

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 1:CV-05-0351

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M. REBECCA DOWNING and,	:
ROBERT G. LEICHLITER,	:
	:
Plaintiff,	:
	:
- vs -	:
	:
YORK COUNTY DISTRICT ATTORNEY,	:
H. STANLEY REBERT and	:
YORK COUNTY, PENNSYLVANIA	:
	:
Defendant,	:

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Deposition Testimony of JEFFREY MARTZ

225 Market Street	October 4, 2005
Harrisburg, PA	10:00 a.m.

IT IS HEREBY STIPULATED and agreed that the reading, sealing, and signing of the within transcript are waived;

IT IS FURTHER STIPULATED and agreed that all objections except as to the form of the question are reserved to the time of trial.

1 Q I understand.

2 What would you do with respect to
3 his phone?

4 A At the time, we had a program that I
5 had through Nextel that programmed in phone
6 numbers into the telephone. I recall doing that.
7 And I also recall showing him how to use the
8 phone.

11:35A 9 Q In doing that, did you become aware
10 that Susan Rebert also had a Nextel phone from
11 the County?

12 A Yes.

13 Q How did you become aware of that?

14 A Because I had also programmed in her
15 phone.

16 Q You programmed her phone as well?

17 A Yes.

18 Q And was your understanding that that
19 was to be her phone?

20 A Yes.

21 Q And Mr. Rebert told you that?

22 A I don't believe he told me.

23 Q How did you know then it was going
24 to be her phone?

25 A I believe when I went to pick up the

1 phones at Nextel, there was a phone for Mr.
2 Rebert as well as Susan that I was picking up,
3 yes.

4 Q So you actually picked up the phones
5 at Nextel?

6 A I believe I did, yes.

7 Q And you picked up one for Stanley
8 Rebert and one for Susan Rebert?

9 A I believe so, yes.

10 Q Did you ever tell that to Ms.
11 Downing?

11:36A 12 A I may have.

13 Q Do you know if Susan Rebert's Nextel
14 phone was being paid for privately by the
15 Rebert's or whether it was being paid for by
16 County money?

17 A I had heard it was being paid for
18 through County funds.

19 Q Who told you that?

20 A That was, again, through the office.

21 Q Whether it was true or not, that was
22 the common belief or understanding in the office.

1 and appropriate, if true?

11:37A 2 A I didn't feel that it was proper.

3 Q Did you ever convey that to Ms.
4 Downing?

5 A I don't recall.

6 Q Did you ever have any problems
7 working with Detective Millsaps?

8 A Yes.

9 Q Tell me about those.

10 A I felt -- and this is my personal
11 feelings on how I felt. That one, his

12 appearance, meaning his dress appearance, was
13 very sloppy for the position as a detective for
14 the county; immaturity.

15 Q Okay. What else?

16 A I just was not able to work with
17 him.

11:38A 18 Q Did you have questions about his
19 honesty and candor as well?

20 A Yes.

21 Q Did you express those problems to
22 Ms. Downing?

23 A Numerous times.

24 Q You told Ms. Downing on numerous
25 times that you didn't want to have to work with

1 Mr. Millsaps. Isn't that correct?

2 A That's correct.

3 Q Was there an incident where Mr.

4 Millsaps improperly accessed a child porn website
5 from the PSP in your office? Do you remember
6 that?

7 A Yes.

8 Q Tell me about that.

9 A I conduct forensic examinations on
10 computers through my investigations, as well as
11 other county police departments. And I am
12 assigned a laptop computer issued to me by the
13 Pennsylvania State Police Computer Crime Unit.
14 That particular laptop is used strictly for
15 forensic analysis.

11:39A 16 I recall Detective Millsaps asking
17 to go into my office to use the computer, is how
18 he expressed it; to later find out that he, as
19 well as the information service representative,
20 loaded the internet onto my forensic laptop and
21 there was pornography observed.

22 Q Did you complain about that to Ms.