have any  
 10 reason to say that it wasn't if that's what she  
 11 says.  
 12 Q There's also an issue in there that  
 13 he told me I'd called Bob Durrant. So what. Do  
 14 you remember that discussion?  
 15 A Yes, sir.  
 16 Q What was that about?  
 17 A I had advised her not to -- Both  
 18 myself and Paul Crouse had advised her not to  
 19 make direct contact with labor counsel in this  
 20 union thing, and she did.  
 21 Q When did you -- When did you tell her  
 22 that?  
 23 A Oh, I don't know. Sometime -- I  
 24 don't recall specifically. I can try to figure  
 25 it out, but I'm not sure how.

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1 Q Miss Downing testified that actually  
 2 the contact with Mr. Durrant had taken place  
 3 over a year before with respect to the original  
 4 hiring of Mr. Daryman --  
 5 A Okay. No --  
 6 Q -- in 2003.  
 7 A -- then if she --  
 8 Q Do you remember it that way, or do  
 9 you remember it differently?  
 10 A Well, she contacted Durrant directly,  
 11 perhaps, both times.  
 12 Q Okay. Well, which would have been  
 13 the first time?  
 14 A I guess when he was initially  
 15 hired --  
 16 Q Okay. What would have been the  
 17 second time?  
 18 A -- talking about a year before.  
 19 Q Well, all right. That's the one I  
 20 think she had testified to. What is the other  
 21 occasion that you're talking about where she  
 22 allegedly contacted Mr. Durrant?  
 23 A The other occasion I believe was when  
 24 the detectives' hours were being discussed in  
 25 the context of the agreement.

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1 Q Okay. What year would that have  
2 been?  
3 A That would have been '04, I believe.  
4 Q When in '04?  
5 A I don't know. I'm not sure.  
6 Q Do you know when in relation to  
7 October 7th, '04 it was?  
8 A I'm sorry?  
9 Q Do you know when in relation to  
10 October 7th, 2004 that had been?  
11 A I thought it was fairly close in time  
12 to that date.  
13 Q Are you sure about that?  
14 A I'm not positive about that, but I  
15 believe it was, yes.  
16 Q Why did you tell her not to contact  
17 labor counsel?  
18 A Because I felt she was getting  
19 personally involved in her detectives' contract  
20 negotiations when, in fact, she was supposed to  
21 be management and lobbying, if you will, for the  
22 retention of my 1620 rights, which excludes the  
23 scheduling of detectives.  
24 Q Did she --  
25 A She was --

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1 Q I'm sorry, go ahead.  
2 A She was not in agreement with that,  
3 and she was personally lobbying Mr. Durrant,  
4 union counsel, and she was specifically directed  
5 not to do that; not to speak with him; not to  
6 contact him; not to negotiate on behalf of her  
7 detectives.  
8 Q Now, did she tell you that she had  
9 been directed to speak to Mr. Durrant by Sharon  
10 Luker?  
11 A Been directed to speak to Durrant by  
12 Sharon Luker?  
13 Q Yes, she was --  
14 A That Sharon --  
15 Q -- told my Sharon Luker.  
16 A -- Luker would tell her to talk to  
17 Durrant?  
18 Q Yes.  
19 A I don't recall her saying that, no.  
20 Q Do you know if that's true?  
21 A To my knowledge that is not true.  
22 What was she suppose to talk to Durrant about?  
23 Did she tell you that?  
24 Q My understanding from her testimony  
25 is that she said she was -- She talked to

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1 Durrant about the original hiring of Daryman at  
2 the request of Sharon Luker. That's what I  
3 understand her testimony to have been at her  
4 deposition.  
5 Do you remember her ever raising that  
6 issue that she had been told to speak to Durrant  
7 by Sharon Luker? That's all I'm asking.  
8 A No. No. She did not.  
9 Q Okay. Now, at that meeting did you  
10 say that she should be loyal to you?  
11 A I said that to her a number of times.  
12 Q Did she tell you she would not lie  
13 for you?  
14 A Is that in here? I'm just looking  
15 for it.  
16 Q It's in the Complaint. I don't know  
17 if it's in the note or not?  
18 A Okay. Yeah, she told me that.  
19 Q Okay. Did you tell her --  
20 A I never asked her to lie for me.  
21 Q Did you tell her that you were the  
22 D.A. and you could do anything?  
23 A I've said that, yes, sir.  
24 Q And did you say it at that meeting?  
25 A I may have.

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1 Q Did you tell her that that was -- Vic  
2 Dell'Alba had told you that and --  
3 A Yes, sir.  
4 Q Okay. Did she tell you that Vic  
5 Dell'Alba was a corrupt individual?  
6 MR. BLAKEY: Are you pointing all  
7 these conversations to this meeting or having  
8 been said at some time?  
9 MR. LAVERY: At this point I'm  
10 pointing it to this meeting at this point.  
11 MR. BLAKEY: Is any of that in here?  
12 MR. LAVERY: It's in the Complaint.  
13 Yeah, I think it is on Dell'Alba.  
14 MR. BLAKEY: Well, let's take a  
15 moment and read this.  
16 (Counsel reviewing document.)  
17 MR. BLAKEY: I submit it's in the  
18 Complaint, but it's certainly not in this  
19 journal entry.  
20 MR. LAVERY: It may not be in this  
21 journal entry. It's in the Complaint.  
22 BY MR. LAVERY:  
23 Q My question is, do you remember her  
24 mentioning that issue?  
25 MR. BLAKEY: At any time?

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1 MR. LAVERY: No, at that meeting.  
 2 THE DEPONENT: That Dell'Alba was a  
 3 corrupt individual?  
 4 BY MR. LAVERY:  
 5 Q Yeah.  
 6 A I don't -- No, I don't remember  
 7 her -- I don't remember her saying that, whether  
 8 it was at this meeting or any other time.  
 9 Q Do you remember -- In your opinion  
 10 was Dell'Alba a corrupt individual?  
 11 A No.  
 12 Q Was he the D.A.?  
 13 A No.  
 14 Q Okay. When you said at the meeting  
 15 she did say that she wouldn't lie for you, did  
 16 she also tell you that there were more important  
 17 powers than him to her?  
 18 MR. BLAKEY: I want to object. I  
 19 don't recall that he said that that was said at  
 20 that meeting. That's why I raised the issue of  
 21 you talking about this meeting or any time.  
 22 Now, perhaps, he can clarify that for us.  
 23 MR. LAVERY: Well, I think --  
 24 MR. BLAKEY: He certainly  
 25 acknowledged that that was said. I don't know

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1 he acknowledged it was said at this time.  
 2 MR. LAVERY: I think he did, but I  
 3 think the record will speak for itself on that  
 4 point.  
 5 BY MR. LAVERY:  
 6 Q My question is, to the very --  
 7 simply, at this meeting, the meeting of  
 8 September -- I'm sorry, October 7th, 2004, did  
 9 she tell you that there were more important  
 10 powers than you that she had to answer to?  
 11 A Was that said in here?  
 12 Q It's said in the Complaint.  
 13 A Okay. She may have said that. I  
 14 don't recall specifically.  
 15 Q Okay. Did she indicate at this  
 16 meeting that in her view you had asked her to do  
 17 unethical things?  
 18 A Sorry?  
 19 Q That you had asked her to do  
 20 unethical things. Did she indicate that at this  
 21 meeting on October 7, 2004?  
 22 A She may have. She didn't mention  
 23 anything in particular.  
 24 Q Okay. Did you say to her, if you are  
 25 so unethical, why did she still want to work

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1 there?  
 2 A You are right. Yes, that's correct.  
 3 Q Okay. Did the question of Daryman's  
 4 promotion come up?  
 5 A I'm sure.  
 6 Q I don't necessarily think that's in  
 7 here either. But do you remember whether or not  
 8 that issue came up, whether or not she could  
 9 support Daryman's promotion?  
 10 A Yes. I'm sure I asked her to do that  
 11 and she declined.  
 12 Q Did she say that the reason she  
 13 declined is, she felt that that would be an  
 14 unfair labor practice, or that that would cause  
 15 a labor problem?  
 16 A She may have used that as an excuse,  
 17 yes.  
 18 Q Okay. There's also an indication in  
 19 here--this again is Rebert 43--that she reminded  
 20 you that you had told her that Daryman would do  
 21 your secret stuff that you couldn't trust her to  
 22 do, and that you took Daryman's side over her.  
 23 Did that issue come up at the meeting?  
 24 A No. I didn't say that you wouldn't  
 25 do.

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1 Q I'm not saying you said. I'm saying,  
 2 did she say this? I'm not saying that you need  
 3 to --  
 4 A I'm saying she read that into that.  
 5 Q All right. Maybe that's my point.  
 6 Maybe she read something into it, but did she  
 7 make a statement, whether it's accurate or  
 8 inaccurate --  
 9 A Okay.  
 10 Q -- that you had told her that Daryman  
 11 would do your secret stuff that you couldn't  
 12 trust her to do? Did she mention that at the  
 13 meeting?  
 14 A Yes, sir.  
 15 Q Did she also ask you why you believed  
 16 you owed Daryman at that meeting?  
 17 A Daryman never said that to me that I  
 18 owe him.  
 19 Q He never made a comment at any  
 20 meeting that you owed him?  
 21 A No.  
 22 Q Did you ever owe him anything?  
 23 A No. All I owed him for was his work  
 24 as a detective in the Lillie Belle Allen case.  
 25 That was simply a matter of a job well done.

