



1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
3

4 M. REBECCA DOWNING, et al., )  
5 Plaintiffs )  
6 VS ) Civil Action - Law  
7 ) No. 1:CV-05-0351  
8 YORK COUNTY DISTRICT ATTORNEY )  
9 H. STANLEY REBERT, et al. )  
10 Defendants )

11 --oOo--

12 DEPONENT: William Graff, Jr., Esquire  
13 TAKEN BY: Plaintiffs  
14 DATE: Thursday, May 18, 2006  
15 TIME: 2:15 p.m.  
16 PLACE: Lavery Faherty Young & Patterson, P.C.  
17 225 Market Street, Suite 304  
18 Harrisburg, Pennsylvania 17108  
19 York, Pennsylvania  
20 REPORTER: Karen J. Meister  
21 Reporter, Notary Public  
22

23 --oOo--

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1 Q Okay. What funds, if any, in the  
 2 D.A.'s office are you in charge of basically  
 3 administering or overseeing?  
 4 A Forfeiture account.  
 5 Q And what is this forfeiture account?  
 6 What's it attached to? What is it?  
 7 A What is it? It's monies collected  
 8 from violations of the drug act. It's in  
 9 Title 42, Section 6801 and two. We seize  
 10 property, we seize cars, we seize teeth, we  
 11 seize jewelry, anything that's part of the drug  
 12 act, it's a violation of the drug act. We sell  
 13 them. We sell them twice a year, Memorial Day  
 14 and Black Friday. The money goes into the  
 15 forfeiture account. That's generally where the  
 16 funds come from.  
 17 Q Okay.  
 18 A Generally. It also it comes -- We  
 19 get a stipend from the Attorney General's Office  
 20 every year, which was over time.  
 21 Q Now, once this money ends up in this  
 22 fund, I'm assuming it's a bank account  
 23 somewhere, or something of that nature.  
 24 A No, it's not a bank account at all.  
 25 Q Okay.

1 A It's in the county -- It's a separate  
 2 account in the county General Fund. It just  
 3 sits there, a side account. It's called the  
 4 forfeiture account.  
 5 Q Okay.  
 6 A It's audited twice a year by the  
 7 Attorney General's Office, it's audited by the  
 8 County Controller.  
 9 Q Okay. So this account, you indicated  
 10 it's not a separate account, but that it is a  
 11 portion of the general account. Is it basically  
 12 on paper recognized as a separate account --  
 13 A Yes.  
 14 Q -- but it's all within one big bank  
 15 account called the General Fund?  
 16 A That's correct.  
 17 Q Okay, just so I understand. Now, is  
 18 there a rule or regulation, a statute, something  
 19 that controls what the monies in that fund can  
 20 be used for?  
 21 A Sure, Title 42, Section 6801, one of  
 22 those subsections.  
 23 Q Okay. Are there any accounting  
 24 records related to that fund?  
 25 A There's a terrific number of -- There

1 are county records that will account for every  
 2 penny that's gone in and out of that account for  
 3 the 18 years that I've controlled it, 19 years.  
 4 We keep our own books. The Controller's Office  
 5 keep their books. They give you monthly  
 6 printouts. We report quarterly to the Attorney  
 7 General's Office. As I said, they send -- They  
 8 audit our books once a year. Every penny is  
 9 accounted for, going in, going out.  
 10 Q Now, those accounting records, are  
 11 there any portion of those records that are  
 12 considered confidential?  
 13 A All of them are considered  
 14 confidential.  
 15 Q But they are sent into the  
 16 Controller's Office?  
 17 A Yes.  
 18 Q And is there a way that those are  
 19 kept separate from other documents so that way  
 20 the confidentiality is not breached?  
 21 A I wouldn't know that.  
 22 Q I think you indicated the  
 23 Controller's Office, the Attorney General's  
 24 Office. Anybody else receive copies of any  
 25 accounting records?

1 A Not that I know of. Me. I get  
 2 monthly printouts.  
 3 Q Who prepares the accounting records?  
 4 A The Controller's Office.  
 5 Q So explain that. You administer the  
 6 funds --  
 7 A Here's what happens today. If I get  
 8 a bill today -- I did get a bill this morning  
 9 for \$380 for some widget, gidget gas cap,  
 10 something somebody had prepared on a car.  
 11 Purchase order is done, I guess POs. They get  
 12 the bill, it comes to me, I initial it, I  
 13 initial the PO. It goes to my boss to do the  
 14 same. And then it goes to the Controller's  
 15 Office to pay. That's how records are kept.  
 16 Nothing gets paid unless there's  
 17 two -- There's always two signatures on  
 18 everything. They just pay the bills. At the  
 19 end of month they show me what we received, they  
 20 show me what we spent on all the different line  
 21 items.  
 22 Q Okay. So within the D.A.'s office  
 23 are you the last person in the chain of command  
 24 who oversees that fund?  
 25 A No. Stanley is the last person in

1 the chain of command that oversees that fund.  
2 Q Do you provide certain records to Mr.  
3 Rebert to review and then sign off on, or how  
4 does that work?

5 A Bills. I supply him with bills. I'm  
6 sure he can see the printouts that come in the  
7 office, but they usually go to me. I review  
8 them. I give them to the guy who runs the  
9 day-to-day drug task force because I'm usually  
10 bitching and moaning about the, you know, why  
11 did we spend this much, why do we spend that  
12 much? How come the cars cost this much to --  
13 You know, that kind of normal complaining I do  
14 like with a wife. And then they get filed.

15 Q Mrs. Rebert testified that you  
16 provided her with a cell phone that she presumed  
17 was paid for from the drug task force fund.

18 A There is a cell phone that's paid for  
19 from the drug task force fund in Mr. Rebert's  
20 second car. Whether she uses it, I don't know.  
21 I never saw her use it.

22 Q So it's affixed in the car?

23 A No. They're portable phones, just  
24 like this one. It will probably ring a dozen  
25 times today. He has two phones.

1 people last month, I get a little testy and say,  
2 who are you talking to? You used 3,000 minutes  
3 and you only made five arrests.

4 But as a general rule, I don't look  
5 at the bills. I just pay the bills. They're  
6 almost the same. They're always somewhere  
7 around 3500 a month, something like that.  
8 Whatever 64 phones times an average of \$55 a  
9 phone comes out to, that's what we pay.

10 Q So you say per phone?

11 A No. We pay one big -- What happens  
12 is, they give us minutes. The plan we have it's  
13 called 400 Plus, or something like that. They  
14 give you so many minutes. We use  
15 70,000 minutes average a month. We probably  
16 have availability for 100,000 minutes. So,  
17 whether that phone is, somebody talks on it for  
18 one minute or 3,000 minutes, it still costs me  
19 the same, 55, \$56 a month per phone, because  
20 they accumulate --

21 Q Divide it by phone.

22 A -- which is why I could care less who  
23 they talk to. I'm going to pay the same amount  
24 whether they talk one minute or 3,000 minutes.

25 Q Is there only one plan that's

1 We have 64 phones in our account.  
2 Most of them are cops, some of them are  
3 attorneys, some are duty phones. Mr. Rebert has  
4 two phones, one for each car. I don't control  
5 who talks on them any more than I control the  
6 duty phone. I provide the phone.

7 Q Do you have a way of monitoring or --  
8 Let me start over. How do you regulate the use  
9 of these phones or --

10 A I don't. I pay the bill. I look at  
11 the bill when it comes in. We talk on the  
12 average -- The last bill I looked at I believe  
13 had 70,000 minutes, which is a normal bill.  
14 Between fifty-five and 70,000 minutes a month  
15 those phones are used. Half of it is normally  
16 talk around -- or talking, hey, how are you  
17 doing type of stuff. The other half is bling,  
18 bling. Nextels are all two-ways.

19 Q Right.

20 A I see the bill, I look at the  
21 minutes. I see who's using, who's not using,  
22 how much they're using. If it catches my eye,  
23 sometimes I look at the arrest statistics to see  
24 if somebody is -- If somebody is talking  
25 3,000 minutes and they've only arrested five

1 provided by Nextel for that amount of minutes,  
2 or are there different --

3 A I don't know. Every once in a  
4 while -- Jonathan Wilker is our account  
5 representative. Every six months or so I'll sit  
6 and talk to him. I'll say is there a cheaper  
7 way? Is there a better plan that we can reduce  
8 the amount we pay? Other than that, that's  
9 pretty much it.

10 Q So presumably then if you reduce the  
11 number of minutes you're using per month, you  
12 might be able to fit into a cheaper plan,  
13 correct?

14 A No.

15 Q Why is that?

16 A Because it's one big egg. It's  
17 whether we talk 70,000 minutes, 30,000 minutes,  
18 a hundred thousand minutes it's going to be the  
19 same. The only thing they orchestrate sometimes  
20 are the -- or plans that will -- Like you call  
21 night and get it free. I think there's some  
22 plans that do that now. But for the most part,  
23 the phones have always been pretty static since  
24 we've had them. And we've had them for years.  
25 The bills don't really change. They pretty much

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1 stay the same.  
 2 Q I guess my question, though, is that,  
 3 does Nextel only -- For example, does Nextel  
 4 only have one plan you can buy a hundred  
 5 thousand minutes for X amount of dollars?  
 6 A I don't know.  
 7 Q Was there any research done into  
 8 that?  
 9 A No.  
 10 Q You said you had a discussion,  
 11 though, with the representative. Did he ever  
 12 discuss with you that, hey, for X amount of  
 13 minutes you get this much. For this X amount of  
 14 minutes it will cost you this much. For X  
 15 amount -- Did you ever get anything like that?  
 16 A No. What I usually say is, get me  
 17 the best plan for the amount of usage we have.  
 18 Q So, basically the plan you're on is  
 19 controlled by the amount of minutes that are  
 20 currently being used by the phones under your  
 21 direction?  
 22 A No. The plan is controlled by the  
 23 number of phones; not the amount of minutes. We  
 24 used to have 40 phones, then we had 50 phones,  
 25 now we have 64 phones. It's how much -- They

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1 charge so much per phone per month on the  
 2 average. So, it's not controlled by the usage.  
 3 It's controlled by the number of phones.  
 4 Q So, okay, I think I understand what  
 5 you're saying then. Then instead of by minutes  
 6 it costs this much, you're saying 30 phones will  
 7 cost this much, 40 phones will cost this much --  
 8 A Yes.  
 9 Q -- 60 phones will cost this much?  
 10 A That's my understanding. Now, I'm  
 11 not a businessman, but that's my understanding.  
 12 Q All right. And each phone is always  
 13 unlimited minutes? Is that what you're saying?  
 14 A I don't think they're unlimited. It  
 15 becomes per se unlimited because they are some  
 16 people who talk five minutes a month. I have  
 17 cops who talk thirty -- or 3,000 minutes a  
 18 month. There's a big egg out there. I don't  
 19 even know what the egg is, but it's a big egg  
 20 we've never approached the end of, so we've  
 21 never -- We don't get to that point.  
 22 Q Okay.  
 23 A It's the best way I know how to  
 24 answer it.  
 25 Q It works. Do you ever monitor -- Let

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1 me start over.  
 2 Is there a policy that you put out or  
 3 anybody else in the D.A.'s office has put out  
 4 that says what the phone may be used for? For  
 5 instance, just law enforcement purposes, or  
 6 personal use as well?  
 7 A No.  
 8 Q And is there any requirement that an  
 9 employee pay back somehow for the personal calls  
 10 that they use?  
 11 A Not by me.  
 12 Q Did Mr. Rebert ever indicate to you  
 13 the reason why he wanted a second phone?  
 14 A He didn't want a second phone. I  
 15 offered the second phone. That was my idea. I  
 16 gave him a second phone. It's called access.  
 17 When I go to Myrtle Beach, I'll take my phone  
 18 with me. You know what, I may make a personal  
 19 call, but I'll have my phone with me. If Mr.  
 20 Rebert wants to get a hold of me or my  
 21 secretary, they can call me.  
 22 On every homicide call or anything I  
 23 go out on, which is a lot, I have always made it  
 24 a practice from the time I've worked there to  
 25 notify my boss. I do that, and he'll tell you I

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1 call him at three in the morning, we have a dead  
 2 body, dah, dah, dah, dah. I also am aware of  
 3 the fact that Stanley loses equipment. He loses  
 4 chargers, he loses this, he loses that. It's  
 5 accessibility. I made a decision to put a phone  
 6 in each one of his cars.  
 7 Q You keep saying put a phone in each  
 8 one of his cars. I'm a little confused about  
 9 that because they're actually not in each one of  
 10 his cars. They're contained on his person and  
 11 in his wife's possession.  
 12 A I don't know that. I gave him phones  
 13 for what I believe to be each one of his cars.  
 14 Q Okay.  
 15 A I can't control who talks on them any  
 16 more than I can control who talks on the duty  
 17 phone or any other phone. And I won't control  
 18 it.  
 19 Q Okay.  
 20 A It doesn't matter to me. My whole  
 21 goal is access. That's what I do.  
 22 Q Okay. Mr. Rebert testified that he  
 23 believed his wife was using it for personal  
 24 reasons as well. Is that anything that you're  
 25 aware of?

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1 MR. HUTCHINSON: Objection. You can  
2 answer.

