



1 union?  
 2 A I didn't come to that conclusion. I  
 3 come to believe --  
 4 Q Okay. What facts lead --  
 5 A -- that she controlled the union.  
 6 Q -- you to that belief?  
 7 A Just the fact that her Complaint  
 8 number 232 that Mr. Rebert offered to amend  
 9 raises and equipment to allow me to be employed  
 10 there. And for them to not even entertain that  
 11 thought, it was my common sense at that point  
 12 that she was definitely in control of the union.  
 13 Because to me what that meant was, people were  
 14 taking food off their table to try to get me off  
 15 the job, and I worked with a lot of those  
 16 policemen for a lot of years and I don't think  
 17 that's their intent. I think if you were to ask  
 18 them that today, they would tell you that's not  
 19 their intent.  
 20 Q Okay. In January of 2003, are you  
 21 familiar with someone by the name of Susan  
 22 Voyzey?  
 23 A Yes, I know who she is.  
 24 Q And what position, if you know, did  
 25 she hold at that point in time?

1 providing as a private contractor?  
 2 A I maintained all the monthly and  
 3 quarterly data reports for the Weed and Seed  
 4 program. I also prepared forfeiture petitions.  
 5 Q For the Weed and Seed?  
 6 A No. That was for the district  
 7 attorney's office.  
 8 Q Did you ever sign those petitions?  
 9 A I think McBride signed them.  
 10 Q Okay. You think or you know?  
 11 A I know when I do them I put my name  
 12 at the bottom. I don't actually take a pen and  
 13 sign them, but I type my name on the bottom of  
 14 them. I then submit them. It sticks in my mind  
 15 then that something happens to them. I'm not  
 16 sure what happens to them. And at some point  
 17 somewhere along the line McBride used to sign  
 18 something.  
 19 Q And who's McBride just so we're  
 20 clear?  
 21 A He's a detective with the York City  
 22 Police that is a member of the York County Drug  
 23 Task Force.  
 24 Q Okay. What was the reason for him  
 25 signing?

1 A I believe she was -- I don't know  
 2 what her official title was, but she was  
 3 responsible for grants.  
 4 Q Okay. Do you know if you were ever  
 5 listed on any grants from January through May of  
 6 2003?  
 7 A I don't know.  
 8 Q Do you know more specifically whether  
 9 or not Ms. Voyzey ever listed you as a detective  
 10 during that period of time?  
 11 A Don't know.  
 12 Q What did you believe your employment  
 13 status to be between January of 2003 and May of  
 14 2003?  
 15 A Private contractor.  
 16 Q Private contractor providing services  
 17 to who?  
 18 A The D.A.'s office.  
 19 Q Were you providing service to anybody  
 20 else?  
 21 A The Weed and Seed program.  
 22 Q Isn't that the D.A.'s office?  
 23 A Well, they were the administrator of  
 24 it, but I did a lot of work that went to them.  
 25 Q Okay. What services were you

1 A I don't know.  
 2 Q Now, you said you also -- you  
 3 provided services for the Weed and Seed program  
 4 and the D.A.'s office, forfeiture being one of  
 5 the services to the D.A.'s office. What other  
 6 services were you providing at that time?  
 7 A At the time we were involved in the  
 8 Henry Schaad investigation. It sticks in my  
 9 mind we went to trial I think in March of 2003.  
 10 I did some work preparing that case for trial,  
 11 and actually went through the trial. I think it  
 12 was the whole month of March.  
 13 Q Did you prepare any reports during  
 14 that period of time from January through May?  
 15 A Reports on what?  
 16 Q Any reports.  
 17 A I did Weed and Seed reports. I  
 18 did -- I'm sure I did forfeiture petition  
 19 reports. I probably did reports on the Henry  
 20 Schaad investigation.  
 21 Q And did you sign as a detective in  
 22 any of those reports?  
 23 A I don't know.  
 24 Q You don't know?  
 25 A No.