1 Q Okay.

2 A I wanted him to be a detective for

3 us.

4 Q So it was all over the good work that

5 he did in the Lillie Belle Allen case; is that

6 right?

7 A That was part of it. That was part

8 of it. But I also knew his reputation from

9 before.

10 Q Now, let me -- Yeah, you're right.

11 Good point.

12 Did Miss Downing, though, indicate at

13 that meeting a phrase to the effect, did she ask

14 you why you believed you owed Daryman? Whether

15 or not he had ever made that statement or not,

16 did she make that statement at this meeting?

17 It's in the journal. That's why I'm asking you.

18 A Did she ask me why I owed Daryman?

19 Q Let me just read you the comment and

20 ask you if you remember it being made. Also

21 asked why he believes he owes Dary, which I

22 believe is Daryman. Did she ask you that at

23 this meeting on October 7th?

24 A She may have. I don't specifically

25 recall that.

1 over. And at that point she didn't agree to

2 resign or not resign at that point.

3 Does that sound about right to you?

4 A That sounds about right. I know at

5 the October 13th meeting, the last thing was

6 said -- I said, well, you know, go talk to Tim.

7 If he's okay, I'm okay.

8 Q Okay. And then --

9 A Then we had another meeting a few

10 days later.

11 Q Why did you tell her to go talk to

12 Tim?

13 A Because I discussed the situation

14 with Tim and Paul and Bill and other members of

15 the executive staff in the course of this

16 exchange to get their thoughts on whether it was

17 appropriate for me to ask for her resignation as

18 I had. And I wanted her to talk to my, at that

19 point first assistant.

20 Q Okay. Did Mr. Barker raise any

21 issues with Miss Downing's performance to you?

22 A Yes, sir.

23 Q What issues did he raise?

24 A He raised her not being available.

25 He raised her restructuring of the detective

1 Q And you never owed Daryman any type

2 of personal favors for any interventions that he

3 may have done for you, or anything like that;

4 members of your family or for you personally?

5 A No, sir.

6 Q Was there anything else said at that

7 meeting on October 7, 2004, that we have not

8 already gone over?

9 A As I said, only conversation about

10 the comp time, and I don't remember the

11 specifics of that.

12 Q Okay. Do you remember any further

13 meetings with Miss Downing after October 7th?

14 A I think there were a couple meetings

15 after that. I don't -- I better look at my

16 response because I don't recall --

17 Q Take your time.

18 A -- the specific dates, if they're in

19 here. I think the meetings were spaced like a

20 couple days and a week apart.

21 Q I can tell you in the Complaint

22 there's two allegations, one of a meeting on

23 October 13th where you told her her employment

24 will be terminated. And there was a second one,

25 I believe, on October 15th where you said, it's

1 bureau. He raised her failure or her lack of

2 response in responding to Assistant D.A.s'

3 requests.

4 Q Okay.

5 A He mentioned general noncooperation,

6 and I think somewhere along the line Becky lost

7 her loyalty to the office. Those were some of

8 the things that Mr. Barker had mentioned, as

9 well as other members of my staff.

10 Q Did Mr. Barker ever indicate whether

11 he had ever raised any of these matters with

12 Miss Downing prior to this time?

13 A I'm sorry. I don't understand the

14 question.

15 Q Did he tell you -- You just rang out

16 a laundry list or testified to a laundry list of

17 things that Mr. Barker was critical of Miss

18 Downing about. My question to you is, did Mr.

19 Barker indicate to you that he had discussed

20 these things in the past with Miss Downing?

21 A I don't recall that he did, no.

22 Q And do you recall --

23 A I don't know. I would assume he did

24 because he was complaining about them. So I

25 would assume he talked to her about them and --

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1 Q But he never told you that he did,  
2 did he?  
3 A Not that I recall.  
4 Q And there's absolutely nothing in  
5 writing in her personnel file or anywhere else  
6 that would indicate that Mr. Barker had ever  
7 brought any of these issues to her attention  
8 prior to this time; isn't that correct?  
9 A I don't know. Not to my knowledge.  
10 Q Do you know of one?  
11 A Not to my knowledge.  
12 Q Okay. All right. The meeting then  
13 on the -- Let me ask you this. Did you speak to  
14 Barker after he spoke to Downing?  
15 A I believe I did.  
16 Q What did he tell you, if anything?  
17 A He basically told me that she had  
18 come to him and he had indicated to her that he  
19 was not in favor of her staying; indicated the  
20 reasons why.  
21 Q Now, the 10/15/05 meeting where it's  
22 claimed that you said, it's over, do you  
23 remember that meeting?  
24 A Yes, sir.  
25 Q Do you remember anything else about

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1 that meeting other than saying it's over?  
2 A Well, I think Teri Kodish from Human  
3 Resources was there with the forms, with the  
4 resignation versus termination forms, and so  
5 forth. And I think they were in the process of  
6 reviewing what she needed to do to keep her -- I  
7 mean, to get credit for her vacation and sick  
8 time and all those issues.  
9 Q And I think that you've -- I think  
10 you had indicated that she didn't agree either  
11 to resign or not resign at that point; is that  
12 right?  
13 A I believe so, yes, sir.  
14 Q Do you remember anything else about  
15 that meeting?  
16 A Well, she was upset. She was more  
17 upset about her affiliation with the chiefs of  
18 police than she was with losing her job as  
19 county detective.  
20 Q What did she say about that?  
21 A Well, she said, do I have to leave my  
22 chief's job? Do I have to leave my chief's job?  
23 Q Okay. What did you say?  
24 A I said I don't know. I would assume  
25 so.

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1 Q Okay. Anything else that was said on  
2 that subject?  
3 A That seemed to be her main concern  
4 and the vacation and sick time that she should  
5 get credit for.  
6 Q Okay. Did she mention the York  
7 County Police Chiefs Association at that point?  
8 A Specifically?  
9 Q Yes.  
10 A I don't know. I don't recall. She  
11 may have. She may very well have.  
12 Q In terms of the decision to terminate  
13 Miss Downing, were you the final policy maker on  
14 that decision, that employment decision?  
15 A Yes, sir.  
16 (Rebert Exhibit Number 44 was marked  
17 for identification)  
18 Q I'm showing you your letter of  
19 December 15, 2004, to Miss Downing. That was  
20 her formal termination; is that correct?  
21 A Yes, sir.  
22 Q The only thing in there you indicate  
23 is that you have lost confidence in her; is that  
24 correct?  
25 A Yes, sir.

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1 Q And you don't indicate any of the  
2 reasons or anything else other than this loss of  
3 confident; is that right?  
4 A Yes, sir.  
5 Q Did you have any discussion with Miss  
6 Downing about this letter?  
7 A I don't know. Not that I recall.  
8 Q Okay. Now, I think you alluded to  
9 this before, but do you remember Miss Downing's  
10 workers' compensation benefits being terminated  
11 after her termination from employment?  
12 A I only know that from her testimony.  
13 Q Would you take a look, if you would,  
14 please, sir, at your Answer to the Complaint;  
15 specifically --  
16 A At my Answer?  
17 Q Yeah, the Answer -- It's Exhibit 4.  
18 MR. BLAKEY: You really mean my  
19 answer.  
20 MR. LAVERY: Answer of H. Stanley  
21 Rebert to the Amended Complaint.  
22 THE DEPONENT: Okay. Is there a  
23 number?  
24 BY MR. LAVERY:  
25 Q Yeah, I'm trying to find it here.

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1 Hold on. Yeah, if you would look at page 14,  
 2 it's paragraph 38, specifically the first full  
 3 sentence: Rebert terminated Miss Downing's  
 4 employment for the reasons stated in paragraph  
 5 37 of this Answer and, therefore, believed that  
 6 she was not entitled to workers' compensation  
 7 benefits.  
 8 Is that an accurate statement?  
 9 A Okay. Where are you now?  
 10 Q I'm sorry?  
 11 A Where are you now?  
 12 Q I'm on page 14 of the Answer, first  
 13 full sentence beginning with Rebert: Rebert  
 14 terminated Miss Downing's employment for the  
 15 reasons stated in paragraph 37 of this Answer  
 16 and, therefore, believed that she was not  
 17 entitled to workers' compensation benefits.  
 18 A Okay.  
 19 Q Is that an accurate statement?  
 20 A It's in my response, so yes, it is.  
 21 Q Okay. What legal basis did you have  
 22 that Miss Downing would not be entitled to  
 23 workers' compensation benefits merely because  
 24 she had been terminated from employment?  
 25 A (Deponent reviewing document.) Just

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1 a cursory reading of the Answer, it doesn't  
 2 appear that there are any reasons in paragraph  
 3 37 that would justify her not being entitled to  
 4 workers' comp benefits.  
 5 BY MR. LAVERY:  
 6 Q But you believed that she was not  
 7 entitled to those benefits; isn't that right?  
 8 A I suppose I have to stand by my  
 9 answer. I don't recall --  
 10 MR. BLAKEY: I'd like to state for  
 11 the record that that's my misstate. I was  
 12 thinking it was unemployment compensation at the  
 13 time I did that.  
 14 MR. LAVERY: He just adopted it, so,  
 15 whatever.  
 16 MR. BLAKEY: Yeah, of course, he has  
 17 to. He reviewed it and approved it.  
 18 MR. HUTCHINSON: The fact is --  
 19 MR. BLAKEY: But I wrote it --  
 20 MR. HUTCHINSON: -- her benefits --  
 21 MR. BLAKEY: -- and I signed it.  
 22 MR. HUTCHINSON: -- were never  
 23 terminated.  
 24 MR. BLAKEY: And I made the mistake.  
 25 MR. LAVERY: I'm sorry?

