



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 )  
9 YORK COUNTY DISTRICT ATTORNEY)  
10 H. STANLEY REBERT, et al. )  
11 Defendants )

12 --oOo--

13 DEPONENT: Lori Yost  
14 TAKEN BY: Plaintiffs  
15 DATE: Thursday, May 18, 2006  
16 TIME: 1:25 p.m.  
17 PLACE: Lavery Faherty Young & Patterson, P.C.  
18 225 Market Street, Suite 304  
19 Harrisburg, Pennsylvania 17108  
20 York, Pennsylvania  
21 REPORTER: Karen J. Meister  
22 Reporter, Notary Public

23 --oOo--

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1 was an indication in one of the discovery  
2 responses that you had apparently expressed  
3 numerous complaints about Miss Downing to Mr.  
4 Rebert and that they were too voluminous to  
5 reduce to writing. So you're here today to, I  
6 guess tell us what these complaints were about  
7 Miss Downing.

8 A Well, a lot of the complaints that I  
9 had and other attorneys in the office -- And  
10 this has been so long ago I don't recall all  
11 their names. It was whoever the seniors were at  
12 the time, and the trial deputies as well.

13 Prior to Miss Downing's position in  
14 the office, I recall that we had detectives  
15 assigned to us. And any time we needed  
16 anything, for example, if we were in trial and a  
17 witness became unavailable, or a victim, or we  
18 needed a subpoena served, you just went and  
19 asked and it was no big deal.

20 After Miss Downing arrived things  
21 gradually got to the point where you were very  
22 hesitant to ask for any help. When I would  
23 approach any detectives about, hey, can you help  
24 me out with securing this witness, it was  
25 sometimes rude comments, well, go call the

1 But if at some later point in time you do  
2 suddenly recall or know, please just stop me and  
3 go ahead and clarify your answer. Clearly,  
4 these things have happened in the past, so I  
5 realize that over the passage of time sometimes  
6 things aren't immediately available for  
7 recollection.

8 All your answers have to be audible.  
9 That way they can be taken down. This is not  
10 meant to be a painful process. If you need a  
11 break for any reason at all, be it to eat, talk  
12 to your counsel, by all means just let me know  
13 and we'll accommodate your request.

14 Are you on any medications that would  
15 prevent you from understanding or answering my  
16 questions today?

17 A No, I'm good.

18 Q No? Okay. Then with that in mind,  
19 prior to this deposition did you review any  
20 documents to get ready for it?

21 A No, I did not.

22 Q Did you discuss what would presumably  
23 be the substance of your testimony today?

24 A No.

25 Q Now, I believe you indicated that --

1 officer. We're not dealing with that. And then  
2 it always had to go and be approved by Miss  
3 Downing first. So we just did have a lot of  
4 issues where, you know, we were being told no.

5 Q Okay. And I apologize. I'm making  
6 an assumption here that because you're an  
7 attorney you understand the deposition process.  
8 You don't want me to go through all the  
9 instructions of how a deposition functions are  
10 runs and --

11 A I've never been deposed, so maybe --

12 Q Would you like me to go through them  
13 then? I apologize. I just assumed. Maybe I  
14 shouldn't. But basically you're here to answer  
15 questions in this litigation. I'll ask the  
16 questions, you answer them. You're doing fine  
17 so far. One of us needs to speak at a time just  
18 so we can get a clear transcript. The court  
19 reporter is here to take down everything that's  
20 being said so that's the reason for that. I'll  
21 do my best to let you finish your answer before  
22 I start with my question. I ask that you do the  
23 same.

24 If your answer is I don't know or I  
25 don't recall, that's fine. That's your answer.

1 through your answer that basically you were  
2 receiving a no from the detectives or a hold on,  
3 we have to go up through the chain of command  
4 before they could accommodate requests from you  
5 when Miss Downing was present; is that correct?

6 A Yes.

7 Q Are there any other complaints that  
8 you had about Miss Downing?

9 A (Pause.) Not that I'm aware of. I  
10 mean, that just seemed to be the general idea;  
11 general course of things that were happening.

