

EXHIBIT 1

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IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

<p>EUGENE CHRISTOPHER WRIGHT, Petitioner, v. STATE OF UTAH, Respondent.</p>	<p>DECLARATION OF EDWARD K. BRASS Case No. Case No. 220904680 Judge Heather Brereton Underlying Criminal Case No. 081400519FS</p>
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I, Edward K. Brass, declare as follows:

1. My name is Edward K. Brass. I am a resident of the State of Utah, over the age of majority, and competent in every respect to make this declaration.
2. I am over 18 years old and am competent to testify about the matters set forth below.
3. I am a criminal defense attorney licensed to practice law in Utah since

1977. During my forty-nine-year career, I have practiced throughout Utah, handling every sort of criminal case, from misdemeanors to death penalty defense. My law firm, Edward K. Brass Law, PC, is in Sandy, Utah.

4. I have tried between 200-300 jury trials in state courts in every county in Utah and in the United States District Court for the District of Utah. I have handled cases involving drug offenses, sex offenses, white collar crime, homicides, and numerous other federal and state charges.
5. I have maintained an AV Preeminent rating from Martindale-Hubbell, the national directory of attorneys, for over thirty years.
6. Even before the Utah State Bar sanctioned continuing legal education seminars, I lectured on criminal defense practice topics for other attorneys.
7. On March 4, 2008, after Chris Wright (“Wright”) retained me, I filed an Appearance of Counsel in *State of Utah v. Eugene Christopher Wright*, Third District Court Case No. 081400519FS. On February 28, 2008, Wright was charged by information with first degree murder. The State amended the information on April 25, 2008, to include first degree aggravated robbery.
8. I represented Wright through all stages of the trial court proceedings, including pretrial discovery and motions, preliminary hearing, trial, and post-trial motions. I filed a Notice of Appeal on Wright’s behalf on August 9, 2010, and he thereafter was appointed or retained appellate counsel.
9. Soon after I began representing Wright, I spoke with his wife, Bianca

Pearman-Brooks (“Pearman-Brooks”). She told me Wright had been with her in their downtown Salt Lake City loft on the morning Ken Dolezsar (“Dolezsar”) was killed. She remembered the date because both she and Wright had food poisoning from something they had eaten at the Bayou Restaurant the night before¹ and had been up most of the night. Wright stayed home until between 9:00a.m. and 10:00a.m. when he left for his project in Park City.²

10. I filed a Notice of Alibi on September 15, 2009. However, I previously told the prosecution about Wright’s alibi and made Pearman-Brooks available to the prosecution for an extensive interview about that and other matters.
11. Nonetheless, the State did not interview Pearman-Brooks until March 31, 2009, more than sixteen months after Dolezsar’s murder and more than a year after Wright was arrested.³
12. I filed a Request for Discovery on March 4, 2008. The State responded on March 20, 2008, and then supplemented that response forty-one (41) times. The State’s provided its forty-first supplemental response on May 12, 2010,

¹ Cell phone data confirmed that Wright and Bianca at the Bayou on the evening of November 14, 2007

² Notice of Alibi, filed September 15, 2008. See also *Pearman-Brooks Trial Testimony*, Trial Transcript (“TT”), April 27, 2010, 212:17-216:10; 247:9-251:19.

³ See Disc 27, Interview with Bianca Pearman-Brooks, dated March 31, 2009. Ron Yengich represented Pearman-Brooks at the interview. In addition, Dean Carriger (“Carriger,” the lead detective), Vaun Delahunty (“Delahunty,” the State’s investigator) and Josh Player (“Player,” the lead prosecutor) were present.

twelve days after the jury found Wright guilty of both charges.