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1 Q Did you represent to anybody during  
 2 that period of time that you were a detective?  
 3 A No.  
 4 Q Did you carry a gun or a badge during  
 5 that period of time?  
 6 A I probably had a retired badge. I  
 7 think it took a while for them to get it to me,  
 8 so I might not have even had it when I retired  
 9 during that period of time. At some point after  
 10 I retired they gave me a retiree's badge. But  
 11 if my memory serves it took a while --  
 12 Q Okay.  
 13 A -- so I probably didn't have it  
 14 during that time.  
 15 Q Did you travel at all on behalf of  
 16 the D.A.'s office?  
 17 A I read that in her Complaint, and we  
 18 very well might have traveled during that period  
 19 of time. I don't know. I didn't look it up. I  
 20 know I did travel a lot during that  
 21 investigation, and it is possible I traveled  
 22 during the time you're talking about.  
 23 Q Would that travel be to Virginia,  
 24 Maryland, D.C., South Carolina and Georgia by  
 25 any chance?

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1 A It could have been. It could have  
 2 been.  
 3 Q Do you know whether that occurred  
 4 February 6 of '03, that trip?  
 5 A Don't know.  
 6 Q Don't know.  
 7 A Could have.  
 8 Q But you did not carry a badge or a  
 9 gun during that time?  
 10 A No.  
 11 Q Except for possibly the retired  
 12 badge?  
 13 A I'm pretty sure I didn't have a  
 14 retired badge. That took a while to catch up to  
 15 me.  
 16 Q Okay. How frequently do you think  
 17 you were in the D.A.'s office during that period  
 18 of time? Was it a daily thing that you were  
 19 there, or was it just a once-a-week-type of  
 20 thing?  
 21 A Well, three, four days a week  
 22 probably; maybe five. Probably during the trial  
 23 it was definitely five days a week.  
 24 Q And who was paying you at that time?  
 25 A The County of York.

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1 Q The County of York, okay. Were they  
 2 withholding any taxes from your paycheck?  
 3 A Are you specifically talking about  
 4 January to May?  
 5 Q January to May.  
 6 A No.  
 7 Q They weren't?  
 8 A No.  
 9 Q Okay. When I say taxes, I should be  
 10 more specific. Federal, state, local taxes,  
 11 nothing withheld?  
 12 A No. I got a 1099.  
 13 Q And the 1099 was issued from the  
 14 county?  
 15 A Yeah, County of York General Fund.  
 16 Q The General Fund was paying you?  
 17 A Yeah.  
 18 Q Okay. Is that a copy of your 1099  
 19 there?  
 20 A Yes.  
 21 MR. JACOB: Is that something that  
 22 he's willing to turn over to clear up an  
 23 issue --  
 24 MR. HUTCHINSON: Well, I want to talk  
 25 to you about that. We can do it now. There's a

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1 subpoena for all of his financial information  
 2 that goes way, way beyond what's relevant to  
 3 this case or what's a proper thing to ask for.  
 4 He has with him the 1099 and the W-2 that he got  
 5 from --  
 6 MR. JACOB: For that period of time.  
 7 MR. HUTCHINSON: -- the period of  
 8 time, which I would be happy to produce.  
 9 MR. JACOB: That would probably  
 10 satisfy that whole issue. Of course, I have to  
 11 discuss -- How about we handle it after the  
 12 deposition. I'll discuss it with my clients.  
 13 We may be able to withdraw the subpoena at that  
 14 point. But let me review that with everybody  
 15 because I'm not the only one who's the decision  
 16 maker on the case. I'll get back to you on  
 17 that. I appreciate you being forthcoming with  
 18 those documents, and hopefully we can get that  
 19 issue settled.  
 20 BY MR. JACOB:  
 21 Q I want to talk about the hiring  
 22 process, the process that was used to bring you  
 23 to the D.A.'s office ultimately in your  
 24 position. Now, did you ever fill out an  
 25 application?