3 THE DEPONENT: Never thought about  
4 it. Don't care. It cost me \$56.25 a month  
5 whether Stan talks on it, Susan talks on it. He  
6 hands it to his Vietnamese neighbor to talk on  
7 it, I don't care. I could care less. It's not  
8 going to cost me more or less. It's irrelevant.  
9 BY MR. JACOB:

10 Q Did you ever hear Miss Downing  
11 complain to either Mr. Rebert or anyone else  
12 about the fact his wife was provided with a cell  
13 phone in care of the fund?

14 A Not that I recall.

15 Q When Brian Murphy was hired, do you  
16 recall sending Miss Downing to Mr. Rebert to ask  
17 him for his wife's phone?

18 A Say it again.

19 Q Yes. When Brian Murphy was hired and  
20 there wasn't a phone that was available, do you  
21 remember sending Miss Downing to Mr. Rebert to  
22 try to get the phone back from his wife?

23 A No, I don't recall that.

24 Q And the same when Scott James was  
25 hired, do you recall that?

Page 24

1 about it.

2 Q Okay. I'm not even sure where I'm  
3 going. I'm glad you do.

4 As far as these former employees,  
5 what was the reason it was provided to a former  
6 employee?

7 A They weren't provided to former  
8 employees, let's start there.

9 Q Okay.

10 A There are three people that are in  
11 mind -- it came to mind when I read that part of  
12 the allegation, Bob Kessler who ran the drug  
13 task force before John Daryman; Rodney George,  
14 who worked with us, and Bill Miller. Bill  
15 Miller is a retired D.A. agent. Bill Miller had  
16 a pager, since he lives down in Maryland, that I  
17 let him kept for about a year after he left,  
18 because I paid for that pager. It probably  
19 cost -- I don't know how much pagers cost. I  
20 have 75 of them, so -- I don't know what the  
21 bill is for that.

22 Kessler, I let him keep his phone for  
23 six months after he retired. Rodney George, I  
24 let him keep his phone for six months after he  
25 retired. They still had active cases. It was

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1 A No. I'm not saying none of that  
2 happened. That doesn't ring a bell with me. I  
3 always keep -- Like right now I have two phones  
4 and two Blackberries under my desk. We always  
5 try to buy extra. Guys drop them in the toilet.  
6 Guys go on car chases, or foot chases, this,  
7 that and the other thing that -- I don't recall  
8 it. It may have happened. I simply have no  
9 recollection of it.

10 Q Do you recall whether Miss Downing  
11 made a complaint to Mr. Rebert or yourself or  
12 anybody else about the fact that Mrs. Rebert had  
13 a phone, but there wasn't a phone available for  
14 Brian Murphy or Scott James?

15 A That doesn't ring a bell.

16 Q Were phones ever provided to  
17 noncounty employees for their use?

18 A No.

19 Q How about former employees?

20 A Oh sure. You're talking about in the  
21 Complaint, the allegation in the Complaint that  
22 I read about the impropriety?

23 Q I'm just asking --

24 A Okay. Well, let's get to the point.  
25 I know where you're going. Let's just talk

Page 25

1 just easier for me to get a hold of them. Get  
2 on the two-way, I need you for this case, I need  
3 you for this trial. It was really that simple;  
4 nothing more, nothing less. When their cases  
5 came through and there were no more complaints  
6 with their names on it, a witness list, I said,  
7 give me the phones back. They gave them back.

8 Q You said that they still had active  
9 cases, but they were no longer employed by the  
10 D.A.'s office.

11 A They were witnesses in cases.

12 Q Do you provide phones to other  
13 witnesses --

14 A No.

15 Q -- for cases?

16 A No. These are cops. These were  
17 cops. They worked on cases that I was in  
18 control of. It was my decision to let them have  
19 their phones for a six-month period or so after  
20 they retired. It's as simple as that.

21 Q Was Mr. Rebert aware of your  
22 decision?

23 A Probably not. I mean, I can't  
24 remember if I told him or not. I probably  
25 didn't. I think I got a memo saying, get all

1 the phones back, they shouldn't have them I  
 2 think at some point in time. And at that point  
 3 in time I did get them all back. There was one  
 4 left. That was Rodney's.  
 5 Q Do you recall when that memo or the  
 6 communication came to you that you need to get  
 7 the phones back from former employees?  
 8 A No. I don't keep paper. I lose it.  
 9 I remember seeing it.  
 10 Q Was it while Miss Downing was  
 11 employed in the office, or was it after her --  
 12 A I think she was still there.  
 13 Q And do you know if it was the result  
 14 of a complaint by Miss Downing?  
 15 A Oh, I don't know. Not that I was  
 16 made aware of.  
 17 Q Why is it that the drug task force  
 18 fund -- or the forfeiture fund, rather, would  
 19 pay for these phones as opposed to some other  
 20 account anywhere else?  
 21 A Because that's where I paid. That  
 22 pays the phone bills. They're mostly drug cases  
 23 and they're mostly drug cops. Why wouldn't I?  
 24 Q I'm just asking you.  
 25 A Well, the office says I can so I do.

1 under which she was fired?  
 2 A I wasn't privy to the circumstances,  
 3 and I don't want to comment on it. I wasn't in  
 4 the room. I don't know what was said.  
 5 Q I didn't ask you if you were in the  
 6 room. I just want to know if you know the  
 7 reasons why she was fired.  
 8 A Let me talk to Harry for a second.  
 9 (Mr. Ness, Mr. Hutchinson and  
 10 Deponent leave the deposition room and then  
 11 return.)  
 12 Q We're back on the record. You have  
 13 had an opportunity to speak with both of your  
 14 counsel here today. The question was, do you  
 15 know the circumstances under which Miss Dorm was  
 16 fired?  
 17 A Yes.  
 18 Q And what are those circumstances?  
 19 MR. HUTCHINSON: Objection.  
 20 MR. NESS: Yeah, we're going to  
 21 object to that and instruct him not to answer  
 22 the question. If you want to be specific as to  
 23 what his knowledge is item by item, that's fine.  
 24 We'll address each question seriatim. But for  
 25 you to ask him a blanket question, which has a

1 Q All right. Who is Samantha Dorm?  
 2 A My sort of significant other.  
 3 Ex-significant other I guess is the easiest way  
 4 to put it.  
 5 Q Okay. But at a point in time she was  
 6 employed by the D.A.'s office, correct?  
 7 A Yes.  
 8 Q All right. And what position did she  
 9 hold when she was with the D.A.'s office?  
 10 A You know what, I can tell you where  
 11 her office was. I can tell you that she worked  
 12 on grants. I don't know what her title was.  
 13 Q Okay. But something that had to do  
 14 with grants?  
 15 A I believe so.  
 16 Q And do you know if Miss Dorm ever  
 17 discovered what she thought to be irregularities  
 18 in the accounting or the administration of  
 19 grants?  
 20 A I don't know what Miss Dorm  
 21 discovered or didn't discover.  
 22 Q And eventually Miss Dorm was fired  
 23 from the D.A.'s office, correct?  
 24 A It's my understanding she was fired.  
 25 Q And do you know the circumstances

1 lot of implications; one is, there's a question  
 2 of whether or not, in fact, you may have  
 3 information after having been engaged or  
 4 discussed with Samantha, representation of her  
 5 regarding that. I think it's inappropriate that  
 6 you're asking questions about information you  
 7 would have heard through confidential  
 8 communications. So, we're not happy to answer  
 9 that. You're asking him to speculate. He's not  
 10 going to speculate.  
 11 MR. JACOB: I'm not asking him to  
 12 speculate, and I'm asking based on the testimony  
 13 that was already provided by the Director of  
 14 Human Resources that --  
 15 MR. NESS: He wasn't present for that  
 16 deposition.  
 17 BY MR. JACOB:  
 18 Q Let me just finish here. And you can  
 19 confirm or deny this then, that at some point in  
 20 time Miss Dorm spoke out about irregularities  
 21 that she found or she believed to be occurring  
 22 with grants in the office. Do you recall that  
 23 happening?  
 24 A That's not what happened. She was  
 25 accused, from her conversation to me, of having

1 irregularities in her grants.

2 Q Okay.

3 A She said, that's not true. And I  
4 will sit down with my books and we'll go through  
5 and they are correct to the penny. Now, my  
6 understanding is there was an argument in Stan's  
7 office that I know of. She walked out the door.

8 Q Okay. And was that the last that she  
9 came to work?

10 A No. That was a Thursday. She came  
11 to work Monday, and I believe she was fired.

12 Q Okay. And do you believe from your  
13 knowledge of what occurred that the termination  
14 was somehow related to this dispute regarding  
15 the grants?

16 MR. HUTCHINSON: Objection. Go  
17 ahead.

18 THE DEPONENT: I don't know. I don't  
19 know exactly why she was fired to be honest with  
20 you. I mean, I'm in kind of a tough spot. I  
21 mean, she's the mother of my child.

22 BY MR. JACOB:

23 Q No, I understand that.

24 A I work for that man at the end of the  
25 table. The three of us have sort of an

1 those vehicles used for?

2 A We don't purchase vehicles.

3 Q Oh, you don't? Okay, I  
4 misunderstood.

5 A I purchased one vehicle in 18 years,  
6 two vehicles maybe. No, two vehicles in 18  
7 years that I know. Three vehicles now that you  
8 asked the question.

9 Q The number keeps growing.

10 MR. NESS: We've got all day, Bill.

11 THE DEPONENT: Actually, 73 vehicles  
12 including hers. No.

13 BY MR. JACOB:

14 Q I may have misunderstood. I thought  
15 that through the fund the vehicles were  
16 purchased.

17 A Absolutely not.

18 Q Okay.

19 A I don't buy vehicles. I seize them.

20 Q Okay.

21 A Drug dealers drive them to make drug  
22 deals and I take their vehicles. I pay the  
23 liens off and I keep them. We sell crap. We  
24 put on the road good cars until they become  
25 crap, and then we sell them. That's how we do

1 agreement that we don't discuss Samantha or  
2 Stanley because I'm loyal to both. I kind of  
3 walk a tight rope all the time.

4 BY MR. JACOB:

5 Q Fair enough. I can appreciate the  
6 position you're in, so I apologize for --

7 A No, I'm not uncomfortable about it.  
8 I'm answering the best I can.

9 Q And I appreciate that. So then your  
10 answer is you don't specifically know why she  
11 was fired?

12 A No, I really don't.

13 Q I won't ask you to speculate then.  
14 I'm just telling you, if that's your answer,  
15 that's your answer.

16 Did you come to learn that Miss Dorm  
17 has filed a lawsuit against York County?

18 A Yes, of course.

19 Q Has she told you the reason for her  
20 lawsuit against York County?

21 A No.

22 MR. HUTCHINSON: Objection.

23 BY MR. JACOB:

24 Q Explain the use of vehicles that are  
25 purchased by the forfeiture fund. What are

1 it. We bought three vehicles that I'm aware of  
2 that I signed my name to over the period of time  
3 that I've been there.

4 Q The seized vehicles then, are they  
5 issued to officers to use during their employ?

6 A Yeah, sure.

7 Q Okay. And do you have one of those  
8 vehicles yourself?

9 A Absolutely.

10 Q And what is the purpose for these  
11 vehicles? What are they to be used for?

12 A Do drug work. My guys do drug work,  
13 have for years. That's what they use them for.  
14 They're take-home cars. They're on call. My  
15 drug guys are on call 24 hours a day whether  
16 he's a county detective or York City Police  
17 Officer or a York area police officer.

18 We outfit them all the same. We put  
19 police radios in all of them. We try to put  
20 them with red lights in all of them. They get  
21 gas cards from their own departments. That's  
22 their take-home vehicle. I don't care what they  
23 use them for as long as I call them at two in  
24 the morning and they show up in a car.