12 Q Okay. Now, for these times that you  
13 were said no to, do you remember what case it  
14 was that you were given an ultimate no?

15 A I can't recall. I mean, the amount  
16 of cases that go through, I didn't document any  
17 of that.

18 Q Okay. Did you document any of your  
19 complaints in writing?

20 A No.

21 Q And who did these complaints get  
22 expressed to?

23 A Can you clarify that?

24 Q Yes.

25 A I'm not sure what you're asking.

1 Q These complaints that you had about  
2 being told no or not receiving the assistance  
3 that you were requiring or requesting, who did  
4 you express those complaints to, if anybody?

5 A I know that they were relayed to  
6 District Attorney Rebert. I don't know if I  
7 personally did it or if I possibly would have  
8 gone to Tom Kelley who was our First Assistant  
9 at the time.

10 Q And how many times did you express a  
11 complaint about Miss Downing?

12 A Do you want a number?

13 MR. HUTCHINSON: Objection.

14 BY MR. JACOB:

15 Q If you recall.

16 A It was several. I can't give an  
17 exact number. I just, you know -- a lot of --  
18 You know, there was a lot of talk among the  
19 attorneys about that, like, what do we do?  
20 We're not getting any help from the detectives,  
21 that sort of thing.

22 Q Okay.

23 A But formal complaints expressed to  
24 District Attorney Rebert, I can't give you a  
25 number.

1 with regard to that matter. It was a different  
2 matter with -- I know it was a York City Police  
3 case, and we had some issues when I asked him to  
4 do something and it was just a flat out no.

5 Q Was this a case involving detectives  
6 Luchko and Spence?

7 A I don't know if that was the exact  
8 case. I know the detectives were having a  
9 problem with some of the city detectives. And I  
10 even had gone to Becky Downing directly with  
11 regard to that. I believe she did contact them  
12 from what I recall, you know, trying to get  
13 things resolved because that's where a lot of  
14 our problems stem from. But this actual case,  
15 the actual matter with Detective Glowczewski, I  
16 can't say who was the affiant in that matter.

17 Q I believe at some point in time you  
18 did agree with Miss Downing, though, that a lot  
19 of the police departments were ultimately  
20 responsible for getting their witnesses there  
21 for cases; isn't that correct?

22 A Yes.

23 Q And am I correct that Miss Downing  
24 was trying to enforce that type of atmosphere,  
25 where the city or whatever police department it

1 Q So you recall discussion among  
2 the attorneys complaining generally about Miss  
3 Downing's -- through her detectives or her  
4 personal refusal to assist. But as far as  
5 specific complaints, you believe they went to  
6 either Mr. Kelley or Mr. Rebert?

7 A Yes.

8 Q And you don't recall how many,  
9 though?

10 A I'm sure definitely at least one had  
11 to have gone to him because I know we had some  
12 discussions about one of them.

13 Q Him being Mr. Rebert?

14 A Yes.

15 Q And would that be the time when I  
16 believe it was Detective --

17 A Glowczewski.

18 Q -- Glowczewski went up to Graterford  
19 to interview someone; is that correct?

20 A I have no idea.

21 MS. DOWNING: Demangone.

22 BY MR. JACOB:

23 Q Demangone was the detective.

24 A No, there wasn't a complaint with  
25 regard to that. He actually was very helpful

1 was would take responsibility for getting  
2 witnesses there so it wouldn't tax the resources  
3 of the D.A.'s office; am I correct?

4 A Yes, and I agree with that. But when  
5 you're in a pinch and you're in trial or you're  
6 ready to go to trial, there are detectives in  
7 our office. And that's the part that I  
8 disagreed with.

9 I agree 100 percent and I was always  
10 happy to see that she was attempting to make the  
11 detectives be more -- or the city officers, or  
12 whatever department it was, it was good that she  
13 made that attempt to try and have them do what  
14 they were supposed to do, but sometimes there's  
15 just not enough time. And if it's a guy on  
16 night shift or something like that, you're not  
17 going to get a hold of them during the day.

18 Q Okay. And, in fact, do you know of  
19 any case that suffered negatively because of  
20 something that Miss Downing did or didn't do?