13. In the March 20, 2008, Response to Discovery Request, the State provided five binders of police files, other documents and thirty-nine compact discs.⁴
14. Compact disc eleven (“Disc 11”) was an audio interview with Leslie DeeAnn Mower (“Mower”), Dolezsar’s wife.⁵ Mower was incarcerated in federal prison when Dolezsar was killed. She was released in April 2008, and was interviewed on May 20, 2008, at the Sandy City Police Department.⁶
15. **Because it has been sixteen years since my representation of Wright ended, I cannot recall when the interview in my copy of Disc 11 ended, but I believe that I did not receive all of the interview in Disc 11 based upon information I have been provided recently.**
16. **My recollection is supported by a letter from Nathalie Skibine to Wright in 2017 indicating that Disc 11 stopped working at around 19 minutes.⁷**
17. My recollection is also supported by Todd Gabler’s 2022 Affidavit indicating

⁴ In supplemental responses, I received 69 additional CDs. The CDs were not produced in sequential order.

⁵ **A certified transcriptionist prepared a transcript of the interview on Disc 11 in March of 2021 at the direction of Wright’s family. I have reviewed this transcript on March 27, 2026.(The transcript is attached as Exhibit A.)**

⁶ Mower’s attorney, Bart Bailey (“Bailey”), and her niece and assistant, Jami Ross (“Ross”), were present at that interview. Vaun Delahunty and Dean Carriger were also present at the interview according to the transcript.

⁷ **A letter dated September 6, 2017, from Wright’s appellate attorney, Nathalie Skibine, to Wright, indicates her copy of Disc 11 “stopped working” at around nineteen (19) minutes which corroborates that my understanding that I did not receive all of Disc 11. (Ms. Skibine’s letter is attached as Exhibit C.)**

that Disc 11 was altered.⁸

18. I have recently learned from post-conviction counsel that the interview on Disc 11 was one hour and forty-seven minutes long. I also learned Bailey and Mower provided information in the interview which I do not believe I received that would have proved relevant and exculpatory to Wright's defense.⁹
19. Specifically, Mower admitted (after denying it in a prior interview)¹⁰ she believed Dolezsar was meeting David Novak ("Novak") the morning he was murdered; she believed Novak was also working with Tom Mower (Mower's ex-husband) and her two sons, Tommy and Darick Mower (independently

⁸ The affidavit of Todd Gabler, is a private investigator and certified digital forensics expert, who was retained in 2015 by Wright's uncle. Gabler indicates Disc 11 was clearly "altered" but he was not provided with "necessary metadata to begin to verify the lineage of this generation of the recorded interview." (Gabler's affidavit dated July 22, 2020, is attached as Exhibit D.)

⁹ Post-conviction counsel indicated Wright received 11 additional minutes of Disc 11 in 2020 after he filed a bar complaint against Player.

¹⁰ Mower's admission tracks the recorded phone conversation she had with Dolezsar on the evening of November 14, 2007, the day before he was killed. *See* Disc 51, Mower Prison Calls, provided to defense on March 30, 2010. However, in an interview on November 16, 2007, at the federal prison where she was incarcerated, Mower claimed she did not know who Dolezsar was meeting on November 15, 2007, and she had no idea who killed Dolezsar. *See* Disc 8, Mower First Interview, provided to defense on March 30, 2010. During the interview on November 16, 2007, Mower indicated Dolezsar was speaking with Novak, and Novak was surreptitiously relaying information to Tom, Tommy or Darick. *Id.* I did not receive anything suggesting Novak was involved in the FBI and Dolezsar's private investigations or that he was passing information about the investigation onto Tom. *Id.* **Because Mower appears to have been dishonest in the prison interview, it may suggest Mower was afraid of the consequences of admitting she was involved in the investigations.**

“Tom,” Tommy,” and “Darick;” collectively “Tom, Tommy and Darick”);¹¹ and Novak may have had information about Tom, Tommy and Darick.¹² I believed and believe Novak was a viable alternative suspect in the murder.

20. Further, in the part of the interview I do not believe I received Mower stated:

And then the one thing was that he [Dolezsar] had a lot of information about Tom [Mower’s ex-husband, Thomas Mower], and it wasn’t good.¹³

Bailey then stated the following in that interview about the investigations which I also do not recall receiving:

And we retained the services of a really smart guy who we should have hired to begin with, a Jim Bruton, former director of the tax division with the Department of Justice, who informed us that, if we could find some way for her to be cooperative with the government, and help them in their investigation, they could shorten her sentence.