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1 MR. HUTCHINSON: I said, the fact is,  
 2 her benefits were never terminated.  
 3 MR. BLAKEY: Never terminated.  
 4 MR. LAVERY: Oh, really?  
 5 MR. HUTCHINSON: Really.  
 6 BY MR. LAVERY:  
 7 Q Well, did you believe that because  
 8 she was terminated she was not entitled to  
 9 receive workers' compensation benefits for her  
 10 injury?  
 11 A No. If they were appropriate  
 12 workers' compensation benefits, she was entitled  
 13 to receive them.  
 14 Q Well then, do you know why she was  
 15 not immediately paid workers' compensation  
 16 benefits when they were due and owing after her  
 17 termination?  
 18 A No, sir, I don't.  
 19 Q Did you have any discussions with the  
 20 county risk manager or anybody in H.R. about  
 21 that?  
 22 A Not that I recall.  
 23 Q Okay.  
 24 (Rebert Exhibit Number 45 was marked  
 25 for identification)

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1 Q Rebert 45 is the decision of the  
 2 workers' compensation judge with respect to the  
 3 petitions that were filed by Miss Downing with  
 4 respect to her workers' compensation benefits.  
 5 Have you ever seen that before?  
 6 A I don't believe I have.  
 7 Q Okay. Were you aware that the county  
 8 was penalized for not having provided Miss  
 9 Downing with workers' compensation benefits  
 10 until I believe sometime in March?  
 11 A I just became aware of it.  
 12 Q Okay.  
 13 A I was not aware of it before, no.  
 14 Q Okay. Do you remember a meeting --  
 15 (Pause.) Do you remember a meeting  
 16 that was held with Miss Kodish, Mr. Crouse and  
 17 Mr. Wentz concerning Ms. Downing's workers'  
 18 compensation benefits on October 15, 2004?  
 19 A Not specifically, no.  
 20 Q Well, when you say not  
 21 specifically --  
 22 A Was I present, do you know?  
 23 Q That's my understanding. I'm asking  
 24 for your recollection.  
 25 A Okay.



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1 Q I mean, if you don't remember it,  
2 just tell me you don't remember it.  
3 A Okay.  
4 Q That's my understanding. But what's  
5 your recollection? That's all I want to know.  
6 Do you remember such a meeting?  
7 A Not specifically, no, I don't.  
8 Q When you say not specifically, is it  
9 possible that there was such a meeting and you  
10 just don't remember it?  
11 A Yes, absolutely.  
12 Q Okay. Did you have anything to do  
13 with the decision to not restart or not to begin  
14 paying Miss Downing workers' compensation  
15 benefits after her termination?  
16 A I don't believe so, no, sir.  
17 Q Would those decisions have been made  
18 by the county?  
19 A As far as I know, they would, yes.  
20 (Rebert Exhibit Numbers 46 and  
21 47 were marked for identification)  
22 Q I'm showing you Rebert 46, which is a  
23 memo dated January 7, 2005, to the York County  
24 Police Departments, re, the chief county  
25 detective position. Do you see that?

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1 A Yes, sir.  
2 Q Did you author that?  
3 A Yes, sir.  
4 Q The second is Rebert 47, which is a  
5 memo to the county detectives, again, re, the  
6 chief county detective. Did you author that?  
7 A Yes, sir.  
8 Q Now, in there it indicates that Miss  
9 Downing -- In Exhibit 46 it indicates that Miss  
10 Downing was terminated for cause. Do you see  
11 that?  
12 A Yes, sir.  
13 Q Why did you include the language for  
14 cause in there?  
15 A Because that's what happened.  
16 Q Okay. Well, in Rebert Number 3 with  
17 Ken Ingle, all you said there is that he had  
18 left for personal reasons; isn't that right?  
19 A Whatever it says, yes, sir.  
20 Q You didn't indicate anything in there  
21 that he left because of cause or for anything  
22 that he had done that was improper; isn't that  
23 right?  
24 A That's correct.  
25 Q Why if you did that with Mr. Ingle

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1 who was stealing overtime from you, did you feel  
2 the need to include for Miss Downing that the  
3 termination was with cause?  
4 A Because I thought Miss Downing's  
5 situation was a lot more egregious.  
6 Q You thought her situation was more  
7 egregious than what Ken Ingle did?  
8 A Well, Ken Ingle left before the  
9 allegations of criminal conduct.  
10 Q How about just the stealing of  
11 overtime? That's a crime, isn't it, in the  
12 Commonwealth of Pennsylvania?  
13 A Padding your hours?  
14 Q Yes. It's called theft of services,  
15 isn't it?  
16 A Okay. It could be.  
17 Q And you're saying that what she did  
18 was more egregious than Mr. Ingle's conduct,  
19 which could constitute theft of services? Is  
20 that your position?  
21 A At the theft-of-services point in  
22 time, her conduct was worse, yes.  
23 Q Okay.  
24 A You have to bear in mind that Ingle  
25 was prosecuted for his other offenses.

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1 Q And in terms --  
2 A The padding of overtime was, I did  
3 not think that serious a violation at that point  
4 in time to warrant criminal charges, or warrant  
5 a comment to the police chiefs that he was  
6 dismissed for cause.  
7 Q But you felt that Miss Downing's  
8 behavior, whatever it was, was sufficient to  
9 tell the police chiefs that her termination was  
10 with cause; isn't that right?  
11 A Absolutely.  
12 Q Okay.  
13 A Absolutely. She had --  
14 Q Why didn't you just say, Miss  
15 M. Rebecca Downing has left the office, and I'm  
16 hereby soliciting applications for the position?  
17 Why didn't you just say something like that,  
18 like you did with Mr. Ingle?  
19 A Because I felt that there should be  
20 some reason given for her departure.  
21 Q Even though --  
22 A And I thought it was more than  
23 sufficient reason. I didn't elaborate, as you  
24 can see, as to the specifics of it. I thought  
25 that was as little harm could be done --

1 Q Well, I'm going get --  
 2 A -- under the circumstances.  
 3 Q I'm going to get to the elaboration,  
 4 but right now I'm just talking --  
 5 A Okay.  
 6 Q -- about this one. Why didn't you  
 7 just say what you said to (sic) Mr. Ingle; that  
 8 he left the office without including that  
 9 language, the cause language?  
 10 MR. BLAKEY: You already asked that  
 11 question and he answered it.  
 12 MR. LAVARY: Yeah, you're right.  
 13 MR. BLAKEY: He said -- (talking over  
 14 another).  
 15 MR. LAVARY: You're right. Fine.  
 16 You're right. It can't get any better than  
 17 that. That's good. You're right.  
 18 BY MR. LAVARY:  
 19 Q Were you attempting to punish her  
 20 with this memorandum by letting everyone in the  
 21 county know that her termination was for cause?  
 22 A No.  
 23 Q No punitive aspect at all? Is that  
 24 your testimony?  
 25 A That's my testimony.

1 2000 when the only thing you knew about,  
 2 supposedly, was the theft of overtime. Did you  
 3 feel the need to explain to the detectives what  
 4 he had done in a memo like you felt the need to  
 5 with Miss Downing?  
 6 A No, sir.  
 7 Q Because you wanted to punish --  
 8 A I think they knew.  
 9 Q Because you wanted to punish Miss  
 10 Downing with this memo, didn't you?  
 11 A No.  
 12 Q Let's talk about the leak of this.  
 13 Did Mr. Daryman get this?  
 14 A I would assume he did, yes.  
 15 Q He was in the chain of command enough  
 16 to at least get this memo, right?  
 17 A Yes, he was.  
 18 Q Okay. And Mr. Millsaps would have  
 19 gotten it as well; isn't that right?  
 20 A Absolutely, yes, sir.  
 21 Q Okay. And how about Mr. Graff, would  
 22 he have gotten it?  
 23 A I don't know that he would have  
 24 gotten that per se. I'm sure he would have  
 25 found out about it.

