

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

John G. Spirko, Jr.,        )  
                                  )  
                                  Petitioner, )  
                                  )  
vs.                         ) Case No. 3:95-cv-7209  
                                  )  
                                  )  
Margaret Bradshaw, Warden, )  
                                  )  
                                  )  
                                  Respondent. )

---

Deposition of GREGORY A. DUERR, a Witness, taken  
as if upon examination, before Margaret Elmo, a  
Notary Public within and for the State of Ohio, at  
the offices of The State of Ohio Attorney General,  
615 Superior Avenue, Cleveland, Ohio, commencing at  
11:15 a.m., on Friday, the 7th day of October, 2005,  
pursuant to notice, on behalf of the Petitioner.

1 APPEARANCES:

2 Thomas C. Hill, Esq., and  
3 Alvin Dunn, Esq.  
4 2300 N. Street, NW  
5 Washington, Dc 20037

6 on behalf of the Petitioner;

7

8

9 Charles L. Wille, Esq., and  
10 Timothy Prichard, Esq.  
11 30 E. Broad Street, 23rd Floor  
12 Columbus, Ohio 43215

13

14 on behalf of the Respondent;

15

16 Denis McAllister, Esq.  
17 Federal Law Enforcement Officers Association  
18 350 Old Country Road, Suite 101  
19 Garden City, New York 11530

20

21 on behalf of the Witness;

22

23 Michael T. Rae, Esq.  
24 U.S. Postal Inspector Attorney  
25 P.O. Box 5726  
26 2400 Orange Avenue, 2nd Floor  
27 Cleveland, Ohio 44101

28

29 on behalf of the U.S. Postal Inspection  
30 Service.

31

32

33

34

35

1 GREGORY A. DUERR, a Witness, of  
2 lawful age, called by the Petitioner  
3 for the purpose of examination, as  
4 provided by the Federal Rules of Civil  
5 Procedure, being by me first duly sworn,  
6 as hereinafter certified, deposed and said  
7 as follows:

8 - - -

9 MR. HILL: Is it pronounced  
10 Duerr?

11 THE WITNESS: Duerr.

12 MR. HILL: Duerr?

13 THE WITNESS: Correct.

14 - - -

15 EXAMINATION OF GREGORY A. DUERR

16 BY MR. HILL:

17 Q Mr. Duerr, would you, for the record, please, state  
18 your name?

19 A Gregory Duerr spelled, D-U-E-R-R.

20 Q Mr. Duerr, I just introduced myself to you a few  
21 minutes ago. I'm Tom Hill, and I represent John  
22 Spirko. With me is Alvin Dunn, who is my co-counsel,  
23 also representing Mr. Spirko.

24 Have you ever met either one of us before?

25 A No, sir.

1 Q Ever spoken with either one of us before?

2 A No.

3 Q Okay. Representing the State, Mr. Charles Wille,

4 Chuck Wille, Mr. Tim Prichard. Have you ever met

5 these gentlemen before?

6 A No, sir.

7 Q Ever spoken with either one of them before?

8 A No, sir.

9 Q Just so the record is clear, your accompanied today

10 by your own counsel; is that correct?

11 A That's correct.

12 Q Mr. McAllister?

13 A Yes.

14 Q And again, for the record, Mr. Rae, who I believe you

15 know Mr. Rae, correct?

16 A That's correct.

17 Q Who is Mr. Rae?

18 A He's one of my counterparts out of the Cleveland

19 office, although now he's in a legal capacity.

20 Q We appreciate you being here today. And, you know,

21 notwithstanding sort of the setting that we're in,

22 I'm going to try to keep this as informal as

23 possible.

24 It is a serious proceeding and obviously you're

25 under oath, and you need to tell the truth.

1 I would ask you to be as expansive in your  
2 answers as you can be. And if you don't understand a  
3 question that I have posed to you, obviously ask me  
4 to restate it, tell me you don't understand the  
5 question.

6 And if you want to take a break at any time,  
7 we'll take a break.

8 MR. HILL: That goes,  
9 obviously, for the court reporter,  
10 anybody else at the table.

11 Q When I'm done asking you questions, it's conceivable  
12 Mr. Wille or Mr. Prichard may have some questions as  
13 well.

14 What is your current position?

15 A I'm a U.S. postal inspector assigned to the  
16 Cleveland -- actually the Pittsburgh division,  
17 Cleveland field office.

18 Q That's Pittsburgh, Pennsylvania?

19 A Correct.

20 Q And I have noticed on your business card it has a  
21 Canton address. Is that the same office as the  
22 Cleveland office?

23 A Yes, it is. Every post office in the country, for  
24 the most part, has kind of an office that inspectors  
25 have accessible to him. Because my territory is down

1 that direction, I work out of the Canton inspectors  
2 office.

3 Q So when you're in the office, if you will, your desk  
4 and that is in Canton; am I correct in that?

5 A Up until recently, yes.

6 Q That's changed recently?

7 A Yes.

8 Q How has that changed?

9 A I've been assigned to the Cleveland office.

10 Q Okay. When did that change occur?

11 A It was effective October 1st.

12 Q And was that -- was that change at your request or  
13 not?

14 A No, sir, it was not.

15 Q How did it come about?

16 A I was notified that I was being assigned to a  
17 different team, and that I would be working out of  
18 the Cleveland office proper. And given that it's the  
19 beginning of the fiscal year, that's when they put it  
20 into effect. October 1st is the --

21 Q How long had you been in the Canton office?

22 A Geez, probably nine years. Probably even maybe a  
23 little bit longer.

24 I was going to say, to clarify, that is not --  
25 the Canton office is not an official domicile by

1 inspection service standards. That was a situation  
2 that under a previous supervisor that ran --  
3 Cleveland used to be a division headquarters. It was  
4 run by a gentleman, at the time, by the name of Ira  
5 Carle. And he asked me if I wanted to work out of  
6 the Canton office that we had down there. So from  
7 the time he permitted it up until recently, that's  
8 when that took place.

9 Q And when the gentleman -- Ira Carle was it?

10 A Correct. C-A-R-L-E is the spelling of his last name.

11 Q When Mr. Carle asked you about this nine plus years  
12 ago, if I understood correctly?

13 A Correct.

14 Q And this most recent transfer, were you provided any  
15 explanations as to why you were asked to relocate?

16 A Yes. I was provided an answer or an explanation.

17 Q And what was --

18 A You know, in all fairness, at the end of fiscal year  
19 they do change job assignments on individuals. I  
20 didn't feel that that's what precipitated it.

21 Q What did you feel precipitated it?

22 A Probably the result of me sending some letters or  
23 speaking up.

24 Q When you say some letters, you're talking about --

25 A Without making you pull things out, the letters I

1 sent to Chief Heath, that's --

2 Q We're obviously going to come back and talk about

3 those. You referred to letters in the plural?

4 A Correct.

5 Q You sent more than one letter?

6 A That was a letter that I sent to the governor, too,

7 but that had not come up.

8 Q When you say -- well, again, come back to it later in

9 more detail. The letter you sent to the governor and

10 the letter you sent to Mr. Heath --

11 A Correct.

12 Q -- were they sent at the same time?

13 A No, they were not.

14 Q Which preceded which?

15 A The letter to the governor preceded the letter to

16 Chief Heath.

17 Q Do you recall when the letter to the governor was

18 sent?

19 A August 22nd.

20 Q Do you happen to have a copy of that letter with you?

21 A I think I do, yeah.

22 Q Okay. Would you make it available?

23 A Sure.

24 Q Okay.

25 MR. HILL: We can take it

1 whenever.

2 MR. McALLISTER: Sure.

3 Q Do you know whether the postal service was aware of  
4 the fact that you sent the letter to the governor?

5 A No, I don't. The only time that that came up was in  
6 an interview that was conducted by the internal  
7 affairs division of the office of inspector general  
8 with the postal service which took place last week.

9 Q You're going to have to forgive me, because we're  
10 talking about stuff that I don't necessarily know  
11 very much about.

12 The interview that you're referring to that  
13 occurred last week, that would have been, in your  
14 view, by the inspector general's office?

15 A Correct, of the U.S. Postal Service.

16 Q Where did that interview occur?

17 A It took place at -- over here at the Main Post  
18 Office, in the same building as my office. I think  
19 the address is 2400 Orange Avenue.

20 Q Do you recall who conducted that interview?

21 A Yes. There was a gentleman by the name of James  
22 Greer and the other gentleman. I don't remember his  
23 name.

24 Q There were two?

25 A Two of them, correct. And my attorney was there.

1 Q When you say -- you're referring to Mr. McCallister?

2 A Mr. McCallister, correct.

3 MR. McALLISTER: The other

4 gentleman's name is Albers,

5 A-L-B-E-R-S.

6 Q Were they both -- do you know which office they were

7 out of?

8 A They were out of Virginia, the state.

9 Q Is that the -- do you know, is that the national

10 office of the IG that happens to be physically

11 located in Virginia?

12 A No clue. To kind of give you a little idea, prior to

13 what, maybe five, seven years ago, the only law

14 enforcement agency that existed in the postal service

15 was the one I belong to, the inspection service.

16 Then Congress I guess formed the OIG as an

17 additional law enforcement agency. So there's

18 actually two of us.

19 We don't necessarily know what they do or where

20 they're located or whatever. I have very little

21 knowledge of them other than the fact we're supposed

22 to work together.

23 Q And this interview that occurred last week by these

24 gentlemen, was the focus of that interview the same

25 matters that surround the -- in a broad sense, that

1 surround your sending the letter you did to

2 Mr. Heath?

3 A The way it was laid out to me, my boss in my

4 Cleveland office, a gentleman by the name of Dugan

5 Wong, advised me internal affairs with OIG wanted to

6 interview me. He set up the interview.

7 When I sat down with the gentlemen, they

8 informed me that the only reason they were there was

9 because they had seen an article that appeared in the

10 Dayton Daily News referencing me and the letter that

11 I sent to Chief Heath. So they wanted to interview

12 me relative to that article and the letter.

13 Q And how long did that interview last, approximately?

14 A Hour, hour and a half maybe. I don't know. Maybe

15 longer.

16 Q In the course of that interview, there was some --

17 you discussed the fact that you also sent a letter to

18 the governor?

19 A Yes. At the end of the interview, the gentleman

20 asked me a question if I contacted anyone else and I

21 responded, yes, I sent a letter to the governor.

22 Q As far as you know, was that the first time that

23 anybody in the postal service, as far as you know,

24 had been aware of the fact that you contacted the

25 governor?

1 A That's correct.

2 Q During that interview, the one that occurred last

3 week, did you provide any documents to them?

4 A No.

5 Q They show you any documents?

6 A No. Well, other than an internal document that they

7 have. The way it was explained to me, they get some

8 kind of, for lack of a better term, leads where it's

9 just like little bullets of things going on. And he

10 showed me that to explain that's how he found out

11 about my letter. Beyond that, there was nothing that

12 was shown to me that I recall.

13 Q Was that a recorded interview in any fashion?

14 A Not to my knowledge.

15 Q No court reporter there?

16 A No.

17 Q As far as you know, it wasn't tape recorded?

18 A Correct.

19 Q They were taking notes?

20 A Yes.

21 Q Do you know whether this resulted in any sort of a

22 memorandum or report or anything, any document

23 memorializing it? Do you know whether anything has

24 been created?

25 A No, I do not.

1 Q Now, you, I think, had indicated that you -- that you  
2 had some belief that your reassignment was the result  
3 of these matters surrounding your sending these  
4 letters, is that --

5 A You know, once again I don't want to make something  
6 more out of things than they are. The timing is what  
7 leads me to suspect that.

8 Q When were you told about the reassignment?

9 A Immediately after being interviewed by the inspector  
10 in charge, the field inspector in charge regarding my  
11 letter.

12 Q The field inspector?

13 A Dugan Wong. I referred to him a moment ago. He runs  
14 the field office of the inspection service.

15 Q That's the interview that occurred on the 12th of  
16 September that you're referring to?

17 A That's correct.

18 Q And immediately thereafter you were --

19 A At the conclusion of the interview, I had received --  
20 first of all, let me back up a second. When I was  
21 advised that I had to be interviewed regarding the  
22 letter that I sent to the chief, in addition to them  
23 advising me of that via e-mail, Dugan Wong also  
24 indicated on there that my request to go to Chicago  
25 to interview two suspects on another case that I have

1 was denied pending him discussing the particulars of  
2 the investigation.

3 So at the end of my interview regarding the  
4 letter, before I left the room, I said, by the way  
5 you wanted to discuss, you know, why I wanted -- why  
6 I wanted to go to Chicago to interview these two  
7 individuals. I brought my case file with me.

8 At that point he proceeded to ask my immediate  
9 supervisor, who was also in the room, Dale Kamps if  
10 he had talked to me. And my immediate supervisor  
11 said no. Inspector Wong -- there was some  
12 deliberations back and forth as to whether they  
13 should talk to me, which made me kind of wonder what  
14 was up.

15 And then they provided -- I should say Inspector  
16 Wong proceeded to tell me I was having an assignment  
17 change, and that I would be working out of Cleveland,  
18 and there would be no reason for me to get caught up  
19 doing the interview with these two suspects. So  
20 that's the way it was laid out to me. At which time  
21 I also expressed that I was suspect of the timing.

22 Q So you expressed the view, just so the record is  
23 clear, that you had some concerns or some questions  
24 as to whether or not the timing of the transfer  
25 related in any way to the activities about which they

1 had just interviewed you?

2 A Correct.

3 Q And the response to your expressed concern was what?

4 A Inspector Wong explained, you know, this is --

5 assignment changes are routine. I'm taking the man

6 at face value. He said that, you know, my working

7 out of Canton had bothered him for a long time. When

8 I say, long time, he hasn't been there that long.

9 Since he's been here. He felt it was unfair that I

10 didn't have to commute into Cleveland like other

11 inspectors.

12 Basically he was trying to explain to me why it

13 was occurring now. He even indicated that, you know,

14 the timing probably doesn't look good. At which

15 point I turned to my boss and asked him how long he

16 had known about this. And he said he just found out

17 the week before. Then I asked if there was any more

18 questions? And they said no. They stood up and

19 walked out of the room.

20 Q How long had your immediate boss, back then was

21 Mr. Kamps, correct, or was Mr. Kamps at that time --

22 when you say, my immediate boss, you're referring to

23 Mr. Kamps?

24 A Correct.

25 Q Is he still your immediate boss now that the transfer

1 has occurred.

2 A No, he's not.

3 Q Who's your current boss?

4 A A gentleman by the name of James Bogden, B-O-G-D-E-N.

5 Q I take it Mr. Kamps reported to Mr. Wong?

6 A Correct.

7 Q The new boss also reports to Mr. Wong?

8 A That's correct.

9 Q Mr. Kamps had responsibility for -- are there other  
10 inspectors out of the Canton office?

11 A No. The way we're set up in our field office is  
12 everybody works on a team and the teams are defined  
13 by the type of investigations that they work. Dale  
14 Kamps is the team leader of the mail fraud team, of  
15 which I was a part. Jim Bogden is the team leader of  
16 what is referred to as the external crimes team,  
17 which is the team that I am now on as of October 1st.

18 Q What kinds of criminal activity are within the  
19 purview of external crimes?

20 A They would investigate identity theft, where there's  
21 change of addresses that are put in fraudulently,  
22 primarily that. Burglaries, robberies, assaults,  
23 threats. I think I've covered them all.

24 Q How long had you been on the mail fraud team?

25 A Geez, the whole time I was -- in fact, I was actually

1 on the mail fraud team before I was permitted to go  
2 down and work out of Canton. So somewhere nine plus  
3 years. There was about a year there that -- when I  
4 first transferred back to Cleveland from Detroit --  
5 that I worked on the external crime team, and then I  
6 was transferred from that team to the fraud team.

7 Q Are there other inspectors on the mail fraud team who  
8 are in the Cleveland office?

9 A Yes.

10 Q So a physical move from Canton to Cleveland would not  
11 necessarily necessitate change in teams?

12 A I'm not sure if I am following you. I'm sorry.

13 Q The fact that someone moves physically from Canton to  
14 Cleveland wouldn't necessarily require you to switch  
15 teams?

16 A Correct. I could have stayed on the fraud team and  
17 worked out of Cleveland, if that's what you're  
18 asking.

19 Q Right.

20 A That's correct.

21 Q So in effect, if I understand correctly, there have  
22 been two changes, one in terms of the physical  
23 location of your office and the other in terms of the  
24 team that you're on?

25 A That's correct.

1 Q Did you view the change with respect to the team that  
2 you were on with any concern? Was that concerning to  
3 you?

4 A Yes, it was because when -- going back a month or so  
5 ago, there was an e-mail sent out by the boss,  
6 Mr. Wong, asking anybody who had desire to change  
7 teams. Because it gets to the end of the fiscal year  
8 and there are people tired in their assignments and  
9 they want to transfer them, whatever. They asked if  
10 anybody was interested. I wasn't particularly  
11 interested, so I didn't really respond back to that.

12 So at one point when after that e-mail was sent  
13 out, I even had a conversation with my boss, Dale  
14 Kamps, and asked if I was going to be transferred and  
15 he indicated that I was not, to his knowledge. And  
16 mind you, I don't want to -- like I said, I'm not in  
17 this to make something appear that it's not.

18 Q I understand. All we're looking for is, obviously,  
19 the truth.

20 To your knowledge, were there any other  
21 inspectors in the Cleveland -- do I have the  
22 terminology right, field office?

23 A Field office.

24 Q Any other inspectors in the Cleveland field office  
25 who were transferred without their, you know, having

1 expressed -- without having asked for a transfer

2 basically?

3 A Are you saying transferred to a different assignment?

4 Q Yes.

5 A Yes.

6 Q In situations where they hadn't wanted the transfer,

7 where they had not desired --

8 A I'm saying yes because I'm trying to think if -- one

9 individual comes to mind that it seems to me that he

10 was satisfied where he was at, but I'm not positive.

11 But I know the team he got sent to he wasn't happy

12 with.

13 Q Did you express to Mr. Wong or Mr. Kamps any concern

14 not only about the physical move, but about being

15 switched to a different team?

