MS. FALK: I believe this was asked and answered at the last deposition.
THE WITNESS: Yeah.
MR. SOMMERS: I think it's slightly different.
Q. But go ahead.
A. I'm sorry?
Q. This is information that the state should not have withheld from you?
A. And I think I may have made reference last time when you asked some similar question, that, you know, I note that it's a confidential personnel matter and I don't know what hurdles that presents for anybody in the process, but it would -- the answer would generally be yes.
Q. No. I think your -- right. I think that you agreed that the information -- that's potentially exculpatory, correct?
A. Yes.
Q. And that potentially exculpatory evidence is evidence that the state is obligated to provide to the defense?
A. I think so.
Q. Okay. And that would have been relevant in regards to our motion on Kevin McCoy?

A. Yes.
Q. Basically the state there would have been conceding what the defense alleged had happened to Kevin McCoy?
MS. FALK: Object to form.
MR. SOMMERS: Okay.
A. Yes.
Q. And they never did concede that while you were judge?
A. Not that I can recall.
Q. Okay. And you would agree, would you not, that if Kevin McCoy is a witness at trial, it affects the defendant's right of due process if it is suppressed that he was basically pressured or -- into making a statement?
A. Could you repeat that, please?
Q. You would agree, would you not, that the -- basically the treatment of Kevin McCoy would have been relevant to basically his testimony?
A. Well, yes.
Q. And you would agree, would you not, that if a, let's say, statement of Kevin McCoy was introduced against Adam Raisbeck, it would have been important for the defense then to be able to show the jury that the statement was possibly the

product -- strike that.
It would have been -- if Kevin McCoy -- if a statement of Kevin McCoy was introduced during the prosecution, it would have been relevant, would it not, for the defense to be able to show to the jury that the statement was a possible product of harassment?
A. Yes.
Q. And if this case would have gone to trial, the defense would not have been able to do that, would they?
A. I don't know how it would have developed.
Q. Well, you would agree, would you not, that if, let's say, that statement or the -- or the concessions of Brian Blanchard's letter has great impact on basically Kevin McCoy as a witness?
A. When you -- maybe I misunderstood. I thought you meant if it had gone to trial when it was scheduled before me.
Q. Right.
A. Now I'm not sure. What is your question?
Q. Well, you would agree, would you not, that the state -- that the information contained in Brian Blanchard's letter would have been relevant to the Adam Raisbeck trial?

A. It could have been, yes.
Q. Yes. And it could have -- and it could -- and basically is if Kevin McCoy's statement was introduced without the concession of Brian Blanchard's letter, that could have led, could it not, to Adam Raisbeck being wrongly convicted?
A. I don't know.
Q. It's a possibility, isn't it?
A. Possibilities? Yeah. I'll say it's a possibility.
Q. Yeah. In fact, wouldn't it have been -- and wouldn't I have the -- as defense attorney had a responsibility to try to basically counteract that possibility?
A. Yes.
Q. And couldn't I have just -- and couldn't that possibility just have been counteracted if you merely would have taken evidence in regards to -- to Kevin McCoy's treatment?
A. I don't know.
Q. Well, you were provided, were you not, with sworn affidavits from Kevin McCoy saying he was mistreated?
A. I don't recall.
Q. Well, I think we went through all this last time.