1 Q Exhibit 47 where we have a little bit  
 2 of elaboration in here, that was the memo that  
 3 you circulated to the county detectives; isn't  
 4 that right?  
 5 A Yes, sir.  
 6 Q Okay. And in there you elaborate as  
 7 to the reasons; isn't that right?  
 8 A To a degree, yes, sir.  
 9 Q Why did you feel it was necessary to  
 10 tell the county detectives those things?  
 11 A Of course, that was, supposedly, a  
 12 confidential memo, but nothing is confidential  
 13 in that office.  
 14 Q Well, did you --  
 15 A But I elaborated because I thought  
 16 they needed to know what problems she had -- I  
 17 saw that she had created in the office.  
 18 Q Okay. Well, when Mr. Ingle departed,  
 19 did you send a comparable memo to the detectives  
 20 to tell them what problems Mr. Ingle had created  
 21 in the office and why he was leaving?  
 22 A Well, no. He was prosecuted, so they  
 23 eventually found that out.  
 24 Q Well, I know they eventually found it  
 25 out some years later. But I'm talking about in

1 Q You said that this should not have  
 2 gotten out of the office. I take it you did  
 3 some investigation to determine how that  
 4 occurred?  
 5 A No, I didn't.  
 6 Q You didn't?  
 7 A No, I didn't.  
 8 Q This got published in the press; did  
 9 it not?  
 10 A I think it did.  
 11 Q Okay. Was that what you wanted or  
 12 intended?  
 13 A No, sir.  
 14 Q Was that something that would have  
 15 been a disciplinable offense?  
 16 A I suppose it would have, yes, sir.  
 17 Q And you did absolutely no  
 18 investigation to find out who had leaked this  
 19 memo which you intended to be confidential to  
 20 the press?  
 21 A No, I didn't.  
 22 Q Again, was that to punish Miss  
 23 Downing?  
 24 A No, sir.  
 25 Q Why didn't you do an investigation

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1 then? It's a serious offense, isn't it?  
 2 A Well, had I done an investigation --  
 3 This is not the reason I didn't. But had I done  
 4 an investigation, it would have been in the  
 5 paper again, so as to be published again. So,  
 6 that would certainly have done no one any good.  
 7 I did not pursue an investigation.  
 8 Q Why would an internal district  
 9 attorney's investigation be in the press?  
 10 A Not by design, certainly.  
 11 Q So there would have been another  
 12 leak?  
 13 A Perhaps.  
 14 Q But that's okay. We don't discipline  
 15 or fire --  
 16 A No, that's not --  
 17 Q -- people for that?  
 18 A It's not okay at all.  
 19 Q Let's talk about the contents of  
 20 this. You again in the first paragraph of  
 21 47 indicate that she was terminated for cause;  
 22 isn't that right?  
 23 A Yes, sir.  
 24 Q In the second paragraph you indicate  
 25 that what should have been a department

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1 dedicated to the support of prosecutors in this  
 2 office and the law enforcement in general in  
 3 York County, she envisioned as an independent  
 4 police agency superior to other departments; is  
 5 that right?  
 6 A Yes, sir.  
 7 Q Okay. Do you remember discussing  
 8 that in your Answer to the Amended Complaint as  
 9 well?  
 10 A I don't know.  
 11 Q Well, let's take a look at it.  
 12 A Okay.  
 13 Q Paragraph 41C says: Admitted, and  
 14 further averred that her opposition to the  
 15 employment of Detective Daryman made it clear  
 16 that Miss Downing was more interested in  
 17 operating an independent police agency superior  
 18 to other departments than she was in operating a  
 19 detective bureau to provide assistance to the  
 20 D.A.'s office.  
 21 Do you see that answer?  
 22 A Yes, sir.  
 23 Q Is that accurate?  
 24 A Yes, sir.  
 25 Q How would her opposition to employing

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1 Mr. Daryman make it clear that she wanted to  
 2 operate an independent police agency superior to  
 3 other departments?  
 4 A Well, I think there's other -- I  
 5 think 37 has a reference to the independent  
 6 agency as well.  
 7 Q It may well. My question to you,  
 8 though, sir, is with respect to 41C. And that  
 9 is, how would her opposition to the employment  
 10 of Mr. Daryman and his special schedule make it  
 11 clear that she was more interested in operating  
 12 an independent police agency superior to other  
 13 departments?  
 14 A What does the Complaint in 41C say,  
 15 because the first part of that was admitted?  
 16 Q All right. I'll find out. It's  
 17 probably over with your attorney.  
 18 A But my response would be, you can't  
 19 read that response in the abstract. You'd have  
 20 to include the response to the balance of the  
 21 Complaint as well, which does include operation  
 22 of an independent --  
 23 Q Okay.  
 24 A -- police organization.  
 25 Q Can you explain to me how Daryman's

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1 employment would make that clear? Do you have  
 2 any explanation for that?  
 3 A (Deponent reviewing document.) Not  
 4 specifically, no, I can't.  
 5 Q Okay. Let's go to the next one, the  
 6 next sentence. The outstanding individual  
 7 abilities of our respective detectives were  
 8 overshadowed by her lack of humility and  
 9 patronizing attitude.  
 10 A Absolutely.  
 11 Q What lack of humility and patronizing  
 12 attitude are you referring to?  
 13 A She always felt that herself and her  
 14 detectives were superior to other police  
 15 departments, which she would constantly  
 16 criticize, especially the city, ironically, even  
 17 though she had worked for them for 27 years.  
 18 She felt ill of a lot of the city detectives and  
 19 criticized them for their work.  
 20 You know, it got to the point where  
 21 they would not communicate with us at all as to  
 22 what was going on in the city because they  
 23 resented Becky being here. She was abrupt with  
 24 them, the complaint from the sheriff's  
 25 department as to her abrupt nature. She was

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1 like that with everybody. She was  
 2 condescending, she was patronizing. She thought  
 3 she was better than them.  
 4 The real problem she had with Daryman  
 5 was his ability as a detective. I think she not  
 6 only disliked John, I think she resented him  
 7 because of his abilities as a detective. Becky  
 8 is a great organizer, a great administrator, but  
 9 she's not a detective -- not an excellent  
 10 detective. I'm sure she can do detective  
 11 duties, but she is not an excellent detective.  
 12 And she resented John as well for his ability as  
 13 a detective, and for my wanting to have him on  
 14 my force.  
 15 I wanted to have the best detective  
 16 agency we could have to support our D.A.s and  
 17 support other police departments. I didn't, you  
 18 know -- They were good. They might have even  
 19 been better, but I didn't want them to be  
 20 painted as such to the general public. I mean,  
 21 they were the D.A.'s detective bureau and I  
 22 wanted the best people in that bureau, and  
 23 that's what I was striving for.  
 24 She took on an attitude that this was  
 25 her department; this was better than any other

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1 department. She had her own identity. She put  
 2 her own identify in the York County directory.  
 3 Her detective bureau had an identity independent  
 4 of the district attorney's office. It was not  
 5 under the district attorney's office. It was  
 6 Becky's Downing Detective Bureau.  
 7 Q Did you tell her not to do that?  
 8 A Eventually I did, yes. I didn't even  
 9 realize it was there. A lot of these things I  
 10 did not realize until after they were all  
 11 done --  
 12 Q Well, let me ask you --  
 13 A -- unfortunately. Unfortunately, the  
 14 people did not come to me when they should have.  
 15 They thought she had my support, which she did,  
 16 but they did not make me aware of everything  
 17 that was going on.  
 18 Q And you were only made aware of these  
 19 things after her termination?  
 20 A No, no.  
 21 Q Let's me ask you this. Was there  
 22 anything ever in writing put to her about her  
 23 attitude, her patronizing attitude, her lack of  
 24 humility, her attitude?  
 25 (Mr. Blakey handed Deponent a

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1 document.)  
 2 Q I mean, did you ever indicate  
 3 anything like that to her? I see your attorney  
 4 may have handed you something, so --  
 5 A I think what the purpose of that was,  
 6 if you'll note on a lot of these exhibits, the  
 7 letterhead of the York County Detective  
 8 Bureau --  
 9 Q Okay. My question --  
 10 A -- with her -- Listen. With her as  
 11 chief and me on the other side as district  
 12 attorney, with the seal of the accredited  
 13 detective bureau office. Now, that's an  
 14 independent agency. The seal is not that of the  
 15 Commonwealth, which is the Commonwealth's --  
 16 which we are, and my name and title are not at  
 17 top of the list. It's her own department. And  
 18 that was her mindset.  
 19 Q Didn't you approve that letterhead?  
 20 A I probably did, but there was a point  
 21 in time that everyone was using their own  
 22 letterhead and we discontinued that, but she --  
 23 Q That's your --  
 24 A -- tried to continue it.  
 25 Q Isn't that your own approved

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1 letterhead?  
 2 A As in a lot of things, she ran this  
 3 by me first and I said okay.  
 4 Q Okay. All right. My question is  
 5 real simple, sir. With respect to her  
 6 patronizing, her attitude, her lack of humility,  
 7 was she every reprimanded? Did you ever put  
 8 anything in writing to her saying, look, you  
 9 better correct your ways. Things have got to  
 10 change around here? Did you ever do anything  
 11 like that?  
 12 A Not other than that -- I may have  
 13 spoken to her about that, but not other than  
 14 that memo about the sheriff's department, about  
 15 being --  
 16 Q What memo?  
 17 A -- abrupt with Zeager.  
 18 Q What memo? Wasn't that a journal  
 19 note?  
 20 A Is that what that was?  
 21 Q Yeah. I'm asking, did you ever --  
 22 A Okay, no.  
 23 Q -- give her anything in writing  
 24 saying, hey look, you know, I really don't like  
 25 your attitude here. Things better change. You