16 A Yes. At the time that they told me, yes.

17 Q What did you say?

18 A Well, I can assure you that the look I had on my face

19 when Inspector Wong was explaining his rationale for

20 it probably said enough. But my attorney to my team

21 leader, and asking how long he's known. Once again,

22 the way I expressed it to him, he understood I was

23 not satisfied with what I saw transpiring. You know

24 what, as I expressed to them, it's your show, you can

25 do what you choose.

1 Q Mr. McAllister was not present during that interview;  
2 is that correct?

3 A That's correct.

4 Q Again, come back to it a little bit later, but that  
5 particular interview, how much notice did you have  
6 that you were going to be interviewed?

7 A It may have been like on a Thursday. Wednesday or  
8 Thursday that I was going to be interviewed, I think,  
9 the following Monday. So I mean there was sometime.

10 Q The transfer that you've now spoken about -- and I  
11 don't know what the official processes are, so let me  
12 use some general words, and they may not be the right  
13 ones. Have you filed or considering filing any sort  
14 of a grievance or any -- I don't know if that's the  
15 right term for what options might be available to  
16 you, but I think you probably understand the gist of  
17 the question.

18 A I think that's what led me to contact the federal law  
19 enforcement agent association.

20 Q So would it be fair to say that you are -- have you  
21 filed a grievance at this point?

22 A Truthfully, in my career I've never had a reason to  
23 even explore. So I don't know what the processes  
24 are, other than I've been told EEO, I've been told I  
25 can contact FLEAA, maybe even the ombudsmen.

1           Beyond that, I have not entertained it. I'm  
2           still telling myself, hey, it's just a routine  
3           transfer.

4   Q    So you haven't taken any official action at this  
5           point, but you're at least exploring what your  
6           options are? I'm just trying to get a sense of it.

7   A    I don't know if exploring is the right term, but, you  
8           know, I still have it in my mind that, you know, at  
9           some point I may look into it.

10   Q    Okay. We'll probably circle back to this stuff.  
11           Let's back up. How long have you been a postal  
12           inspector?

13   A    I became a postal inspector in June of 1984.

14   Q    You've been one continuously since?

15   A    That's correct.

16   Q    What had you done prior to being a postal inspector?  
17           Had you been in law enforcement at all?

18   A    No, I was not. While I was in college, I worked in  
19           the post office for six years prior to becoming a  
20           postal inspector. Once I graduated from college, I  
21           took the examination and became a postal inspector.

22   Q    So post college you spent your entire career as a  
23           postal inspector?

24   A    Yes.

25   Q    And so 1984 -- did you say '84?

1 A Yes.

2 Q So 21 years?

3 A Yes. Plus my six years. I look at it from the  
4 standpoint of retirement.

5 Q Don't we all.

6 Where did you begin your career as a postal  
7 inspector?

8 A Lexington, Kentucky.

9 Q How long were you in Lexington?

10 A Approximately three years.

11 Q So '84 to around '87?

12 A Correct.

13 Q And then where did you go?

14 A Detroit, Michigan.

15 Q How long were you in Detroit?

16 A Probably six and a half years.

17 Q Sometime in '93, maybe?

18 A Correct.

19 Q Then you went where?

20 A Cleveland.

21 Q And you've been in Cleveland continuously since?

22 A Correct.

23 Q And you were physically in Cleveland for the first

24 few years, and then fairly shortly after that began

25 working resident in Canton, if I'm counting the years

1 correctly?

2 A That's a pretty accurate characterization.

3 Q And the entire time that you -- well, beginning in

4 '93 when you came to Cleveland, were you

5 continuously, up until October 1st of this year, on

6 the mail fraud team?

7 A No, I was not.

8 Q When did that tenure begin?

9 A The first year that I was in Cleveland I was on the

10 external crimes team.

11 Q How about when you were in Detroit, did they have the

12 same sort of team structure?

13 A Pretty much.

14 Q What team were you on?

15 A When I first went to Detroit I was on the external

16 crimes team for approximately two years. And then I

17 went to the fraud team for one year. And then I was

18 promoted to team leader of the external crimes team,

19 and I remained in that position until I left Detroit.

20 Q Okay. And in Lexington?

21 A I'm sorry?

22 Q In Lexington?

23 A In Lexington I was on the fraud team the whole time.

24 Because it's a remote office, so to speak, I would be

25 involved in other things, like robberies and

1 burglaries. Just because our headquarters was out of  
2 Cincinnati, we cover the whole state of Kentucky.  
3 Whenever a situation of emergent nature would arise,  
4 I would have to go and drive into the mountains of  
5 Kentucky.

6 Q How long had you been team leader of external crimes  
7 in Detroit?

8 A Probably three and a half years.

9 Q So it's fair to say that the vast majority of the  
10 time that you spent in the postal service has been  
11 working in the fraud team?

12 A Probably getting close to pretty even split, but  
13 you're right. I mean, realistically with the three  
14 years in Kentucky and the amount of time -- yeah,  
15 majority of the time has been on fraud.

16 Q Within the world that you inhabit in postal  
17 inspectors, is there a generally accepted or  
18 generally recognized sort of, I'll call it pecking  
19 order among these teams? Is one assignment generally  
20 by most people regarded as preferable to another?

21 A You know, that's interesting because it depends, you  
22 know. In my mind fraud is the best assignment in the  
23 business, but in other people's minds who have only  
24 experienced external crimes or internal crimes, they  
25 wouldn't want to work anything.

1 So to my knowledge there is nothing by agency

2 standards as to one being better than the other.

3 Q But in your mind, certainly you prefer working fraud

4 cases?

5 A Absolutely.

6 Q Is that preference of yours -- obviously you've done

7 it for the last nine years in the Cleveland office.

8 Is that preference something that is generally known

9 within the office and known to your bosses?

10 A Yes.

11 Q So when you were reassigned to the external crimes

12 team, it would have been generally known that that's

13 not something that you wanted to do?

14 A Well, once again, in all fairness, my immediate

15 supervisor, Dale Kamps, is definitely aware of that.

16 Beyond him, you know, I don't know if he relays that

17 information or not.

18 Q Mr. Kamps certainly is definitely aware of it?

19 A Yes.

20 Q In your career have you ever been the subject of any

21 sort of internal discipline of any kind?

22 A No. You know, I mean, you'd have to characterize

23 that I guess, because I'm sure I've ticked managers

24 off at different times.

25 Anything official that I should be aware of is

1 in my file, no.

2 Q As far as you know, has there ever been any formal  
3 investigation of any of your actions?

4 A No.

5 Q As far as you know, has there been any formal  
6 investigation concerning any allegations by anybody  
7 that would reflect on issues involving your integrity  
8 or your honesty?

9 A No.

10 Q Any investigations -- I mean, I know --

11 A Let me just -- because I want to qualify and make  
12 sure that we're on the same page with this.

13 Generally when there's an official investigation, it  
14 will be an internal affairs investigation, or what  
15 used to be referred to by us as internal affairs. H  
16 cases. There's never, to my knowledge, been an H  
17 case that I'm aware of. And I would think they'd  
18 have to make me aware of it.

19 Have there been incidents where somebody has  
20 complained about something that maybe I've done?

21 They probably looked into it and determined that  
22 there was nothing there, so it didn't -- nothing that  
23 I've done has ever resulted in disciplinary action.

24 Q And I take -- well, you're going to have to help me  
25 because I don't know the terminology on this, but I

1 would assume that disciplinary action when it can  
2 result in anything from a reprimand to dismissal,  
3 there's some broad range of potential sanctions for  
4 action that that's deemed to be -- deemed to have  
5 done something in violation of your responsibilities  
6 or your duties. So you've never been formally  
7 reprimanded, that you're aware of.

8 A I cannot recall ever being told that anything I did  
9 resulted in an official discussion, let alone  
10 anything more severe.

11 Q Have you ever, in your years, received any official  
12 commendations?

13 A Yes.

14 Q Okay. Tell us what they are.

15 A You know, there's many different things. Besides  
16 getting the outstandings when it comes to merits, of  
17 which I've received numerous, I've received  
18 commendations for investigations that range anything  
19 from letters that were sent from the chief, to maybe  
20 plaques to, I don't know, monetary awards.

21 Q So you've received all of those for individual, you  
22 know, actions deemed to be sufficiently meritorious  
23 to reward you or commend you in some fashion?

24 A Correct.

25 Q All right. Do you know Paul Hartman?

1 A Yes.

2 Q When did you first know Paul Hartman?

3 A I was aware of Paul Hartman when I worked in  
4 Lexington, Kentucky. And that's because the agency  
5 back then, they used to physically by hard copy send  
6 out different, for lack of a better term, national  
7 communications. They would come on lip boards in  
8 bulk and your team leader would circulate those  
9 around.

10 Basically what those were, what's kind of a  
11 synopsis of investigations going on around the  
12 country. As well as being from the Cleveland area  
13 and my family still living in the Canton area, which  
14 I consider part of the Cleveland area, they would  
15 indicate to me when there were articles in the paper  
16 about different investigations. And Paul had some  
17 pretty significant investigations going on.

18 So I knew of him when I was in Kentucky. I even  
19 recall having one conversation. I don't know, I  
20 think I may have initiated the call to Cleveland, and  
21 I was directed to him in which I had a physical phone  
22 conversation with him about something, nothing of  
23 significance.

24 That was the first contact that I ever had  
25 with him.

1           Then when I was in Detroit I had a situation  
2           where I had to come down here to look for an  
3           individual, if I'm not mistaken. He was a person  
4           that I had a warrant for. Something to do with the  
5           investigation, so I stopped here at the Cleveland  
6           office looking for assistance, primarily going over  
7           to the Justice Center in Cleveland, of which Paul was  
8           here and he took me over there, helped me come up  
9           with whatever I needed to come up with over there and  
10          that was it.

11          Then the next contact I had with Paul Hartman  
12          was when I transferred to Cleveland and I was put on  
13          his team.

14 Q   When you were transferred to Cleveland in 1993, what  
15          position did Mr. Hartman have at that time?

16 A   He was the external crimes team leader, which changed  
17          names I guess. I don't know if they still do. I  
18          think they call it external crimes. For a point  
19          there they called it violent crimes.

20 Q   Violent crimes and external crimes would be the same  
21          team?

22 A   It's synonymous.

23 Q   Just different names?

24 A   Correct.

25 Q   If I understand -- if I understood the chronology

1 correctly that we went through before, it was the  
2 first year you were in Cleveland that you were on the  
3 external crimes team, and then you were transferred  
4 to the fraud team thereafter. Do I have that right?

5 A That's correct.

6 Q So for that first year in Cleveland was Hartman your  
7 boss?

8 A Yes, he was.

9 Q Did he remain your boss after you transferred to the  
10 fraud section?

11 A No.

12 Q Did you continue to have dealings with him, even  
13 though he wasn't your boss, after you transferred  
14 over to the fraud team?

15 A If I did, it would have just been, you know, seeing  
16 him. If he had something that he wanted to bring to  
17 my attention or if I had something I wanted to bring  
18 to his attention, that was it. There was very  
19 minimal contact.

20 Q Do you know when he left the postal inspection  
21 service?

22 A Yes. Contrary to what was in my letter, which I was  
23 trying to recall, 2000.

24 Q So somewhere in around '95 or '96 is when you  
25 physically went over to Canton?

1 A Probably. Yeah, that's probably pretty close.

2 Q Okay. I take it Hartman was physically in Cleveland,  
3 that's where his office was?

4 A That's correct.

5 Q When was the last time you ever had any contact with  
6 Paul Hartman?

7 A Prior to him leaving the office in 2000.

8 Q Haven't heard from him since?

9 A I've not personally heard from him, no.

10 Q I want to distinguish between sort of heard of him.  
11 Has Mr. Hartman made any efforts in any fashion that  
12 you're aware of to contact you?

13 A No, not to contact me.

14 Q Well, I'm sensing, and I may be completely wrong,  
15 some hesitancy in your answer, which leads me to  
16 believe I may not be asking quite the right question.

17 A As I said, I'm not here to play games. There was a  
18 phone call that was placed last week to the office by  
19 Mr. Hartman.

20 Q Okay. Tell me what you know about that phone call.

21 A I was told by the individual who was on the phone  
22 with him that he had called wanting to know who  
23 released the letter to the defense.

24 Q Do you know -- who was he on the phone with?

25 A Peggy Krusinski.

1 Q She's a clerical administrative person in the office?

2 A Correct.

3 Q And is she the one who told you that she had received  
4 the phone call from Mr. Hartman?

5 A Yes.

6 Q And she relayed to you that Mr. Hartman wanted to  
7 know who had released your letter to the defense; is  
8 that right?

9 A That's correct.

10 Q The best of your knowledge, did he say anything else  
11 to her?

12 A Yes. Basically wanted to know who released the  
13 letter to the defense. When she responded, and mind  
14 you I don't want to put words in her mouth. Somebody  
15 else can talk to her and get it firsthand.

16 Indication I had was she indicated that I  
17 didn't, that the agency did. He asked her if I was  
18 in trouble for it, to which she responded no. He  
19 indicated he was going to call the inspector in  
20 charge, Robin Dagglis in Pittsburgh and find out  
21 why, or something to that effect.

22 He made the comment that he'd come up and kick  
23 my ass, but it's too long of a drive. He also  
24 relayed a conversation that he claims that he  
25 remembers having with me a long time ago about being

1 against the death penalty. And I think that's pretty  
2 much the gist of it.

3 Then I guess the conversation got into personal  
4 stuff, you know, his grandkids or whatever.

5 Q The woman, I'm sorry, I can't remember her name.

6 A Peggy.

7 Q Did she come to you to tell you about the  
8 conversation; is that how you learned about it?

9 A No. Actually there's another girl in the  
10 correspondence center, Linda Price, who I was in  
11 there for -- I don't remember what the exact reason  
12 was I was in her office, but she says Peggy had a  
13 phone call from Paul. And I said, so, what did he  
14 want. She said, I don't know. She called Peggy in  
15 and that's when Peggy told us.

16 Q To your knowledge, has Mr. Hartman spoken to anybody  
17 in Pittsburgh, to your knowledge?

18 A Oh, I have no knowledge if he did or didn't.

19 Q But I have it right?

20 A He made reference to talking or making a call to  
21 Robin Dagglish the inspector in Pittsburgh.

22 Q To your knowledge, has he contacted anyone as far as  
23 you know?

24 A Not to my knowledge.

25 Q And apart from that contact, you haven't had any

1 contact with him in any fashion since he left in

2 2000; is that right?

3 A That's correct.

4 Q Tom Strausbaugh, do you know who he is?

5 A I know of him. I don't know him. I've never heard

6 anything bad about the guy.

7 Q Never met him, as far as you know?

8 A Not that I'm aware of. When I first became a postal

9 inspector we had to come up to Cleveland to take the

10 exam. I remember I met people up here, but he

11 doesn't come to mind.

12 Q It's a name that you know?

13 A Correct.

14 Q That's your only connection?

15 A That's correct.

16 Q Okay. Do you happen to know, by the way, back when

17 you were first starting out in Kentucky in '84, there

18 was some investigative work that was done by

19 Mr. Hartman in Kentucky actually --

20 A That's what I heard.

21 Q -- in the Spirko case. Did you have any involvement

22 in that at all?

23 A No.

24 Q Have you had any involvement in the -- from an

25 investigative point of view in this whole, what I

1 would call the Mottinger crime, Elgin Post Office  
2 crime? Have you had any responsibilities at all with  
3 respect to that investigation or prosecution that  
4 resulted from it?

5 A No.

6 Q When did you first become aware of it as a case?

7 A When I was in Kentucky. I was in there '84, so it  
8 was ongoing.

9 Q And tell me, as best you recall, what it is that you  
10 knew about it.

11 A You know, in thinking back, probably the only thing  
12 that stood out in my mind was I thought it was a neat  
13 case. I saw where I think both Paul and Tom  
14 Strausbaugh, in my opinion -- when I say, my opinion,  
15 from what I saw, they were the ones that were  
16 recognized as being the individuals who solved the  
17 case, and they got some kind of awards out of it and  
18 I was pretty impressed with it. That was it back  
19 then.

20 Q You basically -- that was through sort of internal  
21 postal service correspondence or stuff that comes  
22 across the -- however people communicated back in  
23 '84?

24 A Correct.

25 Q All right. Let's talk about your dealings with Paul

1 Hartman.

2 Again, just as you I think very accurately said,  
3 we're all here just to get the truth out, and I may  
4 not always know the exact right question to ask. So  
5 there's no surprises here, what I would like to do is  
6 have you sort of talk about things in your own words  
7 as best you recall, and then circle back at the end  
8 and go through some of the correspondence and sort of  
9 talk about it from that point of view. Okay?

10 A Sure.

11 MR. McALLISTER: Do you mind  
12 if at this stage we take a restroom  
13 break?

14 MR. HILL: Absolutely.

15 - - -

16 (Recess taken.)

17 - - -

18 MR. HILL: Back on the record.

19 Q I wanted you to talk generally now, and we can come  
20 back and get the specifics about -- you obviously had  
21 some experiences with Mr. Hartman that ultimately led  
22 you to write the letters that we've referenced  
23 before. So if you could just, in your own words,  
24 perhaps, get started by talking about your  
25 experiences, your observations, whatever they may be.

1 A The biggest thing that came to mind when I wrote the  
2 letters was the articles were the initiating factor  
3 that appeared in the Cleveland Plain Dealer. As I  
4 read the articles, and by the way, it's not something  
5 that I sought out. I had no idea that these articles  
6 even appeared in the paper. People that work up  
7 here in Cleveland -- I get the Canton Repository. I  
8 don't get the Cleveland Plain Dealer. They contacted  
9 me and told me these articles were in the paper and  
10 whatever.

11 Q These are co-workers?

12 A Yes, other inspectors.

13 Q Go ahead. Then I'll come back.

14 A You know, they had indicated that there were articles  
15 in the paper. And so I had gotten some of the papers  
16 and started reading the articles and the things that  
17 struck me in the articles were that they were  
18 questioning Paul's integrity and laying out the  
19 possibility that there may have been some lies and  
20 some withholding of evidence.

21 Seeing that, and then coupling it with the  
22 experiences that we, myself and others had with Paul,  
23 and the fact that ultimately it led to a number of  
24 individuals in the Cleveland office of which  
25 initially I was not part, I was done with Paul. They

1 had experiences with him that led them to come to me  
2 and ask me if I was willing to go in with them and  
3 file complaints with the boss about him, to which I  
4 agreed.