21 A No. But it did I believe hurt, you  
22 know, us as prosecutors a little bit because,  
23 you know, we just didn't have the assistance.  
24 Now we're at a point in our office where that  
25 assistance is back and it's much easier to do my

1 job. And I know the other attorneys have an  
 2 easier time when it's set up that way.  
 3 Q So --  
 4 A But I can't point to a specific case  
 5 if that's what you're asking me.  
 6 Q That is what I'm asking you.  
 7 A Okay. No, I cannot point to a  
 8 specific case that may have suffered because of  
 9 that.  
 10 Q So then, how were the prosecutors  
 11 hurt as you say?  
 12 A It just made it a little more  
 13 difficult to do our jobs when we're running  
 14 around scrambling and having a difficult time as  
 15 it is. And, you know, it's always been my  
 16 understanding that the District Attorney's  
 17 office is there to prosecute cases. And Stan's  
 18 famous saying is, there's no such thing as not  
 19 my job.  
 20 And when you're asking for assistance  
 21 and you need it right away because you're in a  
 22 trial term, you're in a trial that's coming up,  
 23 it does have a negative impact; slows the  
 24 process down sometimes if, you know, witnesses  
 25 aren't available. Then the judges are yelling

1 at us. It's just an overall negative effect.  
 2 Q Okay. And didn't Miss Downing  
 3 express to you that there is a chain of command  
 4 within the D.A.'s office, and that the requests  
 5 had a certain path that she would prefer that  
 6 they would follow?  
 7 A I don't know that she ever expressed  
 8 that to myself or other attorneys directly. I  
 9 don't know how it was relayed to us, but, you  
 10 know, it was -- It did come to be known that  
 11 that's the way it had to be.  
 12 Q Okay.  
 13 A I can't say if another detective told  
 14 me or if we discussed it through a staff  
 15 meeting, or whatever.  
 16 Q This emergency nature of these  
 17 requests that you refer to, isn't it correct  
 18 that Miss Downing and you actually spoke about  
 19 the fact that oftentimes you would wait until  
 20 the last minute to try to arrange for witnesses  
 21 for your cases and that that may have been part  
 22 of the problem?  
 23 A That her and I had a conversation  
 24 about that?  
 25 Q Yeah. That you and she had a

1 conversation, and that part of the problem might  
 2 have been that there was a practice on your end  
 3 of waiting until the last minute to get  
 4 witnesses or to get the municipal department or  
 5 whoever it was to get their witnesses for trial?  
 6 A That I told her that I wait until the  
 7 last minute?  
 8 Q No, no, no.  
 9 A I'm sorry.  
 10 Q That's fine. That she and you had a  
 11 discussion where it was discussed that part of  
 12 the problem is that you were waiting until the  
 13 last minute to arrange for witnesses for -- or  
 14 for the individual departments to arrange for  
 15 their witnesses, and thereby, creating an  
 16 emergency?  
 17 A I guess if I can ask you to clarify  
 18 me personally; that I said I was waiting or that  
 19 attorneys were, or that the police officers  
 20 were.  
 21 Q I'm not saying that you ever said it  
 22 or admitted it or acknowledged that that's a  
 23 fact. I'm saying, wasn't it discussed, though,  
 24 that Miss Downing discussed with you that, hey,  
 25 you know, some of these requests are coming last

1 minute and don't need to be last minute, and  
 2 that that is part of the problem?  
 3 A We may have. I don't recall that  
 4 conversation. But, you know, sometimes things  
 5 are last minute; if a case gets called in for  
 6 trial that is way down at the bottom of the  
 7 trial list. I don't remember that conversation  
 8 with her.  
 9 Q Wasn't there also a conversation with  
 10 Miss Downing where she expressed to you, and I  
 11 think you even agreed, that you were relying on  
 12 some of these departments to get the witnesses  
 13 there. But the departments were being, for lack  
 14 of a better term, lazy about prepping their own  
 15 cases for trial, and that suddenly it became an  
 16 issue last minute that they haven't done what  
 17 they needed to do to get their witnesses ready?  
 18 A Well, I can't say lazy. I know the  
 19 city guys are pretty busy, and I would never  
 20 want to attach a reason for that. But yes, that  
 21 is part of the problem; just difficulties with  
 22 getting in touch with the affiants to get  
 23 witnesses present.  
 24 Q I believe you said that you can't  
 25 recall any case that was negatively impacted by

1 anything that Miss Downing did or didn't do. Is  
2 there any request of yours that was ultimately  
3 not fulfilled by Miss Downing?