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<p>1 better get on board with the system. This is 2 the way I want things done around here? Did you 3 ever do anything like that? 4 A No, sir. 5 Q You just fired her, right? 6 A Yes, sir. 7 Q Now, it also indicates in here that 8 she unilaterally stopped participating in staff 9 meetings because in her words, it was a waste of 10 her valuable time. When did she unilaterally 11 stop participating in staff meetings? 12 A I don't know the exact time. She did 13 make that comment, although I didn't see it in 14 any of her journals. 15 Q I didn't either. Well, did you ever 16 reprimand her for that or tell her, look, you 17 better start attending staff meetings. This is 18 a problem with you? 19 A I don't believe I did, no, sir. 20 Q Okay. You just -- 21 A She was told to pay attention and not 22 be doing her own personal work and answering the 23 phone. 24 Q Wouldn't some of the prosecutors 25 actually be doing their briefs at these staff</p>	<p>1 hires? I don't think it's funny, sir. Maybe 2 you do. I mean, do you hire people, your female 3 staff on the basis of their looks? 4 A No. No. 5 Q Well, what standards do you have for 6 them, then? 7 A I'll withdraw that comment. 8 Q That's probably best. 9 A Thank you. 10 (Rebert Exhibit Number 48 was marked 11 for identification) 12 Q Rebert 48, who are these fine 13 distinguished gentlemen that are pictured on 14 this document? 15 A Where did the document come from? 16 Can you tell me that? 17 Q It came from my client. I think she 18 got it at a staff meeting, if you need to know. 19 A Okay. The picture is of several 20 Assistant D.A.s, First Assistant, deputies that 21 work in my office; that did work in my office 22 until tomorrow. 23 Q Are these the types of things that 24 would be discussed at your staff meetings? 25 A Let's be Frank.</p>
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<p>1 meetings? 2 A No. I don't know where that came 3 from. 4 Q Well, did you talk about women's 5 breasts at these staff meetings? 6 A I don't believe so. I don't recall. 7 I don't think so, no. 8 Q I know you're kind of chuckling. I 9 mean, is that something you think that may have 10 happened? 11 A It may have happened. 12 Q Okay. Do you remember Miss Downing 13 testified that in one of these so-called 14 valuable staff meetings there was an indication 15 about you hiring beautiful women, and somebody 16 asked how she got hired and commented about her 17 breasts? Do you remember anything about that? 18 A No. I remember her testimony. I 19 don't remember that happening. But I do have my 20 standards, yes, sir. 21 Q Okay. Well, would that be the type 22 of thing under your standards that could happen 23 at these meetings? 24 A No. 25 Q These standards, is that female</p>	<p>1 Q Yeah. 2 A What's -- 3 Q Do you know what that refers to, 4 Bair, Back and Associates? 5 A Yes, sir. 6 Q Is that Mr. Frankel? 7 A Yes, sir. 8 Q Bair, Back. What's Bair, Back refer 9 to? 10 A I don't know. Bare was the name of 11 one of Frankel's associates. I don't know 12 Mr. Back. 13 Q Are these the types of things that 14 would be circulated and discussed at your staff 15 meetings? 16 A I don't know that they would be 17 discussed. This kind of thing might be 18 circulated. I don't recall seeing it. 19 Q Would this be in accordance with your 20 standards, sir? 21 A I don't think I have any published 22 standards with regard to making copies of what's 23 supposedly humorous material. 24 Q Okay. Did you ever in any way 25 indicate in writing to Miss Downing or verbally</p>

1 that there was an issue with her attendance at  
 2 staff meetings?  
 3 A I don't believe I did, no.  
 4 MR. BLAKEY: Mr. Lavery, you asked  
 5 him about 15 times whether he did something in  
 6 writing about this or something in writing about  
 7 that. And he's already said he did nothing in  
 8 writing except the one. So why keep asking him?  
 9 MR. LAVERY: I asked him orally too.  
 10 That's why I did.  
 11 MR. BLAKEY: Oh, all right. You  
 12 asked him orally.  
 13 MR. LAVERY: I said orally and/or in  
 14 writing. I said orally.  
 15 MR. BLAKEY: I'll withdraw the  
 16 objection. Orally is okay.  
 17 MR. LAVERY: No, you're right.  
 18 BY MR. LAVERY:  
 19 Q Now, the last portion of this is --  
 20 Before we get to that, I did want to ask you one  
 21 other thing. The last indication in that  
 22 paragraph is, despite her extensive background  
 23 and experience in hostage negotiations, et  
 24 cetera, she opted out of the Q.R.T. board. Do  
 25 you see that?

1 was a terrible waste for her not to be involved.  
 2 Q When she told you that she was going  
 3 to have -- wanted to have a lesser role with the  
 4 Q.R.T. board, did you tell her no, I want you to  
 5 remain in the role that you have, or did you  
 6 acquiesce to her taking a lesser role?  
 7 A I acquiesced.  
 8 Q So this is another thing that was  
 9 thrown in after the fact, isn't that right, this  
 10 Q.R.T. opt-out?  
 11 A No.  
 12 Q She didn't opt out. She just said  
 13 that she was going to take a lesser role and you  
 14 agreed with her?  
 15 A Well, that's semantics in my opinion.  
 16 Q Well, you agreed with that.  
 17 A A lesser role is opting out.  
 18 Q And you agreed with her, didn't you?  
 19 A Okay.  
 20 Q You acquiesced in that.  
 21 A Okay.  
 22 Q And yet, despite the fact that you  
 23 acquiesced in that, you put this in this  
 24 memorandum; isn't that right?  
 25 A Yes, sir. Well, you also should know

1 A Yes, sir.  
 2 Q Is there anything in your files that  
 3 would indicate that she opted out of the Q.R.T.  
 4 board?  
 5 A Only her comments to me.  
 6 Q What were comments to you?  
 7 A That she was not satisfied with her  
 8 role in the Q.R.T. board and she was going to  
 9 take less of an involvement.  
 10 Q Okay. Well, that's not opting out.  
 11 That just becoming less involved; isn't it, sir?  
 12 A Okay.  
 13 Q Would you agree with me on that?  
 14 A Yes, sir.  
 15 Q And when she told you that you didn't  
 16 object to that, did you?  
 17 A No, sir, I didn't.  
 18 Q So this is something --  
 19 A I did object in the sense I said,  
 20 that doesn't make a lot of sense because she was  
 21 so knowledgeable in that area and had done a lot  
 22 of things with the city Quick Response Team that  
 23 had been adopted by the county. She was very  
 24 learned in the area and participated in a lot of  
 25 stand-off situations for the city. I thought it

1 that she was still, supposedly, the coordinator  
 2 and was not responding to scenes as a  
 3 coordinator as she should have been.  
 4 Q Do you have that documented anywhere?  
 5 A By her admission, yes.  
 6 Q What admission?  
 7 A She indicated that she did not  
 8 respond to Chief Smith in the Gouseff matter  
 9 until after the fact.  
 10 Q Didn't she also say that she hadn't  
 11 been notified of the incident until after --  
 12 A That's what she said.  
 13 Q -- the time?  
 14 A That's what she said, yes.  
 15 Q Do you have any reason to disbelieve  
 16 that?  
 17 A It was my understanding that she had  
 18 been called.  
 19 Q From who?  
 20 A From one of my assistant D.A.s.  
 21 Q Who told you that?  
 22 A Carrie Wirsing.  
 23 Q And on what basis did she say that  
 24 Miss Downing had been called?  
 25 A As I recall, she told me that Miss

1 Downing had been called. She was the duty D.A.  
 2 at the time.  
 3 Q Well, did you check in to indicate --  
 4 Did you check that out to find out whether or  
 5 not that was accurate?  
 6 A Well, she was the one who told me.  
 7 Do you mean, did I check that out to see if --  
 8 to confirm it?  
 9 Q Yeah. Did you go to Becky Downing  
 10 and say, hey, were you called and not -- and did  
 11 not respond to this? Did you do anything with  
 12 that?  
 13 A I went to Becky to find out if she  
 14 had responded, and she said she had not  
 15 responded until the next day.  
 16 Q And she also told you, did she not,  
 17 that nobody had called her about the incident  
 18 until after it over?  
 19 A Yes, um-hm.  
 20 Q In fact, didn't she call you after  
 21 the incident and ask you if you wanted her to  
 22 respond and you told her no?  
 23 A After the fact?  
 24 Q Yeah, after the woman was shot dead.  
 25 A That's probably true, yeah.