25 Q Do they receive instructions that

1 this is a take-home car for use in drug  
 2 investigations?  
 3 A No. I don't give them instructions.  
 4 These are grown men with guns. I simply think  
 5 they know what they're doing. We trust them. I  
 6 give them their vehicles and they use their  
 7 vehicles. They show up to work in their  
 8 vehicles.  
 9 Q So it's an honor agreement then that  
 10 they're going to use them for legitimate  
 11 purposes?  
 12 A I don't do a lot with paper. Yeah,  
 13 it's -- Everything they do is legitimate  
 14 business as far I'm concerned. I mean, they're  
 15 on duty 24 hours a day. Any cop is.  
 16 Q So you have, what, a black county  
 17 Tahoe I believe it is?  
 18 A No, I got rid of that. That's now  
 19 the -- It was a Yukon. It was one of the few  
 20 cars that we purchased. It was purchased for  
 21 the last Chief County Detective Ingle, I  
 22 believe. I believe the drug fund paid 50  
 23 percent of that. The county paid the rest --  
 24 The office paid the rest. He had it, he's gone.  
 25 I took it. We still own it. It's now the city

1 own.  
 2 Q Okay. Since eighty --  
 3 A 1987. Actually, I had a car since  
 4 '88.  
 5 Q Since '88, have you owned personal  
 6 vehicles?  
 7 A The last personal vehicle I owned my  
 8 son put through the middle of somebody's house  
 9 when he was drunk.  
 10 Q That's not a good point. Okay. When  
 11 you take vacations then which vehicle do you  
 12 take?  
 13 A I lied because I don't take  
 14 vacations.  
 15 Q Fair enough.  
 16 A Plus, I give 10, 20 days a year back  
 17 to the county. I don't take vacations.  
 18 Q Who pays for the gas for this  
 19 vehicle?  
 20 A County, the drug fund.  
 21 Q And it's the only vehicle you own?  
 22 A Yep. I think. I don't think anybody  
 23 else bought a car in my name. Yeah, that's it.  
 24 It's my car.  
 25 Q And how about the other persons,

1 USA squad's vehicle that they use.  
 2 Q Okay. What vehicle do you have then  
 3 right now?  
 4 A I have a 2002 Suburban we seized from  
 5 Benji Campbell, forfeited from Benji Campbell.  
 6 Sent him to state prison, took two Mercedes, a  
 7 Lexus and his Suburban.  
 8 Q And you have his Suburban?  
 9 A I have his Suburban.  
 10 Q And for what use do you use that  
 11 vehicle?  
 12 A I go out on almost every call. I go  
 13 out on QRT calls. I go to every homicide that  
 14 happens in the city. I go on search warrants.  
 15 I go on most of the search warrants. I have for  
 16 the 19 years that I've been employed. That's  
 17 what I do.  
 18 Q So when you're not involved in drug  
 19 investigations what vehicle do you use?  
 20 A I drive it to the store to get my  
 21 groceries. I pick up my kid from day care, park  
 22 it in the garage.  
 23 Q Okay. When you're not involved in  
 24 drug investigations what vehicle do you use?  
 25 A That's it. That's the only car I

1 let's just start with employed by the D.A.'s  
 2 office who have any of these vehicles that were  
 3 either seized or purchased by the fund, who pays  
 4 for their gas?  
 5 A Let's see. I think -- Well, I'm sure  
 6 the county pays for it. I'm sure the forfeiture  
 7 fund pays for it because I see the printout that  
 8 comes, it looks like three or four -- It must be  
 9 three or four gas bills a month. I mean, on the  
 10 printout it looks like three or four different  
 11 vehicles. I don't know who all has our seized  
 12 cars.  
 13 They switch them around like hot  
 14 cakes. Guys get bored with them. Instead of  
 15 repainting them, because they get blown out,  
 16 they trade them around. One day Murphy is  
 17 driving this car and then the next day he's  
 18 driving something else. The cops trade them  
 19 amongst themselves. I give them the authority  
 20 to do that.  
 21 Q Okay. Which officers have the  
 22 vehicles that are either owned by the fund or --  
 23 A I can't tell you. I mean, I can tell  
 24 you there's a long list of cops probably -- We  
 25 probably have at any given time, my guess would



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1 be somewhere between 15 and 18 cars on the road.  
 2 And that's just a guesstimate. I mean, there's  
 3 somebody that does keep track of those numbers.  
 4 I don't keep track of that crap.

5 Q Just so I'm correct then, these 15 to  
 6 18 vehicles that they're issued to whoever  
 7 they're issued to, you don't care what the use  
 8 is for the vehicle?

9 A I care at two in the morning if I ask  
 10 for a call out, we need 10 guys to do a search  
 11 warrant, I care that they show up.

12 Q But you'd have no way of knowing if  
 13 an officer took his vehicle out on a vacation,  
 14 correct?

15 A No.

16 Q Okay. And there's no requirement  
 17 that any of these people who receive these  
 18 vehicles reimburse the county or the fund for  
 19 any gas that they use?

20 A Nope.

21 Q At some point in time did you learn  
 22 that former Chief Kenneth Ingle had stolen from  
 23 York County?

24 A That's been an allegation. I guess  
 25 he was convicted, wasn't he? I don't know. I

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1 can't tell you the answer. He was convicted so  
 2 I guess he was a thief.

3 Q Okay.

4 A The jury thought so.

5 Q At some point in time did you advise  
 6 Miss Downing and Mr. Rebert that you had  
 7 observed an irregularity in a bill where Mr.  
 8 Ingle had charged a bottle of liquor at a  
 9 MAGLOCLLEN conference and that he had lied to you  
 10 when you confronted him?

11 A Yep.

12 Q And what was the result of that?

13 A He paid me back \$37.50.

14 Q Was he disciplined for his conduct?

15 A Well, it depends on what you call  
 16 discipline. I mean, sitting with me behind a  
 17 closed door when I'm in a bad mood is -- Some  
 18 people would consider that discipline.

19 Q Okay. I wouldn't. So, did he  
 20 receive a written reprimand for that?

21 A I don't do that, no. I do ass  
 22 chewings.

23 Q Did he receive anything other than  
 24 your ass chewing for his conduct?

25 A Not from me.

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1 Q Okay. Do you know if he received it  
 2 from anybody else?

3 A I don't know.

4 Q He wasn't fired at that time for  
 5 doing that, was he?

6 A No.

7 Q In fact, didn't you also catch Mr.  
 8 Ingle on another occasion resubmitting meal  
 9 bills that Mr. Kessler had already reimbursed  
 10 him for?

11 A I don't know if I'd put it that way.

12 When we go to MAGLOCLLEN conferences--

13 THE COURT REPORTER: Go to what?

14 THE DEPONENT: MAGLOCLLEN, M-A-G-L-O,  
 15 something or other. Mid-Atlantic Great Lake  
 16 Organized Crime, something, something,  
 17 something.

18 We normally give the officers who are  
 19 invited along, which is all the drug guys--It's  
 20 an award for working all year, and they work  
 21 hard--meal money. But in the past I've always  
 22 made them give me receipts for the meal money.

23 You know, I'll give you money. I  
 24 will not tolerate you buying booze with it  
 25 because the county doesn't tolerate you buying

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1 booze with your money. But I give them meal  
 2 money.

3 I believe in -- And I don't know the  
 4 year, I can't tell, but the particular incident  
 5 you're talking about is clear to me that I  
 6 looked at his receipts and I remember walking  
 7 into him, I said, there is no way in God's life  
 8 you had five steak dinners on a particular day  
 9 at the MAGLOCLLEN conference. You just scammed  
 10 me out of the money, so I want the money back.

11 Q And what was the result?

12 A He probably gave the money back. I  
 13 mean, I don't remember exactly what he did, like  
 14 thirty-seven fifty. I said, get in your wallet  
 15 and give me the money.

16 Q Was that before or after this bottle  
 17 of liquor incident?

18 A I don't know. It had to be -- He  
 19 only was invited to I think two or three  
 20 MAGLOCLLEN conferences, because I think that was  
 21 the last one he went to. I don't tolerate  
 22 thieves. I mean, I try to be generous and  
 23 reward people for hard work. But you get in my  
 24 pocket, it pisses me off and you don't get asked  
 25 twice.

1 Q So you don't tolerate thieves, so you  
 2 considered him a thief at that point?  
 3 MR. HUTCHINSON: Objection.  
 4 THE DEPONENT: That's my language.  
 5 Ignore that.  
 6 BY MR. JACOB:  
 7 Q That's fine. I'm just asking. So  
 8 now, there was at least two occasions then where  
 9 he got into your pocket, so to speak?  
 10 A Well, yes, sort of.  
 11 Q And did you go to Mr. Rebert with the  
 12 second occasion about the meals?  
 13 A I don't know if I told him or not. I  
 14 pretty much run my own shop. Stanley gives me  
 15 the authority to run my own shop in that office  
 16 to -- We have something like 1400 drug arrests a  
 17 year. It's a large part of the prosecutions in  
 18 our office where we get 95 plus conviction rate.  
 19 We bring in a lot of money in. We do over a  
 20 thousand civil suits a year.  
 21 He pretty much leaves me alone to do  
 22 what I do. I don't go back to him like a little  
 23 kid and say, well, I just broke for this guy,  
 24 that guy. I take care of my own shop.  
 25 Sometimes I do, sometimes I don't.

1 the drug task force?  
 2 A No, he doesn't work for me.  
 3 Q Okay.  
 4 A He works for York -- He worked for  
 5 York City. You have to understand, the drug  
 6 task force, they didn't work for me. I mean, I  
 7 can tell them what I want and direct  
 8 investigations, et cetera, et cetera, give legal  
 9 advice, but they don't work for me. The only  
 10 power I have over them is, take your keys, your  
 11 cars, your phones and your baton away from you  
 12 if I paid for it. But they don't work for me.  
 13 They work for their own employer.  
 14 Q Okay. But isn't there one person  
 15 who's organizing these investigations? Would  
 16 that be you?  
 17 A No. I'm just overseeing them. We  
 18 usually have somebody running the drug task  
 19 force. Right now it's John who runs the drug  
 20 task force. Yeah, you're right. You have to  
 21 have a pyramid. You have to have --  
 22 Q Right.  
 23 A -- somebody to issue instructions.  
 24 Q That's what I'm getting at.  
 25 A I think at the time it would be Bob

1 I'm sure I told him about the thirty-seven fifty  
 2 because it really irritated the hell out of me.  
 3 Q Fair enough. And was Mr. Ingle ever  
 4 disciplined by you, other than an ass chewing,  
 5 for the resubmission of the meals or the five  
 6 steak dinners, whatever you're talking about?  
 7 A Not by me. I usually consider that  
 8 pretty fair even Steven.  
 9 Q Am I correct that John Daryman  
 10 prior -- Let's go to a point in time, just so we  
 11 know where we are, while he's still working for  
 12 York City Police Department, prior to January of  
 13 2003, did he have duties as far as the drug task  
 14 force was concerned?  
 15 A Yeah. John has always been a drug  
 16 task force member. I mean, he's been on the job  
 17 forever. I've only been there since '87;  
 18 started running the drug fast force in '88. He  
 19 was a city police then, a vice narcotics guy.  
 20 So he's always -- From the time I've been alive  
 21 and in this office he's always been a drug task  
 22 force member.  
 23 Q So when he was with York City but  
 24 working as a drug task force member, would you  
 25 have been his supervisor as far as his duties on

1 Kessler. Detective -- Yeah, Kessler.  
 2 Q While he was working for York City it  
 3 would have been Bob Kessler?  
 4 A Who would run the drug task force,  
 5 that's correct, day-to-day operations.  
 6 Q And after Mr. Kessler retired who  
 7 would it have been?  
 8 A We went through such a gray area.  
 9 I'm not real sure. I mean, John does now, and  
 10 John probably has unofficially because everybody  
 11 respects him, but actually I run it. We had  
 12 McBride here for a little bit, I think for a  
 13 year, Jim McBride. He's now one of our county  
 14 detectives who is the person they go to.  
 15 I don't want to be bothered by, day  
 16 to day who's driving what car, what buy money is  
 17 going out, that kind of lose string crap. I  
 18 don't have time for that crap.  
 19 But, somebody has to be there to make  
 20 day-to-day decisions. This is the raid we're  
 21 doing. You have --- With that many guys working  
 22 that many jurisdictions, you're going to have  
 23 people come in and say, I want to do a search  
 24 warrant here, I want to focus on this area, that  
 25 area. So somebody has to be there to say no,

1 this is the manpower we'll use. Just an  
 2 allocation of manpower.  
 3 So after Kessler we went through kind  
 4 of a loose period there, I think kind of a grey  
 5 period for up to about a year or so ago and we  
 6 put McBride in as that person. And then we  
 7 replaced him with, Daryman now does that job;  
 8 Daryman, Fenstermacher and Shaffer. I actually  
 9 have three guys doing that job right now. Kind  
 10 of three people, with Daryman at the top and the  
 11 other two sort of -- When one is not there, the  
 12 other one will answer the questions.  
 13 Q Okay. Now I'm going switch periods  
 14 of time. Now we're going to January of 2003 to  
 15 May of 2003. And I'll represent to you that Mr.  
 16 Daryman retired from York City Police around  
 17 January of 2003 --  
 18 A January 7th or 8th if I'm correct.  
 19 Q There you go. -- and was ultimately  
 20 hired by the D.A.'s office in somewhere around  
 21 May 2003.  
 22 A That's correct.  
 23 Q So I'm talking about the interim  
 24 period.  
 25 A Yep.