1 Q All right. Did you ever use the  
 2 f-word during that argument?  
 3 A Yes.  
 4 Q And during the discussion you said at  
 5 one point Mr. Rebert told her to back off of  
 6 you?  
 7 A Yeah.  
 8 Q Do you recall why he said for her to  
 9 back off?  
 10 A She was getting up in my face.  
 11 Q Okay. Where were you at the time?  
 12 A In his office.  
 13 Q Where was she?  
 14 A In my face.  
 15 Q Okay.  
 16 A I don't know what kind of answer --  
 17 Q Where were you standing --  
 18 A I don't know how to tell you.  
 19 Q Where were you standing in the  
 20 office?  
 21 A On the other side of his desk. If I  
 22 remember right he would have been behind his  
 23 desk. We would have been on the other side of  
 24 the desk.  
 25 Q So you both were standing opposite

1 Q Let me finish my comment first,  
 2 please.  
 3 A Sorry.  
 4 Q When you say someone's in your face,  
 5 it then becomes important to me where everybody  
 6 is standing. Do you understand that?  
 7 A Yes, I understand.  
 8 Q Okay. So I appreciate that you're  
 9 answering to the best of your recollection.  
 10 That's all I'm asking for. And if you don't  
 11 know, just simply tell me you don't know. But  
 12 I'm going to ask questions for the facts that I  
 13 do need to know.  
 14 A I'll clarify that so that there  
 15 isn't -- When I say in my face, I'm not meaning  
 16 a verbal. I'm talking about a close position.  
 17 Q Okay.  
 18 A That's what I'm talking about.  
 19 Q Did she move from somewhere to get in  
 20 your face or --  
 21 A Yeah.  
 22 Q Okay. And do you remember where she  
 23 came from?  
 24 A No, I don't remember where she came  
 25 from.

1 Mr. Rebert on the opposite side of his desk; is  
 2 that correct?  
 3 A I mean those facts ain't important to  
 4 me. But the best I remember, he would sit  
 5 behind his desk, we would be on the outside of  
 6 his desk.  
 7 Q If I ask you a question, it's because  
 8 the facts are important to you. So, I apologize  
 9 if they're not important to you, but if you  
 10 could just answer --  
 11 A I'm trying to do the best I can.  
 12 Q And you are.  
 13 A But things you're asking me --  
 14 Q That's fine.  
 15 A -- I don't really --  
 16 Q And again, you're --  
 17 A I don't want to guess at them. But  
 18 I'm just going by what routinely would happen.  
 19 And routinely when we were in his office he  
 20 would be behind his desk, I would be on the  
 21 outside of his desk. I'm assuming that's where  
 22 we were.  
 23 Q Okay. So when you state a fact that  
 24 she was in your face, it then becomes --  
 25 A I meant --

1 Q And what kinds of things was Miss  
 2 Downing saying to you, if you recall?  
 3 A I believe we were calling each other  
 4 liars.  
 5 Q Okay. Anything else?  
 6 A We were disputing the facts of the  
 7 incident involving my schedule change.  
 8 Q And at some point you were using the  
 9 f-word, correct?  
 10 A It's my best recollection that I did  
 11 use it.  
 12 Q Now, at that time I believe you  
 13 stated to us that you came in on a detective,  
 14 the lowest level, got the base salary, correct?  
 15 A Still there.  
 16 Q All right. And Miss Downing at the  
 17 time was the chief of the detective unit; is  
 18 that correct?  
 19 A Yes, she was.  
 20 Q And yet, during this discussion  
 21 you're arguing with her about a reprimand,  
 22 correct?  
 23 A Yes.  
 24 Q And you're using the f-word with her,  
 25 correct?