So we launched into a little investigation, because we knew Tom had done some other things. I mean, we didn't know the detail. Frankly, we didn't have any way to prove it two or three years earlier. But we hired some people, went out and helped us with the investigation. We came up with some information. The government already had it.

So then we learned some more stuff. And the more stuff involved Tom, Tommy, and Darick, Tommy and Darick being her sons. And we were in the middle of that investigation. In fact, we had already brought two former IRS special agents to our office. They had already conducted a couple interviews. We had three or four more interviews set up for them. And they were just scheduled to come out to Utah to -- to help us with that.

¹¹ First names are used for Tom, Tommy and Darick because of the many players with the same last name and not out of disrespect.

¹² Exhibit A, pp.9-10, 12-17; Disc 11,19:40-22:45. *See also* Interview with Mower, dated November 16, 2007. In this interview,

¹³ Exhibit A, p.18; Disc 11, 23:19-23:24

Ken got killed, and we just put a stop on all of it, because we couldn't tell if that was somebody trying to send us a message if they -- if that was what it was, we got the message. And we just stopped the investigation.

But there's millions of dollars involved here of unreported income, enough that could have put Tom Mower -- certainly a concern enough that could have put her sons, Tommy and Darick, in concern.

And -- and Ken would have been aware of all this, because Ken's the guy that's paying the attorneys to do the investigation. And he would have come and have sat in on a couple, two or three of our meetings. He certainly knew the people we were talking about by name and address.¹⁴

21. Post-conviction counsel also provided a letter from Bailey to Dolezsar dated April 7, 2007, which corroborates some of the disclosures made in the Disc 11 interview and reads in pertinent part:

Third, is our effort to conduct a comprehensive investigation to discover evidence of crimes committed by others, provable with documents and witnesses, that will be important enough to the U.S. Department of Justice so that a deal can be worked to reduce Dee's "points" and thereby reduce or change her sentence to community or home detention. This is really labor intensive and time consuming, but is the best hope for getting Dee's sentence changed to home detention before winning her appeal. Robert is working on getting his "facts and evidence" together. Bill and I are expanding our previous investigation with Robert, Ken and Dee's help. Keith Arbogast and Richard Clark, two experienced and seasoned professional investigators, will be coming to Utah to help us conduct our investigation and interview prospective witnesses. Jim Bruton will work the deal for us if and when we get sufficient culpable information.¹⁵

22. During my representation of Wright, and having reviewed on March 27,

¹⁴ Exhibit A, pp.20-22; Disc 11, 25:52-27:49.

¹⁵ The April 7, 2007, letter from Bailey to Dolezsar is attached as Exhibit B.

2026, the transcript of the interview , I do not believe I received either the full interview contained on Disc 11 as referenced above, or the April 7, 2007, letter from Bailey to Dolezsar.

23. I was never made aware Dolezsar participated in a government/FBI/ Department of Justice investigation of Tom, Tommy, and Darick.
24. I was also never made aware Dolezsar was financing and participating in a private (independent) investigation of Tom, Tommy, and Darick.¹⁶
25. Finally, I do not believe the State provided documents indicating they had fully and competently investigated Tom, Tommy, or Darick as alternative suspects in Dolezsar's murder.¹⁷
26. Brief references to Tom, Tommy and Darick's connections to illegal activities, and particularly with the Russian mafia, were made in the discovery I received. However, nothing clearly related to an FBI, private, or State investigations. Specifically:

¹⁶ Although the Sandy City Police had two terabytes of data from Dolezsar's computer, the State did not provide that information to me in a readable format. In his affidavit, Gabler indicates he believes Dolezsar conducted business on his computers, scheduled appointments, communicated with potential and current business associates, and documented details of his own investigations on his computers. See Exhibit D. Gabler also attests that as of the July 22, 2020, the State continued to refuse Wright's requests for that data. ¹⁶ *Id.*