1 all I do is sign my name and litigate them.  
 2 Somebody -- Other people along the line get that  
 3 piece of paper to me. He's that person that  
 4 organizes that paperwork to me. That's his job;  
 5 plus, the Schaad investigation.  
 6 Q During that period of time did he  
 7 carry a badge?  
 8 A No.  
 9 Q How about a gun?  
 10 A No, not that I know of. In my  
 11 presence, no. I'll say that.  
 12 Q Okay. He was working on the Weed and  
 13 Seed grant; am I correct?  
 14 A He worked on the Weed and Seed  
 15 project. It wasn't a grant. Money comes with  
 16 the grant. It's sort of mixed up. We've been a  
 17 Weed and Seed area for a million years with a  
 18 lot of touchy, feely groups. The police  
 19 officers weed the drug dealers out of the area  
 20 and reseed them, all that crap.  
 21 He was our enforcement person who  
 22 organized and kept how many patrols we're doing,  
 23 how many walking patrols, how many drug patrols.  
 24 That was his job, administer. But, he'd be out  
 25 there. Actually, I went and -- For years it was

1 Q Was Mr. Daryman performing any  
 2 functions for the D.A.'s office during that  
 3 period of time?  
 4 A Oh, sure. Sure, during that period  
 5 of time, and we paid for him. I paid for him  
 6 out of the drug fund. You know that because we  
 7 provided that documentation to you. During that  
 8 period of time, if you recall, the Schaad  
 9 homicide investigation was coming to trial. I  
 10 believe it went to trial on March 13th of that  
 11 year.  
 12 Detective Daryman did Weed and Seed  
 13 duties which he did actually as a city detective  
 14 and continued on for that. Weed and Seed is a  
 15 special area in our community. We got grant  
 16 money, the city got grant money. He oversaw all  
 17 the overtime, who did the walk-alongs and who  
 18 did the day-to-day walking patrols, that kind of  
 19 stuff. That was like, we averaged about twice a  
 20 week all yearlong.  
 21 So he was in charge of the Weed and  
 22 Seed, which he always was in charge of and we  
 23 just kept that. And he was in charge of doing  
 24 my forfeitures. We have a thousand civil suits  
 25 a year, with all the filings that go with it,

1 he and I walking the streets.  
 2 Q That would be from January to May of  
 3 2003 he'd be out there?  
 4 A Oh, yeah. I'm almost sure.  
 5 Q Performing the functions of a  
 6 detective?  
 7 A No more than I was. I mean, I'm a  
 8 D.A. Walk along, administrator. I say more of  
 9 an administrator.  
 10 Q Okay. What was his title? What was  
 11 his position? How was he viewed?  
 12 A I never knew what to call him. I  
 13 just called him John. I don't what we called  
 14 him, because I thought about this. What did I  
 15 call him at the time? I know I paid him. We  
 16 gave him 1099s. He sat with me during the  
 17 Schaad trial. I probably called him a  
 18 detective. I mean, there's no doubt in my mind  
 19 I probably called him detective just out of  
 20 habit.  
 21 Q What was his function during that  
 22 period of time for the Schaad investigation?  
 23 A He was the lead investigator.  
 24 Actually, the investigation was pretty much  
 25 done. It was getting trial ready at that point

1 in time. You have to remember, we had 480 some  
2 witnesses to try two defendants in a 34-year-old  
3 murder case. He was my investigator. He,  
4 Rodney George, Scott Masland, they were my  
5 investigators. I was trying to organize it,  
6 pare it down to. Actually, I called 30 people  
7 as witnesses at that time.

8 Q So you utilized him during that  
9 period as an investigator?

10 A I utilized him as somebody to help me  
11 get a trial ready for -- a case ready for trial.

12 Q In fact, didn't he travel out of  
13 state to South Carolina, Virginia, Maryland,  
14 Florida, D.C. during that period of time?

15 A Keep going. We had 16 states and I  
16 think -- No, 25 states and 16 trips, or  
17 something like that. Absolutely.

18 Q And he was out there as an  
19 investigator on this case during that period of  
20 time, correct?

21 A I don't know that we did any  
22 traveling from January to, it went to trial in  
23 March. I'd be surprised. I can tell you we  
24 submitted all the bills, every single penny to  
25 the county commissioners to pay for. I'm not

1 of your investigators from this office or  
2 anybody, if they answer the question, they  
3 answer the questions. Take a statement, do a  
4 supplement, and I'll make a decision whether or  
5 not to use it at trial.

6 Q Okay. Was he ever referred to as a  
7 detective who did grant applications during that  
8 period of time?

9 A I don't know. I don't do grants. I  
10 administer grant applications, but I don't do  
11 them.

12 Q How about in any of the investigatory  
13 reports for the Schaad investigation, was he  
14 referenced as a detective during that period of  
15 time?

16 A I'd have to say I don't know. I  
17 can't tell you to be honest with you.

18 Q Is that something you'll be able to  
19 review and get back to us on?

20 A If you want me to, sure.

21 Q I'd like you too.

22 A Sure.

23 MR. NESS: Just to make it clear, is  
24 your question -- Are you asking if during the  
25 period of January and May were there any reports

1 sure during that period we did any traveling. I  
2 think at that point in time we were done  
3 traveling. We saw a ton of people throughout  
4 this country.

5 The only traveling we've done was  
6 maybe Christmas we sent a guy to Japan to  
7 interview somebody who was standing on the  
8 corner the night when Henry Schaad was shot. I  
9 don't know if we traveled any in that period.

10 Q Is there a reason why he would have  
11 been traveling during that period as a  
12 investigator for the D.A.'s office?

13 A If I asked him to go interview a  
14 witness, sure.

15 Q I guess my question is, how could he  
16 be an investigator for the D.A.'s office if he  
17 was not employed as a detective for the D.A.'s  
18 office?

19 A He was an independent contractor. I  
20 could hire a clown off the street to go  
21 interview somebody. If somebody is stupid  
22 enough to come to you and ask you questions  
23 about, were you at the corner of Penn and  
24 College the night of yatta, yatta, yatta,  
25 whether that person is a guy off the street, one

1 generated during that three-month time period in  
2 which he was referred to as an investigator  
3 versus all the years before that that he would  
4 have been an investigator?

5 MR. JACOB: Right.

6 THE DEPONENT: I doubt that you're  
7 going to find any.

8 BY MR. JACOB:

9 Q As a detective or an investigator,  
10 whatever term he wants to use.

11 A It could be supplements; any  
12 supplements by Daryman during that period. My  
13 guess is you're not going to find any, and I  
14 will look. I have the binders. That file is  
15 like 30 boxes deep.

16 But, I think at that point in time we  
17 were that close to getting ready for trial  
18 because we -- We were ready to go in January.  
19 The judge -- I didn't continue it to March. I  
20 was ready to go. I mean, you do that kind of  
21 work for that many years, let's just get the  
22 ball on the road and go to trial.

23 So my guess is there's probably no  
24 reports during that time period.

25 Q Fair enough.

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1 A But I will look.  
 2 Q What was the -- Why was he being paid  
 3 through the forfeiture fund? What was the  
 4 reason for that?  
 5 A I wanted him. I didn't want to let  
 6 him go. I thought it was fair that he -- he was  
 7 on the job when -- back when Henry was killed or  
 8 close to being on the job. He deserved -- He  
 9 worked on that case. No other cop in this city  
 10 could solve that crime. He worked hard, as did  
 11 Trooper Stone and Detective George, Detective  
 12 Masland, and I can't -- I don't want him to take  
 13 the roller coaster right to the end and kick his  
 14 butt off the train. It's not fair.  
 15 Q Fair enough.  
 16 A Plus, he did the Weed and Seed, plus  
 17 he did my forfeitures.  
 18 Q Did he have police powers during that  
 19 time?  
 20 A Not if he is an independent  
 21 contractor.  
 22 Q Was he ever utilized by you in a  
 23 position where he would have needed police  
 24 powers?  
 25 A No.

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1 Q Do you recall Miss Downing ever  
 2 complaining to either you or to Mr. Rebert about  
 3 the fact that Daryman was performing services to  
 4 the D.A.'s office during that period of time and  
 5 that he wasn't, in fact, a detective?  
 6 A I don't recall that. It's probably  
 7 true. I can tell you that I probably been in  
 8 and out of--Harry and I talked about on the way  
 9 up--million meetings, and I can't recall the  
 10 specifics of any; whether there were complaints  
 11 either from Miss Downing or -- But during that  
 12 period, if you're saying narrowed to that  
 13 period, I can't tell you. I don't recall that.  
 14 I'm not saying it didn't happen;  
 15 could have. I don't recall that. And it's  
 16 probably based on everything I read in the  
 17 newspaper and from the complaints, but I can't  
 18 give you a definitive yes, I was there and I  
 19 heard it. I don't know.  
 20 Q Were any of the complaints  
 21 essentially that he's being used as an  
 22 investigator but he's not one and that could  
 23 create a labor issue?  
 24 A I'm sure if there was a complaint,  
 25 that would be what it would be. I'm telling

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1 you, I know there was some complaint because I  
 2 know the reaction and the friction between all  
 3 the players, but I can't for the life of me say  
 4 that I sat in a meeting where I heard either one  
 5 of them say anything about that. I'm sure it  
 6 happened, there's no doubt in mind that it  
 7 happened, but I can't tell you that I sat there  
 8 and heard it.  
 9 (Ms. Downing left the deposition  
 10 room.)  
 11 (Graff Exhibit Number 1 was marked  
 12 for identification)  
 13 Q I'll show you what's been marked as  
 14 Exhibit Number 1. I'll ask you if you recognize  
 15 what this document is?  
 16 A Huh-uh. What is it?  
 17 Q That's a good question, because it  
 18 was provided to me during discovery when we  
 19 asked for documents showing how Mr. Daryman was  
 20 paid during that period of time.  
 21 A I'm sure he had 1099s. I know we  
 22 issued him 1099s. And I don't know exactly how  
 23 we paid him over the whole period. That's  
 24 probably a -- It looks like a summation of what  
 25 he was paid for the time period, but I can't

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1 tell you.  
 2 Q You see notations on there for car  
 3 rent and lodging, reimbursement for lodging,  
 4 reimbursement for lodging.  
 5 A What year is that, though?  
 6 Q It looks in two thousand -- That's a  
 7 good point. 2002. Later on it becomes in 2003.  
 8 A Yeah, I can't --  
 9 MR. NESS: I think it's 10/4/05.  
 10 THE DEPONENT: Yeah, I can't tell.  
 11 MR. NESS: October of '05.  
 12 (Mr. Leber leaves the deposition  
 13 room.)  
 14 THE DEPONENT: If you had the  
 15 original, it would be easier to say.  
 16 BY MR. JACOB:  
 17 Q Now, at the top, the first three  
 18 entries, those fall in the period of January  
 19 through May of 2003.  
 20 A Yeah.  
 21 Q And it says simply, S-V-C. Do you  
 22 know what that stands for?  
 23 A Probably service, I would guess.  
 24 Q Do you know what services were  
 25 performed at that time?

1 A That would be -- That looks to me it  
2 would be his salary. That's what we paid him.  
3 I believe that's exactly what that is.

4 Q Okay. So you believe that those  
5 first three entries relate to a salary that was  
6 being paid to Mr. Daryman for his services  
7 during that period of time?

8 A Yeah. If the county provided you  
9 with a 1099, which I'm sure you asked for and  
10 they did, it should coincide with that. But  
11 that would be my guess.

12 (Graff Exhibit Number 2 was marked  
13 for identification)

14 Q I'm showing you a document that's  
15 been marked as Exhibit Number 2. If you would,  
16 take a moment to familiarize yourself with this  
17 document.

18 A (Deponent complies.) Okay, that's  
19 fine.

20 Q Are these any documents that you  
21 recall previously seeing?

22 A Yeah, I must have because it's got my  
23 initials. If you look on page 1, looks like  
24 page 3, anywhere you see okay, W-G, that's me.  
25 That little scribble at the bottom, that's mine.

1 I can recognize that like everything. Yep.

2 Q And this Weed and Seed, again, just  
3 to clarify, is this a grant or is this something  
4 else?

5 A Sometimes. It's a grant that  
6 somebody had gotten. I think we have gotten  
7 grants over the past. I don't know if the grant  
8 is still active, nonactive. It's through PCCD.  
9 You probably can go to them and get the records  
10 or our office probably has binders somewhere.  
11 Back at that time I think it was a grant that  
12 gave a pool of money, a pocket of money that he  
13 was to determine walking patrols. He worked  
14 four hours one night and two hours the other  
15 night looks to me. I mean, that's my  
16 interpretation.

17 Q So at that time, just so I  
18 understand, it's your understanding it was a  
19 grant?

20 A Yes.

21 Q And the grant was for walking  
22 patrols?

23 A Well, that's how we spent the money.  
24 For the weed part of this touchy, feely program.  
25 We sent it by going into the high-crime area of

1 Those are my initials. That's how things get  
2 paid. That goes from me, it goes to the boss.

3 (Mr. Leber returns to the deposition  
4 room.).

5 A So first -- Yeah, go ahead. I'll let  
6 you go. I won't answer my own questions.

7 Q Fair enough. If you could turn to, I  
8 guess it would be the fourth page of the  
9 document --

10 A The typed?

11 Q Yes, the typed one. It says John  
12 Daryman's hours.

13 A Okay.

14 Q It appears that this is from the  
15 March of 2003 time frame.

16 A Yep.

17 Q Do you disagree or do you agree?

18 A Nope, agree.

19 Q And there's an indication of Weed  
20 slash Seed. Would that be the Weed and Seed  
21 program you're referring to?

22 A It would be two nights that he and I  
23 walked in some very cold weather, four hours and  
24 two hours. It has my initials at the bottom and  
25 Stanley's chicken scratch underneath, the date.

1 the city, putting out teams of five two-men  
2 teams, simply walking through the area, standing  
3 on corners. Usually he and I would stand at the  
4 corner of South and George, talk to people, how  
5 are you doing? Don't sell drugs today, blah,  
6 blah. Just people in the community, that's what  
7 we did.

8 Q As a former police officer I'm  
9 familiar with grants. So my question to you is,  
10 was there a specific person who was supposed to  
11 be paid for by the grant in order to perform  
12 that function?

