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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ESTATE OF OTTO ZEHM, deceased, and
ANN ZEHM, in her personal capacity and
as representative of the Estate of Otto
Zehm,

NO. CV-09-80-LRS

Plaintiffs,

DECLARATION OF
JODY DEWEY

v.

CITY OF SPOKANE, JIM NICKS, KARL
THOMPSON, STEVEN BRAUN, ZACK
DAHLE, ERIN RALEIGH, DAN TOROK,
RON VOELLER, JASON UBERAGA, and
THERESA FERGUSON, each in their
personal and representative capacities,

Defendants.

I, JODY DEWEY, declare under penalty of perjury, that the following is true
and correct.

1. I make the following declaration based upon my own personal
knowledge.

DECLARATION OF JODY DEWEY- 1

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1 2. I am employed as a Forensic Specialist for the Spokane County
2 Sheriff's Office (SCSO) I have been employed by the County since 1999.

3
4 3. On March 18, 2006, I was dispatched to process a crime scene at a
5 Zip Trip store on North Division Street in Spokane, Washington. As I understood
6 it, a person had been arrested by officers and there had been a struggle between
7 that person and the officers, and the individual was at the hospital and may die.

8
9 4. I was subpoenaed by the United States Attorney to testify before a
10 grand jury about the Otto Zehm investigation on March 12th 2009 (unsure if
11 testified on this date). During my testimony I was asked by the prosecutor a
12 general question regarding the word lunge. I believe I testified to the effect that, "I
13 could have heard that from someone at the scene, or I could have heard it at the
14 autopsy, or I could have heard it in the media." I was not sure when I had heard
15 that or from whom or if I had used the word "lunge" at some point in time during
16 the initial investigation or during follow-up investigation or pre-trial meetings.

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19 5. I know Det. Mark Burbridge of the Spokane Police Department is a
20 colleague from a neighboring law enforcement agency. On July 20th 2009, Mark
21 came to my office at the Forensic Unit and asked to speak to me. I agreed and we
22 went to a conference room. He asked me if I remembered anything about the use
23 of the word, "lunge" at the crime scene with respect to the Zehm investigation. I
24 told him that I remembered hearing the word at some point in time, and that it
25 might have been at the scene, or on the news, or at the autopsy, but that I was not
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DECLARATION OF JODY DEWEY- 2

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1 sure when. I then told him that that was how I testified regarding the word lunge
2 before the grand jury.

3
4 6. I asked Det. Burbridge "what's the big deal about the word lunge"?
5 He said that during his pretrial meeting with prosecutor Tim Durkin, that Mr.
6 Durkin told Mark that if he testified to the content of his report that it is possible
7 he would be indicted or arrested because they have statements from Jodie Dewey
8 that shows possible misconduct at the scene and inaccuracies in his report.

9
10 7. Mark's demeanor was normal during our conversation. He was not
11 upset. We even laughed about things during our conversation.

12
13 8. After our conversation, I thought about things overnight, and decided
14 that I would like to see my grand jury testimony. I had concerns about being able
15 to remember my grand jury testimony in the future after my conversation with
16 Detective Burbridge. I contacted my supervisors, one of whom contacted Mr.
17 Durkin. Mr. Durkin then contacted me by telephone on July 27th regarding my
18 request for a transcript of my testimony. He told me that normally the criminal
19 defendant receives a copy of the entire transcript, but that if I were called to testify
20 at trial, I would be shown my testimony beforehand.

21
22
23 9. Mr. Durkin said that he wanted to talk to me about Mark Burbridge.
24 During our conversation he indicated that since I had spoken to my supervisors
25 regarding my testimony that he was concerned that I seemed to be under distress,
26 I told him I was not distressed regarding my conversation with Detective
27 Burbridge, but I found the entire grand jury process stressful.
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DECLARATION OF JODY DEWEY- 3

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1 10. To the best of my knowledge this is a synopsis of my recollection of
2 the telephone conversation. At one point during our conversation Mr. Durkin
3 asked, "what did Mark ask you about your grand jury testimony?" I told him
4 Mark did not ask me about my grand jury testimony, he asked me a question and
5 that I answered his question and in my answer I gave information regarding my
6 grand jury testimony. Mr. Durkin asked me again, several times, "what did Mark
7 ask you about your grand jury testimony?" I told him, again, each time that Det.
8 Burbridge did not ask me about my testimony, that he asked me a question and
9 that I simply answered Mark's question and additionally told Mark that is what I
10 told the grand jury. Mr. Durkin said, "Well, I know you guys are friends." I told
11 Mr. Durkin, "no, we're not friends we work together."

12 11. Toward the end of my conversation with Mr. Durkin he said that he
13 would have Lisa Jangard, an FBI agent, contact me to take my statement about
14 this matter. I told him that would be okay.

15 12. Lisa Jangard came to my office, where I was interviewed by her in the
16 presence of my supervisor and John Tilley who was with agent Jangard. Agent
17 Jangard asked me about my conversation with Det. Burbridge. I told her about
18 the entire conversation.

19 13. I do not understand what is significant about the use of the word,
20 "lunge," at the crime scene. The word was not significant to me at all; I would
21 have conducted my job exactly the same regardless of whether I had heard the
22 word lunge at the scene or didn't hear the word lunge at the scene. I may have
23

1 heard the word at the scene. I might not have. I believe that is consistent with
2 my testimony.

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4 DATED this 21st day of September, 2009.

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6 
7 JODY DEWEY

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2009, I electronically filed the foregoing "Declaration of Jody Dewey with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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