¹⁷ Police interviewed Tommy and Darick on November 17, 2007, and December 15, 2007, respectively. See Disc 12 (Darick) and Disc 13 (Tommy). However, police took all of Tommy and Darick's statements at face value. They did not search their homes, offices, or computers, or verify Darick's alibi. They also did not ask Tommy whether he had an alibi on the morning Dolezsar was killed. Further, they did not fingerprint or take DNA from Darick or Tommy for comparison to the unknown fingerprints and DNA at the crime scene. Tom was never interviewed. If he was, I did not receive any evidence of that interview.

a. Detective Chris Thomas's Supplemental Report:¹⁸ On December 13, 2007, Thomas interviewed Mower in prison. In the Supplemental Report he drafted on December 17, 2007, Thomas summarizes Mower's suspicions that Tom, Tommy and Darick were involved with the Russian mafia. Specifically, Mower explained Tom was married to Lidia Vladimirovna Tkachuka, a Russian national who, along with her mother, was rumored to be involved with Solntsevskaya Bratva, which is loosely translated as the Sunshine Mob or Sunshine Mafia. Thomas then states he had confirmed with the FBI that no such organization existed.¹⁹

While Mower also indicated Dolezsar was gathering information about Tom, she claimed it was to help Mower with the distribution of assets in her bifurcated divorce.²⁰ Nothing I received in discovery

¹⁸ Thomas's Supplement Report is attached as Exhibit E. Carriger and FBI agent Dan Patrick were also at that interview, as was Bailey. It is unclear when this report was provided. It could have been provided as early as March 20, 2008, or as late as March 30, 2010, which would have been shortly before trial began. In any case, I do not recall with any certainty 15 to 17 years later.

¹⁹ Post-conviction counsel indicated to me this representation is likely inaccurate. One of the largest and most powerful organized crime syndicates in Russian, I am told, is called Solntsevskaya Bratva (sometimes shortened to Solntsevo) which loosely translated means Brotherhood from Solntsevo. Solntsevo derives from the Russian word soltnse meaning sun, all according to post-conviction counsel
(https://en.wikipedia.org/wiki/Solntsevo_District)

²⁰ Post-conviction counsel indicates Mower likely was not telling the truth when she made this statement. Tom and Mower ("The Mowers") were divorced in 2000 and the distribution of their assets was completed in November of 2006. While the record of the Mower's divorce proceedings was not public record, Judge Bruce Jenkins provided the history of the Mowers' divorce in a Memorandum Decision in *Neways v. Mower (Thomas) et al.*, Civil No. 2:07-CV-0339 BSJ, United States District Court, D. Utah, Feb 11, 2008. Specifically, Judge Jenkins stated:

Thomas Mower and Dee Mower divorced in or around July of 2000. Their divorce proceedings remained unresolved for several years due to a disagreement regarding the distribution of their marital assets. In the Spring of 2006, the court presiding over the Mowers' divorce proceedings ordered the Mowers to sell LTM through a modified auction process conducted through investment bankers. The sale was to close by November 9, 2006. On November 8, 2006, the auction process was completed when S. R. L., a Netherlands company owned by Golden Gate Capital (collectively "GGC"), purchased the Mowers' capital stock in LTM — and in doing so, all of the stock of Neways.

suggested the State had followed up on this information, and again, nothing was provided contextualizing the FBI and private investigations that were occurring.

- b. Disc 21:²¹ I also received a police interview with Jason Golly where he was asked if he knew whether Tom had Russian connections. Golly responded that Tom had Russian contacts through “Neways and through his new business ventures. Police also asked Golly, “Are you talking Russian mafia?” and Golly responded, “Yes.”