1 Q In fact, wasn't Miss Downing involved  
 2 in the post-mortem that you had with Mr. Graff  
 3 over the Gouseff incident?  
 4 A Yes, sir.  
 5 Q And she was involved in that in her  
 6 role as the liaison of the Q.R.T. board; isn't  
 7 that right?  
 8 A Yes, sir.  
 9 (Rebert Exhibit Numbers 49 and 50  
 10 were marked for identification)  
 11 Q Exhibit 49 appears to be --  
 12 MR. BLAKEY: I haven't objected to  
 13 any relevance here. I just want to make a  
 14 comment. What possible relevance does  
 15 communication of April 11, 2005, have to do with  
 16 a woman who's discharged in October of 2004?  
 17 MR. LAVERY: Well, there's -- No, it  
 18 has plenty to do with it. There are allegations  
 19 of ongoing retaliation in that Complaint, and  
 20 ongoing efforts on the part of Mr. Rebert and  
 21 others to deprive her of being able to get a  
 22 job, and --  
 23 MR. BLAKEY: This deals with ongoing  
 24 retaliation?  
 25 MR. LAVERY: We're going to get to

1 it. Just give me a second and we'll get to it.  
 2 MR. BLAKEY: Okay, I'll listen.  
 3 BY MR. LAVERY:  
 4 Q Rebert 49 is Chief Smith's letter to  
 5 you dated April 11, 2005.  
 6 A Okay.  
 7 Q Do you remember receiving that?  
 8 A Yes, sir.  
 9 Q Okay. And do you remember around  
 10 that time there being concerns expressed by the  
 11 chiefs of police concerning communication from  
 12 your staff to officers about cases --  
 13 A Yes.  
 14 Q -- and D.A.s regularly making  
 15 decisions without consulting the arresting  
 16 officer; is that right?  
 17 A Yes, sir.  
 18 Q Okay. And you then wrote your, as  
 19 you described it, epistle back to --  
 20 THE COURT REPORTER: A pistol?  
 21 MR. LAVERY: Epistle, like the  
 22 epistle of the apostle.  
 23 THE DEPONENT: Letter.  
 24 MR. LAVERY: Thank you.  
 25 BY MR. LAVERY:

1 Q April 28th (sic), 2005, from you to  
 2 Chief Smith; is that right?  
 3 A Yes, sir.  
 4 MR. JACOB: The 29th.  
 5 Q April 29, I'm sorry.  
 6 MR. LAVERY: What's the number on it?  
 7 MR. JACOB: 50.  
 8 BY MR. LAVERY:  
 9 Q The last paragraph where you mention  
 10 the epistle, or letter, you indicate: It's  
 11 difficult to imagine that I would be welcomed  
 12 with open arms by your organization given the  
 13 fact that my former chief detective, who has  
 14 filed suit against me for alleged wrongful  
 15 termination, continues to enjoy her membership  
 16 status along with any concomitant privileges in  
 17 your association. I may be mobility challenged,  
 18 but I'm not dumb.  
 19 In that regard, I would appreciate  
 20 you --  
 21 A I'm not that dumb.  
 22 Q I'm not that dumb. In that regard, I  
 23 would appreciate your sending me your articles  
 24 of incorporation along with a copy of your  
 25 bylaws. Why did you write that, sir?

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1 A It was in response to his letter. I  
 2 wrote that --  
 3 Q You wrote it because you wanted her  
 4 out of the organization, isn't that right, the  
 5 chiefs of police organization?  
 6 A I didn't feel it was appropriate that  
 7 she be in the organization, yes, sir.  
 8 Q Okay. All right. Are you a member  
 9 of that organization?  
 10 A Yes, sir.  
 11 Q And you didn't feel it was  
 12 appropriate and you felt that she should be of  
 13 it; isn't that right?  
 14 A Yes, sir.  
 15 Q Why wouldn't it be appropriate for  
 16 her to be in that organization as an affiliate  
 17 member?  
 18 A She's no longer a chief of police. I  
 19 think her affiliate status was only recently  
 20 created.  
 21 Q Didn't all the other chiefs of police  
 22 want her there?  
 23 A I don't know that.  
 24 Q Okay.  
 25 A I don't know that that would be

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1 governing.  
 2 Q Okay.  
 3 A The first day that my new county  
 4 detective came on board, I went to the chiefs  
 5 meeting to introduce him, and I -- She was  
 6 there, as a voting member I suppose. I asked  
 7 the then president to excuse her at least for  
 8 the time of the meeting. He refused to do that.  
 9 Then I went to her and said, Becky, would you  
 10 leave simply as a courtesy so that I can  
 11 introduce my new chief county detective. She  
 12 refused, which I thought, as I say, as a  
 13 courtesy she should have at least left the room.  
 14 Q So you wanted her out of the  
 15 organization, right?  
 16 A Well, I didn't see any reason why she  
 17 should be in the organization.  
 18 Q But I mean --  
 19 A I mean, I was just talking about that  
 20 particular incident where I'm introducing my new  
 21 chief county detective and I'm asking her to  
 22 step out of the room simply for that moment, and  
 23 she declines to do that. I don't think she  
 24 should be in that organization, no.  
 25 Q Did she say anything when he was

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1 introduced; make any disparaging remarks, hiss,  
 2 boo; do anything that was inappropriate when you  
 3 introduced Mr. Mendez?  
 4 A No.  
 5 Q She just sat there, didn't she?  
 6 A She was stewing, but yeah, she just  
 7 sat there.  
 8 Q In fact, didn't she stand up, shake  
 9 his hand and welcome him to the organization?  
 10 A I think she did, yes.  
 11 Q And after that you actively took a  
 12 role to try to have her forced out of that  
 13 organization, isn't that correct, sir?  
 14 A I didn't think she should be a member  
 15 of that organization.  
 16 Q I know you've already said that. Not  
 17 only did you think that, you took a role to have  
 18 her excluded from that organization --  
 19 A I told the president --  
 20 Q -- did you not?  
 21 A -- what I thought, yes, sir.  
 22 Q In fact, didn't you send a letter  
 23 recently to the York County Chiefs of Police  
 24 Association about Miss Downing's attendance at  
 25 meetings of the association?

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1 A I don't know that I did. I sent a  
 2 letter to them at some point. I don't think  
 3 I've sent anything very recently.  
 4 Q Randy Rizzuto in testimony indicated  
 5 at the end of 2005, 2006 -- I'll show you if you  
 6 need to see it.  
 7 A Yeah, I do.  
 8 Q Okay.  
 9 A Oh, you mean her testimony?  
 10 Q Yep.  
 11 A I'll believe it. I'll believe what  
 12 you would tell me about her testimony if that's  
 13 what --  
 14 Q You can read it.  
 15 MR. BLAKEY: Can you direct him to a  
 16 page?  
 17 MR. LAVERY: Sure.  
 18 BY MR. LAVERY:  
 19 Q This is only a portion of it. Just  
 20 start, if you would, at page 60, line 17 and  
 21 then go through line 25 on page 62.  
 22 MR. LEBER: Is this marked?  
 23 MR. LAVERY: No, I'm not going to  
 24 mark. I don't think I need to mark it.  
 25 Actually, it's her deposition.



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<p>1 THE DEPONENT: You're going to read 2 it? 3 BY MR. LAVERY: 4 Q No. I just want you to read it. I 5 just want you to be satisfied that I'm not -- 6 I'm giving you the whole thing. If you want, 7 I'll summarize it for you. 8 A Yeah, if you would, please. 9 Q She indicates in here, and your 10 attorney can correct me if I'm wrong to try to 11 save some time here, that there was a letter 12 typed probably late 2005, and that the gist of 13 the letter was essentially that Miss Downing 14 should no longer be permitted to attend 15 meetings. And that the letter -- 16 A Well, that's -- 17 Q The letter was sent to Randy Whitson. 18 A Okay. I don't think that letter was 19 ever sent. 20 Q Okay. Did you draft a letter? 21 A I may have drafted the letter, yes, 22 sir. 23 Q Okay. Do you know one way or another 24 whether that letter was actually sent? 25 A I don't know one way or the other.</p>	<p>1 Whitson or Mr. Duffy by phone or some other way 2 verbally your wish that Miss Downing no longer 3 be able to attend meetings of the York Chiefs of 4 Police Association? 5 A I think I may have mentioned that to 6 Chief Duffy. I don't believe I did to Chief 7 Whitson. 8 Q Okay. And did you in any way 9 pressure Chief Duffy with respect to cooperation 10 by your office if he didn't do that? 11 A I don't recall specifically. I mean, 12 there's obviously a reference in this letter to 13 Chief Smith that I'm not sure how -- 14 (Pause.) It is difficult to imagine 15 that I would be welcomed with open arms by an 16 organization given the fact that my former chief 17 county detective, who has filed suit against me 18 for alleged wrongful termination, continues to 19 enjoy her membership status along with any 20 concomitant privileges in your association. 21 So, you know, in that sense, 22 obviously, I indicated my reservations with 23 working with the chiefs of police. 24 Q If she was still allowed to be in the 25 organization; is that right?</p>
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<p>1 However, I don't believe it was sent. 2 Q Okay. Would that be -- Was that 3 typed on Miss Rizzuto's word processor/computer? 4 A It would be, yes, sir. 5 Q Okay. Would that be in the Word 6 documents? Would the documents be saved on a -- 7 A I assume it would be retrievable, 8 yes, sir. 9 MR. LAVERY: I would ask that be 10 retrieved and provided. We've made many 11 requests for that. 12 THE DEPONENT: Even though it wasn't 13 sent? 14 MR. LAVERY: Sent or not. 15 MR. LEBER: An unsent letter to Randy 16 Whitson in what time period? 17 MR. LAVERY: Either Randy Whitson or 18 Dave Duffy, would have been late 2005, early 19 2006. Brad, it's page 60, 63 of Rizzuto's 20 deposition. 21 MR. LEBER: Yes, I see that. 22 MR. HUTCHINSON: I think she's been 23 asked about it. 24 BY MR. LAVERY: 25 Q Did you discuss with either Mr.</p>	<p>1 A Yes, sir. 2 Q That letter, whether it was sent or 3 unsent, did you make a comment in that letter to 4 the effect that, I need to know who's in my back 5 seat; anything along those lines? 6 A Well, we'll find the letter and see 7 what it says. 8 Q I just want to know your 9 recollection. 10 A I think I mentioned who's driving 11 this bus, so there may have been a mention of a 12 back-seat driver. 13 Q Do you remember any type of reference 14 along the lines of, you need to know who's in 15 your back seat or -- 16 A Or watch your back. 17 Q Watch your back, something like that? 18 A There may have been something like 19 that, yes. 20 Q Did you ask the association, Mr. 21 Whitson, for a copy of the letter to Miss 22 Downing prohibiting her from attending 23 association meetings? 24 A I think I asked for the letter from 25 Chief Duffy.</p>