13 MR. HUTCHINSON: Objection.

14 THE DEPONENT: I don't know is the  
15 answer. I paid for them, you can see that. I  
16 paid for him. Whether I went back to the grant  
17 and tried to get it reimbursed out of the grant  
18 money, probably not. I don't normally do that.  
19 I consider that all part of drug duties.

20 The reason it's high crime, it's a  
21 high drug area. And the reason he's there is  
22 because it's a high drug area. He's the most  
23 well-known drug cop in this county.

24 So, my guess is, he wasn't paid out  
25 of the grant. I paid for him out of the drug

1 fund. We probably never got reimbursed for it,  
 2 because I normally don't do that.  
 3 BY MR. JACOB:  
 4 Q Where did the money from the Weed and  
 5 Seed grant go when it was received by the  
 6 office?  
 7 A Don't ask me because that wasn't my  
 8 grant. You'd have to ask -- I think at that  
 9 time it was probably Ms. Voyzey.  
 10 Q Okay.  
 11 A That would be in 2003. Probably  
 12 would be Ms. Voyzey. I'm sure she has records  
 13 or we have records somewhere. PCCD has records.  
 14 Somebody accounts for that money as it's going  
 15 along I'm sure.  
 16 Q The grant money was coming in the  
 17 office, you're not sure where it goes, correct?  
 18 A I wasn't doing grants back then. I  
 19 do grants now. I'm an administrator of grants  
 20 now. Back then it was everything I could do to  
 21 keep my head above water with the trials.  
 22 Q Are you the person in the office then  
 23 who has possession, so to speak, of the records  
 24 related to the grants at this time?  
 25 A No. I just administer some grants.

1 Q What is the Weed and Seed grant money  
 2 used for then?  
 3 A Gees, lots of things. Walking  
 4 patrols, roaming patrols. God, what are -- I  
 5 mean, that's not a grant I administer right now.  
 6 But I can tell you, nuisance abatement, overtime  
 7 for city officers to go shake down college  
 8 students and people peeing in the parking lots,  
 9 the garages, widgets and gidgets and gadgets for  
 10 National Night Out; a lot of things. And a lot  
 11 of it goes to the South George Street -- What do  
 12 they call it? South George Street -- I don't  
 13 even know the name of that.  
 14 MR. REBERT: Community Partnership.  
 15 THE DEPONENT: Community Partnership.  
 16 And they are sort of the Yellow Pages of  
 17 community services in York County. They get a  
 18 ton of that money, and then they -- whatever  
 19 services they provide. That's the seed part.  
 20 My cops only do the weeds, weed part.  
 21 BY MR. JACOB:  
 22 Q Turn to, I guess the second-to-last  
 23 page of the exhibit. On the second entry there  
 24 you'll see a notation about MAGLOCLLEN  
 25 conference.

1 Vera Mittel, M-I-T-T-E-L, basically has all the  
 2 binders and loans and grants.  
 3 Q And who is this person?  
 4 A She's -- What's her title? Case  
 5 manager? I don't know, deputy administrator,  
 6 something like that.  
 7 Q So would there be a record in the  
 8 D.A.'s office at this time that would show --  
 9 A I would --  
 10 Q Let me finish my question, please.  
 11 -- that would show whether the fund, the  
 12 forfeiture fund was reimbursed for these six  
 13 hours indicated on this page by the Weed and  
 14 Seed program or grant?  
 15 A The answer is probably not.  
 16 Q Okay.  
 17 A The person you had here before me  
 18 probably could have answered that question, Mr.  
 19 Crouse, because he ran everything. He knew  
 20 every penny in that office. I'm telling you, as  
 21 a practice I would never go back to the grant  
 22 and say, grant, you owe me six hours of  
 23 Daryman's time. I just paid for it out of the  
 24 forfeiture account. I didn't do it then, I  
 25 don't do it now. I just don't.

1 A Um-hm.  
 2 Q Who's normally sent to the MAGLOCLLEN  
 3 conference?  
 4 A My drug cops.  
 5 Q And why was it that Mr. Daryman who  
 6 was not even a police officer at that time was  
 7 sent to the MAGLOCLLEN conference?  
 8 A Probably rewarded for good work done.  
 9 That's what I do. That's what MAGLOCLLEN is all  
 10 about. It's a -- 600 cops, prosecutors,  
 11 investigators and various minutia to go with  
 12 that meet usually twice a year, an annual  
 13 conference. They trade information, we have  
 14 classes. All the vendors hawk stuff. I use it  
 15 as a reward for guys who do good work. That's  
 16 how my cops get rewarded. So I took him along  
 17 I'm sure.  
 18 Q And how about this third entry where  
 19 it says, Red Lion High School incident?  
 20 A I don't know what that's about.  
 21 MR. NESS: Shooting?  
 22 THE DEPONENT: Shooting of the  
 23 principal?  
 24 MR. NESS: Yes.  
 25 MR. LEBER: Machete maybe.

1 THE DEPONENT: Oh, the machete thing.  
 2 I don't know.  
 3 BY MR. JACOB:  
 4 Q You guys have a lot of violence out  
 5 there.  
 6 A You ought to come on down. Why don't  
 7 you come down and spend more time down here.  
 8 Q I'll be sure to do that.  
 9 Why would a civilian be involved in a  
 10 school-shooting incident?  
 11 A I don't know. I don't know. I know  
 12 I okayed the payment of it. I don't know.  
 13 Q You don't remember?  
 14 A No. You're talking about three years  
 15 ago.  
 16 Why is that last page attached to  
 17 that? I have no idea what that is. I mean, I  
 18 know what it is. I didn't pay it.  
 19 Q I don't really know why it was  
 20 attached.  
 21 Did you ever receive a request to  
 22 intervene in any way in a DUI arrest involving  
 23 Mr. Daryman in Potter County?  
 24 A No.  
 25 Q And by intervene, maybe I should

1 it was -- Was it a deputy sheriff?  
 2 A Um-hm.  
 3 Q And I believe you were spearheading  
 4 that; am I correct?  
 5 A Absolutely.  
 6 Q And tell me a little bit about that.  
 7 How did that even come up?  
 8 A I wanted him as a cop. I thought the  
 9 only way we could get him as a cop in light of  
 10 all the -- I just seemed to be a lot of  
 11 hullabaloo around hiring John. But I give him  
 12 the respect that he's due. So I talked to the  
 13 sheriff about possibly hiring him as a deputy  
 14 sheriff and assign him to our office; keep his  
 15 Act 120 powers, be assigned to us, and continue  
 16 to do what he does best.  
 17 Q Do you know if some of that  
 18 hullabaloo, whatever you said, did that have  
 19 anything to do with the fact that he had never  
 20 even interviewed for the position?  
 21 A I don't know. I don't know.  
 22 Q Or the fact that he never even  
 23 submitted an application for the position?  
 24 A Probably did. I probably said I want  
 25 him and that's it.

1 clarify. Did you ever receive a request to  
 2 contact the D.A. in Potter County for any reason  
 3 about John Daryman and his DUI arrest?  
 4 A Nope.  
 5 Q And even if you didn't receive a  
 6 request, did you ever contact the D.A. out  
 7 there?  
 8 A Talked to him after the fact.  
 9 Q After the fact of what?  
 10 A After sentencing, A.R.D. was done.  
 11 Q Okay.  
 12 A Just discussed who John was because  
 13 he was curious about the Schaad investigation,  
 14 met him at a conference, the D.A. Nice guy,  
 15 very nice guy. But no, we wouldn't intercede.  
 16 I didn't intercede.  
 17 Q Do you know if Miss Downing ever  
 18 complained to Mr. Rebert about any attempt by  
 19 anybody, including Mr. Rebert, to intervene in  
 20 John Daryman's DUI arrest?  
 21 A I don't if she would. I don't know.  
 22 Not in my presence.  
 23 Q At some point in time I understand  
 24 that there was discussion in the D.A.'s office  
 25 about ways to hire John Daryman as a, I believe

1 Q Okay.  
 2 A Good cop.  
 3 Q And that other officers had gone  
 4 through interview boards and submitted formal  
 5 applications and that the interview process had  
 6 already closed for the position. Was it maybe  
 7 something that had to do with that?  
 8 A I don't know.  
 9 Q Okay.  
 10 A I don't know.  
 11 Q Did it maybe have anything to do with  
 12 the fact that there were rules and regulations  
 13 that were in place as far as how the hiring  
 14 process was supposed to proceed and that it  
 15 wasn't being followed at that time?  
 16 A My opinion or my thought was for  
 17 anybody working for Stanley, including me, we're  
 18 at-will employees and he can hire, fire, today,  
 19 tomorrow. If he doesn't like the way I'm  
 20 answering questions today, I could be in Myrtle  
 21 Beach permanently tomorrow. You know, rules and  
 22 regulations, hiring, interviews, that's up to  
 23 him. He decides if he wants to interview  
 24 people, not interview people. We're at-will  
 25 employees. I know I wanted John to work for us



1 the fund?  
 2 A I'm sure he was.  
 3 Q And do you know --  
 4 MR. HUTCHINSON: I'm sorry, was or  
 5 wasn't?  
 6 THE DEPONENT: I'm sure he was. I'm  
 7 sure he was.  
 8 BY MR. JACOB:  
 9 Q And, in fact, am I correct he was  
 10 permitted to drive that car to his mountain  
 11 retreat on weekends, correct?  
 12 A I can't tell you if he did or not. I  
 13 assume he did.  
 14 Q You assume he did?  
 15 A Sure.  
 16 Q Why would you assume?  
 17 A It's his car. It's a take-home car.  
 18 I mean, I don't care what they do. I made it  
 19 clear. I don't care as long as I call him -- I  
 20 mean, I don't know that he did or didn't. I  
 21 can't tell you he did or didn't. I wasn't there  
 22 when he did or didn't, but I'm not offended if  
 23 he did. That may offend my boss. It doesn't  
 24 offend me.  
 25 Q Fair enough. Do you know if Mr.

1 Q And was he involved with the drug  
 2 task force?  
 3 A He's a forensic guy; off and on maybe  
 4 the crime scene. If we need crime scene  
 5 forensics, he gets called.  
 6 Q Is he a member of the drug task  
 7 force?  
 8 A I'm sure he is. Most every cop in  
 9 the county is. We had them all sworn in. I  
 10 think all city cops are.  
 11 Q Okay. At the time of his DUI  
 12 accident was he involved with the drug task  
 13 force?  
 14 A Probably no more, no less in that  
 15 capacity. We swear in all the detectives, all  
 16 the county police, all city police we can and  
 17 all the -- a lot of the departments just to give  
 18 them some jurisdictional authority.  
 19 Q How many officers in York County are  
 20 members of the drug task force, if you can  
 21 answer?  
 22 A I have not a clue. I can only tell  
 23 you how many work day to day -- Some guys --  
 24 Penn Township sends a guy down once every two  
 25 weeks. Hanover once every week. Spring

1 Rebert knew that this was the policy that you  
 2 had employed in regard to the vehicles?  
 3 A I guess I'll find out tomorrow when I  
 4 get back to the office.  
 5 Q You probably will. Sorry about that.  
 6 Do you recall whether Miss Downing  
 7 ever complained to Mr. Rebert or to yourself  
 8 about the manner in which these vehicles were  
 9 being used?  
 10 A No. Why would she complain to me? I  
 11 mean, A, I don't work for her. And her  
 12 detectives, Brian Murphy or whoever is working,  
 13 assigned to the drug task force at the time has  
 14 the same car.  
 15 No. The answer is no. She's never  
 16 complained to me. She may have complained to  
 17 him.  
 18 Q That's what I'm asking. Do you know  
 19 if she ever did complain to -- Well, you said no  
 20 for you. But how about to Mr. Rebert? Do you  
 21 know if she ever complained to Mr. Rebert?  
 22 A Not in my presence. That doesn't  
 23 mean it didn't happen. Just not in my presence.  
 24 Q Who's Scott Hose?  
 25 A Scott Hose is a city detective.