5 Once again, I put in my letter because I was  
6 operating off of memory. I just remember there was  
7 more people than what I thought. I said there was  
8 15. I'm being told there were nine people, including  
9 myself, that went into the office.

10 When another inspector, Bob Gatz had come into  
11 my office unsolicited by me, closed the door and said  
12 that Paul's behavior's gotten to the point where they  
13 wanted to go in and talk to the boss, he asked -- let  
14 me back up a little bit.

15 Bob Gatz came from L A, transferred into  
16 Cleveland. I had like zero contact with him. I  
17 didn't really know the guy. He comes into my office  
18 and asked me if I was willing to go in because of the  
19 issues they had with Paul. Said he heard I had  
20 problems with him back when I was on his team and  
21 asked if I would be willing to go in. I indicated he  
22 was out of my life, but to assist them, I would go  
23 in.

24 So I'm truly thinking that it's going to be one,  
25 two, maybe three people. That was on like maybe the

1 middle to the end of one week. The following week,  
2 at the beginning of the week is when one of them, I  
3 don't remember who it was, it might have been Bob  
4 even, again came in and said, we're going to go in.  
5 So I get up and walk down the hall and I saw a stream  
6 of people going into the boss' office. And I'm  
7 thinking this is evidently a bigger deal than what I  
8 thought it was.

9 Ultimately we went in, sat down. Tom Macioch  
10 was the field inspector in charge at that time. Some  
11 of these individuals had prepared statements. They  
12 were kind of going into what their issues were, which  
13 from my recollection sounded pretty serious. I don't  
14 remember specifics about them. But they laid it out  
15 to tom as though either you do something about this  
16 man, or we're going to go to internal affairs. It  
17 got a little emotional.

18 One individual Dan Bonda became somewhat  
19 emotional, to the point where it almost started  
20 deteriorating because everybody wanting to get their  
21 say in.

22 What I remember is that the discussions pretty  
23 much stopped in the room, and it was left that Tom  
24 would get back with each person. So people appeared  
25 to be satisfied with that.

1 And over the course -- at that time, like I  
2 said, when I wrote the letter, I didn't remember  
3 exactly when this occurred or the dates or anything,  
4 but since all of this has become public, it was  
5 January 3rd, which was a Monday, that we had gone in  
6 with the complaints.

7 MR. PRICHARD: Of what year?

8 THE WITNESS: Of 2000.

9 Q So it was January 3rd that this meeting you're just  
10 referring to in Mr. Macioch's office occurred?

11 A Correct.

12 Q And how are you now able to fix that date?

13 A We're required to keep diaries. I've got every diary  
14 I've kept from '84 to the present. Only because,  
15 like I said, once this became public to where now I'm  
16 sitting down being interviewed about my letter or  
17 whatever, you know, and in conversations with people  
18 in the office, I'm like, okay, I want to make sure  
19 that my memory is accurate on this stuff. So I went  
20 back in the diary and looked. It's in the diary.

21 So, yeah, it was on a Monday January 3rd that  
22 the actual initial meeting, went in with the nine of  
23 us. At that meeting --

24 Q Does the diary reflect it's nine people also?

25 A No, no. It's not that detailed. In fact, I'm saying

1 that -- I will put it this way, it was either a  
2 combination of my diary and day planner or both. One  
3 or the other is where I had some reference to the  
4 meeting, but it's pretty generic. I mean, I just --  
5 for the most part, that's the way I keep my diaries  
6 with anything, I may put a case number, if I go out  
7 and interview somebody, or do something, or do this  
8 or do that, I log in there a case number which  
9 indicates -- that's all we're required to do. That's  
10 what we worked on that day, and you charge hours to  
11 it or whatever. I made a notation somewhere that  
12 that was the meeting.

13 Q You just mentioned that you now think it was nine  
14 people?

15 A Correct.

16 Q My question is, what makes you believe it's --

17 A Bob Gatz told me it was nine. Since -- once the  
18 letter was public and people saw I had 15 down there,  
19 they were saying you aren't really accurate on that,  
20 it was nine.

21 Q So you think it was Bob Gatz, you think, who  
22 corrected you --

23 A Correct.

24 Q -- as to the number of people?

25 A And the date and the year. I, for some reason,

1 thought it was like earlier than that. You know,  
2 this is the type of thing that -- when it occurred,  
3 Paul was gone, it was a non-issue in my life.

4 Q One question before I back it up a minute. These  
5 diaries that you're required to keep, what is  
6 supposed to happen to those diaries when you retire?

7 A I guess we can destroy them. It's funny because I  
8 just had this conversation with somebody, Rob Dodyk,  
9 he's getting ready to retire and he's telling me he's  
10 going out in January and he's in the process of  
11 shredding his diaries.

12 I said, have you ever had to go back and produce  
13 any of them for anything? He said maybe one time I  
14 had to go three years back because of something that  
15 came up. He said I don't think we're required to  
16 keep them.

17 For some reason I remembered looking in the --  
18 what we call the inspection service manual, and it  
19 said you're required to keep the diary for your  
20 career.

21 Mike probably can attest to that.

22 You just kind of rat-hole them in the drawer and  
23 keep them until you retire.

24 Q I take it you have no idea whatsoever whether  
25 Mr. Hartman kept his diaries?

1 A I would put it this way, if he was an inspector, he  
2 kept his diaries until he retired. After he retired,  
3 I have no clue if he would have kept them or disposed  
4 of them. Now things have changed. It's all  
5 electronically. We don't keep the yellow diary book  
6 anymore.

7 Q The quote "diary" is now in effect an electronic  
8 diary?

9 A Correct.

10 Q All right. Let's back it up for a minute. Obviously  
11 you had some issues that other people were  
12 sufficiently aware of with Paul Hartman, that people  
13 came to you in 2000 to see if you would join them in  
14 their complaints. Okay.

15 So let's first talk about what those initial  
16 issues were that you had with Paul Hartman.

17 A It probably covered the gamut. For whatever reason,  
18 and I'm getting this from people that worked for Paul  
19 before I even got here.

20 Mike worked for Paul.

21 Before I even got to the Cleveland office, from  
22 what I'm being told, after I got here and I was  
23 getting the distinct impression that this man was,  
24 for lack of a better term, squatting on me a little  
25 harder than other people for little things,

1 management things, whatever. So the comment was made  
2 to me by individuals, an individual or individuals,  
3 on the team that he had made some comments about me  
4 before I even got here. Why? I have no idea.

5 As I explained, I had like minimal contact with  
6 this man. So there were management issues. There  
7 were things about the way he operated that initially  
8 I would question. And it was almost as though you  
9 are put in your place one way or another to the point  
10 where you just stopped bringing things up anymore.  
11 You just kind of -- in the interest of self  
12 preservation, you know, you just say, okay, I'm not  
13 going to ask that question, or I'm not going to  
14 question this, or question that. You just try and go  
15 with the flow.

16 Q So the issues that you're talking about now, again I  
17 don't want to be the one putting words in, but it  
18 sounds like you experienced sort of what you perceive  
19 to be abusive, inappropriate sort of behavior toward  
20 you?

21 A Correct.

22 Q This is right after you got to the office, I take it,  
23 in that first year when you were in external affairs?

24 A External crimes.

25 Q External crimes?

1 A Yeah.

2 Q That's what we're talking about?

3 A Yeah. Once again, I mean, you know, initially it's  
4 just the little things that you perceive. For  
5 instance, I live an hour south of here. We cover  
6 everything down to basically I 70 from Indiana to  
7 Pennsylvania. Everybody has different territories or  
8 at that time they had different territories they were  
9 responsible for.

10 You know, when you live that far south and  
11 you're told that you are assigned to center city  
12 Cleveland as being a territory, I mean, I was a  
13 manager. It's like, okay, what's the purpose for  
14 this, but you don't question it. You just do it.

15 So that's -- that was stuff that I initially  
16 perceived. Okay. The guy's messing with me, but I  
17 can deal with it. So that's kind of an example  
18 relative to that.

19 Q Okay. But there -- again, I mean I don't -- it  
20 sounds as if, at least during that year, escalated to  
21 the point where you were -- where he was at least  
22 verbally abusive to you? Again, I don't want to  
23 use --

24 A No. You know, no, there was no, you know, verbal  
25 abuse. He may have gotten loud with me once, but,

1 you know, nothing of that nature.

2 I'm just talking about almost like a deliberate  
3 attempt to just create an uneasy environment with how  
4 I was on the team. That, coupled with stuff --  
5 stories that you would hear from people as to things  
6 he had done, stuff that I personally saw.

7 Q What kind of stuff are we talking about that you  
8 heard and that you --

9 A If you're specifically addressing the area in the  
10 letter where I pretty much say, you know, hostile,  
11 nonprofessional behavior and borderline criminal, I  
12 assume that's what you're getting at, so you don't  
13 get in a position where you don't have to act like  
14 you're pulling it out of me.

15 There were situations where -- what comes to  
16 mind initially, and so that you understand, what I  
17 perceive as an employee working for a person may be  
18 different from what other people perceive, but when  
19 you're inside you get this sense that something is  
20 not right here. But if you tried to explain it to  
21 somebody on the outside, they maybe wouldn't  
22 understand because they wouldn't know the inner  
23 workings, or what all was going on.

24 There was a constant tension on the team  
25 regarding how Paul operated as a supervisor, and even

1 just the way he went about conducting his  
2 investigations.

3 There was constant talk behind the scenes as to  
4 dissatisfaction with how individuals were treated,  
5 stuff that they had witnessed, or, you know, seen or  
6 whatever.

7 But what comes to mind initially and this was in  
8 the early stages when I came on this team, I got --  
9 they were working some robberies of some -- what we  
10 refer to as MBS drivers. Where these drivers would  
11 go around to the stations at the end of the day and  
12 pick up remittances. Somebody was sticking these  
13 people up and stealing the remittances.

14 So I walked in in the middle of this  
15 investigation. Basically I'm made aware of it. My  
16 role's do surveillance, like everybody else, take  
17 part in all the little stuff that goes along with the  
18 investigation.

19 An individual on the team, Pete Drodofsky, tells  
20 me -- I don't know how this subject came up, other  
21 than the fact that he and Emerson Samuals had  
22 indicated that Paul had already been talking about me  
23 before I got there, and, you know, because of what I  
24 felt I was experiencing, and I somewhat confided in  
25 these guys, they were letting me know before you even

1 got here this guy was laying the groundwork for you  
2 or whatever.

3 There was a point in that investigation that  
4 Pete pulled me aside and said, you probably aren't  
5 going to believe this, and I'm not -- don't quote me  
6 his exact words and how he initiated the  
7 conversation, but he says, Paul is saying that he  
8 thinks that you have something to do with these  
9 robberies because they started right about the time  
10 that you got here.

11 And he was dead serious. And I'm like, this  
12 guy, he's just not all there.

13 So that, coupled with -- in the same  
14 investigation how he would go about identifying  
15 suspects or potential suspects in the case, you know,  
16 grant it, I wasn't intimately involved because I  
17 think Pete was the case agent on that case, Paul was  
18 the team leader of everybody. So I wasn't privy to  
19 all of the information that they had, but there were  
20 times that you would come in and all of a sudden  
21 you're being told we're going to do round the clock  
22 surveillance on this person. It's like where did  
23 this guy come from? And you never really -- at least  
24 I never, in some cases got an answer as to why are  
25 we -- where did this guy's name come from.

1 So that stuff -- that would bother me. To the  
2 point where initially I might raise my hand and ask,  
3 hey, why are we going for this guy?

4 Mind you, it's my perception, but I almost felt  
5 as when I asked those questions, that, you know,  
6 there would be some kind of way to get me to just not  
7 ask those questions through management techniques or  
8 whatever.

9 I guess I can't articulate this type of thing.

10 When you work for somebody, you can tell this guy's  
11 got it in for me, but unless they're experiencing it,  
12 they don't really understand it.

13 So that was part of the situation.

14 There was one situation where we were working a  
15 robbery up on East St. Clair, if I remember  
16 correctly, something like the 150th Street area, and  
17 it was a contract station, a drug store where they  
18 have a postal facility inside the drug store. Like a  
19 contract agreement where they sell postal products.

20 Somebody came in and robbed the place, stuck the  
21 people up. We're working the investigation. If my  
22 memory serves me correctly, it was a weekend,  
23 Saturday, we were all having a briefing and we were  
24 going to set up surveillance on this place. The way  
25 Paul laid it out, or the game plan was we were going

1 to be driving around the area surveilling the area,  
2 us on the team in the car. Paul said he was going to  
3 be inside with a radio.

4 The way he explained what he wanted done was  
5 he'd be on the radio. He said that if somebody comes  
6 into the store and doesn't buy something, when they  
7 leave the store he would radio us, we were to take  
8 them and prone them out and then question them as to  
9 what they were doing in the store. And the way he  
10 ended that particular sentence was, it's a bad day to  
11 be window shopping, we'll pay a dryclean bill later.

12 Q To prone them out means have them get down on the  
13 ground?

14 A That was my perception. That was a situation where  
15 maybe early on working for him I would have probably  
16 said, whoa, wait a minute, what are we doing here?  
17 But at that point, it's like, okay, we're being told  
18 to do this, but I'm telling myself, I'm not taking  
19 part in that.

20 At some point in driving around in the cars, I  
21 can remember pulling up to one or two of the other  
22 inspectors that were out there, and basically amongst  
23 us agreeing that, hey, I don't know about you but my  
24 radio's not working. If he comes on the radio, we  
25 aren't going to be around when it happens. I don't

1 know -- I shouldn't say -- I don't know. I don't  
2 remember if anybody actually followed through with  
3 that.

4 Q But you remember that that was the order?

5 A Yes, that's correct.

6 Q And I take it that -- again, I don't want to put  
7 words in your mouth -- the reason that was a concern  
8 to you and -- well, to you and presumably others is  
9 because there is no basis upon -- from your  
10 perspective there is no basis upon which to have  
11 people, you know, to do this for somebody who just  
12 went into a store?

13 A None whatsoever.

14 Q And that's -- again, I don't want to put -- that  
15 struck you as violative of all your training and  
16 people's fundamental rights and all of that stuff?

17 A Yes, sir.

18 Q Did you have any experiences with him back in that  
19 timeframe -- let me back it up for a minute to  
20 preface it. I think one of the things that you had  
21 originally mentioned was that when you read the  
22 articles in the Plain Dealer and the articles in the  
23 Plain Dealer obviously, and I think for the record we  
24 can -- we're talking about a series of articles,  
25 fairly lengthy articles, that appeared in January of

1 this year. Does that sound right to you?

2 A That's when they started, yes.

3 Q And they were written by -- do you know who the  
4 author of the articles was?

5 A I know Bob Painter was one, and there's a woman that  
6 I think has written some. Regina somebody or other.

7 Q In terms of -- those are the articles that you're  
8 referring to?

9 A That's correct.

10 Q And I think you said when you had read those  
11 articles, and those articles at least mentioned or  
12 suggested that there may have been, you know,  
13 misrepresentations made by Mr. Hartman, there may  
14 have been untruths told by Mr. Hartman, there may  
15 have been, in effect, dishonesty of Mr. Hartman, and  
16 his credibility was called into question. Is that  
17 a fair characterization of what you -- one of the  
18 things you remember in those articles, the articles  
19 were suggesting that at least?

20 A Yes, sir.

21 Q And if I had understood you correctly, those articles  
22 caused you to sort of reflect back on your own  
23 experiences with Mr. Hartman and ultimately led you,  
24 among other things, to write these letters?

25 A That's correct. And it wasn't just my own

1 experiences, but it's my knowledge of other people's  
2 experiences, too.

3 Q Now, you've just given us one example, but are there  
4 other examples where you personally experienced  
5 situations where it caused you to question his  
6 integrity or his honesty or his truthfulness or  
7 however you want to characterize it?

8 A I'm sure there are, but I can't recall personally  
9 anything other than what other people have told me  
10 about experiences that they have witnessed.

11 Q What is it that you recall about what other people  
12 have told you?

13 A Way back I remembered somebody telling me that there  
14 was a situation that Paul and another inspector had  
15 been involved in. And the way it was characterized  
16 to me was that a suspect, or, you know, somebody that  
17 they had handcuffed to a chair. And I just  
18 remembered them telling me about this.

19 It was only because of this stuff coming up that  
20 I raised it, so that my memory -- I'm not thinking  
21 maybe I dreamt this.

22 That I raised the situation with another  
23 inspector, Emerson Samuals. He goes, by the way, by  
24 the name of Razor in our office. Myself and Linda  
25 Price were in his office and I said, a hey, Raz, am I

1 dreaming this, or have you ever heard of a situation  
2 where Paul was in a room with some suspect or  
3 somebody handcuffed to a chair and Razor's response  
4 was, no, you aren't dreaming this. He says, I was  
5 there.

6 When he went on to explain he was there, he said  
7 he was in his office and he heard a commotion. This  
8 would have been in the Cleveland field office here.  
9 He heard a commotion in the other hall, and so he  
10 went around the hallway and walked past an office of  
11 another inspector, Mary Mulligan who was in her  
12 office, and I guess she maybe heard things, but she  
13 wasn't present at the situation. Razor indicated  
14 that when he walked to the room that he basically  
15 just told Paul and whoever else was with him to stop  
16 or something about, it's got to stop now. And that  
17 when that happened, I guess the inspectors stopped.

18 In Razor's words it was like he was in a trance  
19 or something. And he just left the room and Razor  
20 said his goal was to just get the person calmed down  
21 and he indicated that the individual was black.

22 Razor's black. That he was trying to make sure that  
23 the situation was resolved.

24 But this is something that was just relayed to  
25 me. They can tell you exactly what then or anything.

1 Q Is this a situation where Razor was saying that  
2 Mr. Hartman was being physically abusive or  
3 assaultive to the person?

4 A I got that impression.

5 Q To the person that was handcuffed?

6 A I got that impression. All's I'm saying, I laid it  
7 out, my memory was somebody told me the individual  
8 was handcuffed. I -- once again, I don't want to put  
9 words in people's mouths. I'm just telling you what  
10 was relayed to me.