Golly described Tom as “incredibly egotistical,” “spiteful,” “very controlling,” “vengeful” and “hateful.” Mr. Golly also described Tom as “narcissistic” and indicated “he used to boast about his capabilities in Russia, and how he could, how he could get somebody knocked off for a thousand bucks”

Finally, Golly indicated Robert Dolezar, the victim’s brother, had told “other detectives” about this connection. If that is true, I never received any documentation for an interview with Robert Dolezsar. I also received nothing to suggest the State conducted a follow-up investigation after their interview with Golly.

- c. Disc 19:²² I received an interview with Robert Steed (“Steed”), Mower’s son from her first marriage, in which Steed made brief reference to Mower, Dolezsar, Bailey and Cheris Mower (“Cheris,” Mower’s daughter-in-law and Darick’s soon-to-be ex-wife),²³ getting information for the “feds” about Tom, Tommy and Darick in hopes Mower’s prison sentence would be commuted. Steed pointed out Dolezsar was the “centerpoint of these activities, you know, he’s the one that’s running the money. He’s the one that’s paying the attorneys. He’s the one that’s trying to find the dirt. He’s the one that’s connecting the pieces.”

Steed also told police Tom and Robert Zmelik, a Czech national,

²¹ Disc 21 is dated December 21, 2007, and, upon information and belief, provided to defense March 20, 2008. (Attached as Exhibit F.)

²² Transcript of Disc 19 is attached as Exhibit G, dated December 21, 2007, and upon information and belief, provided to defense on March 20, 2008.

²³ *Id.* Steed emphasized twice in the interview the police should speak with Cheris Mower (“Cheris”), and she could provide important information. If Cheris was interviewed, I never received any evidence of interview. Tommy also encouraged the police to speak with Cheris as with Robert Dolezsar. (Disc 12.)

“had done a lot of things in the Czech Republic that were illegal and they’d gotten caught a couple of times.” Steed emphasized with police that they should interview both Chervis and Zmelik.

If they interviewed Chervis at any time, I never received any documentation for that interview. I also received nothing to suggest the State conducted a follow-up investigation after their interview with Golly. The State failed to adequately and competently investigate the information provided by Mr. Steed.²⁴

d. Disc 50:²⁵ In a telephone call between Mower and Bailey, Bailey indicated “Chris” was willing to pay the expenses of Chad Doherty, the former operator of Neways in Russia, to bring him over from Russia to speak with “our” investigators.²⁶

27. I believe the State’s failure to thoroughly investigate these (as well as other) alternative suspects and/or provide the information necessary for the defense to properly do so affected the outcome of the trial.
28. Further, I believe that the State’s failure to provide the totality of Disc 11, the letter from Bailey to Dolezsar, or any other substantive information about the investigations in which Dolezsar was involved changed the

²⁴ Detective Chris Thomas ultimately conducted a one minute and 45 second telephone interview with Zmelik on March 10, 2010, about one month before trial. (Disc 20, upon information and belief, provided to defense on April 8, 2010.) Thomas asked only if Zmelik knew Dolezsar. Novak, or Tom, or if he was in Utah in November 2007. Thomas started the interview by telling Zmelik the prosecution had asked him to call, but he did not believe Zmelik’s relationship to Tom was important to the case.

²⁵ Transcript of Disc 50 is attached as Exhibit H, upon information and belief, dated November 7, 2007, and provided to defense March 30, 2010.

²⁶ Disc 50, upon information and belief, recorded November 7, 2007. Transcript is attached as Exhibit I. Although neither Mower nor Bailey indicated what “Chris” they were talking about, post-conviction investigation determined they were speaking of Christopher Crump, attorney for Golden Gate Capital (the successor company to Neways) who apparently (according to post-conviction counsel) was assisting in both the FBI and Dolezsar’s investigations.

trajectory of the defense. **Importantly, it changed the relevance of the information the purported eyewitness, Lee Carlson, provided.**

29. **Carlson was interviewed on November 15, 2007, stating he heard the victim speak with an Eastern European accent.²⁷ During this interview, Carlson said he only saw a glimpse of the perpetrator's face and the perpetrator spoke but he could not hear him or distinguish his words or tone.²⁸ He also stated both the victim and the shooter had "bulging" Eastern European eyes but he did not see the perpetrator's eye color.²⁹**