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1 municipality and say don't hire her if that's  
2 what you mean.  
3 Q Haven't you indicated to various  
4 chiefs of police that you would not want to see  
5 her hired as a chief of police in this county?  
6 Haven't you indicated that?  
7 A I don't believe I did.  
8 Q Let's look at Rebert 53, which I  
9 believe are various letters of commendation with  
10 respect to Miss Downing and some of her other  
11 detectives; isn't that right?  
12 A I assume so, yes, sir.  
13 Q Okay. I'm not going to go through  
14 all of them, but I do want to ask you about one  
15 of them.  
16 A How many are there?  
17 Q There's a lot of them. But I want to  
18 specifically ask you about the one of October  
19 12, 2004.  
20 A Okay.  
21 Q That was about the way she conducted  
22 law enforcement at the York Fair that year?  
23 A Yes, sir.  
24 Q That was a couple days before you  
25 terminated her?

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1 A Okay.  
2 Q And you're commending her?  
3 A Yes, sir. Becky did a good job in a  
4 lot of areas.  
5 Q Let's take a look at your  
6 interrogatories here and we'll be finished.  
7 Here they are, sir.  
8 (Document handed to deponent.)  
9 Q Those are your Answers to  
10 Interrogatories.  
11 A Yes, sir.  
12 Q Specifically, interrogatory number 4  
13 where it lists supposed incidents of disrespect,  
14 disloyalty, insubordination by Miss Downing.  
15 A Yes, sir.  
16 Q Okay. We talked about A with Mr.  
17 Daryman. We talked about B, her supposed  
18 refusal to attend staff meetings. We talked  
19 about -- Well, C.  
20 What evidence do you have to support  
21 the fact that she supposedly did paperwork  
22 relating to her outside occupation as a teacher  
23 at these meetings?  
24 A At the staff meetings you mean?  
25 Q Yes.

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1 A I don't know that I have any proof of  
2 that, no.  
3 Q Okay.  
4 A Although I -- I thought she may have  
5 mentioned that she corrected papers.  
6 Q Did she or didn't she? Did she say  
7 that or didn't she say that?  
8 A I don't know.  
9 Q D talks about Detective Millsaps.  
10 That was the --  
11 A Okay, where are you now?  
12 Q The next one, right down.  
13 Subparagraph D talks about the reprimand that  
14 you gave to her, and I guess you gave one to  
15 Millsaps. Do you see that?  
16 A I'm not sure where you are.  
17 Q Right there, D (pointing).  
18 A Oh, okay. Yes, sir.  
19 Q That's the reprimand that you  
20 withdrew; isn't that correct?  
21 A Yes, sir.  
22 Q E, mentions that during --  
23 A It wasn't any less disrespectful  
24 because I withdrew it.  
25 Q Well, weren't you satisfied in

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1 withdrawing it that she didn't mean any  
2 disrespect --  
3 A No.  
4 Q -- and as well as Detective Millsaps?  
5 A I just withdraw it.  
6 Q Just withdraw it for no reason,  
7 right?  
8 A Well, she asked me to, so I did.  
9 Q Is that your style of management?  
10 A Yes, sir.  
11 Q E, during collective bargaining  
12 negotiations between the district attorney's  
13 office and the county on the one hand, and the  
14 detective's union on the other hand, Miss  
15 Downing repeatedly disclosed district attorney's  
16 bargaining position to key members of the  
17 union's negotiating team.  
18 What information or evidence do you  
19 have to support that? That's a pretty serious  
20 accusation.  
21 A Well, they all are.  
22 Q Some are and some may not be, but  
23 that one is.  
24 MR. BLAKEY: When you're asking about  
25 his personal knowledge, you realize there's

1 other people involved in preparing this.  
 2 MR. LAVERY: Oh, I'm sure there are.  
 3 We'll get to them when we depose them. But I  
 4 want to know what he knows about that, if  
 5 anything.  
 6 THE DEPONENT: I believe, as I  
 7 recall, that information came from Mr. Crouse.  
 8 BY MR. LAVERY:  
 9 Q Oh, Mr. Crouse. The same individual  
 10 that Miss Downing had talked to you about  
 11 dismissing and that you were going to fire? Is  
 12 that the same Mr. Crouse?  
 13 A Yes, sir.  
 14 MR. BLAKEY: Wait a minute. He never  
 15 said he was going to fire Crouse. He was going  
 16 to fire Graff.  
 17 MR. LAVERY: No, he was going -- He  
 18 did fire Graff. He wasn't going to fire Crouse,  
 19 but --  
 20 MR. BLAKEY: I don't recall.  
 21 MR. LAVERY: Yeah, I know he did. He  
 22 said he withdrew it. Graff you did fire, but  
 23 just Graff wouldn't leave, so he let him stay.  
 24 THE DEPONENT: Didn't stick.  
 25 MR. LAVERY: Didn't stick.

1 Crouse may have.  
 2 Q Did you see anything in writing in  
 3 Mr. Crouse's files that would indicate that he  
 4 ever did that?  
 5 A No, I don't search files. No.  
 6 Q Okay. When did this supposed  
 7 disclosure take place?  
 8 A Don't know that.  
 9 Q Well, the contract was being  
 10 negotiated when? 2003?  
 11 A I don't know.  
 12 Q F indicates, during her course of  
 13 employment she would refer to the district  
 14 attorney as sir in a mocking and sarcastic tone.  
 15 A Yes, sir.  
 16 Q She would call you sir? How would  
 17 she say -- What was the mocking and sarcastic  
 18 tone of that?  
 19 A Well, just the mocking sarcastic  
 20 term, sir (demonstrating).  
 21 Q Just like that?  
 22 A That was similar, yeah.  
 23 Q Okay. And did you ever indicate to  
 24 her that she shouldn't do that; that that was  
 25 inappropriate; anything either orally or in

1 BY MR. LAVERY:  
 2 Q But anyway, other than Mr. Crouse,  
 3 any other support for that one?  
 4 A I understand the information went to  
 5 Detective Demangone.  
 6 Q I know, but from whom? Who told you  
 7 that?  
 8 A I believe I got that information from  
 9 Mr. Crouse.  
 10 Q Okay. When did Mr. Crouse give you  
 11 that information?  
 12 A I don't recall.  
 13 Q Was it since the lawsuit?  
 14 A I don't know. I don't think so.  
 15 Q Well --  
 16 A I don't know.  
 17 Q Well, did you confront Miss Down --  
 18 A It must have been since the lawsuit  
 19 because this is the Answer to the lawsuit.  
 20 Q Well, you may have known about it  
 21 before the lawsuit. My question is, do you know  
 22 if you or Mr. Crouse or anyone else ever  
 23 confronted Miss Downing about that very serious  
 24 accusation?  
 25 A I don't believe that I did. Mr.

1 writing about that?  
 2 A I may have said that's enough of  
 3 that, or that's enough.  
 4 Q Do you know if you did?  
 5 A Probably.  
 6 Q How many times?  
 7 A She would criticize me for calling  
 8 her leutnant. I don't know how many times.  
 9 Q Yeah, in fact, you used to call her  
 10 leutnant all the time too, didn't you?  
 11 A Yes, sir.  
 12 Q And that was in a sarcastic and  
 13 mocking tone too, wasn't it?  
 14 A It wasn't mocking.  
 15 Q It was sarcastic, wasn't it?  
 16 A It wasn't mocking.  
 17 Q It was sarcastic.  
 18 A I called her leutnant for as long as  
 19 I've known her. So, I knew her a long time  
 20 before she became chief county detective.  
 21 Q Did Mr. Kelley tell you that she had  
 22 been there for over a year and maybe it's time  
 23 that you refer to her as chief instead of  
 24 leutnant?  
 25 A He may have said that, yes.