11 Q Any other circumstances in which you recall being --  
12 hearing about, or being told of situations in which,  
13 you know, Inspector Hartman had behaved, had acted in  
14 any sort of, you know, untruthful or dishonest way?

15 A There was a girl who no longer is working for the  
16 agency. She's, I think, living in Baltimore or  
17 somewhere on the east coast. She worked here a  
18 couple two, three years. Her name is J.C. She goes  
19 by J.C. Swinson. She indicated -- the reason she's  
20 not with the agency no more, she wanted to transfer  
21 back home and the agency couldn't work it out. So  
22 she had to make a decision and she did.

23 She had indicated when she was -- she always was  
24 fairly new. She was only in the agency couple three  
25 years, if that. She had a search warrant affidavit

1 that she was putting together. And according to her,  
2 Paul had put stuff in the search warrant that wasn't  
3 true and it caused her --

4 Q If you want to take a break, we can.

5 A That's okay. It caused her enough concern that she  
6 went to another inspector, Bob Gatz, and was pretty  
7 upset and basically said that what he was telling her  
8 to put in wasn't right, and that she couldn't do it.

9 And so he basically, I guess, told her that she  
10 didn't have to do it. And so --

11 Q When you say, he told her, Gatz told her?

12 A Yes. Gatz told her that she didn't have to put in  
13 there stuff that wasn't true. And I got the  
14 impression that implied if Paul had a problem with  
15 it, he could come talk to him.

16 Ultimately she didn't do it. I guess Hartman  
17 came in and had some words, but then relented and let  
18 them do the affidavit the way it was supposed to be  
19 done.

20 Q You're aware of this because at the time this  
21 happened you heard this from the woman or from  
22 Mr. Gatz or from both?

23 A I heard that from her, and I'm sure I heard it from  
24 him, too.

25 Q Gatz is still with the --

1 A Yes, correct.

2 Q Do you have any awareness of any other circumstances  
3 under which Mr. Hartman, you know, either from your  
4 own personal observations or what you've heard from  
5 other people, lied or misrepresented things in a  
6 search warrant, affidavit, or in other legal  
7 documents, anything of that nature?

8 A Pete Drodofsky has told me, and he may be speculating  
9 because of the way he laid it out, something to do  
10 with some search warrant or two search warrants,  
11 seems to me something to do in the downtown area and  
12 something at a mall that he felt that Paul may have  
13 lied on. What he based that on, I have no clue.

14 Q This gentleman is Pete?

15 A Drodofsky.

16 Q Who's also still there?

17 A Yes.

18 Q Do these individuals, by the way, Mr. Gatz and  
19 Mr. Drod --

20 A D-R-O-D -- I don't know, something, S-K-Y.

21 Q I take it they're aware, at least at this point, that  
22 you've written these letters; is that right?

23 A That's correct.

24 Q Have any of your -- have any of your colleagues, you  
25 know, raised any objections with you for having

1 raised the issues that you've raised?

2 A No. Well, you know -- I'll put it this way.

3 Q Your immediate colleagues?

4 A My equals.

5 Q Your equals?

6 A No.

7 Q The letters, we'll come back to the letters in a

8 little bit, the letters I think reflect, I think in

9 both instances, certainly the one I had seen

10 previously, others in the office share your concerns.

11 I take it some of those other people have since

12 learned that you, in fact, sent the letter. And in

13 the letter you expressed the fact that others shared

14 your concern.

15 What has people's reaction to you been, your

16 people that you were referring to in those letters

17 when they learned that you did this?

18 A I have not heard one person upset with the fact that

19 I sent it. I'm saying that from my equals.

20 Q Right. I understand. None of them has said, you

21 know, wait a second, you characterized that many --

22 most, if not all of the other inspectors in Cleveland

23 share this view. What are you doing talking for me?

24 You've -- you haven't gotten any comments like that?

25 A All I can tell you is my thought process when I wrote

1 that is anybody, and I've talked to numerous  
2 inspectors over there, anybody I have talked to has  
3 had a problem with this man being executed based on  
4 what they saw in the articles and what they know of  
5 of Paul.

6 Q So it's a two-fold issue for everybody?

7 A Let me qualify that.

8 Q Yeah.

9 A As I'm saying that, there is one individual --

10 actually Jim Bogden, he felt it was in the courts and  
11 I shouldn't be raising the question.

12 Q But with one exception, you say that certainly what's  
13 been expressed to you, you stand by what you said, is  
14 that most, if not all, Mr. Bogden apparently an  
15 exception here, have real concerns about this  
16 execution going forward?

17 A That's correct.

18 Q If I understood you correctly, that was based in part  
19 on what had been read in the newspapers, but coupled  
20 with people's personal experiences and understanding  
21 and knowledge of Mr. Hartman, the two factors put  
22 together, if you will; is that right?

23 A That's correct.

24 Q And again, I mean is it fair to say that based upon  
25 your experiences personally with Mr. Hartman, and

1 also your -- what you observed and been told by your  
2 colleagues, that -- would it be fair to say that that  
3 leads you to a position of not trusting Mr. Hartman;  
4 is that --

5 A That's correct.

6 Q And believing, again, based upon your experiences and  
7 what you've been told, that you don't feel confident  
8 in believing what Mr. Hartman would have said  
9 about -- in connection with this case?

10 A I think I'm hearing you properly. My answer would  
11 be, correct, if I'm hearing you properly.

12 Q Why don't you put it in your words because I'm trying  
13 to avoid putting it in mine.

14 A Based on what I see in the articles, the way -- mind  
15 you, I'm not -- I'm aware the way things are written  
16 in the newspaper isn't always the way it happens.

17 But if the articles are even remotely close,  
18 that, coupled with my experience, what I've been told  
19 by other inspectors, I have my doubts as to whether  
20 Paul was truthful.

21 Q And is it -- is it also correct to say that other  
22 colleagues, other postal inspectors have expressed  
23 those same doubts to you?

24 A Yes. I mean, let me even give you probably a good  
25 example in my experience in talking to other

1 inspectors. There's an inspector in the Cleveland  
2 office, Bruce Conner, who's a team leader, actually  
3 inherited the case from Paul when he retired.

4 Following the meeting that was held in my office  
5 on another issue, in which at the end of the meeting  
6 I raised my hand asking what the agency was doing  
7 about this, given the articles and given what we in  
8 this office know about Paul Hartman. After that  
9 meeting, Bruce Conner pulled me aside and was --  
10 obviously, he could tell that I was wanting some  
11 answers and I wasn't necessarily satisfied.

12 Pulled me aside and was trying to reassure me,  
13 hey, I don't know if you're aware, I got the case  
14 from Paul, and I've had a chance to look through the  
15 case and review what was in the files and whatever,  
16 so I'm pretty knowledgeable of what's going on. His  
17 words to me were, in trying to reassure me, he says,  
18 I'm pretty sure we got the right guy.

19 I said, Bruce, did you hear what you just said?

20 His response was, no, no, we got the right guy.

21 I'm like, okay, whatever.

22 Q Did Mr. Hartman back when you were working under him  
23 for that year, did he do any training of people?

24 Were there training classes where he would, you know,  
25 explain how to do various things, you know, how to --

1 A You know, the agency has obviously a training course  
2 that you go through for months before you come out to  
3 the field, but then the first year or so, two years,  
4 three years, you're in a training status. There are  
5 new people that are working for a team leader at the  
6 time. And as a result of them working for an  
7 individual, I think as a team leader you're  
8 responsible for making sure that people are getting  
9 OJT, so to speak. So I'm sure that would have  
10 occurred.

11 Q Do you happen to recall any specific instructions  
12 that he gave you during a formal training session, or  
13 otherwise, about how to, you know, interview  
14 witnesses or interrogate suspects, his philosophy,  
15 anything like that?

16 A No, no. As you say that, something comes to mind  
17 that I know I've heard, and other people have  
18 expressed to me that they've heard it. It's not  
19 really a training set, but it's when it comes to a  
20 person that you're interviewing regarding their  
21 involvement in committing a crime or whatever, he  
22 would make the comment on occasion that if his mouth  
23 moves, he did it, something to that effect.

24 But in a training setting, no, I can't speak to  
25 that because I've never really been in a training

1 setting.

2 Q Take it out of the training setting. That what you  
3 just articulated, that's on a day-to-day on the job  
4 kind of setting, right?

5 A Yeah. Well, there is no real training setting in a  
6 day in day out. It's kind of like an OJT thing. If  
7 you have to do a search warrant and somebody doesn't  
8 have experience doing it, it's explained to them and  
9 they do it.

10 Q The quote, if he opens his mouth, he did it, that's  
11 something you recall coming from Mr. Hartman?

12 A It would have been made in open air where there can  
13 be any number of people that heard it. I can't speak  
14 to what other people hear, or I can speak to what  
15 they tell me they heard.

16 Q So you're attributing those words to Mr. Hartman?

17 A Yes.

18 Q Do you happen to have ever discussed with Mr.  
19 Hartman, or do you know whether others have discussed  
20 with Mr. Hartman what kind of obligations that arise  
21 in a criminal case with respect to sharing  
22 information with the defense? The Brady issue, if  
23 you will.

24 A I've never discussed that with him, nor am I aware of  
25 what he discussed with anybody else. To show you,

1 even though I'm aware of what Brady material is, I  
2 guess I never classified my letter as being Brady  
3 material.

4 Q But in terms of -- that's just something that you  
5 don't recall ever having discussed with Mr. Hartman  
6 or anything?

7 A No.

8 Q Have you, yourself, worked hundreds, thousands of  
9 cases over the years?

10 A Stick with the hundreds.

11 Q Lot of cases?

12 A Yeah.

13 Q Work with a lot of prosecutors over the years?

14 A Correct.

15 Q Mostly Assistant U.S. Attorneys?

16 A Yeah.

17 Q Ever been in a situation where you had to come to the  
18 conclusion, you have determined based upon the  
19 investigation that you had done that the theory that  
20 the prosecution's, you know, was planning on pursuing  
21 was wrong, you had gone to a prosecutor and said, I  
22 think you've got it wrong, the guy didn't do it, and  
23 the prosecutor just went ahead and proceeded anyway?

24 Have you ever been in that situation?

25 A I'm laughing because I joke with people about this.

1 I've only had one trial in the 20 years I've been in.  
2 The reason I'm laughing, kind of joking about it,  
3 because I tell people my investigations are so  
4 thorough, the person has nothing to do but to plea  
5 out.

6 In answer to your question, I've only been in a  
7 trial setting one time and there was not that issue  
8 come up.

9 Q Again, we'll come back to the specific letters in a  
10 minute. After you wrote the letter -- okay -- not --  
11 the letter -- not the letter to the governor. I  
12 don't think -- actually it does, too. The letter to  
13 Mr. Heath alludes to the fact that you had raised  
14 some of your concerns prior to writing the letter.

15 A Uh-huh.

16 Q Can you tell me about that?

17 A Primarily when we went in and complained.

18 Q When you went in -- come back to that.

19 When you went in and complained, that was not in  
20 the context of the Spirko case, it was in the context  
21 of complaining about Mr. Hartman itself?

22 A Yeah. Explain to me what you're -- I'm missing  
23 something.

24 Q No, no. Bad question on my part. I apologize.

25 When you guys went in to complain, when the

1 group went in to complain about Mr. Hartman in what  
2 we now know is the year 2000, if I understood you  
3 correctly, the initial meeting was everybody  
4 together. And you guys were all together and you  
5 were speaking with Mr. Macioch; is that right?

6 A Macioch.

7 Q Mr. Macioch, as inspector in charge, he would have  
8 been Hartman's boss?

9 A Correct.

10 Q What were some of the -- what were some of the issues  
11 that you were hearing other people raise in that  
12 meeting?

13 A You know, interestingly, what I recall from that  
14 meeting was primarily the things that were raised  
15 were of racial harassment, maybe some sexual  
16 harassment, and there may have been some other stuff.

17 Once again, you know, I just remember they were  
18 going to say that they talked to each person  
19 individually. And then the next thing I know -- like  
20 I said that was on a Monday. Thursday, if my memory  
21 serves me correctly, I remember Paul coming into the  
22 office, I did not visually see him, I remember  
23 hearing his voice, I'm pretty sure I heard his voice,  
24 I know I heard his son's voice saying something  
25 about, let it go Dad or whatever.

1 Mind you, I'm led to believe he cleaned his  
2 office out and he left the door. I may have heard  
3 him say something to the receptionist, went out the  
4 door, and I visually see this, but that's the last I  
5 had heard Paul Hartman.

6 Q So it's your understanding that shortly after this  
7 meeting is when he retired?

8 A That's correct. And once that was done with, I have  
9 no reason to ever even think about Paul Hartman  
10 again.

11 Q The other nine people, apart from the meeting in  
12 Mr. Macioch's office, people were interviewed  
13 individually; is that right?

14 A Yes.

15 Q Including yourself?

16 A Yes.

17 Q Do you recall by whom?

18 A Tom Macioch and Robin Dagglis, who at that time she  
19 was the acting assistant inspector in charge in  
20 Pittsburgh.

21 Q Do you recall when that occurred relative to the  
22 first meeting, very shortly thereafter?

23 A Well, it was obviously on the day they were  
24 interviewing people, because they weren't going to  
25 interview me, which I found kind of odd.

1 I was out working in my territory. And asked me  
2 if I had been talked to, and I said no. They said,  
3 well, they're wrapping up. So I was a little upset  
4 with that. If I remember correctly, I was in Akron.  
5 I quick, drove up here and when I came in the door,  
6 Tom and Robin were literally shutting the lights off  
7 and putting their coats on.

8 I said, hey, I understand you guys were talking  
9 to people. I said, nobody's talked to me.

10 He was like, well, if you want to come in and  
11 talk, that's fine.

12 I remember sitting down with them, there was  
13 probably an hour conversation. I truly don't recall  
14 specifics of what I laid out to them in that meeting,  
15 but I do remember, because my situation with Paul  
16 when I was on his team, it took an emotional toll.

17 So when I was recalling, you know, different  
18 things that occurred, when I was sitting there with  
19 Tom and Robin, I became somewhat emotional. So much  
20 so when the meeting was over, I went back to my  
21 office. And this is my supposition now, I get a  
22 phone call shortly after I went back to my office  
23 from Ira Carle, who used to be the boss there,  
24 and he was checking to see if I was okay. Which I  
25 thought kind of odd. Maybe because I was emotional,

1 they made a call to him and he was giving me a  
2 courtesy call.

3 Q But you ultimately were -- you came in and they did  
4 sit down with you about an hour?

5 A Correct.

6 Q And they interviewed you; is that a fair  
7 characterization of what happened?

8 A I don't know if it was an interview. It was more let  
9 me just say my peace was the impression that I got.

10 Q Do you know what -- do you know what became of --  
11 presumably there were at least nine people  
12 interviewed; is that your understanding?

13 A That's my understanding. I don't know if  
14 everybody -- given the fact they weren't going to  
15 interview me, I can't guarantee everybody got  
16 interviewed.

17 Q Let me back it up. Were they taking notes during  
18 your --

19 A I don't recall. I don't recall.

20 Q Do you know if there was any documentation that was  
21 created as a result of this investigation?

22 A No knowledge. This is my assumption, when I wrote  
23 that letter I'm under the impression that whatever it  
24 was that they had laid out in front of them, they  
25 felt it was serious enough that the guy left the

1 office and was given an ultimatum to retire. It  
2 happened so quickly. As a result of my perception  
3 there, I would think that there's a file. It was  
4 more -- I put it in the letter, because I've never  
5 been told there was a file, but so that people don't  
6 think I'm making this stuff up, go to the file. If  
7 there's a file, it should have everything and  
8 anything that anybody ever said.

9 Q All right. Now, let's go back to where I was before  
10 in my sort of poor inartful question.

11 There's a suggestion in the letter that at least  
12 at some point you raised the issues -- the issue with  
13 respect to Mr. Hartman in connection with what you'd  
14 been reading in the newspapers. Okay. And that you  
15 asked whether -- I can go to your letter.

16 Here's what I'm referring to, because I think  
17 it's easier if I just direct you. You said, I  
18 thought -- what I'm actually talking about, "During a  
19 field office meeting, when acting inspector in charge  
20 Guy Cotrell, opened the floor for questions or  
21 concerns, I asked if the agency was doing anything to  
22 ensure the right person was being executed." That's  
23 referring to Spirko, right?

24 A Uh-huh.

25 Q Inspector Cotrell responded, "'We're aware of it.'

1 As a result of my asking the question, I was ordered  
2 to drive two hours to Pittsburgh, PA, for a meeting  
3 with Inspector Cotrell. At the meeting, I was  
4 threatened with increased scrutiny of my workload to  
5 ensure I did not have time to think up questions."

6 That's what I wanted to ask you about. Tell me  
7 what you do remember about the meeting and the  
8 aftermath of the meeting.

9 A When you use the term meeting?

10 Q The field --

11 A That I raised the question in, or the meeting he had  
12 with me in Pittsburgh?

13 Q Start with the meeting that you raised the question.

14 A That meeting, I alluded to it a little bit ago. The  
15 purpose of the meeting was a division -- I shouldn't  
16 say division of. Field office meeting where you got  
17 the inspection service and you have the office of  
18 inspector general. Two law enforcement agencies  
19 existing under purview of the postal service.

20 There's been a lot of give and take and not so  
21 much give and take between the agencies since it's  
22 come about. As a result of that, the inspection  
23 service, as well as the office of inspector general,  
24 that is my understanding, are trying to get some kind  
25 of an alliance where we're working together can't we

1 all get along. That was the purpose of the meeting.

2 Guy Cotrell who was the acting inspector in  
3 charge in Pittsburgh came over to give the troops  
4 what the organizations wanted out of us as to us  
5 getting along. That's pretty much what the meeting  
6 was for.

7 At the end of the meeting, Inspector Cotrell  
8 opened the floor for any other questions or concerns.  
9 There were a couple other people that asked  
10 questions. One of them, I've indicated in my  
11 interviews or wherever, Pete Drodofsky, I think,  
12 wanted to know if we were getting an early out or  
13 some garbage like that.