30. On December 20, 2007, Carlson was alone with Carriger in his police car and Carriger showed him a photo lineup which contained Wright's picture. Carriger did not turn on the recording device until Carlson had allegedly identified Wright with 80-90% certainty.³⁰

31. **On March 24, 2008, the prosecution interviewed Carlson again in preparation for Wright's preliminary hearing.³¹ I am told the post-conviction investigation determined 3 minutes and 21 seconds of the copy**

²⁷ Disc 1 (Lee Carlson's first interview on November 15, 2007) was provided to the defense on March 20, 2008. Dolezar was from Canada and had no accent, but particularly, did not have an Eastern European accent.

²⁸ *Id.*

²⁹ *Id.* However, Carlson admitted he focused on the perpetrator's wig and on the firearm the perpetrator was holding. This detail is one of the few Carlson has consistently emphasized.

³⁰ Disc 2 (Lee Carlson identification conducted on December 20, 2007) was provided to the defense on either on March 20, 2008, or April 3, 2008.

³¹ Disc 3 (Lee Carlson's second interview on March 24, 2008) was provided to defense on April 3, 2008.

of the interview the State provided to me was missing. I am told this omission was not definitively discovered until post-conviction investigation.³²

32. In the March 24, 2008, interview I received, Carlson still maintained he only saw a glimpse of the perpetrator's face, but claimed he saw the perpetrator's mustache and bright blue eyes.³³ He testified similarly at the preliminary hearing on April 25, 2008, although he claimed to have had a two-minute view of the perpetrator.³⁴

33. Almost two years later, on March 29, 2010 (eighteen days before trial began³⁵), Player came to my office and told me that during trial preparation, Carlson disclosed he viewed additional photographs of Wright online.³⁶ What is more, Carlson used photoshop on his work computer to put wigs on the photographs of Wright he found online to solidify his identification.³⁷

34. On April 1, 2010, the State produced a report about the disclosures Mr.

³² Although it was not definitively discovered, see paragraphs 29-33 below for possible further explanation. If 3 minutes and 21 seconds were missing from Disc 3, that could explain where Carlson could have provided the information the State did not believe it had until Marh 30, 2010. See also Primeau Report, dated February 24, 2015, indicating Disc 3 had been altered. Attached as Exhibit J.

³³ Disc 3 (Interview with Lee Carlson dated March 24, 2008).

³⁴ Preliminary Hearing Transcript dated April 25, 2008.

³⁵ Wright's ten-day trial began on April 16, 2010.

³⁶ *Memorandum in Support of Motion to Suppress Identification*, filed April 5, 2010.

³⁷ *Id.*

Carlson purportedly made on March 29, 2010.³⁸ Specifically, the report stated:

- a. Carlson believed the shooter was speaking with a “slovik type speech, sound or accent.” He believed it was the shooter with an accent because he heard the shooter speak, the shooter was in control, and he did not see Dolezsar say anything.³⁹
- b. Sometime between December 7, 2007, and April 25, 2008, Carlson googled Wright's name and discovered Wright had a prior drug case in federal court that was dismissed. Carlson said this information made him think Wright was more likely to be capable of the crime with which he was charged.⁴⁰
- c. Carlson electronically cut out the pictures of Wright on the internet after his arrest and took them to a website showing wigs. After he placed electronic wigs on Wright's pictures, he became more confident Wright was the shooter. Carlson said he knew his identification was a big deal and he was not 100% certain prior to the Preliminary Hearing and hoped the photoshopped wig photos would increase his certainty.⁴¹
- d. Carlson also admitted he had googled Wright and learned Wright had “a prior conviction.”⁴²
- e. Carlson also asked to see the photo lineups again to see if it would jog his memory and for reassurance.⁴³

35. As I recall, in both the oral report to me and the written report, Carlson

³⁸ See undated document beginning with “Foreign Language.” This document is attached as Exhibit K. This document was also discussed in detail at the Motion to Suppress Identification on April 14, 2010 (“Motion Hearing”).

