

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 1:C-05-0351

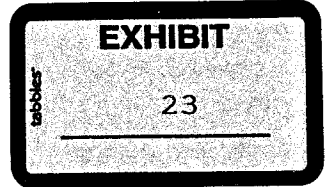
-----X
REBECCA M. DOWNING,

Plaintiff,

- vs -

COUNTY OF YORK, and H. STANLEY
REBERT,

Defendants,
-----X



Deposition Testimony of SCOTT JAMES

225 Market Street
Harrisburg, PA

September 9, 2005
9:19 a.m.

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

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

LEARY REPORTING
112 West Main Street, Ste. 200
Mechanicsburg, Pennsylvania 17055

(717) 233-2660 Fax (717) 691-7768

COPY

1 A 7/25/66.
 2 Q How are you currently employed?
 3 A I'm employed as a detective in the
 4 York County D.A.'s office.
 5 Q How long have you held that
 6 position?
 7 A Since August 25, 2002.
 8 Q Were you employed in law enforcement
 9 before the York County District Attorney's
 10 office?
 11 A Yes, I was.
 12 Q What was your first job in law
 13 enforcement?
 14 A York County Sheriff's Department.
 15 Q When were you there from, just
 16 approximately?
 17 A Probably ten years ago, I was there
 18 for three years. So it was probably started ten
 19 years ago, 1995 to, I am guessing, 1998. That is
 20 a guess.
 21 Q Approximately 1995 to 1998?
 22 A That is the best I can do.
 23 Q Where did you go after that?
 24 A From there I went to Springettsbury
 25 Township Police Department.

921A

1 Q A police officer there?
 2 A Yes, patrolman.
 3 Q How long were you there?
 4 A Close to three years.
 5 Q Where did you go from there?
 6 A Went to the inspector general's
 7 office, Commonwealth of PA.
 8 Q How long were you there?
 9 A One year.
 10 Q And then you came to York County?
 11 A That's correct.
 12 Q When you came to York County in
 13 2002, what was the chain of command for you?
 14 A My chain of command as detective was
 15 Chief Downing was my chief and Lieutenant
 16 Glowczewski was lieutenant, so he was second in
 17 command. And there was always a little different
 18 dynamic than most police departments. There was
 19 always the understanding that Stan Rebert was the
 20 district attorney. He was the man in charge.
 21 Q The ultimate boss?
 22 A Right.
 23 Q What were your job duties as a
 24 county detective? Did you work any particular --
 25 A I was hired as a juvenile detective

1 for juvenile crimes.
 2 Q And do you currently handle juvenile
 3 crimes?
 4 A I still do, yes.
 5 Q And the current chief is Mr. Mendez?
 6 A That is correct.
 7 Q Is the chain of command, the
 8 reporting structure, still the same?
 9 A It is different now. Prior to Chief
 10 Downing leaving, a sergeant was hired. Sergeant
 11 Demangone was added to the chain of command; and
 12 it was the chief, lieutenant and then sergeant.
 13 And in that order. That is how -- that was the
 14 rank and file and that is how it should be in our
 15 line of work.
 16 Q Now, do you have any knowledge about
 17 a TV set being delivered to Stanley Rebert's
 18 house?
 19 A Yes.
 20 Q Tell me about that. Were you
 21 involved in doing that?
 22 A Yes.
 23 Q When did that take place?
 24 A The best I can tell you was in my
 25 first year of hire. If you want me to narrow it

1 down any more, I can't do that because I don't
 2 know.
 3 Q Okay. Fair enough.
 4 How did it come about that you did
 5 that?
 6 A I was called to Chief Downing's
 7 office and was told that -- told by Chief Downing
 8 that there was an item, specifically a
 9 television, that needed to be delivered to -- out
 10 of the back of the District Attorney's vehicle at
 11 the York County Courthouse to his home address.
 12 Q Was there anybody else present for
 13 that meeting?
 14 A I don't know if I met with her
 15 individually, but there was somebody else present
 16 when the television was delivered, yes.
 17 Q But when you spoke to Chief Downing,
 18 was there anybody there?
 19 A Sir, I don't remember. I don't
 20 know.
 21 Q You said there was somebody else
 22 there when the television was delivered. Who was
 23 that?
 24 A To the best of my recollection, it
 25 was Matthew Millsaps.