14 I waited for people to get done asking their  
15 questions, and I'm like, okay, I'm going to ask him.

16 Primary, just to set the stage here a little  
17 bit, I had already gone to Dugan Wong, my field  
18 inspector in charge, and asked him one on one, given  
19 the articles and what we in the office -- and Dugan  
20 has no knowledge of Paul Hartman -- but what we in  
21 the office know about Paul, what's the organization  
22 doing? And his response was nothing. But that he  
23 had concerns, he didn't say what they were. He said  
24 he had a meeting to go to, but he'd get back to me.  
25 That was preceding this meeting that Guy Cotrell had.

1 I had not heard anything back from Dugan. Part  
2 of me felt bad after I asked the question of Guy, Guy  
3 Cotrell, that I hadn't given Dugan kind of a heads up  
4 that I was going to ask him because I felt like, I  
5 had put Dugan in a bad position possibly.

6 Anyway, I raised the question, you know, what's  
7 the agency doing and Guy Cotrell's response was,  
8 we're aware of it.

9 My come back was, being aware of it and doing  
10 something about it are two different things. His  
11 come back was, I said we're aware of it.

12 I was like, okay, fine.

13 That's when I stepped out of the -- oh, there  
14 was an inspector in the room, Jim Bogden, who  
15 interjected himself in the conversation in a way that  
16 you could tell he was upset with the fact I asked the  
17 question.

18 He said the courts are aware of it. And he said  
19 it several times. I think I may have even responded,  
20 I wasn't talking to you. I addressed it to him.

21 So I walk out of the office and that's when  
22 Bruce Conner approached me and tried to explain to me  
23 what his knowledge of the investigation was and  
24 whatever. That meeting was on a Thursday that that  
25 took place.

1 Friday, the next day, I'm in my office and I got  
2 a call from one of the other bosses in Cleveland who  
3 was filling in as the top guy that day, Doug Cicil,  
4 called me and said, hey, I got a message from Guy  
5 Cotrell, he wants you in his office in Pittsburgh on  
6 Tuesday at 9:00. Which would have been after the  
7 holiday, which I guess was in February. What is  
8 that? Columbus Day or something. I don't know.

9 Q Presidents Day probably.

10 A Presidents Day. It was a Monday holiday. When Doug  
11 told me he wanted me in his office in Pittsburgh at  
12 9:00 on Tuesday morning, my first reaction is, the  
13 guy is screwing me, so much so that I'm thinking Doug  
14 was blowing smoke at me.

15 I said, are you kidding me?

16 He said no, I'm serious.

17 So I'm like, oh, okay. Whatever.

18 So ultimately I go over to that meeting. I get  
19 in the meeting.

20 Q Is it just you and Mr. Cotrell?

21 A Oh, yeah. He has my file laid out. I didn't realize  
22 this at the time that I went in there. Just as I'm  
23 sitting across the desk from you, except I was  
24 further back from his desk. He's sitting there, he  
25 has a file in front of him. I had no idea it was

1 something related to me.

2 He proceeds -- mind you, to kind of give you a  
3 little idea, I'm trying to give the guy the benefit  
4 of the doubt. My gut's telling me this guy is going  
5 to get on me. I checked with some people who I  
6 thought they knew him because I'm trying to get a  
7 handle on him. Am I misreading the guy? Maybe he  
8 wants to have me over there because he wants to find  
9 out what my concerns are. They're saying, the  
10 individuals I checked with, look, I don't really know  
11 that much about him, he seems like a good guy,  
12 whatever.

13 My gut's telling me the guy is going to get on  
14 me. I'm thinking, you know what, maybe you're  
15 getting paranoid or whatever. I'm going against my  
16 gut and I'm somewhat relaxed when I go in there.  
17 We're walking in, idle chit chat, how the drive was,  
18 whatever, blah, blah, blah.

19 He says close the door, I close the door. He  
20 tells me sit down, I sit down. He goes behind his  
21 desk. I'm sitting there with a cup of coffee still  
22 thinking there's a possibility he's going to try and  
23 ask me what my concerns are.

24 He starts off by saying, you know, these  
25 questions you're asking, I sense that there's a

1 certain amount of disrespect in these questions, and  
2 I don't know if you're trying to perform for people  
3 or exactly what it is that's motivating you. I've  
4 been getting all the words right. But then he goes,  
5 but, you know, I'm thick skinned -- and I may be  
6 getting it out of context -- he says, I'm thick  
7 skinned, you don't get to this position by not having  
8 a thick skin, I can let questions runoff. That last  
9 one, I was driving to West Virginia and it really  
10 bothered me. So much so that, you know, I wanted to  
11 sit down and talk to you about this. I've looked at  
12 your file and I noticed your productivity has dropped  
13 off lately. Maybe what we need to do is we need to  
14 have your immediate supervisor make sure that you're  
15 gainfully employed, so you don't have time to think  
16 up these questions.

17 The minute he started going this direction,  
18 literally I'm sitting there thinking, you know what,  
19 I was eligible to retire two years ago, whatever, I  
20 was this close to standing up, but I told myself,  
21 nope, don't say something you'll regret.

22 So he continued to go on, and it got to the  
23 point where I was just getting fed up. What's the  
24 bottom line, what are you telling me you're going to  
25 do to me?

1 He said, I'm not saying I'm going to do anything  
2 to you. He may have even said yet. I'm not sure.

3 We're going to have to make sure your immediate  
4 supervisor makes sure you're gainfully employed. I  
5 said, are you telling me I can't ask questions?

6 He said, no, you need to be aware of the  
7 questions you ask. He made some comment in there  
8 that I took what was a productive meeting and caused  
9 such a commotion, it had to end early.

10 I'm like is this the same meeting I was at. I  
11 was the last person to ask a question. People were  
12 getting up to leave. I said, is that all you have to  
13 say?

14 He said, yeah, and I stood up and got out of the  
15 room.

16 Q Do you know whether or not he contacted your  
17 immediate supervisor?

18 A On the way home I called my boss, Dale Kamps, and  
19 said, hey, I don't know if you're aware of it, I'm  
20 coming back from Pittsburgh. I was ordered over here  
21 and the guy reamed me. Evidently you'll have to  
22 start scrutinizing me. I'm not gainfully employed  
23 enough, and come up with these questions.

24 Dale denied he knew about it. Something to the  
25 effect, I'll have to start reviewing your cases.

1 Then a period of time went by and I didn't hear  
2 anything more about it. That was in February.

3 Guy Cotrell left Pittsburgh April 1st, I think  
4 it was, and then Robin Dagglish came back into her  
5 position.

6 I will say, Dugan said in our meeting, because I  
7 addressed that with him because we had a big  
8 discussion in my meeting with him about retaliation,  
9 he asked me if you said other inspectors are  
10 concerned, why haven't they spoken up?

11 And I said because they're afraid for their jobs  
12 and exactly what happened to me.

13 He pretty much indicated that he had a hard time  
14 believing that. I even hit him, I think, directly  
15 with, do you mean to tell me you weren't contacted by  
16 Guy Cotrell, and he didn't tell you what he wanted  
17 done with me.

18 And he said we may have had a conversation, but  
19 I don't know if he told me what his desires were.

20 Q I'm going back. When you say Dugan --

21 A Dugan Wong.

22 Q Okay.

23 A Field inspector in charge.

24 MR. HILL: If anybody needs a  
25 break, say so.

1 Q Are you okay?

2 A Uh-huh.

3 Q Let's go through some of the documents here.

4 - - -

5 (Plaintiff's Exhibit 1

6 marked for identification.)

7 - - -

8 Q Mr. Duerr, let me show you what's been marked now as

9 Plaintiff's Exhibit Number 1. Just ask for the

10 record if you can identify what it is.

11 A Based on what I see in front of me here, it looks to

12 me the letter that I sent to the governor.

13 Q It's dated August 22nd; is that right?

14 A That's correct.

15 Q Is that the date that you sent the letter?

16 A That's probably the date that I typed it. Yeah, it

17 would be the date that I sent it.

18 Q This particular copy that you have here in front of

19 you is not signed.

20 A I signed the one.

21 Q Is there a signed --

22 A I would have signed the one. I don't know, maybe

23 what I did was printed it out and signed the original

24 and didn't keep a copy signed.

25 Q But the --

1 A I would have signed the original.

2 Q The original that went to the governor was signed by  
3 you; is that correct?

4 A To the best of my recollection it was.

5 Q Did you consult with anybody before you wrote the  
6 letter?

7 A I may have talked to, you know, some of my peers,  
8 just -- you know what, I'm not positive about that,  
9 whether it would have happened before or after or  
10 both, but I know I've talked to people about it.

11 Q About the fact that you sent the letter?

12 A Correct.

13 Q And when you say you've talked to people about it,  
14 you've talked to people whom you've characterized  
15 before as your peers or colleagues within the office?

16 A Correct.

17 Q Again, just so we're clear, I think your prior  
18 statement was only one of them, Mr. Bogden, do I have  
19 that right, expressed some reservation as to whether  
20 or not he thought it was appropriate; is that a  
21 correct characterization?

22 A That's correct. He's the only one that's not  
23 expressed any concern about Mr. Spirko being executed  
24 based on the way things are right now.

25 Q Just for the record, I know you've mentioned names

1 before, but could you tell me the names, as best you  
2 recall, of these other inspectors who, in fact, have  
3 shared your concern?

4 A Oh, geez. I'd probably rather have a list of all the  
5 inspectors in the office and I could go down and  
6 eliminate who I haven't talked to. There's 30 some  
7 people.

8 Q Do we have a list?

9 THE WITNESS: The man.

10 MR. HILL: If you don't mind,  
11 since we're showing it to him, we  
12 ought to have it marked.

13 MR. RAE: I'd rather he read  
14 the list and testify the names.

15 MR. HILL: That's fine.

16 Q I'm presenting you a list that may not be exactly  
17 current, but a relatively current list that was  
18 provided by Mr. Rae, of postal inspectors within the  
19 office. And maybe you can go down that list and  
20 identify people with whom you've had conversations  
21 who have shared your concerns?

22 A Bruce Conner, Bob Gatz, Joe Long. Truthfully I don't  
23 remember if Joe actually told me whether he had  
24 concerns directly, but he's told other people and I  
25 did have a conversation with him and I can't

1 remember -- you know, he didn't come right out to my  
2 recollection and say, I have a concern, but the way  
3 he was expressing himself, it sounded like he did.

4 Mike Rae, I don't think I've talked to him  
5 directly, but I have an indication.

6 MR. PRICHARD: You've gotten  
7 what?

8 THE WITNESS: I'm sorry.  
9 Gotten indication from other people  
10 that he has concerns.

11 MR. RAE: Let it be handled by  
12 the Court.

13 THE WITNESS: I'm basing it on  
14 what other people have told me. I  
15 don't know what you said to him.

16 Q Your recollection.

17 A Dale Kamps, Emerson Samuals. Frank Piheker, Rob  
18 Dodyk, Pete Drodofsky, John Wascak, and there's other  
19 people that aren't on here.

20 Q Who do you recall that's not on the list? Are you  
21 done with it?

22 A Yeah. I'm trying to think who's all in the office.  
23 Are we talking inspectors or support people, too?

24 Q Well, let's divide it out.

25 A Okay. I'm trying to work through the office. See,

1 without having a list of other inspectors that are  
2 there, I'm trying to think of who else is there that  
3 I would have talked to.

4 Q To the best of your memory.

5 A That's why I'm trying to go down the halls. I don't  
6 remember other individuals. The reason I'm saying  
7 that, I'm trying to visualize some of the inspectors  
8 and determine if I've talked to them or if other  
9 people have indicated they've talked to them. And I  
10 don't want to say I've talked to them if they've  
11 talked to them.

12 Q Now, since writing the letter to the governor, has  
13 anybody from the governor's -- have you gotten a  
14 response from the governor's office to this letter?

15 A No, I have not.

16 Q Do you know whether or not the Attorney General's  
17 Office was provided a copy of this letter?

18 A No knowledge.

19 Q Did you write directly to the Attorney General's  
20 Office?

21 A No.

22 Q Now, you, if I understand the chronology here  
23 correctly, you followed up that letter with a letter  
24 a little short while later to Mr. Heath; is that  
25 right?

1 A That's correct.

2 MR. HILL: If I could have the  
3 letter to Mr. Heath marked, please,  
4 as Exhibit 2.

5 - - -

6 (Plaintiff's Exhibit 2  
7 marked for identification.)

8 - - -

9 MR. HILL: Just for the  
10 record, what I'm marking here is,  
11 the first page of this is really  
12 the e-mail that was provided to us  
13 by the Attorney General's Office,  
14 and Mr. Wille, which ultimately  
15 enclosed the letter.

16 Q Mr. Duerr, if I could refer you to the second page of  
17 that document, Plaintiff's Exhibit Number 2, and ask  
18 you, first of all, whether you can identify this  
19 second and third pages?

20 A Yes. This looks to me the letter that I sent to  
21 Chief Heath.

22 Q And it's dated August 31 of 2005. Do you recall how  
23 you sent it to Mr. Heath?

24 A Via e-mail.

25 Q In fact, if you could flip back to the first page and

1 look to the bottom of the first page, there's some --  
2 appears to be some indication that you sent the  
3 letter on, in fact, August 31, 2005 at 10:36.

4 A Yes.

5 Q Does that header sort of go with the letter?

6 A Yeah, that would be my understanding.

7 Q Did you draft this letter by yourself?

8 A Yes.

9 Q Show it to anybody before you sent it?

10 A No. I may have read it to somebody in my office, but  
11 I don't remember for sure. I do remember discussing  
12 it with Razor, indicating that I was going to send it  
13 because he basically said, hey, you know, you got to  
14 do what your conscious is telling you.

15 I mean, I had reservations, you know, about what  
16 happens to you when you speak out. Given the  
17 reactions that I was getting when I tried to bring it  
18 to local manager's attention.

19 Q Focus you on the letter for a moment.

20 A On the actual letter?

21 Q The actual letter itself. Second paragraph of the  
22 letter.

23 A Uh-huh.

24 Q In 19 -- I think some of this repeats what we've  
25 already testified to. "In 1993, I voluntarily

1 transferred to Cleveland, Ohio. My first assignment  
2 placed me under the supervision of Inspector Paul  
3 Hartman."

4 That's what you testified earlier was in effect  
5 about a one year assignment; is that right?

6 A That's correct.

7 Q "My experience working for this individual was less  
8 than desirable. I personally was subject to hostile  
9 treatment and constant harassment. I witnessed  
10 unprofessional comments and in some instances,  
11 conduct bordering on criminal."

12 Is there any information in addition to what  
13 we've already testified with respect to -- with  
14 respect to the unprofessional comments and conduct  
15 bordering on criminal you witnessed from Mr. Hartman?

16 A Regarding unprofessional comments, mind you the mind  
17 set when I wrote the letter, there is -- there were  
18 comments that Paul would make in open settings about  
19 this shooting that he was involved in way back before  
20 I got here, but the comments would be -- I don't  
21 remember how it would come up in the team meetings.

22 You know, right away I'm saying -- I don't know  
23 if Mike would have been in any of these meetings.

24 I personally heard him make, and I know other  
25 people have heard him make it, in talking about the

1 shooting, and possibly in kind of a way that he was  
2 just letting people know that, I don't know if you're  
3 aware of it, I was involved in a shooting and the  
4 comment was, I want to be the first person to shoot  
5 two people, the first inspector to shoot two people.

6 To me, I remember when that comment was made,  
7 there were new inspectors, relatively new inspectors,  
8 and I'm thinking why would somebody make a comment  
9 like that openly, even if that's what their desire  
10 was, why would you do that.

11 Q Was the suggestion that he had already been involved  
12 in one shooting?

13 A Correct.

14 Q And now he wanted to be the one that was involved in  
15 another shooting?

16 A That was my impression. There were comments, and  
17 this was a common thing with Paul, where he would,  
18 once again for lack of a better way to put an  
19 adjective to it, speak in Ebonics, whether he's  
20 talking to us, to other people in the office, or even  
21 individuals that we encountered on the street, just  
22 to me, it was just unprofessional.

23 Q Again, I don't want to -- unprofessional in that it  
24 appeared to you to be sort of mocking and  
25 disrespectful?

1 A Borderline racist in my opinion.

2 Q Anything else, other than what you've already

3 testified to, either with respect to unprofessional

4 comments or bordering on criminal that you witnessed

5 with respect to Mr. Hartman?

6 A As I indicated, as far as conduct bordering on

7 criminal, the situation that I personally witnessed

8 was the one with the robbery. That robbery on St.

9 Clair or whatever it was.

10 Other things would be things that other people

11 had told me.

12 Q And other -- obviously, the one woman who told you

13 that she had been asked to --

14 A Correct.

15 Q -- to falsify a search warrant affidavit. Anything

16 else in terms of what you had been told, other than

17 what you already testified about?

18 A There was one situation, and this is -- you know, I

19 don't know really how accurate it is. I was at some

20 kind of a retirement, going away function, or

21 whatever. This is after Paul was long gone. My

22 memory, at least to my recollection, it was after --

23 yeah, it was after.

24 Just standing around at this going away

25 retirement function with beers, a lot of local cops

1 and different people around. And I remember somehow  
2 this one detective became aware that I was a postal  
3 inspector, and because of my experience with Paul  
4 Hartman, any time somebody would bring his name up,  
5 because I don't want people -- you know, me having to  
6 say, yeah, Paul's great guy, Paul's this, Paul's  
7 that, when I inside do not care for the man. So when  
8 they would bring his name up, I wouldn't hesitate to  
9 let them know he's not one of my favorite characters  
10 in the world.

11 This one particular situation, I don't remember  
12 even the detectives name, but after I let him know  
13 that I really wasn't a fan of Paul's, he went onto  
14 say, do you remember the shooting that he was  
15 involved in?

16 And I said, look, I'm aware of it, but I really  
17 don't know that much about it. He said something to  
18 the effect, I was there, sometime if you get a chance  
19 and you want to stop up for coffee, we'll go out and  
20 I'll tell you what really happened.

21 I have no clue as to what the guy's name was,  
22 what ultimately he was referring to, other than he's  
23 making the comment to me that makes me think there's  
24 something else there.

25 It's stuff like this that I think about when I

1 write this letter. There may be nothing there. This  
2 may be some individual making a comment.

3 Q In your letter, you go on in the next paragraph,  
4 approximately '98, that's the date that you now have  
5 come to understand is the year 2000, actually?

