

1 A I'm comfortable with that. I'll
 2 leave it to you.
 3 MR. BLAKEY: Some of us were hoping
 4 to hear it one more time, but that's all right.
 5 MR. JACOB: I'm more than happy to if
 6 you want.
 7 MR. BLAKEY: I'm willing to waive it.
 8 Let's go.
 9 BY MR. JACOB:
 10 Q Are you on any medications that would
 11 prevent you from either understanding or
 12 answering truthfully questions here today?
 13 A I am not.
 14 MR. BLAKEY: I'm about to take some
 15 medications if we don't get this thing over
 16 with.
 17 MR. JACOB: I'm in agreement.
 18 BY MR. JACOB:
 19 Q To prepare for today's deposition,
 20 did you review any documents?
 21 A No.
 22 Q And did you discuss with anybody what
 23 the substance of your testimony here today might
 24 be?
 25 A No.

1 Q I'm going to take you back to a point
 2 in time, it's the Whitman murder case.
 3 A Yes.
 4 Q You were involved with that case in
 5 some capacity, correct?
 6 A I am. I was.
 7 Q And what was your involvement?
 8 A I was local counsel for the
 9 defendant, Zachary Whitman. There were a series
 10 of lead counsel. The lead counsel at the time
 11 of, I think the events that we're going to talk
 12 about, was a gentleman by the name of David
 13 McLaughlin.
 14 Q Okay. And at some point in time did
 15 you come to learn that a set of crime scene
 16 photographs had gone missing from the D.A.'s
 17 office?
 18 A I received information to that
 19 effect, yes.
 20 Q And what information did you receive?
 21 A I received a call from a former
 22 client of mine on another matter. And during
 23 the course of that conversation, it was shared
 24 with me that she had viewed some autopsy photos
 25 of the deceased in the Zachary Whitman case.

1 Q And was that individual Rita Wynegar?
 2 A Yes.
 3 Q And did Rita Wynegar indicate to you
 4 when she saw those photographs?
 5 A If she did, I don't recall it. She
 6 indicated the nature of the event at which
 7 she -- That I do recall, the nature of the event
 8 involved, but I don't recall at this point when
 9 she said she had done it.
 10 Q And what was the event? What was the
 11 nature of the event?
 12 A The event was a family gathering,
 13 sort of a, I wouldn't call it a party. I know
 14 it's been reference to that in the paper. It
 15 was more of a family gathering that she and
 16 others, including her husband, had been to.
 17 Q Did she indicate who displayed the
 18 photographs during that event?
 19 A Yes.
 20 Q And who was that person?
 21 A Susan Voyzey.
 22 Q And do you know who Miss Voyzey is?
 23 A Yes.
 24 Q At that time did you know who Miss
 25 Voyzey was?

1 A Yes.
 2 Q And who was Miss Voyzey at that time?
 3 A Miss Voyzey was an employee in the
 4 District Attorney's office. My understanding
 5 was that she was in an administrative capacity.
 6 Q And did this issue, or these
 7 photographs being displayed at the party, impact
 8 your case in any way?
 9 A Yes.
 10 Q And how so?
 11 A At the time we had filed a motion for
 12 change of venue or venger. And the fact that in
 13 addition to that, there had been a gag order
 14 which had been placed on all counsel in
 15 connection with the case by the presiding judge,
 16 who was Judge John Uhler. It was apparent to me
 17 that -- and also to Mr. McLaughlin-- We had
 18 extensive discussion about this--that, if this
 19 were correct, that it would not only be a
 20 violation of the gag order, which was pending, I
 21 also believed it would be a crime. It also,
 22 thirdly, impacted on our motion for a change of
 23 venger or venue.
 24 Q Did you advise anybody in the
 25 District Attorney's office that you had come