1 Q Where was the TV located?
 2 A The TV was -- prior to?
 3 Q Yes.
 4 A It was located in the back of
 5 District Attorney Rebert's black Blazer.
 6 Q Did you put it into another vehicle
 7 or did you drive his vehicle over there? How did
 8 you get it over to his house?
 9 A I don't think it was my vehicle
 10 simply because I don't think there was any room
 11 in my vehicle. I think it was probably Matt
 12 Millsap's vehicle that it was transported in, and
 13 the TV was then taken into his garage and placed
 14 into his garage.
 9:26A 15 Q What type of TV was it?
 16 A It was in a box. I don't know.
 17 Q A large box? Was it a small TV?
 18 A No, it wasn't a small TV. My guess
 19 would be, not knowing, not recalling exactly what
 20 it was, my guess would be it was probably a
 21 27-inch or something along those lines.
 22 Q Was there anybody home when you
 23 dropped the television set off?
 24 A I am not sure if Mr. Rebert's wife
 25 was there when we got there, but I think she did

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 1 Attorney's house and picking up an item, and that
 2 said item was a slot machine.
 3 Q When you said that Chief Downing
 4 said that she didn't particularly agree with you
 5 having to do that, what do you remember her
 6 saying about that?
 9:26A 7 A Just what I said. I recall her
 8 saying that she didn't agree with doing some --
 9 some things -- she didn't agree with what needed
 10 to be done, but just some things just needed to
 11 be done.
 12 Q Did she tell you that Mr. Rebert had
 13 told her that this was something that needed to
 14 be done or that someone needed to do that?
 15 A I think she advised me that she was
 16 told that this needed to be done.
 17 Q By Mr. Rebert?
 18 A I have to tell you, sir, I don't
 19 know who told her directly. And I am not going
 20 to speculate on things that I don't know.
 21 Q I understand. And that is a fair
 22 response.
 23 Let me just put it this way, who did
 24 she report to? Who in that office would be able
 25 to direct her to do something like that?

1 arrive and open the garage door.
 2 Q Did you retrieve a slot machine from
 3 the house at that time?
 4 A Not at that time.
 9:27A 5 Q Did you ever retrieve a slot machine
 6 from Mr. Rebert's house?
 7 A Yes, I did.
 8 Q When was that? Was it after the TV
 9 or before the TV?
 10 A I am pretty sure it was after the
 11 TV.
 12 Q Do you know approximately how long
 13 after the TV it was that you did that?
 14 A I have no idea.
 15 Q Was it the same year?
 16 A I would guess it was the same year,
 17 yeah.
 18 Q How did it come about that you
 19 retrieved a slot machine from Mr. Rebert's
 20 house?
 21 A Same type of conversation with Chief
 22 Downing, that something needed to be done that
 23 she didn't particularly agree with, but some
 24 things just needed to be done. And it was
 25 explained to me that I would be going to District

1 A There is only one person, to my
 2 knowledge, that would be able to direct her -- to
 3 give the chief county detective -- to tell her
 4 this is going to be done, and that would be
 5 District Attorney Rebert.
 6 Q Did Ms. Downing make similar
 7 statements when she told you about picking up the
 8 television, that it wasn't something that she did
 9 want to do, but she had been told that it needed
 10 to be done?
 9:29A 11 A Correct.
 12 Q Again, in connection with the
 13 television set, did she tell you whether or not
 14 it was Mr. Rebert who had directed her that this
 15 needed to be done?
 16 A No, she didn't tell me. She just
 17 said some things need to be done.
 18 Q But, again, with the TV set, again,
 19 she told you that she didn't particularly agree
 20 with you having to do that?
 21 A That's correct.
 22 Q Did she tell you that she had voiced
 23 those objections to Mr. Rebert?
 24 A I can say with fairly high certainty
 25 that she did.