6 A That's correct.

7 Q Do I understand correctly?

8 Again, you were approached by another inspector.  
9 Again to refresh my memory, who was the other  
10 inspector that questioned you?

11 A Bob Gatz.

12 Q You now learned it was approximately nine inspectors,  
13 not 15?

14 A That's correct.

15 Q And the rest of that paragraph is accurate, as best  
16 you recall; is that right?

17 A I'm just reading.

18 Q I'm sorry.

19 A Yeah, that's correct. Yes.

20 Q Then in the next -- in the next paragraph you refer  
21 to toward the end of that paragraph, "Based on the  
22 information presented in the articles and  
23 conversations with inspectors who were in the  
24 Division at the time, it appears an individual who  
25 did not commit the crime is going to be executed."

1 Do you see that sentence?

2 A Yes.

3 Q Do you stand by that sentence today?

4 A Yes.

5 Q And the conversations with the other inspectors, are

6 those the individuals that you identified a little

7 while ago when you went through the list?

8 A Dan Bonda, Emerson Samuals, John Wascak, Joe Long.

9 I've talked to all of them. And as I made it clear

10 in previous interviews, none of them, with the

11 exception of Danny, says that he felt it was two

12 other individuals, and mind you that's my

13 recollection of what he told me. None of them gave

14 me any indication that Paul did anything wrong in

15 that investigation.

16 What they were expressing is reading the

17 articles and knowing Paul, they had concerns about

18 Mr. Spirko being executed.

19 Q So again, they didn't express to you that they had

20 any personal knowledge of anything that Mr. Hartman

21 may have done improperly?

22 A That's correct.

23 Q Their concerns were based upon a combination of what

24 they had read, coupled with their own personal

25 knowledge of Mr. Hartman and his character; is that

1 fair?

2 A That's correct. Now, from what Joe has indicated, he  
3 kind of -- Joe Long has kind of gone back and forth  
4 with anybody he's talked to. You know, I think  
5 because he may be a friend, or he was a friend, he  
6 may still be a friend of Paul's. One minute he'll  
7 have issues and the next minute he's not sure if the  
8 right guy is being executed. The bottom line is  
9 he's -- there were concerns expressed at some point  
10 by him.

11 Q Has anybody ever expressed to you any concern that  
12 they have, beyond the Spirko case, possibly, about  
13 Mr. Hartman either fabricating evidence or lying in a  
14 court proceeding or saying things that weren't true  
15 or anything of that nature?

16 A I guess my answer is going to be no to that. You  
17 were kind of losing me as you were saying it. You're  
18 asking me outside of the Spirko investigation?

19 Q Right, has anybody --

20 A Anything other than what I laid out?

21 Q Other than what you've laid out?

22 A No, not that I can recall at the moment.

23 MR. HILL: Let me have marked

24 Plaintiff's 3.

25 - - -

1 (Plaintiff's Exhibit 3  
2 marked for identification.)

3 - - -

4 Q Mr. Duerr, let me show you what's been marked as  
5 Plaintiff's Exhibit 3.

6 First, let me ask you, first, did you -- I think  
7 you testified earlier about having been interviewed  
8 by Mr. Wong and Mr. Kamps. Do you recall that?

9 A Yes.

10 Q And how long did that interview last, as best you  
11 remember?

12 A Approximately an hour.

13 Q About an hour?

14 A Uh-huh.

15 Q And did they take notes?

16 A I can't speak for Dale. I don't remember if he did.  
17 He didn't really contribute a whole lot to the  
18 interview. Dugan was taking some notes, yes.

19 Q Was that interview, do you know if that was tape  
20 recorded or transcribed?

21 A It wasn't transcribed. It was tape recorded.

22 Q It was tape recorded?

23 A By me.

24 Q Do you still have the recording?

25 A Yes.

1 Q Were they aware it was being tape recorded?

2 A No.

3 MR. PRICHARD: What was your  
4 answer?

5 THE WITNESS: No. I'm sorry.

6 MR. PRICHARD: Sorry. I  
7 couldn't hear.

8 Q Have you seen the memoranda -- if you flip to the  
9 last page of this sequence, there's a Memorandum of  
10 Interview. Not clear on its face who prepared it, I  
11 guess. But have you ever seen that before?

12 A I saw it, the front page of it and that was only  
13 because somebody in my office -- first of all, I  
14 asked Dugan if I could have a copy of the memorandum  
15 that he generated as a result of my interview and I  
16 was told they couldn't give it to me. So I pretty  
17 much just left it lay.

18 I would say within the last week, maybe even  
19 less, today's Friday, had to be sometime between  
20 Tuesday and today, maybe Wednesday and today that  
21 somebody in my office said that Dan Bonda had seen it  
22 posted on the web site that Spirko's people have up.  
23 And they were bringing it to my attention because  
24 they said it's interesting the agency won't give you  
25 a copy of the memorandum, but the rest of the world

1 can get a copy of the memorandum.

2 Yes, I went on there and saw it. That appears  
3 to be one page of it, all that seemed to be posted  
4 there.

5 Q As far as you know the memorandum -- this is the  
6 extent of the memorandum, you don't have any reason  
7 to believe there's more to it than this one page, do  
8 you?

9 A I guess -- maybe in reading it, I felt that there was  
10 more discussed in that.

11 Q You felt that you had discussed more than what's  
12 reflected in this memorandum?

13 A For some reason. I just -- I mean, I'm telling you  
14 when I saw this on the web site and I read it, I'm  
15 like, okay, they must have cut off the rest of the  
16 memorandum. In fact, somebody else even asked me  
17 that.

18 They got the impression that there would have  
19 been more to the memorandum because I made the  
20 comment maybe it's inappropriate, but maybe they  
21 redacted or whatever.

22 Q And do you recall what it was that you believe may  
23 have been -- was discussed in your interview with  
24 them that didn't --

25 A I don't remember without sitting here and going back

1 over this thing, and trying to think back what made  
2 me think that. I don't know. I just felt this was  
3 only one page of a memorandum.

4 Q Looking at the last paragraph, and this is their  
5 characterization of what went on, not yours, I  
6 understand that, but, "Duerr stated his issue with  
7 the case came from his past dealings with Paul  
8 Hartman and Hartman's unprofessional conduct which he  
9 felt was borderline criminal. Duerr asserted Harman  
10 had demonstrated his propensity to lie based upon a  
11 statement he made in a sworn deposition where he  
12 stated he had been the subject of one Internal  
13 Affairs Investigation during his career. Duerr  
14 stated he knew there was another investigation  
15 regarding Hartman since he was involved in it, but  
16 did not know if there was ever an official Internal  
17 Affairs Investigation."

18 The one -- first of all, does that seem to be an  
19 accurate reflection of the conversation you had with  
20 these gentlemen on September 12th?

21 A Yeah. I think what they're getting at there was the  
22 fact that evidently in Paul's deposition that he gave  
23 at a clemency hearing or whatever, he was questioned  
24 as to whether he was ever a subject of complaints and  
25 he indicated that the only one that he was subject to

1 was the one involving the shooting, which because of  
2 my knowledge of what led to him leaving the agency,  
3 based on what I said, they were complaints.

4 That came to mind, as well as there was another  
5 situation that I am aware of. I can't speak for a  
6 fact on it, but an incident with somebody at the U.S.  
7 Attorney's Office, they may have complained to our  
8 agency about him.

9 Q Tell me about that incident, what you know about it.

10 A Some relationship Paul had with an assistant over  
11 there, and some situation where they weren't happy  
12 with what they saw with the relationship going on in  
13 the office, a personal relationship taking place in  
14 the office. I don't know any particulars of it. I'm  
15 hearing that who knows how many times removed. It's  
16 something I heard.

17 Q Which U.S. Attorney's Office?

18 A Here in Cleveland.

19 MR. HILL: Can we go off the  
20 record and take a five minute  
21 break? Is that okay, Guys?

22 MR. PRICHARD: Yes.

23 - - -

24 (Recess taken.)

25 - - -

1 MR. HILL: Back on the record.

2 I just have a few more questions,

3 Mr. Duerr.

4 Q The nine people who went into -- back in 2000, I  
5 think you've testified this, but I'm not very good at  
6 the note taking. Somebody actually has a record of  
7 who those nine were, that's the reason we know there  
8 are nine?

9 A You know, I can't tell you if somebody does or not.  
10 One of the nine -- I think it might have been Bob  
11 Gatz is the one that told me it was nine. Now, how  
12 he's recollecting that, I don't know.

13 Q What's -- as you sit here today, and I realize this  
14 is a number of years ago, what's your recollection of  
15 the number of people that were in that room? What  
16 names do you remember?

17 A Bob Gatz, Dan Bonda, J.C. Swinson, John Campisi,  
18 Emerson Samuals, Rich Powell. Somebody else. Terry  
19 Barrett.

20 Q And which one of those people was the one who had  
21 come to you and asked you to join them?

22 A Bob Gatz.

23 Q Now, the encounter that you had with Mr. Cotrell in  
24 Pittsburgh that you've already testified about, are  
25 your colleagues, were they made aware, did they hear

1 about what had happened there basically?

2 A Yes. I mean they heard from me.

3 Q It's not something that you kept to yourself?

4 A Absolutely not. I walked out of the office and went

5 to a counterpart who I worked with in Detroit who's

6 in Pittsburgh.

7 Q But back in Cleveland, everybody knows about what

8 happened?

9 A Yes.

10 Q And I'm assuming that your reassignment effective

11 October 1 is known to everybody in the office as

12 well?

13 A That's correct.

14 Q And have you shared with them your perception,

15 concern that that reassignment is in some measure, at

16 least, related to your writing these letters?

17 A I'm sorry. How did you phrase it?

18 Q Sorry. Have you shared with these -- your

19 co-workers, your concern, your perception?

20 A Yes.

21 Q Is that your reassignment is based upon writing these

22 letters?

23 A Yes. But as I also stated earlier, I mean, I'm not

24 trying to make something out of nothing. There's

25 possibilities it's routine, but the timing is

1 suspect.

2 Q And you've expressed that view to your colleagues?

3 A Correct.

4 MR. HILL: I don't think I

5 have anything further.

6 Yes, I do.

7 Q Would you be in a position to turn over a copy of the

8 tape recording of the meeting?

9 MR. HILL: If you want to talk

10 about that.

11 MR. McALLISTER: We would have

12 to discuss that.

13 MR. HILL: We would make the

14 request.

15 MR. McALLISTER: I'll speak to

16 my superior about that.

17 MR. HILL: Okay. Thank you,

18 Mr. Duerr. It's conceivable I may

19 have a couple questions after

20 Mr. Wille asks his questions.

21 MR. WILLE: I'm Chuck Wille,

22 and this is Tim Prichard, and we

23 represent the Ohio Attorney

24 General's Office. I do have a few

25 questions for you.



1 Q You said when questioned by Mr. Hill that you had had  
2 one case that you investigated on that had actually  
3 gone to trial?

4 A That's correct.

5 Q By that you mean whatever your investigative efforts  
6 were, that was the only case where the person's guilt  
7 or innocence was contested at a trial itself?

8 A Yes.

9 Q Was it's Mr. Mayle?

10 A Yes.

11 Q Could you tell us a little bit about that Mayle case?

12 A Yeah. Basically it involved an individual who  
13 originally lived in Canton, Ohio, and for whatever  
14 reason ended up in Florida, running a convenient  
15 store down there. There were two missing persons  
16 reports, or reports of people that had disappeared.  
17 Ultimately Mr. Mayle was charged with -- one of the  
18 individuals was found deceased. He was charged with  
19 the murder. Because of some technicalities with  
20 recantation by an individual who lived with David  
21 Mayle, in Florida law the charges were dropped. And  
22 I guess some issue with a speedy trial act down there  
23 where the clock continued to run, they couldn't get  
24 their case back in order in time. He can't be  
25 charged in that murder.

1 He subsequently moved back to Canton, Ohio, with  
2 his friend. And sometime after he was back in  
3 Canton, two other individuals came up missing. One  
4 of them was getting Social Security checks. They  
5 continued to be cashed. The local police contacted  
6 me and asked me if I'd get involved to pursue mail  
7 fraud charges, and ultimately through the courts, my  
8 investigation, we ended up convicting him on, I think  
9 it was six counts, five counts of mail fraud and one  
10 count of lying to a government agent.

11 And then at sentencing we put on an upward  
12 departure hearing relative to getting the maximum  
13 sentence on the mail fraud charges, which is what he  
14 ended up getting.

15 Q So this might sound like a silly question, you didn't  
16 secure his conviction for serial murder, correct?

17 A Well, at the sentencing Judge Gwin, federal judge in  
18 Akron, I guess because at the sentencing you need the  
19 preponderance of evidence, found him responsible  
20 for -- I don't want to misspeak -- it was either the  
21 death or the murder of these individuals and for that  
22 reason he departed upwardly on the sentencing  
23 guidelines.

24 Q Did you testify at the trial?

25 A Yes.

1 Q Did your testimony have anything to do with the proof  
2 of his murders or homicides?

3 A I'm sorry. Did my testimony have anything to do  
4 with?

5 Q With any relationship to his conviction of serial  
6 murder. Did your testimony have anything to do with  
7 regard to that?

8 A What it dealt with was establishing by a paper trail  
9 by a preponderance of evidence he was responsible for  
10 them.

11 Q You showed through a preponderance through a paper  
12 trail that he committed serial murder?

13 A Correct. When I say serial murder, that he was  
14 responsible for killing these individuals.

15 Q What paper did you obtain in your investigation that  
16 indicated that he killed multiple people?

17 A It would have been anything from receipts to, you  
18 know, medical records, checks. There was a multitude  
19 of different type of paper. Ultimately we created a  
20 timeline.

21 Q Did you testify in any other trials or hearings?

22 A You know, I may have periodically, but you know,  
23 specific ones don't come to mind. You're talking  
24 trials -- you said trials or hearings. There's a big  
25 difference. A lot of Grand Jury testimony.

1 Q Make it trials.

2 A Stuff like that. Trials, there may have been some,  
3 but nothing stands out in my mind.

4 Q Were you lead investigator on the Mayle case?

5 A I would say. It was a joint effort by myself, Secret  
6 Service, local police department, I think FBI was  
7 involved at one point. I think I was considered lead  
8 investigator.

9 Q Going back to your letter to Governor Taft. You  
10 indicate that -- see on the third paragraph you say,  
11 that it appears -- excuse me, second paragraph, you  
12 say, "It appears Mr. Spirko's conviction is based on  
13 the lies and omission of Postal Inspector Paul  
14 Hartman."

15 Just to clarify, you had no involvement at all  
16 with respect to the investigation of the Elgin, Ohio  
17 robbery and the abduction and murder of Mrs.  
18 Mottinger, correct?

19 A That's correct.

20 Q Your statement here today is that you -- obviously  
21 you are relying on what you have read in the  
22 newspaper; is that a fair statement?

23 A That's correct. That, coupled with, like I said, my  
24 experience with Paul Hartman.

25 Q What experience? Let me ask you this: Have you

1 ever -- obviously you've not examined or looked at  
2 the record of the evidence that was presented against  
3 Mr. Spirko, have you?

4 A No, I have not.

5 Q Have you ever read Mr. Hartman's testimony?

6 A The testimony at the trial?

7 Q At the Spirko trial.

8 A No, sir.

9 Q Have you ever read Mr. Spirko's testimony?

10 A No, sir.

11 Q Were you even aware that Mr. Spirko testified at his  
12 trial?

13 A I may have seen something that indicated that he did,  
14 but, you know, I'm -- anything that I know comes from  
15 the newspaper relative to the Spirko case.

16 Q Have you any knowledge, or have you ever looked at  
17 anything other than the newspaper with respect to  
18 what was presented by the prosecution at Spirko's  
19 trial? Have you read appellate opinion?

20 A No, not that I recall. No. Only reason I'm even  
21 hesitating is because I've seen the deposition that  
22 Paul gave at the clemency. I don't know if you're  
23 considering that part of it.

24 Q Tell me about that. Where did you see that  
25 deposition?

1 A That was on the Spirko web site.

2 Q Have you read other things on that web site?

3 A Yes.

4 Q And have you -- can I ask you this, are you basing

5 your opinion when you say it appears that his

6 conviction is based on the lies and omissions of

7 Inspector Hartman, are you in part basing it on what

8 you read on that web site?

9 A No, sir. That comes -- I wrote this letter, that

10 line right there relies on the article, articles.

11 Q So I guess it would be fair to say, to surmise what

12 you're telling me, you're prepared to state based on

13 what you read in the newspapers that it appears to

14 you that Mr. Spirko's conviction is based on the lies

15 and omissions of Postal Inspector Paul Hartman?

16 A What I'm saying is based on what I read in the

17 articles, it appears that he possibly lied or there

18 were things that were omitted.

19 Q You're prepared to state an opinion on that matter

20 based on what you read in the newspapers; isn't that

21 true?

22 A I'm not sure if I get what you're getting at.

23 Q I'm asking you a straightforward question. You are

24 prepared to state that your opinion that Mr. Spirko's

25 conviction is based on the lies and omissions of

1 Postal Inspector Paul Hartman, you are willing to  
2 state that opinion based on what you read in the  
3 newspaper; isn't that true?

4 A I guess that's what you're saying, yeah.

5 Q It's true, right?

6 And, of course, you have not read Paul Hartman's  
7 testimony, have you?

8 A No, sir.

9 Q You're not in any -- so therefore, you don't know  
10 whether Paul Hartman's testimony in any way was  
11 consistent or inconsistent with the evidence that was  
12 presented at the trial, correct?

13 A No, sir.

14 Q Now, your next paragraph you say, "For the last six  
15 months, I and other inspectors in the Cleveland Field  
16 Office have questioned whether our agency was making  
17 aggressive attempts to ensure justice is the ultimate  
18 outcome in this situation."

19 I take it you were referring to the inspectors  
20 you had mentioned earlier when you were questioned by  
21 Mr. Hill; is that a fair statement?

22 A Yes.

23 Q And it is a fact however, at least you recalled one  
24 inspector that he said he felt that the matter was up  
25 to the courts; isn't that correct?

1 A That's correct.

2 Q And you also talked to another inspector who told you

3 that in his opinion he thought that quote, "They got

4 the right guy;" isn't that true?

5 A That's what he said after he said that he was pretty

6 sure.

