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1 A **Would have certainly concluded.**  
 2 Q Good.  
 3 MR. SOMMERS: Now let's have this  
 4 marked as an exhibit.  
 5 (Exhibit 29 marked  
 6 for identification)  
 7 Q This is page 61 of Robert Krenz's deposition of  
 8 April 8, 2005. I think that is identified at the  
 9 top. Do you see that?  
 10 (Witness looking at exhibit)

11 A **Yes.**  
 12 Q And it was done by Verbatim, and this is page 61;  
 13 correct?  
 14 A **It's certain to be accurate. Thank you.**  
 15 Q And let's go down to the bottom. There's a circle.  
 16 And you would agree that there the question is, "So  
 17 isn't this real simple? You just cannot testify that  
 18 he never locked his brakes prior to leaving the road?  
 19 It's that simple; right?" To which Krenz testified,  
 20 "Yes"?  
 21 A **That's what it says.**  
 22 Q So you would agree, too, that Krenz's testimony right  
 23 there again is in direct contradiction to his  
 24 prior --  
 25 A **It seems to be contradictory to me.**  
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1 Q -- his prior sworn testimony? Now, you would agree  
 2 that there's such a thing as false swearing? You're  
 3 aware of that; right?  
 4 A **Yes.**  
 5 Q And false swearing basically is if one testifies on  
 6 two separate dates to two things that are  
 7 contradictory knowingly?  
 8 A **Okay.**  
 9 Q That's laymen's definition.  
 10 A **All right.**  
 11 Q Wouldn't you agree that here there is at least a  
 12 prima facie case that that's what occurred in this  
 13 case?  
 14 A **These things suggest that, yes.**  
 15 Q And will you agree that someone should be at least  
 16 obligated to look into it?  
 17 A **Yes.**

18 MR. SOMMERS: Let's have these two  
 19 stapled together and have that marked as an  
 20 exhibit please.  
 21 (Exhibit 30 marked  
 22 for identification)

23 Q I'm handing you what has been marked as  
 24 Exhibit No. 30, and that's pages 79 and 94, is it  
 25 not, of Robert Krenz's testimony on April 8, 2005?  
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1 A **Looks like it.**  
 2 Q You would agree, would you not, that, in regards to  
 3 the top of page 79, basically Mr. Krenz is testifying  
 4 that the photographic evidence that relates to the  
 5 brakes being locked is the evidence that relates to  
 6 basically at the edge of the road?  
 7 A **Can I get a little closer?**  
 8 Q Sure.  
 9 (Witness looking at exhibit)  
 10 A **I see that, yes.**  
 11 Q Would you agree, too, that, on 94, he reiterates  
 12 that? "That it's the photograph that indicates that  
 13 the brakes were locked prior to leaving the roadway."  
 14 Or it's that photograph. Yeah. "That photograph  
 15 just prior to leaving the roadway." And he says,  
 16 "Just prior to, yes."  
 17 A **Yes, I see it.**  
 18 Q Now, that photographic evidence that he is talking  
 19 about is the very same photographic evidence that  
 20 Paul Humphrey was responsible for not being produced  
 21 in court because he told Deputy Gnacinski to remove  
 22 the subpoenaed evidence.  
 23 A **Were you asking me?**  
 24 Q Yeah. You would agree, would you not, that the fact  
 25 that this photographic evidence is the same  
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1 photographic evidence that proves an expert summary  
 2 and expert testimony was false is, in itself, very  
 3 disturbing?  
 4 A **It's certainly a concern.**  
 5 Q You would agree, would you not --  
 6 A **What I don't remember is what Judge Higginbotham did  
 7 with it or anything, and I'm not remembering what --**  
 8 Q The deposition testimony was not in front of you ever  
 9 because you were gone as of summer of 2004. His  
 10 testimony in front of Judge Higginbotham, though, was  
 11 in front of you, as was the affidavit.  
 12 A **You mean it was part of the file?**  
 13 Q It was part of the file and, actually, something I  
 14 had raised in my motion of May 4, 2004. Now, the  
 15 point I'm just trying to get to right now is you  
 16 would agree, would you not, that it is a very  
 17 disturbing, let's say, coincidence that the  
 18 photographic evidence that Humphrey had not produced  
 19 in court on August 22, 2002 is the very same  
 20 photographic evidence that proves that the expert  
 21 summary is false and proves that the expert testimony  
 22 is false?  
 23 A **I don't know. I can't tell from all this.**  
 24 Q You would agree, would you not, though, that there  
 25 should be some investigation into whether or not that  
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