1 A I did use the f-word.  
 2 Q Okay. Now, at some point did you ask  
 3 for the reprimand to be rescinded?  
 4 A Yes.  
 5 Q I'll show you a document premarked  
 6 Exhibit 7. Going back to that last exhibit, so  
 7 Mr. Rebert told Miss Downing to back off because  
 8 she was in your face. Did he ever tell you to  
 9 stop using the f-word to the chief detective?  
 10 A He may have. I know he was upset.  
 11 He was upset with the fact that we were arguing.  
 12 That's not --  
 13 Q Did he ever reprimand you for your  
 14 conduct towards a supervisor?  
 15 A If he did, I don't think it was in  
 16 writing. He might have verbally told me that he  
 17 did not -- I don't have a specific recollection  
 18 of it, but I don't recall getting anything in  
 19 writing.  
 20 Q How about during that very  
 21 conversation, did he ever tell you, Mr. Daryman,  
 22 sit down, that's my chief detective, don't talk  
 23 to her that way?  
 24 A He didn't say those words that you're  
 25 saying to me now.

1 Q Anything similar?  
 2 A He definitely tried to calm the  
 3 situation down.  
 4 Q I'm asking for comments toward you.  
 5 A He may have directed comments toward  
 6 me to settle down.  
 7 Q Did he ever tell you that you would  
 8 be disciplined if you continue to talk in that  
 9 manner to the chief?  
 10 A I don't recall those words.  
 11 Q If you would take a moment to review  
 12 Exhibit 7, please.  
 13 A (Deponent complies.)  
 14 Q Did you have an opportunity to review  
 15 Exhibit 7?  
 16 A Yes.  
 17 Q I want to refer you to the last  
 18 paragraph on page 1 of the document.  
 19 A The last paragraph of page 1?  
 20 Q Yes, the fifth line down. It says:  
 21 I told her that I did not want overtime  
 22 compensation for this work; that I would just  
 23 take a different day off, being Thursday,  
 24 October 16th.  
 25 Previously you testified that you

1 didn't tell her you were just going to take  
 2 another day off. Does this refresh your  
 3 recollection as to whether you told her that?  
 4 A Repeat your question.  
 5 Q You previously testified that you  
 6 didn't simply tell her that you were going to  
 7 take another day off. I'm asking if this -- if  
 8 you want to clarify or explain better your --  
 9 A You're misstating my testimony.  
 10 Q Okay. Maybe I am. That's why I'm  
 11 asking you if you want to clarify or explain  
 12 your previous testimony.  
 13 A I stated I didn't tell her -- the  
 14 word is extra.  
 15 Q Okay.  
 16 A I didn't take an extra day off.  
 17 Q Okay.  
 18 A The only day I took off was the day  
 19 that the county assigns you. It's not an extra  
 20 day off. That's a mis -- Now you're trying to  
 21 say that --  
 22 Q I'm not trying to say anything. My  
 23 question was, do you want to clarify or explain  
 24 your previous testimony? I simply pointed out  
 25 what appears to be an inconsistency. You've now

1 explained it.  
 2 A It's not an inconsistency.  
 3 Q Okay. That's why we're here to ask  
 4 questions. That's why I simply didn't submit  
 5 this document and say that it definitely is.  
 6 I'm asking you to explain. So then your  
 7 objection previous --  
 8 A Her document states that you --  
 9 Q So your objection previously was that  
 10 her document states an extra day off, and you're  
 11 just saying here that it was just a different  
 12 day off.  
 13 A Exactly.  
 14 Q Thank you. That's just what I wanted  
 15 to clarify. Okay.  
 16 I'm showing you what's been marked  
 17 Exhibit 8. Take a moment and review this  
 18 document. Actually, it's two pages.  
 19 A (Deponent complies.)  
 20 Q Turn to page 2 of Exhibit 8. Are you  
 21 familiar with this portion of the exhibit?  
 22 A Yes.  
 23 Q What is this --  
 24 A The document I gave to Mr. Rebert.  
 25 Q And what was it that prompted you to

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1 wouldn't have been able to answer it that way.  
 2 Q It's been a long day.  
 3 A Me too.  
 4 Q Are you aware or do you recall any  
 5 orientation proceeding that you went through  
 6 with Detective Demangone?  
 7 A I recall him reading the rules and  
 8 regulations to me, if that's what you're  
 9 referring to. I don't know if that's what  
 10 you're talking about or not.  
 11 Q Yes. During that orientation did you  
 12 ever express or imply to Detective Demangone  
 13 that you did not expect to be bound by those  
 14 rules and regulations?  
 15 A That's not what I told him.  
 16 Q What did you tell him then that would  
 17 have led him to believe this?  
 18 A I told him I'd probably be violating  
 19 some of them.  
 20 Q You informed Detective Demangone  
 21 during your orientation that you would probably  
 22 be violating some of the rules and regulations?  
 23 A Yes.  
 24 Q And what was the reason for you  
 25 making that statement, number 1?

