

STEPHEN HOWARD (#8531)
Attorney for Defendant
CRIPPEN & CLINE, L.C.
10 West 100 South, Suite 425
Salt Lake City, Utah 84101
Telephone: 801-449-1409
Fax: 801-322-1054

IN THE UTAH COURT OF APPEALS

STATE OF UTAH	:	AFFIDAVIT OF
	:	GEORGE PAPCUN IN
Plaintiff / Appellee,	:	SUPPORT OF MOTION
	:	TO REMAND UNDER
v.	:	UTAH R. APP. 23B
	:	
EUGENE CHRISTOPHER WRIGHT,	:	Case No. 20100655-CA
	:	
Defendant / Appellant.	:	

Having been duly sworn, the affiant testifies as follows:

1. My name is George Papcun.
2. Sometime in October, 2011, I was contacted by Stephen Howard, an attorney who stated that he was working on a criminal case involving the prosecution of Eugene Christopher Wright (hereinafter "Mr. Wright") by the State of Utah (the above-captioned case).
3. Mr. Howard asked me to analyze certain voice recordings and to determine, if possible, whether the recordings represented the same voice or different voices.

4. My formal education includes a Ph.D. degree from the University of California Los Angeles (UCLA) in Linguistics, with a specialization in Acoustic Phonetics.
5. My experience in this field includes analyzing hundreds of recordings with issues such as those presented in this matter. I have been employed by government agencies on technical matters such as those presented in this matter. I have also published relevant technical articles.
6. My training and experience is set forth in more detail in my curriculum vitae, which is attached hereto as "Addendum A" and incorporated herein by reference.
7. Sometime around the first of November, 2011, I received three compact discs (CD's) from Mr. Howard, via United States Mail:
 - a. a CD labeled "State of Utah v. Eugene Christopher Wright Voice mail recordings of unknown suspect Disc 65" (hereinafter, the "Unknown Voice Mail" recording);
 - b. a CD labeled "State of Utah v. Eugene Christopher Wright Police interview w/ Wright Disc 24" (hereinafter, the "Wright Interview" recording);
 - c. a CD labeled "State of Utah v. Eugene Christopher Wright Phone calls from Jail Disc 43" (hereinafter, the "Wright Phone Calls" recording).
8. According to information provided by Mr. Howard, it is my understanding that the Unknown Voice Mail recording was presented by the prosecution to the jury in Mr. Wright's case, and that the prosecution argued that the voice in the Unknown Voice Mail recording was Mr. Wright's voice.
9. According to information provided by Mr. Howard, it is my understanding that the Wright Interview recording is a recording of an interview with Mr. Wright conducted by police during the course of investigating the above-captioned case.

10. According to information provided by Mr. Howard, it is my understanding that the Wright Phone Calls recording is a recording of phone calls made by Mr. Wright from the Salt Lake County Jail while incarcerated during the pendency of the above-captioned case.
11. Mr. Howard asked me to analyze the recordings to determine, if possible, whether the voice of the speaker in the Unknown Voice Mail recording is the same voice as the voice of the person identified as Eugene Christopher Wright on the Wright Interview recording and the Wright Phone Calls recording.
12. I have listened to the recordings and have made appropriate analyses including fundamental frequency analysis, with inferences about the movements of the vocal folds.
13. The nature of my analysis of the movements of the vocal folds is illustrated by the attached Figures labeled "65_1M12s969TH to 1M27S806TH.wav" (attached hereto as "Addendum B" and incorporated herein by reference) which is from the Unknown Voice Mail recording, as opposed to "Track 1" (attached hereto as "Addendum C" and incorporated herein by reference) which is from the Wright Interview recording.
14. The peaks in the waveform represent movements of the vocal folds.
15. I have found consistent differences between the recordings in the movements of the vocal folds, both in terms of fundamental frequency as well as tendency to additional extra movements.
16. I have listened to the voices on the Wright Phone Calls recording and have noted a consistent difference in the sound of the voice represented to be the voice of Mr. Wright on those recordings as compared to the voice on the Unknown Voice Mail recording.

- 17. Because the Wright Phone Calls recording is in a proprietary format I was not able to visually examine the details of the vocal fold movements in the Wright Phone Calls recording. However, the auditory impression is that the differences are consistent with the difference I find between the Unknown Voice Mail recording and the Wright Interview recording.
- 18. On the basis of my analyses, as well as my training and experience, I have determined that the voice on the Unknown Voice Mail recording is not the same voice as the voice ascribed to Wright on the Wright Interview recording, nor is it the same as the voice ascribed to Wright on the Wright Phone Calls recording.
- 19. I am available to testify as an expert in this case. If I had been contacted by counsel in 2009 or 2010, I would have been available to review this case, to consult with counsel in preparation for trial, and to testify as an expert at trial.

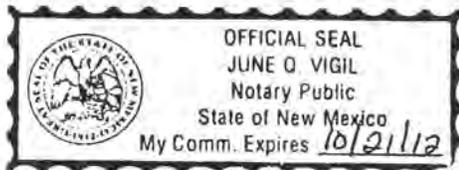
DATED this 17th day of January, 2012.

George Papcun
 GEORGE PAPCUN
 Affiant

STATE OF NEW MEXICO)
) ss:
 COUNTY OF SALT LAKE)

On this 17th day of January, 2012, before the undersigned Notary Public, personally appeared GEORGE PAPCUN, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



June O. Vigil
 NOTARY PUBLIC