1 and how it was made?
 2 A No, I do not.
 3 Q Do you know why Chief Downing was
 4 terminated? Do you have any firsthand knowledge?
 5 A I have no firsthand knowledge of it.
 6 Q Have you read the Complaint that Ms.
 7 Downing filed in this action?
 8 A No.
 9 Q I hate to lead you through it all
 10 because it is very long; but it recites a number
 11 of what she alleges to be improper conduct
 12 practices by Mr. Rebert.

13 Do you have any firsthand
 14 information about any of that, other than the
 15 issues you have covered here today?

10:11A 16 MR. LAVERY: I object because I -- I
 17 know what you are saying, you don't want
 18 to go through all of them; but if he has
 19 not read the Complaint and doesn't know
 20 what is being alleged, I don't know how he
 21 can answer.

22 MR. BLAKEY: I will try to make it
 23 short.

24 MR. LAVERY: Okay. I think you
 25 should at least have to give him the

1 areas so we know what he either knows or
 2 doesn't know.
 3 BY MR. BLAKEY:

4 Q I am asking you about firsthand
 5 knowledge of any of these allegations. I will
 6 try to summarize them quickly. If you know, say
 7 you do; if you don't, say you don't.

8 A I talked to this gentleman to my
 9 left here before we came in here, and I told him
 10 I will only get involved in firsthand knowledge.
 11 There are too many --

12 Q Good man. That is all I am asking
 13 you about.

14 There is an allegation dealing with
 15 using county employees to work the poles. Do you
 16 know anything about that?

17 A No.

18 Q Of course, you were there after
 19 Ingle, so you would not know anything about
 20 Ingle. Right?

21 A Not that I would know of. I would
 22 not know how.

23 Q Do you know anything about Rebert's
 24 possession of a Walter handgun?

10:12A 25 A Firsthand, no.

1 Q Do you know anything about a slot
 2 machine?

3 A Yes.

4 Q Tell us what you know.

5 A I think I have already done that. I
 6 picked up a slot machine from --

7 Q No. I didn't mean that. Anything
 8 about a slot machine in the office?

9 A There was a slot machine in District
 10 Attorneys Rebert's office, yes.

11 Q And?

12 A It was a slot machine in his office.
 13 It was eventually removed by several county
 14 detectives. And we took it to a salvage yard and
 15 they dropped something on it and it shattered
 16 into millions of pieces.

17 Q That was done with more than one
 18 slot machine, wasn't it? Wasn't that the
 19 practice, to take these things and destroy them?

20 A It was done -- to my direct
 21 knowledge, it was done with one.

22 Q Do you know anything about requests
 23 of Chief Downing to use the Clean Network?

24 A Firsthand, no.

25 Q Do you know anything about --

1 firsthand, about allegations that people
 2 circulated photographs of the Whitman murder
 3 case?

10:13A 4 A I was asked to sit in on an
 5 interview by Tom Kelly, who was the first
 6 assistant district attorney at the time, before
 7 this went to trial. I was asked to sit in with
 8 Mr. Kelly and Susan Voyzey and basically review
 9 some things that may come up about pictures that
 10 she may have distributed.

11 Q What did she say?

12 A There was nothing really directly
 13 said during this. It was basically how she
 14 should answer the question or how it should be
 15 handled.

16 So I don't know all of the specifics
 17 of where the pictures were taken; but I was asked
 18 to sit in on an interview with Susan Voyzey and
 19 Tom Kelly in case anything new came up, that a
 20 report could be made of it. And there was really
 21 nothing knew that came up. So my report, if one
 22 was made, it wasn't very comprehensive. But that
 23 is all my firsthand direct involvement.

10:15A 24 Q Was Kelly telling her how to answer
 25 these questions?