1 Garden -- Different departments, two times a  
 2 week. Trent Bushman comes in three times a week  
 3 or two times a week. Different departments have  
 4 different schedules.  
 5 Q Are there rules and regulations as  
 6 far as who can be a member and requirements for  
 7 membership on a drug task force?  
 8 A We swear them in. They have to come  
 9 down and work out of the drug task force. What  
 10 we try to do is train all the different  
 11 departments to do drug work in their own  
 12 jurisdiction. That's the whole purpose of it.  
 13 Q I'll ask the question again. Are  
 14 there rules and regulations that govern who can  
 15 be a member of the drug task force, or what  
 16 requirements you need to be a member on the drug  
 17 task force?  
 18 A I think there are now. I think it's  
 19 one of the things Daryman has done since he's  
 20 taken a hands-on control. Like, right now he's  
 21 come up with rules and regulations and policies  
 22 and stuff like that. Before that it was pretty  
 23 informal.  
 24 Q Am I correct that the drug task force  
 25 are actually overseen by the Attorney General's

1 Office?  
 2 A Not at all.  
 3 Q Not all?  
 4 A Actually, they have a man assigned to  
 5 our drug task force. In some counties the state  
 6 police oversee it, in some counties the Attorney  
 7 General's Office oversee it. Since 1988 we run  
 8 our own show. We let them attach themselves to  
 9 us, but we run the show.  
 10 Q Just for clarification, if the drug  
 11 task force is sued, wouldn't it be the Attorney  
 12 General's Office coming in on behalf of the  
 13 Commonwealth to represent the drug task force?  
 14 A I hope so, because they have the  
 15 bigger pocket. We'd love to dump a lawsuit on  
 16 them. They provide us with money, some stipend  
 17 every -- quarterly, but they don't run it. What  
 18 they do is, they assign a man to it. Right now  
 19 it's -- It was Terry Bowman. It's a guy who  
 20 hasn't shown up, Jubba (phonetic). I haven't  
 21 seen him. I haven't seen him in a year, but  
 22 he's the guy assigned to our unit. He doesn't  
 23 come down. We don't see him.  
 24 They are assigned. They go out on  
 25 raids. They're supposed to build their own

1 from that arrest goes into a spreadsheet. A  
 2 spreadsheet is the easiest way to put it.  
 3 (Mr. Leichter leaves the deposition  
 4 room.)  
 5 That data goes in there. She then  
 6 compiles that data. She takes one of the thumb  
 7 things -- They call them the thumb things,  
 8 external things you pull out, comes up as a  
 9 report, and gives it to Stan to sign, and that's  
 10 it.  
 11 Q The stipend, who's it issued by?  
 12 A Attorney General.  
 13 Q And is it earmarked Pennsylvania  
 14 funds or is it out of his personal --  
 15 A Not his personal funds.  
 16 Q I mean, the A.G.'s -- The A.G.'s  
 17 budget is a separate budget. Is it out of the  
 18 A.G.'s budget or is it out of some general  
 19 Commonwealth of Pennsylvania budget?  
 20 A I think it's out of the A.G.'s  
 21 budget.  
 22 Q Okay. And the money received through  
 23 the A.G.'s Office, does it come with a document  
 24 saying, if you accept this money you are bound  
 25 by X, Y and Z conditions?

1 cases. We give them a share of the forfeiture  
 2 is how we do it. And, ah -- Like I said, we run  
 3 our own show. We run the drug task force out of  
 4 the county -- out of our office.  
 5 Q Okay. I understand you run and  
 6 supervise out of your office, and I think we're  
 7 getting to where I'm going now.  
 8 A Let's get there.  
 9 Q You receive a stipend from --  
 10 A Yep.  
 11 Q -- them. Are there conditions  
 12 attached to that stipend?  
 13 A Nope, not that I know of.  
 14 Q It's just a blank check with no  
 15 conditions on it?  
 16 A Conditions, we give them statistics  
 17 every quarter. How many arrests, how many --  
 18 how much money we spent; demographic data on the  
 19 people arrested, male, female, black, white,  
 20 felonies, misdemeanors, type of drugs, value of  
 21 drugs, guns, things like that.  
 22 Diane Crumling in our office compiles  
 23 that from data that I keep on a computer. Every  
 24 time there's an arrest it goes through -- across  
 25 my desk, which is every police report; that data

1 A No. It's a check. We deposit it in  
 2 the drug fund, and we go from there.  
 3 Q So can any law enforcement agency get  
 4 a stipend from the A.G.'s Office for a drug task  
 5 force fund, or how did it come about that --  
 6 A I don't fund the A.G.'s Office.  
 7 You'll have to ask them.  
 8 Q I will. Now, am I correct that at  
 9 the time of the DUI accident involving Scott  
 10 Hose nobody knew that he had been issued a  
 11 county car?  
 12 A He wasn't issued. I think he was  
 13 driving a county car. The issue is kind of --  
 14 Q Okay. How did he come to possess  
 15 this car?  
 16 A You know what? I don't remember. I  
 17 probably had a hand in it. I probably gave it  
 18 to him because it was sitting there. It was a  
 19 Montana or something like that. It's now your  
 20 Coke can.  
 21 THE COURT REPORTER: It's now your  
 22 what? Coke --  
 23 THE DEONENT: Coke can. It's  
 24 probably that can over there because it's in a  
 25 million pieces.

1 BY MR. JACOB:  
 2 Q All right. And at the time, if I'm  
 3 correct, he was only a member of the county  
 4 forensic team; is that right?  
 5 A Yep.  
 6 Q All right. And he was also the only  
 7 noncounty employee -- or excuse me, noncounty  
 8 detective, or whatever, to have a car?  
 9 A Oh, that's not true. Not at all. I  
 10 just mentioned we have 20 officers or so at any  
 11 given time on the drug task force.  
 12 Q I misspoke. He was the only person  
 13 on the forensic team who had a county car; am I  
 14 correct?  
 15 A No, that's not true either. You mean  
 16 a drug car --  
 17 Q Yes.  
 18 A -- or a county car? There's a  
 19 difference.  
 20 Q All right.  
 21 A All our detectives have county cars.  
 22 Q Okay.  
 23 A Some of them are drug cars, some of  
 24 them aren't.  
 25 Q All right.

1 THE DEPONENT: What did you say, I'm  
 2 fired? Is that what I heard you say?  
 3 I can't tell you. I know it's there  
 4 somewhere, the paperwork is there. It wasn't a  
 5 grant under my control, but it was a car that I  
 6 had my hands on. I had my hands on a lot of  
 7 cars. That's just what I do.  
 8 I gave it to him to drive for a while  
 9 to put his forensic gear in, this, that and the  
 10 other thing, and obviously at this point I've  
 11 been made to realize many times over that it was  
 12 a mistake.  
 13 BY MR. JACOB:  
 14 Q Okay. So again, if the car was  
 15 attached to a grant, then, presumably, it was  
 16 supposed to be used for that grant, correct?  
 17 A Yeah. I'm not sure that it wasn't.  
 18 I'm just telling you I put him in that car.  
 19 Q And what was the reason for putting  
 20 him in that car?  
 21 A He needed a car. I probably own more  
 22 cars in City Hall than York City Police own.  
 23 Q You own then?  
 24 A Stanley owns them.  
 25 Q Stan owns them?

1 A I can't tell you. I can only tell  
 2 you he had one of our cars.  
 3 Q One of the drug cars?  
 4 A I don't think that Montana was a drug  
 5 car. I think it was a grant car. It was a  
 6 grant car. It wasn't a drug forfeiture car.  
 7 Q A grant car? What grant would it  
 8 have been?  
 9 A You know, I can't tell you, but I  
 10 know it was a grant car. It was a grant car  
 11 that was under -- It wasn't under my control,  
 12 but I had my hands on. I had my hands on a lot  
 13 of cars.  
 14 Q Okay.  
 15 A And I believe I was responsible for  
 16 him having it, probably without my boss's  
 17 knowledge. I'm sure without my boss's knowledge  
 18 because I've already heard from that over the  
 19 years. And he wrecked it. And he wrecked it.  
 20 Q So whatever grant it was attached to,  
 21 presumably, it was supposed to be used for that  
 22 grant?  
 23 A It was --  
 24 MR. REBERT: See what kind of  
 25 ignorance on (voice trails off) --

1 A Yeah, sure.  
 2 Q Okay. Now, after the DUI accident, I  
 3 believe you then issued a second car to Mr.  
 4 Hosc; is that correct?  
 5 A Oh, yeah. At some point in time. It  
 6 wasn't like immediately. They needed a car. A  
 7 lot of the city detectives who are assigned to  
 8 the drug task force do a lot of drug work, have  
 9 cars out of the forfeiture account. They're  
 10 like widgets to me. They're not -- Things like  
 11 coffee cups, you just move them around. He  
 12 needed a vehicle, I put him in some old van.  
 13 Q But again, he was still only tied to  
 14 the forensic team, correct?  
 15 A He's tied to forensic, but they do --  
 16 They still call them out on lots of call-outs  
 17 for drugs, for any evidence collection, things  
 18 like that. It was no big deal to me. It was a  
 19 big deal to other people, but it was no big deal  
 20 to me.  
 21 Q Who was it a big deal to?  
 22 A The guy at the end of the table.  
 23 Q I assume then you were disciplined  
 24 for that?  
 25 A Yes.

1 Q And how were you disciplined?  
 2 A I got a nasty memo saying, are you  
 3 out of your mind, and we took it back  
 4 immediately. Would that be fair to say? That's  
 5 pretty much what that memo said, so I took it  
 6 back immediately.  
 7 Q You got a memo. Did that end up in  
 8 your personnel file?  
 9 A Probably.  
 10 Q Do you know if it did?  
 11 A Don't care if it did. I never  
 12 looked.  
 13 Q Do you know if it did?  
 14 A No, I don't know.  
 15 Q And did you receive anything other  
 16 than a nasty memo?  
 17 A No.  
 18 Q Do you know if Miss Downing  
 19 complained to Mr. Rebert about the fact that Mr.  
 20 Hose was in possession of either of those two  
 21 vehicles?  
 22 A Don't know.  
 23 Q Did you ever come to learn whether  
 24 the reason you received a nasty memo and  
 25 indication to pull the car back was because of a

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1 complaint of Miss Downing?  
 2 A Doesn't surprise me, but I don't know  
 3 the answer to it.  
 4 Q Who's Steve Zorbaugh?  
 5 A Steve Zorbaugh, he's an interesting  
 6 guy. He used to be a lawyer, ran against  
 7 Stanley at some point in time, whose license and  
 8 is in suspension, and is somebody I pay out of  
 9 the forfeiture account, as you all know, since I  
 10 gave you a copy of every single bill he ever  
 11 provided us. He does all the briefs, all the  
 12 legal briefs for the drug people from the drug  
 13 task force.  
 14 Q You're involved with the QRT team,  
 15 county QRT team?  
 16 A Yep.  
 17 Q What is your involvement with the  
 18 team?  
 19 A Sort of the legal representative. I  
 20 kind of sat in with the -- when we first  
 21 started, I don't even remember when, as did Ms.  
 22 Becky and city people. We first came up with  
 23 expanding the -- I think at the time we decided  
 24 we wanted a county QRT team. I said on our  
 25 initial discussions, why don't we take the city

1 team, which is a good team, and just expand it.  
 2 And I've been with them ever since. I go on  
 3 call-outs. I sit there and give advice.  
 4 Last one I made sure that they had  
 5 criminal complaints, search warrants, mental  
 6 health commitments. I have all that stuff on a  
 7 thumb thing I could draft and type and make sure  
 8 they do.  
 9 Q Who is Frank Accardo?  
 10 A That's Voyzey's ex-boyfriend,  
 11 boyfriend, something like that.  
 12 Q Is there any reason he would have  
 13 come into a position of forfeited -- or excuse  
 14 me, his son would have come in possession of a  
 15 forfeited cell phone?  
 16 A Hell no, not by me.  
 17 Q Now, going back to the QRT team, am I  
 18 correct Miss Downing, as you indicated, was  
 19 involved with the team?  
 20 A Well, she was involved in the  
 21 planning of policy for what is QRT. That's my  
 22 personal knowledge. Did she ever go on a  
 23 call-out? I don't know.  
 24 Q Okay. And am I correct that days  
 25 before the termination occurred she was involved

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1 with an after-action QRT meeting involving the  
 2 Gouseff shooting?  
 3 A Are you talking about the meeting  
 4 with Stanley, Vickie and I, because that's the  
 5 only meeting I was at? That's the only meeting  
 6 I was at, talking to Yvonne Gouseff.  
 7 Q I'm just asking. Do you recall that  
 8 she was involved with --  
 9 A I remember that meeting. I remember  
 10 that meeting between the three of us in a  
 11 conference room discussing it in about  
 12 30 seconds or less.  
 13 Q All right. But it was a meeting  
 14 involving the QRT team and she was involved with  
 15 it, correct?  
 16 A Yes.  
 17 Q And am I correct right up until  
 18 her -- the end of her employment she was  
 19 involved with the QRT team, at least in some  
 20 capacity, like, policy writing or --  
 21 A Ask her, not me. She wasn't involved  
 22 in any meetings other than the initial meetings  
 23 I went at (sic). That's improper English. I  
 24 went to the initial meetings about, let's set up  
 25 policy. How are we going to make this -- create

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1 this animal. I think after the first couple of  
2 meetings she started sending Tony Glowczewski.  
3 He attended them from there on in, and that's  
4 the last I knew of any involvement by Miss  
5 Downing.

6 Q Was it your understanding that  
7 Detective Glowczewski was answering to Miss  
8 Downing?

9 A Sure, he worked for her. I assume he  
10 was.

11 Q And did you ever come to learn that  
12 at any point in time that Miss Downing was  
13 disassociating herself with the QRT team?

14 A No. She might have after the  
15 conversation we had shortly before her  
16 termination.

17 Q I'm sorry?

18 A She might have after the conversation  
19 we had shortly before her termination, because I  
20 had asked about the Gouseff call-out. I believe  
21 I said to her, you either get on the train or  
22 get off the train. I mean, they need --

23 I think she was a supervisor, or  
24 whatever the title, coordinator. I wasn't sure  
25 whether she was out at the scene, called to the

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1 scene. That was what the conversation was  
2 about. From her I understood she had been  
3 called, but that they didn't need her. She  
4 didn't -- wasn't needed out there. I said you  
5 either get on the train or get off the train.  
6 Either stay involved with QRT or get off the  
7 train.