7 Q Okay. So he said he was pretty sure, and he said

8 that he thought they had the right guy, correct?

9 A Yes.

10 Q And that inspector was the person who said that he

11 had actually looked at the case file; isn't that

12 correct?

13 A That's correct.

14 Q And that, of course, is not mentioned in your letter

15 to Mr. Taft, correct, that there was an investigator

16 who looked at the case file that mentioned that

17 perhaps they got the -- who said they got the right

18 guy, you didn't mention that, did you?

19 A That's correct.

20 Q You mentioned to Governor Taft, "To at least delay

21 the execution of Mr. Spirko until it can be

22 sufficiently determined that he was truly convicted

23 on fact and not fabricated evidence and lies."

24 Mr. Duerr, are you aware of the number of

25 appeals that Mr. Spirko has presented?

1 A No, sir.

2 Q And are you aware of any number of judges that have  
3 looked at his case on appeal?

4 A No, sir.

5 Q Are you aware of any of the claims he made to those  
6 courts with respect to his conviction and sentence?

7 A No. You know, when I say, no, other than if I saw  
8 something on the web site. No, basically I have no  
9 knowledge.

10 Q It would be fair to say what you're telling the  
11 governor here is that you feel there should be some  
12 further effort to ensure that he was truly convicted  
13 on fact and not fabricated evidence and lies.  
14 Wouldn't that be fair to say you're asking the  
15 governor --

16 A I'm sorry.

17 Q Wouldn't it be fair to say you're saying in your  
18 letter here, you're asking the governor to delay the  
19 execution until some further process can be done to  
20 ensure this process is done correct; isn't that fair?

21 A Yeah. It was basically -- like I said, I had seen  
22 the articles and my knowledge of Paul Hartman made me  
23 believe that there's a possibility that he lied.

24 Q But when you made this request to the governor, you  
25 weren't really sure about how many times Mr. Spirko's

1 case actually had been looked at?

2 A No, sir.

3 Q You didn't know?

4 A No.

5 Q You didn't know whether or not those issues had been

6 looked at by the courts, right?

7 A No, sir, I did not.

8 Q So as we sit here today, as far as you know, someone

9 may have already looked and determined those

10 questions, and said, no, he wasn't convicted based on

11 lies and fabrications, right?

12 A That's correct. If I can expand on that?

13 Q Please do.

14 A In my mind, if the issues that I had to raise had not

15 been presented, then I had a concern if I didn't

16 speak up, and down the road it turned out he wasn't

17 the person. I would hold myself accountable for

18 that.

19 Q You had a concern about whether or not these things

20 had been presented to the courts, right?

21 A Right.

22 Q You don't know whether or not they had been presented

23 to the courts?

24 A No, I do not.

25 Q As you sit here today, they have been, as far as you

1 know?

2 A Exactly right.

3 Q Mr. Duerr, you talk about some incidents when you

4 first met Paul Hartman. Tell me again how long did

5 you actually work with or for Paul Hartman?

6 A Approximately a year.

7 Q And after that time, fair to say you haven't had much

8 contact with him after that?

9 A That's pretty accurate.

10 Q Okay. And you had indicated that when you first

11 started working for him, you thought he was getting

12 on you about the little things. Did I write that

13 down? You used those words, did I write that right?

14 A That's probably pretty accurate.

15 Q And you felt from comments he was squatting on you,

16 you used those words?

17 A (Witness nodded head.)

18 Q You felt that you were a little upset with respect to

19 a particular assignment. Tell me about that. You

20 mentioned something about Mr. Hartman was messing

21 with you with respect to a particular assignment, or

22 action he had taken with respect to your service.

23 Tell me about that again.

24 A I'm not sure what you're addressing there. I mean,

25 if what you're referring to is my assignment as far

1 as territory, center city Cleveland.

2 Q That's it. You felt he was messing with you with

3 that?

4 A Yeah. I mean, I just felt that it was a deliberate

5 attempt to put me as far away from my home territory

6 as possible. That was just my perception.

7 Q I see. Was there anything -- whatever Mr. Hartman

8 did to make you upset, there wasn't anything improper

9 about that? That was within his authority to do?

10 A Right.

11 Q You just felt that he did something that you thought

12 was unfair, right?

13 A Correct.

14 Q Even though it was permissible?

15 A Yes.

16 Q Under regulations and so forth?

17 A Yes.

18 Q You mentioned an incident with respect that

19 Mr. Hartman, or somebody had told you that

20 Mr. Hartman had said something about you might be

21 involved in a crime or something that you were

22 investigating?

23 A Yes.

24 Q Did you take that seriously? I mean, did you take it

25 seriously that one inspector was telling you that you

1 were a suspect in a crime?

2 A I would have to say coming from Paul Hartman he

3 probably was serious when he said it.

4 Q How did it make you feel?

5 A Didn't make me feel good, if that's what you're

6 getting at.

7 Q Did you report it to anyone? How did it make you

8 feel?

9 A You know, I don't remember if I did report it,

10 because at one point I had gone to the boss at that

11 time, because I just gotten to the point where I feel

12 the guy's, as I put it, messing with me.

13 Q Were you angry about it?

14 A Yes.

15 Q Did you go home and complain to other people, tell

16 your wife or family, if you ever one, about it?

17 A Yes.

18 Q Upset you?

19 A Yes.

20 Q Fair to say that you thought Hartman had it in for

21 you, right?

22 A I would say that that's pretty fair.

23 Q Now, you mentioned an incident with respect to a

24 search or surveillance. Do you recall Mr. Hill's

25 questions about that? You mentioned an incident that

1 you felt was improper concerning a surveillance of a  
2 possible robbery?

3 A Yes, yes.

4 Q Okay. Now, forgive me if I sound like I'm using  
5 things on cop shows, because I really don't know a  
6 lot about police procedure. You have an internal  
7 affairs unit, right?

8 A Uh-huh.

9 Q A unit that would investigate misconduct by officers,  
10 like unlawful force, things like that, right?

11 A Right.

12 Q Did you make a complaint with respect to this  
13 incident --

14 A No.

15 Q -- that you described?

16 A No, I did not.

17 Q It would be fair to say, however, you characterized  
18 this incident now -- at the time you did not think it  
19 was necessary to make a complaint to your internal  
20 affairs unit?

21 A Only because we, among ourselves, didn't let it come  
22 to fruition.

23 Q So you're saying as long as -- your opinion was as  
24 long as you can prevent other officers from breaking  
25 the law or using excessive force, you don't feel the

1 need to tell anybody about it, as long as you can

2 handle it yourself; is that what you're saying?

3 A No, I don't think I'm saying that. I'm saying this

4 particular situation we didn't permit what he was

5 telling us to do to happen. So there was no point in

6 bringing it up.

7 Q So that's just what I asked you, right? You said

8 even though you he did something which you describe

9 as bordering on criminal, you felt it was not

10 necessary to tell anybody about it, or report it to

11 internal affairs because you took care of it

12 yourself. Isn't that a fair assessment of what you

13 just said?

14 A I guess that's a fair assessment.

15 Q Now, you mentioned an incident with respect to

16 Mr. Hartman tying someone to the chair. Do you

17 recall some discussion about that?

18 A Yes.

19 MR. PRICHARD: I think it was

20 handcuffing.

21 Q Handcuffing, correct. Handcuffing to a chair.

22 A That's correct.

23 Q Clarify something for me, because I didn't understand

24 some things that you said earlier. Did you witness

25 this event?

1 A No, sir.

2 Q So you described something that someone else told to

3 you, right?

4 A Correct.

5 Q And the person who was describing this to you, was

6 that person relying on what they saw, or were they

7 relying on what somebody told them, as far as you

8 know?

9 A You know what, I can't speak for that person. I

10 don't know for a fact. I'm just telling you what the

11 story was.

12 First of all, when I heard the story way back,

13 it was in terms of handcuffing.

14 When the story recently was relayed to me, I

15 don't remember the person saying there were handcuffs

16 being used. I remember that they expressed it in

17 a way that they felt there was something improper

18 that was going on, and that they had walked in on it

19 and stopped whatever it was that was going on, and

20 ultimately tried to get the individual who it was

21 occurring to to calm down.

22 Q You used a phrase that caught me earlier. You said

23 something like you thought you might have dreamt

24 something. Do you remember when you used that

25 phrase?

1 A Uh-huh.

2 Q What you're saying here, you're not really sure

3 whether, in fact, the person told you about this

4 really talked about handcuffs?

5 A I'm sorry.

6 Q When you say this incident, you're saying now you're

7 not sure whether the person --

8 A I'm saying when I heard it way back, whoever told

9 that to me, it was something to do with a person

10 being handcuffed. I never really pursued it back

11 then.

12 Q Let me break this down then. Okay. So someone told

13 you something, right?

14 A Correct.

15 Q And you don't know who that was?

16 A Correct.

17 Q Somebody told you something about handcuffs, right?

18 A Correct.

19 Q But you're not sure exactly what that was?

20 A Correct.

21 Q And you're not exactly sure whether it was even about

22 handcuffs at all?

23 A No. I mean, I remember them telling me something

24 about handcuffs back then.

25 Q But you have a feeling that something was wrong,

1 right? You just said that about 30 seconds ago. You  
2 had a feeling that something improper was going on  
3 when this person talked to you, right?

4 A When that story was being relayed to me, whenever  
5 that occurred, I was under the impression something  
6 had happened that was wrong, yes.

7 Q One last thing. The person that told you this  
8 incident, you're not sure, or you don't know whether  
9 that person actually had personal knowledge or they  
10 were relying on somebody else telling them?

11 A Correct.

12 Q When you used the words that you might have dreamt  
13 something, what were you referring to? What part  
14 might you have dreamt?

15 A Only because when that story was relayed to me, I  
16 didn't know if it was for real or if it was something  
17 that somebody was embellishing on or whatever. So  
18 when I was bringing it up to another person, Razor, I  
19 think is who I said I discussed that with. I wanted  
20 to make sure that my memory wasn't like faulty.

21 Q So whatever -- whatever that person told you  
22 initially raised some question in your mind whether  
23 they might have been embellishing, right. Raised a  
24 question in your mind, you said, gee, I wonder if  
25 they're embellishing?

1 A That's fair.

2 Q I wonder if they're making this up?

3 A That's fair.

4 Q Whatever they told you, wow, it didn't sound

5 believable to you at first, right?

6 A I don't know if I would say it didn't sound

7 believable. I wasn't there. I didn't know about it.

8 I didn't know if it was something that -- what length

9 it was. I didn't really -- pretty much I heard it,

10 and didn't go anywhere further with it.

11 Q And so it's fair to say, then, you didn't know what

12 happened because you weren't there, and you still

13 don't know what happened because you weren't there,

14 right?

15 A Right, correct.

16 Q Was there any, to your knowledge, was there ever any

17 official complaint or report lodged with respect to

18 any incident like this?

19 A To my knowledge, no. I don't know.

20 Q You don't know?

21 A No, that's correct.

22 Q It would be fair to say if it did occur, somebody

23 didn't report it? Fair to say?

24 A I would say, yeah.

25 Q The way this was related to you, was it just

1 Mr. Hartman in the room, or were there other people  
2 involved?

3 A My understanding, it was him and one other inspector.

4 Q Did you know who that was, or did you get any dreams  
5 or suspicions about that?

6 A I was -- my understanding it was Mike Rae.

7 Q Who is that again? I'm sorry. I didn't hear you.

8 A Mike Rae.

9 Q I want to go back again to emphasize or ask you  
10 again, as far as you know no incident -- this was  
11 never reported to anybody, no complaint was --

12 A Not to my knowledge.

13 Q It could have been because somebody covered it up, or  
14 it could have been because it never happened, right?

15 A Whether it never happened or not, I would say, no. I  
16 would say based on what I was told by the individual,  
17 it happened, but what exactly happened, that is up to  
18 whoever has the information. That being Razor I  
19 would guess.

20 Q So again, you're telling me today, like you're  
21 prepared to state an opinion, or you're prepared to  
22 state a belief that something did happen based on  
23 something that somebody else told you that you have  
24 no personal knowledge on, you're ready to say that?

25 A I'm sorry?

1 Q My question is, so it's fair to say that you have an  
2 opinion, you believe that this incident with the  
3 handcuffs occurred based on someone's statement to  
4 you, based on someone's hearsay statement to you,  
5 even though you have no personal knowledge that it  
6 actually occurred?

7 A I guess that's a fair characterization.

8 Q Now, you mentioned another incident with respect to a  
9 search warrant and you indicated that there was  
10 someone who had related that Mr. Hartman had tried to  
11 get them to put false information in a search  
12 warrant. Do you remember that statement?

13 A Yes, sir.

14 Q Again, this person that you mentioned, this person is  
15 no longer with the postal service?

16 A Correct.

17 Q And at the time that this happened, again, how long  
18 was she with -- with the postal service at the time?

19 A Couple two, three years. I'm not absolutely  
20 positive.

21 Q Do you know how much experience she had in terms of  
22 the particular actions that she was doing at that  
23 time? How much experience did she have in going for  
24 search warrants?

25 A I don't know that.

1 Q Who do you -- you think Mr. Hartman had more  
2 experience or her at the time as to whether to apply  
3 for a search warrants and under what circumstances?

4 A I would say he had more experience.

5 Q And you have no knowledge with respect to the  
6 particular circumstances involved, correct?

7 A No, sir.

8 Q And you have no knowledge with respect to whatever  
9 happened with respect to the case, correct? You  
10 don't have any knowledge about what happened after  
11 the warrant was not issued?

12 A No, sir.

13 Q Do you have any personal knowledge whether the  
14 warrant was actually not issued?

15 A I have no knowledge.

16 Q And do you have any knowledge of any complaint ever  
17 being made by this person to internal affairs or some  
18 other agency to investigate misconduct by officers?

19 A I have no knowledge of that.

20 Q To your knowledge, it was never complained or there  
21 was no action taken?

22 A No, not to my knowledge.

23 Q Now, you were asked some questions, or you gave us  
24 some information about a meeting that occurred in  
25 January 2000.

1 A Yes.

2 Q Now, you had indicated to Mr. Hill initially -- in

3 your letter to Mr. Heath you indicated that that

4 letter had taken place at a different time.

5 A Correct.

6 Q But after thinking about it you realized it was 2000.

7 And you said you looked at your diary and so forth.

8 A Either my planner or my diary, or combination of

9 both.

10 Q It's fair to say this meeting was primarily about

11 some alleged sexist, racist remarks by Mr. Hartman;

12 isn't that a fair statement?

13 A No. I was under the impression that it was more

14 serious issues than that. I can't speak for what

15 other people told them. They would have to tell you

16 what they told, or what they expressed. What they

17 expressed to me, stuff they brought to my attention

18 sounded more serious than management stuff.

19 Q Again, though, you have no personal knowledge as to

20 what went on in the meeting, you weren't there?

21 A Individual, each individual meeting, no. I was at

22 the overall meeting at the outset, yes.

23 Q You don't have any particular knowledge or specific

24 personal knowledge about what any particular

25 complaint was that was discussed at the meeting?

1 A No, nothing in detail, no.

2 Q Now, Mr. Hill asked you some questions about some

3 things in the letter. You talked about -- I guess

4 I'll use the word threat, or that you had indicated

5 that perhaps you had felt you had been threatened a

6 bit after you had submitted the letter to Mr. Heath.

7 It's fair to say, that's a fair characterization of

8 what you were saying there, wouldn't you say?

9 A Back up. After I submitted the letter to Mr. Heath?

10 Q You had indicated that perhaps you felt you had been

11 threatened by your superiors as a result of having

12 sent a letter to Mr. Heath.

13 A I'm not -- I'm not positive about it. I interpret

14 what took place over in Pittsburgh as being a threat.

15 Q Exactly.

16 A Okay.

17 Q You called it a threat, right?

18 A I wasn't sure if you were referring to my assignment

19 change as being a threat.

20 MR. HILL: Point of

21 clarification, I think the letter

22 itself refers to the incident in

23 Pittsburgh. I don't know if the

24 perceived the threat was writing

25 the letter, since the letter refers

1 to it.

2 MR. WILLE: I see what you

3 mean. I apologize for that.

4 You're right. I did -- good point.

5 Q Let me ask you this, sir, do you feel as though you

6 were threatened in Pittsburgh? Do you think your

7 boss threatened you, right?

8 A When you refer to the term threat, threat physical

9 harm to me, he didn't. But there was threat of

10 scrutiny of my work product, increased scrutiny,

11 unusual scrutiny, just by the way he expressed

12 himself.

13 Q Correct me if I'm wrong, you said during the meeting

14 that your boss had indicated that he felt that there

15 was some disrespect in your question?

16 A Correct.

17 Q And would it be fair to say that at the meeting

18 itself you were suggesting that perhaps your agency

19 wasn't doing enough in terms of the Spirko case?

20 A I'm sorry. At the meeting I had with him?

21 Q At the initial meeting when you brought this up,

22 would it be fair to say your question suggested that

23 the agency was not doing enough?

24 A I would say that's fair.

25 Q It would be fair to say your boss might have felt

1 that was something of grave concern, that someone was  
2 criticizing the agency; fair to say?

3 A You know, I can't speak for him as to why he  
4 responded the way he did. I can tell you that I  
5 wasn't satisfied with that response.

6 Q Has your work product ever been questioned in the  
7 past?

8 A Probably.

9 Q Tell me about -- when? When do you recall it was  
10 questioned?

11 A I know it was questioned when I worked for Paul.  
12 Truthfully, outside of that, it may have been, but  
13 nothing of significance -- you know what, when I  
14 first came in the agency, yeah, the guy I worked for  
15 down there, he gave me unsatisfactory or something  
16 less than what I thought I should have gotten. So,  
17 yeah.

18 Q So the first time you had gotten unsatisfactory by a  
19 supervisor --

20 A All I know, he had questioned my work product.

21 Q What year was that?

22 A '84.

23 Q Can you remember who it was?

24 A Yeah, Doyle Williams. He's a retired inspector.

25 Q Where was that?

1 A Lexington, Kentucky.

2 Q Lexington, Kentucky?

3 A Uh-huh.

4 Q When was the next time, or any other time that you  
5 had complaints?

6 A You know, there may have been, but nothing  
7 significant. I mean my ratings always were what we  
8 classified as very good or outstanding.