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<p>1 Q She talks about her -- expressing her 2 objection to the decision to hire Daryman by 3 yelling and shouting insults to the district 4 attorney and the constant display of disrespect. 5 What evidence do you have that 6 supports that allegation? 7 A Every time we had a discussion about 8 Daryman she would get defensive and 9 disrespectful. 10 Q Okay. You said there were a lot of 11 people that used to yell and shout insults, 12 including Rodney George; isn't that right? 13 A One time Rodney and I had a shouting 14 match, I think was the extent of that. 15 Q And, in fact, you wanted to rehire 16 Rodney George, didn't you, after all that? 17 A Yes, sir. I don't want to rehire 18 Miss Downing, though. 19 Q I'm sorry? 20 A I don't want to rehire Miss Downing, 21 though. 22 Q No, I'm sure you don't, sir. You 23 made that quite sure, and I'm sure she wouldn't 24 want to be rehired by you either, but -- 25 H, Assistant District Attorney Cook</p>	<p>1 Q Was she reprimanded for that, or is 2 there anything orally or in writing that she was 3 told that she was inappropriate? 4 A I think Mr. Barker verbalized his 5 displeasure, but I don't know that. I didn't. 6 Q Okay. I, the District Attorney, made 7 repeated requests of Miss Downing to provide 8 weekly reports, but Miss Downing refused, 9 claiming she didn't have time to do it, even 10 though she had plenty of time to engage in 11 outside pursuits such as teaching at HACC. 12 Is there anything that you have in 13 writing that would indicate that you ever 14 pursued these matters with Miss Downing? 15 A No. 16 Q Did you ever indicate to Miss Downing 17 that if she didn't get the weekly reports done 18 on a more timely basis that her employment would 19 be in jeopardy or that she would face 20 discipline? Did you ever tell her anything like 21 that? 22 A No, sir. 23 Q J, Mrs. Downing fostered an 24 uncooperative attitude that became pervasive 25 within the detective bureau, resulting in a</p>
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<p>1 attempted to request Miss Downing assist him in 2 the presentation of evidence of Susanne Shoff 3 murder trial. Miss Downing responded by yelling 4 that she was busy and slamming her office door 5 in Mrs. (sic) Cook's face. 6 When did Miss (sic) Cook tell you 7 about this, if indeed she did? 8 MS. DOWNING: Mr. Cook. 9 Q Or Mr. Cook. 10 A When did he tell me about it? 11 Q Yeah. Did he tell you about this 12 before or after the lawsuit? Or did he even 13 tell you about it at all? 14 A I think it was Mr. Barker who told me 15 about it. 16 Q When did Mr. Barker tell you about 17 it? 18 A Either shortly after the trial or 19 during the trial itself. 20 Q What year would this have been, sir? 21 A Whenever that trial occurred. I 22 don't -- 23 Q Well, I know that, but do you know 24 the year? 25 A No, I don't.</p>	<p>1 frequent refusal or failure by the detectives to 2 assist the attorneys in their prosecutorial 3 duties, and eventually discouraging the 4 attorneys from asking for assistance. 5 What evidence do you have to support 6 that allegation? 7 A Well, a number of Assistant D.A.s 8 would verify that they asked the detectives to 9 do things for them; various and sundry duties 10 that they needed the detectives to do. They 11 were either not available or busy at Becky's 12 behest. 13 Q Do you remember -- 14 A I -- 15 Q I'm sorry. Go ahead. 16 A I know she took detectives out of 17 their assignments. She assigned detectives to 18 training that lasted months at a time, thereby, 19 depriving them -- depriving their departments of 20 their services during that period. 21 It was one of those situations where 22 the A.D.A.s took on the attitude, it's not worth 23 asking, so they didn't ask at all. It was so 24 difficult to get anything accomplished through 25 Becky that it was not worth asking.</p>

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1 I mean, her detectives couldn't do  
2 anything without her blessing. Sometimes she  
3 wasn't around to ask them and they had to go  
4 running to find her to say -- to see if it was  
5 okay. And if they were busy, it wasn't okay.  
6 So, it completely gutted the effectiveness of  
7 the office on a daily basis.

8 Q Did you ever discuss that with her?  
9 A I believe so, yes, sir.

10 Q Okay. Did you ever indicate to her  
11 that she better change that, or that that  
12 somehow jeopardized her employment with you?  
13 A We tried to get her to change that,  
14 but no, I didn't say it would jeopardize her  
15 employment.

16 Q Did you ever reprimand her for that?  
17 A No, sir.

18 Q Did you ever tell her that she needed  
19 to change the chain of command or do anything to  
20 correct that situation?  
21 A We told her we needed to have those  
22 detectives available.

23 Q You used the word we. Who's we?  
24 A The rest of the staff and myself.

25 Q Do you remember having a discussion

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1 with Miss Downing where she indicated there was  
2 a problem with other agencies doing their job,  
3 and the detectives were called in at the last  
4 minute by prosecutors to do things that should  
5 have been done by the outside police agencies?  
6 A Yeah. Well, that was her philosophy,  
7 if you will, to put that duty on the other  
8 agencies, which in certain circumstances was  
9 appropriate. But, it got to be the fact that  
10 those other agencies couldn't do anything right.

11 Q Well, in fact, didn't you agree with  
12 her when she talked to you about that; that that  
13 policy should be instituted; that the outside  
14 agencies should be doing their job with respect  
15 to these prosecutions and --  
16 A Yes, sir.

17 Q And, in fact, she instituted that  
18 policy, didn't she?  
19 A Yes, sir.

20 Q And that was with your approval;  
21 isn't that right?  
22 A Yes, sir.

23 Q Just look at the last -- The last one  
24 I want to go over with you is number 5. It  
25 talks about complaints, unofficial complaints.

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1 There's two individuals listed, Faith Uhler  
2 Myers.

3 A Okay.

4 Q Do you remember Miss Myers ever  
5 complaining to you about Miss Downing, about  
6 assisting in transporting a witness or witnesses  
7 to court for trial?  
8 A (Deponent reviewing document.) Okay.

9 Q Did Miss Faith Uhler Myers make that  
10 complaint to you?  
11 A Yes, sir.

12 Q And was that with respect to the  
13 issue of other agencies who were supposed to be  
14 transporting their witnesses to court and  
15 related proceedings who weren't doing that?  
16 A Could be, yes, sir.

17 Q Did you ever discuss that with Miss  
18 Downing, the Faith Uhler Myers' complaint?  
19 A I believe I did.

20 Q When did that take place?  
21 A I don't recall.

22 Q Did Miss Downing deny to you that she  
23 had told Miss Uhler Myers to call a taxi  
24 service?  
25 A Did she deny that?

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1 Q Yes.

2 A No, she didn't, but that's  
3 certainly -- That was typical of her abrupt and  
4 insensitive behavior.

5 Q As opposed to all the other  
6 nonabrupt, insensitive behavior that was going  
7 on in the office at that time, right?  
8 A Okay.

9 Q In fact, in terms of the insensitive  
10 behavior, didn't you make comments about Faith  
11 Uhler Myers supposedly having to push herself  
12 away from the dinner table?  
13 A I may have, yes, sir.

14 Q Lori Yost, did Lori Yost complain to  
15 you about Miss Downing?  
16 A I'm sorry?  
17 Q Did Lori Yost complain to you about  
18 Miss Downing?  
19 A Yes, sir.

20 Q When did she complain to you about  
21 Miss Downing?  
22 A I don't recall when.

23 Q Was Lori Yost --  
24 A There again, it was a situation where  
25 it just got to the point that Lori Yost stopped

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1 asking Miss Downing to do things because she met  
 2 such resistance.  
 3 Q Wasn't Lori Yost notorious for doing  
 4 everything at the last minute and not getting  
 5 her assignments done on time and having the  
 6 prosecutions timely prepared, isn't that true?  
 7 A I don't believe so, no, sir.  
 8 Q Okay. She was diligent and well  
 9 prepared ahead of time?  
 10 A As far as I know, yes, sir.  
 11 Q Did you discuss Lori Yost's  
 12 complaints with Miss Downing?  
 13 A I believe I did, yes, sir.  
 14 Q Did you put anything in writing  
 15 about --  
 16 A No. I just asked her to be more  
 17 responsive to the requests from the Assistant  
 18 D.A.s.  
 19 Q Have you looked at her journals, Miss  
 20 Downing's journals?  
 21 A Not all of them, no.  
 22 Q The ones that you looked at, have  
 23 you -- Did you see any reference to any  
 24 complaints by either Faith Uhler Myers or Lori  
 25 Yost?

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1 A As I say, I didn't review them all,  
 2 but the ones I did review I didn't see that, no.  
 3 Q And when you made a complaint to Miss  
 4 Downing, in your experience you know she was  
 5 someone who would either write it in her journal  
 6 or write you a memo back about it, wouldn't she?  
 7 A Well, she apparently wrote a lot of  
 8 things in her journals and I got some memos back  
 9 too, yes.  
 10 Q Do you remember receiving a memo back  
 11 from her on either Faith Uhler Myers or Lori  
 12 Yost?  
 13 A No, sir.  
 14 Q What were the Lori Yost complaints?  
 15 A Specific complaints?  
 16 Q Yes. To the extent that you remember  
 17 any of them.  
 18 A I don't remember offhand right now.  
 19 MR. LAVERY: I think I am just about  
 20 done. I just need to check with my client.  
 21 (Mr. Lavery and client confer  
 22 privately.)  
 23 BY MR. LAVERY:  
 24 Q I have one question and I'm done. In  
 25 March of this year did you send a memo to your

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1 county detectives announcing that Mr. Daryman  
 2 was promoted to the position of assistant chief  
 3 county detective?  
 4 A Yes, sir.  
 5 MR. LAVERY: That's it. Thank you.  
 6 Done.  
 7 (At or about 5:40 p.m., the  
 8 deposition concluded.)  
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