8 Q Actually, wasn't it the fact, though,  
9 she indicated to you that she was contacted  
10 after the shooting had already occurred and that  
11 she immediately informed Mr. Rebert?

12 A I don't know. I think that's what  
13 she was saying because -- I wasn't contacted.  
14 At that time, I mean, I was their legal advisor  
15 but nobody bothered to call me. And I think  
16 that was what the conversation was about,  
17 whether -- were you contacted?

18 Q And at that time again, didn't she  
19 indicate to you she was contacted after the  
20 shooting occurred and that --

21 A No, not at all. No, no, no.

22 Q Okay.

23 A She said she had been contacted or  
24 had contact with them and was told, no, we don't  
25 need you here; you're not needed. That's what I

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1 remember her saying.

2 Q And do you recall that she told you  
3 that she immediately informed Mr. Rebert of the  
4 shooting?

5 A She might have said that, sure.

6 Q And do you know if Mr. Rebert ordered  
7 anybody else to be contacted in the D.A.'s  
8 office?

9 A When?

10 Q At that point, once he was notified  
11 of the shooting.

12 A I don't know who he ordered to  
13 report. I was at a football game at William  
14 Penn High School when it happened.

15 Q Is Mr. Downing responsible for  
16 reporting to Mr. Rebert about a shooting when  
17 she's called, or is she supposed to report to  
18 you?

19 A Why would she report to me?

20 Q Well, that's my question. You seem  
21 to be upset that you weren't contacted by her.

22 A No, I wasn't con -- Not by her. I  
23 wasn't contacted by anybody.

24 Q Right. That's why I'm asking my  
25 question to clarify.

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1 A She probably reports to Mr. Rebert.  
2 That's who she worked for.

3 Q So if, in fact, she got a call about  
4 a shooting and then picked up the phone and  
5 immediately called Mr. Rebert and advised him of  
6 the same, was there something else that she was  
7 supposed to do?

8 A Ask her.

9 Q I'm asking you.

10 A Was it something she should have  
11 done? Yeah, she should have gotten off her ass  
12 and went out to the shooting. That's what she  
13 was paid to do. That's what the policy says.  
14 She's supposed to go when -- on QRT call-outs.  
15 If you'd read the policy, I'm sure you have a  
16 copy -- She's a coordinator. She should have  
17 been at the call-out. That's her job.

18 Q Even if her bosses don't go or --

19 A I can't help what her boss says. I'm  
20 just telling you what the policy manual says.  
21 The policy manual says, you're the coordinator.  
22 You go to the call-out.

23 Q Okay.

24 A If she didn't go to the call-out --  
25 And I think that was the source of my anger

1 then, and probably is the source of my anger  
2 now. Either get on the boat or get the hell off  
3 the boat. I believe those were the words I said  
4 to her.

5 Q But as you sit her today you don't  
6 what directions Mr. Rebert gave her, do you?

7 A That's fair. You're right, I don't.

8 Q Okay. So is it a possibility she  
9 received the direction not to go?

10 A Yeah, that's true.

11 Q And at that point what would control,  
12 Mr. Rebert's request or --

13 A He's the boss. Absolutely.

14 (At or about 3:43 p.m., a short  
15 recess occurred; resumes at or about 4 p.m.)

16 BY MR. JACOB:

17 Q In April of 2003, did you have an  
18 occasion to speak to the head of the Public  
19 Defender's Office, I believe his name is Bruce  
20 Bloucher regarding Matthew Millsaps?

21 A I don't recall that.

22 Q More specifically, do you recall  
23 discussing an issue involving Mr. Millsaps  
24 brokering some sort of deal or a plea agreement  
25 without your knowledge regarding drug

1 they came up with.

2 Q So you don't know anything as far  
3 as --

4 A As far as business cards, probably  
5 half the search warrants we do now, same thing.

6 Q I would assume yours would probably  
7 be or might be just because you're in the  
8 position you are.

9 A I give my cards out like hot cakes.

10 Q They come into contact with you  
11 whether they want to or not. But Ms. Voyzey in  
12 her position with the county --

13 A I remember her card being found. I  
14 remember the officers telling me that her card  
15 had been found. I can't tell you when, but I  
16 inquired about it and asked them to look into  
17 it. Whoever the detectives were did. And  
18 whatever their response was to me was  
19 satisfactory. It wasn't anything that raised my  
20 intent that I would do anything about it. If it  
21 were, then I certainly would have, sure.

22 Q Nothing resulted from that?

23 A No, no.

24 Q Did you ever come to learn whether  
25 Ms. Voyzey was using or involved with any type

1 defendants, I believe it was Unger, and is it  
2 Gochenauer?

3 A That doesn't ring any bell. It  
4 doesn't mean it didn't happen. It just doesn't  
5 ring a bell.

6 Q You don't recall making any comments  
7 about Millsaps at all in that regard?

8 A No.

9 Q While employed by the D.A.'s office  
10 did you ever observe any female sitting on Mr.  
11 Rebert's lap?

12 A No.

13 Q Were you aware through your functions  
14 with the drug task force of a situation or a  
15 time when Ms. Voyzey's county business card was  
16 located during a drug raid?

17 A Yeah, and I can't think what drug  
18 raid it was. But I remember her business -- I  
19 remember one of the cops commenting that her  
20 card had been found.

21 Q Was there any inquiries as to why her  
22 card would have been --

23 A I'm sure there were. I'm sure the  
24 officers did ask. Whoever they asked, I was  
25 satisfied with their responses, I mean, whatever

1 of illegal drug while she was employed by the  
2 D.A.'s office?

3 A Nope.

4 Q Did you ever come to learn whether  
5 Miss Downing had complained to Mr. Rebert about  
6 an allegation of Ms. Voyzey possibly using  
7 illegal substances while employed by the D.A.'s  
8 office?

9 A She may have. I mean, there was --  
10 There was a lot of people whispering about  
11 stuff, but I have no personal knowledge about  
12 it. And I don't know what Miss Becky did.

13 Q The stuff that people were whispering  
14 about --

15 A I'm not going to talk about rumors.

16 Q No, I'm asking you to. My question  
17 is, though, was the stuff being stuff that Miss  
18 Downing was complaining about or just in general  
19 that, hey, Ms. Voyzey might be doing that, that  
20 kind of stuff?

21 A The second one.

22 Q Okay. Do you know if that stuff ever  
23 reached District Attorney Rebert's desk?

24 A What? The rumors?

25 Q Yes

1 A Yes.  
 2 Q And do you know if an investigation  
 3 was ever ordered into that?  
 4 THE DEPONENT: Harry, we talked about  
 5 this.  
 6 MR. NESS: Yeah. Maybe -- Maybe an  
 7 investigation --  
 8 THE DEPONENT: Rephrase the question.  
 9 MR. NESS: Yeah, rephrase the  
 10 question --  
 11 MR. JACOB: Okay.  
 12 MR. NESS: -- as to whether or not  
 13 there was an inquiry versus an investigation.  
 14 MR. JACOB: No, no, fair enough. Let  
 15 me rephrase, and I understand what your concern  
 16 is.  
 17 BY MR. JACOB:  
 18 Q I'm not concerned about a criminal  
 19 investigation. Was there an internal  
 20 disciplinary investigation as far as York County  
 21 was concerned into the allegations?  
 22 A That I don't know.  
 23 Q Okay. Do you know if Miss Downing  
 24 ever went to either Mr. Rebert or to other  
 25 persons in the county to express a complaint

1 percentage, if you can, can you put a  
 2 percentage?  
 3 A I go to most. I go to most meetings,  
 4 oh, sure.  
 5 Q Is most to you 75 percent, 80, 90?  
 6 Can you put --  
 7 A Probably 80 percent.  
 8 Q Okay. That's what I was looking for,  
 9 some sort of -- And Miss Downing when she was in  
 10 the county's employ, do you remember percentage-  
 11 wise how many meetings she was attending?  
 12 A She'd be at the ones I was at. I  
 13 can't tell percentage because I don't -- I mean,  
 14 the meetings I didn't attend I don't know if she  
 15 was there or not. If we had meetings -- And I  
 16 think we had regular meetings. We call them  
 17 executive staff now, but I think we may have --  
 18 might have called them something different then.  
 19 She'd be there. I usually sat behind her.  
 20 Q All right. So you're saying you were  
 21 at 80 percent of the meetings. She was at least  
 22 at 80 percentage?  
 23 A She was at the ones I was at.  
 24 Q Okay. So she was at least at  
 25 80 percent of the meetings?

1 about how, if any, or the lack thereof an  
 2 investigation regarding Ms. Voyzey was  
 3 occurring?  
 4 A I don't know.  
 5 Q Do you know ultimately if Ms. Voyzey  
 6 was ever disciplined for any type of drug  
 7 activity?  
 8 A I don't know that either.  
 9 Q Did you regularly attend staff  
 10 meetings at the D.A.'s office?  
 11 A Well, my idea of regularly attending  
 12 and Stan Rebert's idea of regularly attending  
 13 sometimes were different. I attend most of  
 14 them. I do attend most of them. I've been  
 15 counseled to attend more.  
 16 Q Okay.  
 17 A Let's put it that way.  
 18 Q Fair enough. And what amount  
 19 percentage-wise would you say you attend?  
 20 A I attend most. Right now we have  
 21 executive meetings Tuesday mornings, 8:30, 8:35.  
 22 I take a five-year old to an LIU unit at 8:20  
 23 Monday through Thursday. So I am continually  
 24 late to that meeting. That's reality.  
 25 Q Fair enough. If you had to put a

1 A Yes.  
 2 Q Okay. Are there any attendance  
 3 records regarding these meetings that you're  
 4 aware of?  
 5 A Are you kidding me? It's a meeting.  
 6 It's, hey, let's sit down and talk. It's  
 7 Tuesday morning, 8:30. You're expected to be  
 8 there. You don't need something in writing.  
 9 It's just --  
 10 Q Are there minutes of these meetings?  
 11 A No, absolutely not.  
 12 Q Do you recall any jocularity, banter,  
 13 that kind of stuff going on at the meetings?  
 14 A If I'm there there is.  
 15 Q Fair enough. Any sexual comments  
 16 that go on at the meetings?  
 17 A Not that I have any specific  
 18 recollection.  
 19 Q Comments about females' bodies?  
 20 A No. These are business meetings.  
 21 Q Okay. Disparaging remarks about  
 22 employees who aren't in attendance at the  
 23 meeting?  
 24 A Probably.  
 25 Q So you say probably. Why would it be

1 probably?  
 2 A Because it's like a bunch of guys  
 3 kidding around. You know, where's so and so?  
 4 He must be doing X, Y, Z. I'm sure they're  
 5 disparaging. Why isn't he here, that kind of  
 6 comment.  
 7 Q But it was just a bunch of guys,  
 8 right? It was Miss Downing --  
 9 A When I say a bunch of guys, I don't  
 10 mean to be chauvinist about it. She worked in  
 11 the office. She was a bunch of guys like the  
 12 rest of us. That's not a chauvinist. That's  
 13 just --  
 14 Q Let me show you an exhibit that  
 15 was --  
 16 A Yeah, I remember seeing that.  
 17 Q -- previously marked as Crouse Number  
 18 2, and ask you -- It sounds like you've already  
 19 indicated you remember that document.  
 20 A My picture is on it. I don't know if  
 21 I remember it. I didn't do it. I remember  
 22 seeing it. But I didn't think those were the  
 23 faces I saw. I looked at it when I was coming  
 24 in here. I remember a picture something like  
 25 this, sort of a parody of Mark Frankel's back of

1 Mr. Frankel?  
 2 A I wouldn't have taken it that way.  
 3 Q Okay.  
 4 A I don't know whoever authored it  
 5 would have. I wouldn't have taken it that way.  
 6 At the time I said, Frankel had this ad on the  
 7 back of the telephone book. Now Dale Anstine  
 8 has stolen it. At the time Mark was going  
 9 through all these rumors that he was involved  
 10 with little boys, touching his clients. Whoever  
 11 authored that had a sense of humor, and that's  
 12 how I took it.  
 13 Q Okay. And that was one of the things  
 14 circulated at these staff meetings?  
 15 A I don't think it was circulated at a  
 16 staff meeting. I remember somebody -- It was  
 17 probably in my mailbox. I remember seeing it in  
 18 the office. I don't know that it was circulated  
 19 at a staff meeting. It might have been.  
 20 Q Was there ever an investigation as to  
 21 who authored this and circulated it?  
 22 A Why? It's a joke. I didn't  
 23 investigate it, let's put it that way. I  
 24 laughed at it, didn't investigate it; didn't  
 25 pass it on to anybody; thought it was funny.