4 A I don't think so, because it got to  
5 the point where I just stopped asking, and  
6 that's the negative effect I'm talking about  
7 because there was just no way I was going to  
8 ask. At one point in time I didn't care what I  
9 had to do, call other officers within the  
10 department if the affiant wasn't available,  
11 because it just wasn't worth asking.

12 Q Okay. Can you think of any other  
13 complaint that you had about Miss Downing?

14 A I think I already said no, I can't  
15 think of anything right now.

16 Q Do you know if Miss Downing was ever  
17 spoken to about your complaints?

18 A I know she was involved in the one  
19 with Detective Glowczewski because we were in  
20 Mr. Rebert's office at the time. So I know she  
21 was aware of that one.

22 Q Okay. Do you know whether she was  
23 ever disciplined then for anything?

24 A I have no idea. I was not involved  
25 in any of that because at that time I was not in

1 don't know what you mean.

2 Q Trial teams or teams where they would  
3 work together on cases. Do you remember being  
4 tasked with that assignment?

5 A District Attorney Rebert doesn't  
6 delegate that as an assignment. He's always  
7 involved in that. Are you asking me if I was  
8 ever a part of it?

9 Q I'm asking whether you recall any  
10 type of assignment, any type of direction to  
11 reorganize where you might have made a very big  
12 poster indicating who was working together, that  
13 kind of thing?

14 A And I need a time frame.

15 Q 2004. September of 2004. I mean, I  
16 can focus you a little --

17 A There was probably only -- Before I  
18 was promoted to my position, when I was still a  
19 senior, I think there was only maybe one time  
20 that the senior deputies were involved in the  
21 reorganization meetings.

22 Q Okay.

23 A And, you know, reassignments are  
24 constantly being discussed. So if you can be  
25 more specific, I can let you know if I was

1 my current position. I was only a senior  
2 deputy, so I would not have ever been informed  
3 or involved in that.

4 Q Did Miss Downing express to you that  
5 one of the reasons why she didn't want you to  
6 necessarily involve her detectives in a case  
7 last minute to conduct an interview or something  
8 of that nature was because it would be involving  
9 yet another agency in a case when the other  
10 detectives or the other investigators who  
11 originated -- where the case originated may have  
12 more information or knowledge or relationship  
13 with a person?

14 A I don't remember that.

15 Q You attended regular staff meetings  
16 I'm assuming in, like August of 2004?

17 A Not executive staff meetings because  
18 I wasn't in my current position. But Friday  
19 morning staff meetings and end-of-the-day  
20 meetings during the course of the criminal court  
21 term.

22 Q Do you remember being assigned the  
23 task of reorganizing the assistant district  
24 attorneys into teams?

25 A You have to be more specific. I

1 involved.

2 Q Do you recall a time when you wanted  
3 to put Karen Com -- Is it Comery?

4 A Um-hm.

5 Q -- with another --

6 THE COURT REPORTER: Karen who?  
7 BY MR. JACOB:

8 Q Comery. I believe it's C-O-M-E-R-Y;  
9 is that correct?

10 A Karen Comery, yeah.

11 Q You wanted to place her with another  
12 female attorney to work together, but you were  
13 afraid that the two of them would fight. Do you  
14 remember that discussion?

15 A Who was the other female?

16 Q I'm not really sure about -- I just  
17 recall that it was another female, and that you  
18 expressed a concern that the two ladies would  
19 fight and that this was in Bill Graff's  
20 presence. Do you remember that conversation?

21 A I don't remember that specifically.  
22 The only thing I can say is, when I've been  
23 involved with discussions regarding reassignment  
24 of prosecutors, you know, it's always taken into  
25 consideration who's the senior in the courtroom,