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1 A I worked as a detective for 25 years.  
 2 Q Okay.  
 3 A I worked a lot of good, hard  
 4 investigations, and I violated them (sic) same  
 5 rules and regulations that are in that book for  
 6 the county detectives that were in the city book  
 7 for the city detectives. And anybody that was  
 8 ever a detective would know that you have to  
 9 violate some of those rules to get the job done.  
 10 I understood that perfectly. I don't know  
 11 whether Doug Demangone understood it or not, and  
 12 I don't whether Chief Downing understood it or  
 13 not.  
 14 Q So you believe the end justifies the  
 15 means sometimes?  
 16 A I did not say that.  
 17 Q I'm asking you, do you believe --  
 18 A I don't believe that, no.  
 19 Q Okay.  
 20 A I do believe that in my 25 years of  
 21 experience that I violated some of those rules  
 22 and regulations, and I believe in the next five  
 23 or ten years I'll probably violate a couple more  
 24 of those nit-picking little, tiny violations  
 25 that have no business being in a book for

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1 detectives. They should be in a book for police  
 2 officers doing patrol work, but you won't find  
 3 that in a detective handbook.  
 4 Q Which rules and regulations did you  
 5 expect that you would be violating?  
 6 A Handcuffing prisoners behind their  
 7 back; using tobacco in the cars. I believe Doug  
 8 was telling me how to handcuff a person; how you  
 9 had to turn their hands a certain way when they  
 10 were handcuffed behind their back.  
 11 If you get me the book out, I can go  
 12 down through them and tell you which ones that I  
 13 violated in the past and which ones I'll  
 14 probably have to violate in the future if I'm  
 15 trying to --  
 16 Q So handcuffing you recall and tobacco  
 17 in the cars. Do you recall any others as we sit  
 18 here?  
 19 A Change in schedules. If I have an  
 20 opportunity to interview a homicide witness and  
 21 it happens to be on my day off, I'm going to  
 22 take that. That's a violation of the rules and  
 23 regulations, and I've violated that in the past,  
 24 and I'll probably violate that in the future.  
 25 Q Anything else?

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1 A If we had the book here, it would be  
 2 much easier for me to go through it and try to  
 3 point the ones out. But it would be all minor,  
 4 chicken-scratch violations.  
 5 Q So how does violating the no tobacco  
 6 in a police car or in a county car affect you as  
 7 a detective?  
 8 A You were a police officer, but never  
 9 a detective I take it. Many times, many times  
 10 when I'm dealing with a suspect in an important  
 11 case I'll have them -- If I think it helps me  
 12 get the job done to get a confession from them,  
 13 we're going to violate that rule, smoking in the  
 14 car, and they're going to have a cigarette in  
 15 the car. And that's a violation of the rules.  
 16 And it's my belief that under her  
 17 system I would be constantly written up for  
 18 those type of minor infractions that need to be  
 19 done to get the job done when you're working an  
 20 important case, and all detectives are aware of  
 21 that. All detectives practice that routinely.  
 22 That's one of the reasons her and I have  
 23 different philosophies on how police work is  
 24 done.  
 25 Q Do you know if the detectives