9 Q Do you remember any specifics with respect to the  
10 complaint that you initially had from your supervisor  
11 about your work product?

12 A I'm sorry?

13 Q Any specifics about that complaint, what was he  
14 complaining about?

15 A Which person?

16 Q The first person you mentioned.

17 A Doyle Williams?

18 Q Yes.

19 A You know what, truthfully, I don't remember. All's I  
20 remember it was in a barn. We were out investigating  
21 some cistern blown up or something, and he had to get  
22 my evaluation in, so we went to a tobacco barn and  
23 that's where it was.

24 Q In terms of Mr. Hartman, what did Mr. Hartman find  
25 deficient in your work performance?

1 A You know, I don't know if it was anything in  
2 particular. You know, just the constant, you know,  
3 you aren't doing this, you aren't doing that type  
4 thing.

5 Q Give me an example.

6 A Truthfully, I think I even got a -- I don't know what  
7 the ratings were then, but whatever I got then, it  
8 wasn't like below the normal. I think the way, at  
9 that time, they were evaluating people, you either  
10 got unacceptable, a good, a very good, or  
11 outstanding. And I probably got a good. I don't  
12 remember.

13 Q Were those evaluations you just referenced written  
14 evaluations?

15 A Yeah, they should have been.

16 Q Would they reflect any particular concerns that  
17 Mr. Hartman may have had?

18 A I don't remember if there was. I don't think there  
19 was anything that was reflected on there. I don't  
20 remember.

21 Q If they did, would you have any difficulties with  
22 releasing those or letting them be --

23 A No, not at all.

24 Q -- be reviewed?

25 A I'm sorry?

1 Q You have no problem with that?

2 A No problem with releasing them to who?

3 MR. McALLISTER: Do you have

4 them?

5 THE WITNESS: They should have

6 them. I don't know if I still have

7 them. I know I keep a lot of

8 stuff. Whether or not I go back

9 that far, I don't know.

10 Q Would you personally have any difficulty if the

11 postal service released those to the attorneys in

12 this case?

13 A I would assume they haven't done that yet. Am I

14 correct?

15 Q Would you have any difficulty --

16 A From this point on, I wouldn't have any difficulty

17 with that, no.

18 Q Okay. I don't want to beat this dead horse, tell me

19 the best you can, if you can remember any particular

20 thing, little thing, big thing, that you did that

21 Paul Hartman criticized you for or indicated that he

22 had difficulties as far as being on the acceptable

23 level of performance?

24 A What?

25 Q Tell me again, as best you can, what little things or

1 big things did Paul Hartman say you did wrong?

2 A Weekly activity reports come to mind. You know,

3 where I felt that he was insisting that I turn them

4 in when other people didn't have to turn them in, or

5 whatever, which is on the scale of things, a little

6 thing. You asked me to recall something and that

7 comes to mind.

8 Q So he told you to turn in a report when it was

9 supposed to be turned in, right?

10 A Yes.

11 Q And you thought other people weren't being made to

12 turn in those reports?

13 A Correct.

14 Q So that made you unhappy?

15 A Yes.

16 Q Did you tell others about that?

17 A I may have.

18 Q And when you went home, did you talk about that to

19 your wife and say --

20 A Sure.

21 Q -- he's making me do these reports and not making the

22 other guys do them?

23 A I'm not sure if I addressed that issue. I'm sure I

24 complained to my wife. I guarantee you I complained

25 to my wife.

1 Q This, again, was during the course of one year that  
2 you had worked for Mr. Hartman?

3 A Yes, sir.

4 Q You mentioned an incident in which you were  
5 discussing Mr. Hartman's use of a gun and  
6 Mr. Hartman's shooting, and you mentioned an incident  
7 where you were talking about that at a party. Do you  
8 recall that?

9 A Yes.

10 Q Talking about that?

11 A Yes.

12 Q Tell me, again, who were you talking about -- who  
13 were you talking with at that party?

14 A I truly don't even know the man's name. He may have  
15 told me. It was a policeman. A detective, if I  
16 remember correctly. He just indicated that he was  
17 there. And for whatever reason said that if you ever  
18 get the chance, stop up and have coffee, stop up and  
19 we'll sit down and I'll tell you what really  
20 happened.

21 You know what, I mean at that point, number one  
22 Paul was out of my life. I had no desire to dig  
23 deeper into anything.

24 Q Okay. You said this person had told you something to  
25 the effect, I'll tell you what really happened?

1 A Yes.

2 Q Fair to say?

3 A Something to that effect.

4 Q Now, is it possible that what he meant by that was

5 I'll tell you that what happened was that Paul

6 Hartman was upset about this. Is that possible that

7 that's what he meant?

8 A Absolutely that's possible. I got the impression

9 from the way he expressed it, that there was

10 something more to the story.

11 Q Well, it's possible that he could have meant that

12 I'll tell you that Paul Hartman was pretty upset

13 about this as what really happened, right? It's

14 possible that he could have meant by saying what

15 really happened, that Paul Hartman was concerned

16 about it because it had to be investigated; isn't

17 that fair to say?

18 A Yes, sir.

19 Q Yet, what you're telling here, and tell me if I'm

20 wrong, you're suggesting when he said, I'll tell you

21 what happened, was that he meant something improper

22 happened; isn't that fair to say?

23 A The way he expressed it, I, you know -- mind you, two

24 people can hear the say same thing come out of

25 somebody's mouth and somebody can perceive it

1 differently. I'm telling the you the way I

2 perceived, maybe the way the story came out was

3 different than the way it actually occurred.

4 Q You're basing that on your perception. You don't

5 recall this person saying, I'll tell you something

6 really bad happened here, right? You don't recall

7 him saying that?

8 A No. It was my perception. No, he did not say that.

9 Q At this time, as far as you know -- you say you had a

10 few beers, or people were drinking beer at that time?

11 A Yes, sir.

12 Q Tell me again, make sure I understand this, you

13 weren't there, right? This person was telling you

14 about it?

15 A I wasn't at the shooting.

16 Q You weren't at the party? You said there was beer

17 and they were talking about this, right?

18 A Wait a minute. I was at the party.

19 Q You were at the party?

20 A Yeah.

21 Q You were talking to a person who was telling you

22 about something that happened, he was going to tell

23 you about the real story about Paul Hartman and the

24 shooting, right?

25 A That Paul was involved in, yes.

1 Q Okay. I understand.

2 Now, I'm going to clarify something. You  
3 mentioned that you discussed it with -- the Spirko  
4 case with other inspectors?

5 A Uh-huh.

6 Q Now, is it fair to say that those people that you  
7 talked to about this case did not have any  
8 involvement directly with the investigation of the  
9 post office robbery and the murder, with the possible  
10 exception of Mr. Bonda; isn't that true?

11 A No. Mind you, this is my understanding from what  
12 they told me. I think Emerson Samuals, John Wascak  
13 and Joe Long all were involved in the investigation.  
14 What their roles were there, for all I know they were  
15 told to stand on the street corner and guard  
16 something.

17 Q If they were involved, you don't know what level of  
18 involvement it was?

19 A Correct.

20 Q As you just said, they might have been going out and  
21 getting coffee, standing around, guarding the scene,  
22 doing something that had nothing to do with, or very  
23 little to do with the actual gathering of the  
24 evidence in the case?

25 A Correct.

1 MR. PRICHARD: Repeat those

2 names.

3 THE WITNESS: Joe Long, John

4 Wascak, Dan Bonda and Emerson

5 Samuals.

6 Q Now, it's fair to say, too, in your discussions with

7 them, as you indicated to Mr. Hill, that they never

8 indicated to you anything, or any statements at all

9 as to problems in the actual investigation; isn't

10 that true?

11 A That's correct.

12 Q Now, you had mentioned earlier something about --

13 clear this up for me, too, an incident with respect

14 to an affair, and some concern about the U.S.

15 Attorney's Office expressing a concern about an

16 improper relationship that Mr. Hartman had been

17 involved with. Do you recall your statements along

18 those lines?

19 A Yes, sir.

20 Q And as far as you know, that had nothing to do with

21 the Spirko case, right?

22 A No.

23 Q When did this incident occur that you were talking

24 about?

25 A Oh, geez. You know what, I couldn't hazard a guess.

1 It had to be somewhere in the last -- you know, I'd  
2 be guessing. Somewhere in the last five years.  
3 Between the time Paul left the agency and five years  
4 preceding that, but that's even a guess. Mind you,  
5 like I said, when I get off Paul's team, Paul was --  
6 I was done with him. So you know, I hear this stuff  
7 and it pretty much -- I can't say goes in one ear and  
8 out the other. Obviously it goes in one ear and it  
9 stays in there.

10 Q Then again, you don't remember any particulars about  
11 this or maybe you do?

12 A No.

13 Q In terms of who told you, or how you came about this  
14 knowledge?

15 A Well, it came from people in my agency, came from  
16 maybe some U.S. Attorneys, assistants that I worked  
17 with.

18 Q I see. Again, as far as you know, this would have  
19 nothing at all to do with Mr. Spirko?

20 A No, sir.

21 Q Any discussions we're having today with respect to  
22 the case?

23 A None whatsoever.

24 Q Now, I want to ask one more question, that is this --

25 MR. PRICHARD: Before you

1 say --

2 MR. WILLE: I take that back.

3 Q In your letter you say, or you talk about conduct  
4 bordering on criminal. As we sit here today, you  
5 have no recollection or information in regard to any  
6 serious complaint with respect to Mr. Hartman's  
7 performance in an investigation, you're not aware of  
8 any complaint of any criminal wrongdoing by him made  
9 to internal affairs or other agency to investigate  
10 such complaints in the postal service?

11 A No, sir.

12 MR. PRICHARD: Tom, you want  
13 me to ask my questions?

14 MR. HILL: I take it you don't  
15 have a ton of them.

16 MR. PRICHARD: No, I don't.

17 I want to ask you some  
18 questions about the case itself,  
19 Mr. Duerr.

20 - - -

21 EXAMINATION OF GREGORY A. DUERR

22 BY MR. PRICHARD:

23 Q Are you aware Mr. Spirko confessed to this crime?

24 A The reason I'm aware of it is either there was  
25 something maybe in the article and/or on that web

1 site.

2 Q What do you recall being in the article or web site  
3 about the confession?

4 A You know, truthfully, I don't remember a whole lot.

5 MR. HILL: For the record, we  
6 would object to the  
7 characterization of the question.

8 A I don't really recall.

9 Q Do you recall --

10 A I do remember hearing that he did possibly.

11 Q Are you aware that he told investigators that he was  
12 at the house where the victim was located, she ran  
13 from the house, he tracked her down and tackled her  
14 and held her there while someone else stabbed her.  
15 Are you aware he said that?

16 A No, sir.

17 Q You had no idea that he told investigators that?

18 A No.

19 Q Was it your impression the confession that you read  
20 about was given only to Paul Hartman and no other  
21 investigators?

22 A No.

23 Q You really don't know?

24 A I have no detail about it.

25 Q Are you aware that that confession was given to other

1 investigators?

2 A No.

3 Q Are you aware that Mr. Spirko on the witness stand

4 acknowledged that he said those words, said that

5 confession to investigators?

6 A No, sir.

7 Q All these people you talked about the case with at

8 the postal inspectors, did any of them point that out

9 to you?

10 A No, not that I recall.

11 Q What about Dan Bonda?

12 A No, he did not.

13 Q Mr. Long also worked on the case?

14 A No.

15 Q Starts with a W?

16 A John Wascak.

17 Q Did he point that out to you?

18 A No.

19 Q Emerson?

20 A No, nor did Bruce conner.

21 Q Or Bruce Conner. Thank you.

22 Any of them point out to you in another

23 interview that was tape recorded that he told

24 investigators, I'll give you proof beyond any doubt

25 that I'm the man you're looking for, that I'm your

1 boy. Are you aware he said that?

2 A No, sir.

3 Q That Mr. Spirko then asked for the tape recorder to

4 be turned off?

5 A No, sir.

6 Q You're not aware of that?

7 A No, sir.

8 Q Are you aware that Mr. Spirko wrote a letter to his

9 girlfriend from prison stating these words, I

10 definitely told Paul things that only the people who

11 did this shit would know. There are no if's and

12 and's about that. Paul knows that I know. Are you

13 aware Spirko wrote that?

14 A I'm aware there's a letter to his girlfriend based on

15 the way it was articulated in the article in the

16 newspapers.

17 Q What is your understanding of that letter --

18 A I really don't have -- other than what was in the

19 paper, I don't have an understanding of the letter.

20 Q Is your memory of the paper what I just stated to

21 you?

22 A It seems to me -- some of it. You know, because

23 of -- I'm here to make sure I'm telling the truth.

24 I'm not going to say positively that came from the

25 newspaper, or it came from the web site, whatever.

1 I'm aware of a letter being written to his  
2 girlfriend.

3 Q Are you aware that that was in his handwriting?

4 A No, I can I'm not.

5 Q You're not aware it was analyzed to be his  
6 handwriting?

7 A No, I'm not.

8 Q Are you aware he acknowledged on the witness stand he  
9 wrote that letter?

10 A No, I'm not.

11 Q In fact, he acknowledged yesterday that he wrote that  
12 letter?

13 A No, I'm not.

14 Q I'm trying to find out what you're basing your  
15 opinion on.

16 A I explained it, on the articles and my knowledge of  
17 Paul Hartman.

18 Q You're aware of Delaney Gibson, coconspirator,  
19 codefendant?

20 A Yes.

21 Q What are you aware of with Mr. Gibson?

22 A That he was charged with Mr. Spirko. Ultimately his  
23 was dismissed. Once again, that comes from the  
24 articles.

25 Q Okay. What else is your understanding from the

1 articles about Mr. Gibson?

2 A That he supposedly has an alibi or something that

3 puts him away from the area possibly at the time.

4 Q Okay. Are you aware that Mr. Gibson was interviewed

5 by inspectors on three separates occasions? I

6 believe it was three, correct me if I'm wrong.

7 A I believe he was interview, but I have no idea how

8 many times.

9 Q Are you aware Mr. Gibson didn't report this alibi for

10 August the 9th or 10th to anyone?

11 A No.

12 Q Are you aware Mr. Spirko acknowledged he mentioned

13 the name Delaney Gibson?

14 A I'm sorry.

15 Q Mr. Spirko came forward with the name Delaney Gibson

16 being involved in the crime?

17 A Yes.

18 Q That he acknowledged that from the witness stand?

19 A That, I'm not aware of.

20 Q The investigators involved in the case point these

21 facts out to you with the Gibson alibi?

22 A You know what, Bruce may have said some stuff, but

23 nothing stands out in my mind. Bruce Conner.

24 Q Do you recall what year the crime occurred?

25 A Seems to me it was '82.

1 Q '82?

2 A Yeah.

3 Q Which was 23 years ago?

4 A Correct.

5 Q Could it be from the passage of time that these guys  
6 don't remember these details?

7 A Which guys, the inspectors?

8 Q The inspectors who were involved in the case that  
9 you've had conversations with.

10 A It's possible.

11 Q But they didn't point them out to you when you  
12 expressed concerns --

13 A No.

14 Q -- about the case?

15 A No.

16 Q Are you aware whether or not they even knew those  
17 details at any time?

18 A No, no knowledge.

19 Q All right. You said in your letter to the governor  
20 that there should be more time to be sure justice is  
21 being served here?

22 A Yeah, if for no other reason, I had concerns and  
23 nobody would listen to them.

24 Q Are you aware Judge Carr out of Toledo recently  
25 granted Mr. Spirko's attorney leave to conduct

1 depositions of witnesses involved in this case, or  
2 any witnesses they thought could have knowledge of  
3 this case?

4 A I'm aware that there was --

5 MR. HILL: I would object to  
6 the characterization of what Judge  
7 Carr allowed us to do.

8 A I'm aware there's a case with Judge Carr, was a case,  
9 or is a case, or both, out of Toledo.

10 Q Are you aware he granted leave to Mr. Spirko's  
11 attorneys to conduct depositions?

12 A I can't say I'm aware of that, but I'm aware he's  
13 made motions relative one way or another.

14 Q Are you aware there were nine witnesses deposed?

15 A If you're referring to people like Paul and Tom  
16 Strausbaugh, and other inspectors, yes, I'm aware.  
17 As far as really knowing what they went into, no.

18 Q Are you aware that Mr. Spirko's attorneys selected  
19 those nine witnesses as persons they wanted to be  
20 deposed?

21 A No, I can't say I'm aware of that.

22 Q Are you aware all nine witnesses testified they were  
23 firmly convinced of Mr. Spirko's guilt?

24 A No, I was not.

25 Q Okay.

1 MR. PRICHARD: I don't have  
2 anything else.

3 MR. HILL: Off the record for  
4 a minute.

5 - - -

6 (Recess taken.)

7 - - -

8 MR. HILL: We have no further  
9 questions.

10 We want to thank you. And we  
11 do have our request on the table  
12 for you to share the tape recording  
13 of that meeting, which I guess if  
14 it were to be shared, obviously  
15 would be shared with both sides.

16 - - -

17 (Deposition concluded.

18 Signature not waived.)

19 - - -

20

21

22

23

24

25



1 STATE OF OHIO, ) CERTIFICATE  
 )  
2 COUNTY OF CUYAHOGA )

3 I, Margaret Elmo, a Notary Public within and  
4 for the State aforesaid, duly commissioned and  
5 qualified, do hereby certify that the above-named  
6 GREGORY A. DUERR, was by me, before the giving of his  
7 deposition, first duly sworn to testify the truth,  
8 the whole truth, and nothing but the truth; that the  
9 deposition as above set forth was reduced to writing  
10 by me by means of stenotype, and was later  
11 transcribed into typewriting under my direction; that  
12 said deposition was taken in all respects pursuant to  
13 the stipulations of counsel herein contained, and was  
14 completed without adjournment; that the foregoing is  
15 the deposition given at said time and place by said  
16 GREGORY A. DUERR; that I am not a relative or  
17 attorney of either party or otherwise interested in  
18 the event of this action.

19 IN WITNESS WHEREOF, I hereunto set my hand and  
20 seal of office at Cleveland, Ohio, this 7th day of  
21 October, A.D. 2005.

22  
23  
24  
25

---

Margaret Elmo, Notary Public  
My commission expires: 11/21/07.