1 the telephone book thing. I remember seeing  
 2 this at some point in time and just laughing,  
 3 joking about it, chuckling. I mean, I didn't  
 4 author it, so --  
 5 Q Who authored it?  
 6 A Don't know. I couldn't tell.  
 7 Q What was the joke?  
 8 A It's probably a reference to Mark  
 9 Frankel's ad on the back of the telephone book.  
 10 At the time he was being accused, I believe he  
 11 had disciplinary board proceeding about his  
 12 inappropriate touching of young boys. That  
 13 that's my opinion only. I don't know what it  
 14 was meant to be.  
 15 Q So that's funny?  
 16 A It would be. Yeah, I thought it was  
 17 funny.  
 18 MR. NESS: You have to know Frankel.  
 19 MR. JACOB: I guess I do. I don't  
 20 know him.  
 21 THE DEPONENT: You don't know  
 22 Frankel? Depose him. Have fun.  
 23 BY MR. JACOB:  
 24 Q Was it also meant to poke fun of the  
 25 fact that Mr. Rebert was a character witness for

1 Q I'll get back to my question.  
 2 A Do I know of any investigation? No.  
 3 I didn't. I didn't so -- I don't know if  
 4 anybody else did.  
 5 Q I understand you're a golfer?  
 6 A Yeah, a little bit.  
 7 Q And you indicated that you really  
 8 don't use vacation time. In fact, you pay the  
 9 county back your vacation.  
 10 A I give them 10, 20 days a year back.  
 11 Q So when you would leave for golf,  
 12 were you using comp time at that time?  
 13 A For what?  
 14 Q To go to play golf.  
 15 A Are you talking about during the  
 16 week?  
 17 Q Yes.  
 18 A I'll tell you what, I give Mr. Rebert  
 19 about 60, 70 hours a week. So if I take off  
 20 Friday -- I used to go off -- I don't even do  
 21 any more. I used to go off Friday at noon or so  
 22 with Judge Chronister. He and I would go  
 23 golfing. I consider that an even split. Stan  
 24 gets his 80 hours a week or 60 hours a week out  
 25 of me. I don't put comp time, vacation time, or



1 anything. I just go golfing.  
 2 Q Fair enough.  
 3 A Come back to the office at the end  
 4 (voice trails off) --  
 5 Q In other words, I'm asking if --  
 6 There's been issues with flex time, comp time,  
 7 vacation time in this case. So I'm just trying  
 8 to find out people's normal practices.  
 9 A You ask Mr. Rebert. My normal  
 10 practice is to give him more than a good day's  
 11 work and I always have.  
 12 Q Were you ever required to submit  
 13 paperwork to Mr. Rebert to indicate or to  
 14 allocate where your time was going?  
 15 A No.  
 16 Q Do you know of any other employee who  
 17 was required to submit paperwork to show what  
 18 comp time they either had earned or accrued  
 19 or --  
 20 A Is this salary or hourly employees?  
 21 Q Either one.  
 22 A The answer is no to either one.  
 23 You're kind of mixing them up. I'm paid a flat  
 24 salary to give him an honest day's work. I give  
 25 him an honest day's work. I give him an honest

1 week's work. I put my time in.  
 2 Q Let's stick with salaried employees  
 3 then. Then your answer is no, that you don't  
 4 recall anybody being required to put in any  
 5 paperwork to show what time they're either in  
 6 the office or out of the office or how it was  
 7 being charged against --  
 8 A That's an unfair question. The  
 9 question is, do I. Do I know what the practice  
 10 is for other people? I have no clue to the  
 11 practices of other people. I don't pay  
 12 attention to a lot of people in the office. I  
 13 go about my business with my guys, and I could  
 14 care less what anybody else does.  
 15 Q You've never be advised of any policy  
 16 or practice, though, that certain persons or  
 17 everybody in the office is required to keep  
 18 certain records regarding the use of comp time,  
 19 flex time?  
 20 A I don't know that. I don't have any  
 21 personal knowledge of that.  
 22 Q Let's go back to John Daryman and  
 23 when he was hired, and this whole issue about  
 24 the schedule that he would be working. Do you  
 25 recall Miss Downing -- It sounds like it was

1 something that was common knowledge. Do you  
 2 recall Miss Downing's complaints regarding the  
 3 schedule that Mr. Daryman may be assigned to?  
 4 A I can't tell you specifically, but I  
 5 would say the word would be continuously. I  
 6 mean, I don't remember a specific, do you  
 7 remember on Thursday she's saying X, Y, Z, no.  
 8 But complaining about his hours, absolutely.  
 9 Q And do you recall that the complaints  
 10 were from the position of, this could create a  
 11 labor issue for the county?  
 12 A No specific recollection, but that  
 13 makes sense.  
 14 Q Okay. Do you remember any other  
 15 complaint of Miss Downing, though, about John  
 16 Daryman coming to work for the county?  
 17 A No.  
 18 Q So basically, the complaints that you  
 19 remember dealt with the schedule that he would  
 20 be assigned to?  
 21 A Probably the hours would be probably  
 22 the biggest complaint. Who he's answerable to  
 23 would be -- I think was a complaint.  
 24 Q Okay. And was it always couched in  
 25 terms of, this could create a labor issue?

1 A No.  
 2 Q This could be a problem for the  
 3 county?  
 4 A No. You're the only person I heard  
 5 that from.  
 6 Q Okay. I'm just asking you.  
 7 A No, I don't know.  
 8 Q Okay.  
 9 A I don't know.  
 10 Q But the complaints you remember were  
 11 who he would answer to or scheduling. It wasn't  
 12 that, hey, that man is a whatever. Something  
 13 personal. It was more to the schedule he's  
 14 going to follow, who's he going to answer to,  
 15 those types of issues?  
 16 A Yeah.  
 17 Q Yeah, being the latter one?  
 18 A Yes. I mean the latter.  
 19 Q And then again, later on once Mr.  
 20 Daryman was already employed by the D.A.'s  
 21 office as a detective, were her complaints again  
 22 about the fact that there was a proposal to  
 23 promote him as opposed to this man is just a  
 24 horrible detective and shouldn't be here?  
 25 A I don't remember any of that. I

1 know. I mean, every cop I know controls their  
2 environment. That's the way they're raised. My  
3 problem with Miss Downing is she's too much of a  
4 control freak. She puffs her own position. She  
5 puffs herself up to be more than what she is. I  
6 don't mean to insulting to you, Becky. Don't  
7 get me wrong.

8 But, it's like I own this big police  
9 department, this is a super police department,  
10 and she hires rookies; guys who couldn't  
11 investigate their own way out of their own  
12 office. It doesn't mean that they aren't good  
13 cops. It doesn't mean they couldn't be good  
14 investigators, but they certainly aren't of the  
15 superlative power that she puffed herself or  
16 puffed that department up to be.

17 I may insult Mr. Rebert, I apologize  
18 if it does, but that's my personal opinion.  
19 That's only my personal opinion.

20 Q Anything else?

21 A No, that's fine.

22 Q Is that the only complaint about her  
23 performance of her duties?

24 A She didn't work for me. I can tell  
25 you, any time I asked her to do something and it

1 A No. Oh, no.

2 Q Do you know of her being an obstacle  
3 to anybody getting their cases prosecuted?

4 A I can't speak for anybody. I don't  
5 know who anybody is.

6 Q Well, you seem to be pretty --

7 A I --

8 Q Let me finish my question. You seem  
9 to be pretty high up over there as far as the  
10 litigation branch.

11 A It depends. The way our office is  
12 set up, we have a litigation -- We actually have  
13 a litigation chief, Chuck Patterson. I control  
14 the drug cases 125 percent.

15 Q Okay.

16 A I live in my own little world. If  
17 anybody doesn't -- I do. I live in my own  
18 world. Stanley understands. We're different  
19 people. I can only speak for my little world.  
20 I can't tell you what goes on. I don't listen  
21 to gossip in the office. Nobody tells me. I  
22 just live in my world. I'm busy enough with  
23 what I do there. I don't pay attention to that  
24 crap.

25 Q Speaking of the other supervisors in

1 would be request, she followed through. I mean,  
2 I'm a lawyer. I expect cops to do things for me  
3 when I want things done. If I needed a witness  
4 moved here or there, I would go to her and say,  
5 I need a witness moved here and there. She'd  
6 carried through, she followed through, she did  
7 her job. Any other contact it would be, hey,  
8 how are doing, yatta, yatta, yatta type of  
9 stuff.

10 I paid for the MDC's for the -- I  
11 wanted the detective bureau to at least have all  
12 the equipment, and we did pay for I believe  
13 MDC's.

14 Q MDC's?

15 A Little computers they have in the cop  
16 cars. We may have paid for guns. I don't know  
17 what all I paid for. If there was a legitimate  
18 request by the county detectives through her for  
19 equipment, we would pay for that if I thought it  
20 was legitimate. I worked with the lady. I had  
21 no problem with the lady. You're asking my  
22 personal opinion, I think she's a control freak.

23 Q But as far as professionally, she  
24 wasn't an obstacle to you getting your cases  
25 prosecuted?

1 the office, though, have you ever come to learn  
2 that Miss Downing was an obstacle to them  
3 prosecuting their cases?

4 A Not that I know of. I don't know.  
5 Not that I know of. I don't have any personal  
6 knowledge of that.

7 Q That's the question.

8 A Okay.

9 Q Are you aware of any case in the  
10 D.A.'s office that was affected negatively by  
11 Miss Downing's actions or inactions?

12 A Not in my cases. That's the only  
13 fair reference I have.

14 Q And approximately how many cases did  
15 you have over the four-year period of 2001 to  
16 2004?

17 A We bring in somewhere between  
18 950 and 1400 last year -- drug cases a year,  
19 since -- We've averaged about 1100 a year since  
20 1988.

21 Q So we're talking about 4500 cases?

22 A Lots of cases.

23 Q And while Miss Downing was employed  
24 there, you don't recall any one of them being  
25 negatively impacted by something Miss Downing

1 Q What's a UCR just so the record is  
2 clear?

3 A Uniform crime report. Every police  
4 department submits uniform crime reports for  
5 arrests that they've made, my understanding. I  
6 mean, I'm not a police officer, but that's my  
7 understanding.

8 Q I understand. Has that practice  
9 continued since Miss Downing's termination?

10 A Don't know. Don't know.

11 Q Do you feel that you have the right  
12 or the privilege of coming into Stanley's office  
13 and commenting or complaining to him about  
14 perceived problems or issues or concerns that  
15 you have within the District Attorney's office?

16 A Yeah. Yeah, he's my boss. We've  
17 been friends for a long time and we talk. We  
18 talk. We are close to same age. He's a little  
19 bit older than I am. He's always had an open-  
20 door policy, actually not just for me, for  
21 anybody in that office. He has an open-door  
22 policy and he encourages people to come to him  
23 with problems.

24 Q Do you know -- Thinking back to  
25 February 4th of 1987 to the present, do you know

1 of anyone that was an employee of the District  
2 Attorney's office during those 19 years plus  
3 that was terminated from their employment with  
4 the District Attorney's office for exercising  
5 open-door policy rights with Stan for lack of a  
6 better term?

7 A No, not to my knowledge.

8 Q How about anyone that was disciplined  
9 in any way for speaking to Stanley about these  
10 types of concerns or issues?

11 A No, I don't think so. I don't, of  
12 course, know all the people that were  
13 disciplined. I'd have no way of knowing that.  
14 I can tell you any time I've been there -- We  
15 never fired people. We just never fired  
16 anybody. We had one secretary, Sally -- or not  
17 Sally.

18 I remember we had one secretary,  
19 Wanda, that got fired. In the first 15 years I  
20 was there she was probably the only person  
21 fired. Stanley as a general rule doesn't -- he  
22 has a lot of patience with people.

23 MR. LEBER: That's all I have.

24 MR. JACOB: Hugh.

25 MR. HUTCHINSON: No questions.

RE-EXAMINATION

2 BY MR. JACOB:

3 Q Just a couple points for  
4 clarification. Number 1, did you ever tell Paul  
5 Crouse that Miss Downing had a beef -- Or that  
6 Miss Downing and Daryman had some beef with each  
7 other from 15 years earlier?

8 A No.

9 Q Am I correct -- Those eight homicides  
10 that you're referring to, am I correct that  
11 Rodney George was actually the arresting officer  
12 for each one of those homicides?

13 A Not as a county detective. County  
14 detectives don't make arrests for homicides.  
15 Those are city -- City cops make arrests for  
16 homicides, or state police, or whatever.

17 Sure as heck, from my understanding  
18 as a lawyer, you don't put them on UCRs as  
19 titling these, we solved eight homicides. You  
20 didn't solve squat. You didn't make arrests on  
21 eight homicides. You made arrests on zero  
22 homicides. And that's simply showing -- trying  
23 to portray that you are more of a police  
24 department than you actually are.

25 Q I'll ask you again. Rodney George

1 was employed by the D.A.'s office, correct?

2 A Yes.

3 Q And do you know whether he was the  
4 arresting officer on the eight homicides you're  
5 referring to?

6 A I don't know. I have no knowledge of  
7 that.

8 Q If he was the arresting officer --

9 A Then I stand corrected.

10 Q Okay. Because I believe you may want  
11 to check your facts in that regard.

12 A I said, I'll stand corrected if  
13 that's true.

14 MR. NESS: He was. I represented one  
15 of them.

16 THE DEPONENT: Then I stand  
17 corrected.

18 MR. JACOB: That's it.

19 (At or about 4:45 p.m., the  
20 deposition concluded.)

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