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1 A Compensation issue?  
 2 Q Um-hm.  
 3 A No.  
 4 Q Do you ever recall making a statement  
 5 something to the effect of, Mr. Rebert owes you?  
 6 A Whether I made that statement or he  
 7 made that statement?  
 8 Q No. Whether you ever made the  
 9 statement to Mr. Rebert that he --  
 10 A I've read that in her Complaint.  
 11 I've thought about it. I can't recall what it's  
 12 about. I know that during that discussion we  
 13 were talking about my 32 hours a week, and she  
 14 saying --  
 15 First of all, I never yelled at the  
 16 man. But if she's saying that I said to him,  
 17 you owe me that, then it would have had to have  
 18 been referring to the 32-hour workweek that we  
 19 agreed upon when I was hired.  
 20 But I never hollered at Mr. Rebert.  
 21 I read that in the Complaint. I was confused  
 22 about it. I thought about it a lot, trying to  
 23 figure out what she was referencing it to.  
 24 That's the only thing I can come up with.  
 25 Q You never yelled at Mr. Rebert, but

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1 you don't dispute using the f-word with Miss  
 2 Downing, correct?  
 3 A I don't dispute that. I'm not proud  
 4 of it, but it happened.  
 5 Q Okay. And the only time that Miss  
 6 Downing ever reprimanded you dealt with  
 7 violations of rules and regulations, correct?  
 8 A I'm not sure what you're talking  
 9 about there.  
 10 Q Any time she ever issued discipline  
 11 to you it only dealt with infractions of the  
 12 rules and regulations; is that correct?  
 13 A Yeah. I don't know of anything else.  
 14 Q So she didn't discipline you, though,  
 15 for the f-word or any rudeness or anything like  
 16 that? It was just specific rules and  
 17 regulations and that was --  
 18 A No, but had she, that would have been  
 19 a violation of the rules. That was one I  
 20 obviously violated.  
 21 Q You stated that you would violate the  
 22 rule and regulation in regard to tobacco if you  
 23 were interviewing a suspect and needed a  
 24 confession. Did you ever sit in the alley by  
 25 the courthouse and smoke in your car alone?

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1 A Yes, I probably did.  
 2 Q Is that one of the rules and  
 3 violations you'd have to violate in order to be  
 4 a detective as opposed to a patrol officer?  
 5 A That's one I just violated because I  
 6 had a nicotine habit at the time.  
 7 (Pause.)  
 8 Q I apologize. I just needed a moment  
 9 here to review some notes. We're getting close.  
 10 MR. JACOB: I'm going to skip Exhibit  
 11 12 that we previously marked.  
 12 BY MR. JACOB:  
 13 Q October 30th of 2003, is it correct  
 14 that you were taken out of the chain of command  
 15 from Miss Downing and placed under Mr. Rebert's  
 16 chain of command?  
 17 A It was my understanding I was under  
 18 his chain of command from day 1.  
 19 Q So you're not familiar with  
 20 Commissioner Donahue's approval of that  
 21 personnel change?  
 22 A Wasn't that a document that we had?  
 23 Q I'm just asking if you're familiar  
 24 with it becoming official through Commissioner  
 25 Donahue around that time?

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1 A I don't know when Commissioner  
 2 Donahue's understanding of it was. I only know  
 3 when my understanding of it was.  
 4 Q Going back to the you-owe-me  
 5 statement, you stated that you started as a  
 6 police officer back in 1974; is that correct?  
 7 A Yes.  
 8 Q You look uncomfortable with these  
 9 questions we're about to get into.  
 10 MR. HUTCHINSON: Objection.  
 11 THE DEPONENT: I don't know what they  
 12 are.  
 13 MR. HUTCHINSON: That's not true at  
 14 all. You're making a statement that goes on a  
 15 record that is a complete mischaracterization.  
 16 BY MR. JACOB:  
 17 Q I'm asking you.  
 18 A I don't know what your questions are,  
 19 so I can't be uncomfortable with them.  
 20 Q In any case, did you ever in your  
 21 official capacity or in any capacity ever  
 22 observe Mr. Rebert or any member of Mr. Rebert's  
 23 family in the performance of your duties  
 24 involved in any unlawful activities?  
 25 A Any what?