³⁹ Foreign Language document, Exhibit K, p.1.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

claimed he had provided this information to Delahunty and Player before the preliminary hearing, but Player denied this is accurate.⁴⁴

36. On April 5, 2010, I filed a Motion and Memorandum in Support of Motion to Suppress in-Court Identification. In that motion and memo, I made the court aware of the added information the State provided to me.⁴⁵ I also told the court I had never been allowed to interview Carlson, and I had not received the photographs Carlson had found and photoshopped.⁴⁶

37. Two days before the hearing on the suppression motion, on April 12, 2010, I was able to interview Carlson for the first time.⁴⁷ My notes of that interview indicate the following:

- a. Carlson stated he told Delahunty about viewing and photoshopping photographs of Wright after Wright's initial arrest.⁴⁸ He also recalled that in the next meeting he had with Player, he told Player the same. At three separate times, Carlson stressed that both meetings were prior to the Preliminary Hearing.⁴⁹
- b. Carlson said recalled the "shooter" had a "Slovic possibly Russian accent" Carlson stated he was familiar with the Russian accent because he had a "pen-pal friend" who was Russian and he has had conversations with him.⁵⁰

⁴⁴Motion Hearing. *See generally*, 78:5-97:25.

⁴⁵*Memorandum in Support of Motion to Suppress Identification*, dated April 5, 2010.

⁴⁶Motion Hearing. *See generally*, 78:5-97:25.

⁴⁷Notes of Interview with Carlson on April 12, 2010. In addition to myself and Carlson, my co-counsel, Kim Cordova, and my investigator, Jeff Wright (no relation to the defendant), were present. These notes are attached as Exhibit L.

⁴⁸Exhibit L, p.1.

⁴⁹*Id.* at 1-2.

⁵⁰ *Id.* at 2.

c. Carlson also admitted he only got a “glimpse” of the perpetrator.⁵¹

d. Carlson also admitted between March 2008 and April 2010, he had been back to the scene and parked in “his spot” five to ten times to recreate the morning of November 15, 2007.⁵²

38. Again, I do not believe I received any documents from the State that would have provided information about the investigations in which the victim, Dolezlar, was participating. Specifically, I do not recall receiving all of Disc 11 or the April 7, 2007, Letter from Bailey to Dolezlar. In both those documents, the two investigations were clearly disclosed, and Mower’s decision to stop participating in the investigations because she saw her husband’s murder as a warning was new information to me as was a significant, substantial portion of Disc 11.

39. Those disclosures give context and believability to the references to the Russia mafia in the record. The information about those investigations the State did not produce demonstrates a deeply flawed police investigation where important witnesses were not interviewed, alternative suspects were not investigated, and important documents and forensic evidence was either not collected or was not given to the defense.

40. At the best, this shows tunnel vision on Wright as the perpetrator to the exclusion of evidence to the contrary. At the worst, it implicates intentional

⁵¹ *Id.* at 1.

⁵² *Id.* at 2.

suppression of exculpatory evidence.

41. Further, Carlson's testimony that the murderer spoke with a Slavic accent becomes much more likely, relevant and therefore exculpatory. In addition, the fact that I did not receive Carlson's statements about his identification and the killer's accent until immediately before trial becomes more egregious. Although my primary argument that Wright did not speak with a Slavic accent was still relevant, it becomes more important that individuals with connections to Russia and Czechoslovakia had motive to kill Dolezsar and send a message to others cooperating in the investigations to cease cooperation.
42. I believe that the defense investigation, the defense itself, and the verdict would have been different had I been told Dolezsar was participating in an FBI investigation and was financing and directing a private investigation and that his wife had a motive to produce information regarding the criminal conduct of other individuals in order to shorten her own sentence.

Pursuant to Utah Code Ann. § 78B-5-705 (2007), I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

DATED this 27th day of March, 2026.

s /s Edward K. Brass

Edward K. Brass

(electronically signed with permission)