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

EUGENE CHRISTOPHER WRIGHT, Petitioner, v. STATE OF UTAH, Respondent.	AFFIDAVIT OF KIM CORDOVA Case No. Case No. 220904680 Judge Heather Brereton Underlying Criminal Case No. 081400519FS
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STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, Kim Cordova, being duly sworn, do hereby affirm the following is true and correct to the best of my knowledge:

1. I am over eighteen years old and am competent to testify about the matters set forth below.

2. I graduated from the SJ Quinney College of Law at the University of Utah in May 2001, and was sworn into the Utah State Bar in October 2001.
3. I have been a lawyer for almost twenty-five years.
4. I began my career as a prosecutor in the Salt Lake County District Attorney's office where I worked from February 1999 until December 2009 and tried many misdemeanor and felony cases.
5. In January 2010, I began working with Edward K. Brass ("Brass"). I managed our small criminal defense law firm and practice criminal defense in state and federal courts throughout Utah until December 2017.
6. In 2018, Governor Gary Herbert appointed me to serve for three years as the Executive Director of the Utah Commission on Criminal and Juvenile Justice. In that capacity, I worked directly with the Legislature on formulating policies to improve the criminal justice system. I was also responsible for overseeing several state agencies with criminal justice purposes and participating in some judicial selections.
7. I also served as a Third District Commissioner for the Utah State Bar and was one of Utah's delegates to the American Bar Association.
8. I am currently an adjunct professor at the SJ Quinney College of Law at the University of Utah, and I work with Utah Juvenile Defenders Association advancing advocacy for youth involved in the justice system.
9. At present, I am also the President of the Utah State Bar, a position I have held since June 2025.

10. When I began working with Brass in January 2010, Chris Wright (“Wright”) had been his client since March 2008.¹ The State had charged Wright with first-degree murder and first-degree aggravated robbery. The court had already set the trial date for mid-April 2010.²
11. Initially, Brass and I decided I was not going to be involved in Wright’s case because my team at the District Attorney’s Office was prosecuting Wright while I was working for that office.³ I did not work on the case while at the District Attorney’s Office, so Brass and I did not believe there were any potential conflicts.⁴ Nonetheless, Brass and I chose not discuss the case at all.⁵ In addition, I was busy with commitments to other clients while Brass was defending Wright.⁶
12. As the Wright trial date approached, Brass asked for my assistance, so I agreed to handle the DNA and eyewitness expert testimony issues.⁷
13. I filed a Notice of Appearance in *State of Utah v. Eugene Christopher*

¹ Rule 23B Remand Hearing. R.2152.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* Brass had already filed a Motion and Memorandum in Support to Suppress In-Court Identification. R.417-24; 432-34.

Wright, Third District Court Case No. 081400519FS, on April 12, 2010,⁸
four days before Wright's ten-day trial began.

14. Wright's case was my first as a criminal defense lawyer.⁹
15. When I joined Wright's defense team, Brass had already made most of the strategic decisions, including those about expert witnesses.¹⁰ The case had been pending for more than two years, and the trial was less than a month away.
16. As a result, I did not personally do any research about retaining experts and I did not consult with an independent DNA expert before trial because Brass told me he had already done so.¹¹
17. Once I agreed to join the defense team, I reviewed the entire case file, but with a focus towards the DNA and the eyewitness issues in the case. I also already had some familiarity with the case.
18. In order to prepare for handling the DNA evidence, I read a book Wright recommended, I read all of the materials in the case file related to the DNA, and I met with the State's experts.¹²
19. In order to prepare to question the eyewitness experts, I carefully reviewed

⁸ R.451.

⁹ Rule 23B Remand Hearing. R.2152.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

the eyewitness materials, including all of Lee Carlson's ("Carlson") interviews, witness statements, and phone calls.¹³ I also reviewed his preliminary hearing testimony.¹⁴ I found the many inconsistencies in his recollection and the circumstances surrounding his photo line-up identification of Wright to be deeply problematic.

20. I became substantially more concerned after learning about Carlson's disclosures to Player on March 29, 2010, and receiving the written report about those disclosures, provided to defense on April 1, 2010.¹⁵ Specifically, the prosecutor's written 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.¹⁶
- 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.¹⁷
- 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

¹³ Discs 1-4.

¹⁴ R.1025.

¹⁵ See undated document beginning with "Foreign Language." This document is attached as Exhibit K. To avoid confusion, all exhibits attached to this affidavit are identified by the same letter as they are in the Affidavit of Edward K. Brass. Exhibit K was also discussed in detail at the Motion to Suppress Identification on April 14, 2010 ("Motion Hearing"). R.493.

¹⁶ Foreign Language document, Exhibit K, p.1.

¹⁷ *Id.*

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.¹⁸

- d. Carlson also admitted he had googled Wright and learned Wright had "a prior conviction."¹⁹
- e. Carlson also asked to see the photo lineups again to see if it would jog his memory and for reassurance.²⁰

21. On April 12, 2010, Carlson agreed to a defense interview for the first time. Brass and I (along with our investigator, Jeff Wright) interviewed Carlson. Brass's notes of that interview²¹ are consistent with my recollection and provide the following:

- a. Carlson stated he told Delahunty about viewing and photoshopping photographs of Wright after Wright's initial arrest.²² He also recalled that in the next meeting he had was with Player, he told Player the same. At three separate times, Carlson stressed that both meetings were prior to the Preliminary Hearing.²³
- 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.²⁴

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Notes of Interview with Carlson on April 12, 2010. In addition to myself and Carlson, Brass and our investigator, Jeff Wright (no relation to the defendant), were present. These notes are attached as Exhibit L.

²² Exhibit L, p.1.

²³ *Id.* at 1-2.

²⁴ *Id.* at 2.

- c. Carlson also admitted he only got a “glimpse” of the perpetrator.²⁵
- 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, 2007.²⁶
22. My first court appearance in Wright’s case was April 13, 2010, when the jury pool was sworn and then excused to complete the jury questionnaire.²⁷
23. My second court appearance in Wright’s case was on April 14, 2010, when Brass argued the *Motion to Suppress In-Court Identification* and other motions in limine.²⁸ During that hearing, based upon the Carlson’s disclosures made on March 29, 2010, April 1, 2010, and April 12, 2010, Brass asked the court to exclude Carlson’s testimony in its entirety.²⁹
24. At the hearing, the court took the *Motion to Suppress Eyewitness Identification* under advisement, but ultimately denied it in a Memorandum Decision dated April 16, 2010,³⁰ and Carlson testified at trial.³¹
25. Trial began on April 16, 2010, and lasted for ten days. Based upon the

²⁵ *Id.* at 1.

²⁶ *Id.* at 2.

²⁷ R.484.

²⁸ R.1011.

²⁹ *Id.*

³⁰ R.498-526

³¹ R.1005. Brass was responsible for cross-examining Carlson.

evidence, our theory of the case was Wright had not killed Dolezsar. We focused our defense on the unreliability of the eyewitness; the possibility David Novak (“Novak”) was actually the killer and had not been thoroughly and competently investigated; the positive aspects of the DNA evidence; the flaws in the other forensic evidence; and Wright’s alibi.

26. After the jury had been empaneled, I gave the opening statement.³² I then questioned most of the DNA experts, both the defense and State eyewitness identification experts, and several lay witnesses.

27. I knew Wright had an alibi on the morning Dolezsar was killed, and Wright’s wife, Bianca Pearman-Brooks (“Pearman-Brooks”), had given Brass that information soon after he was retained.³³

28. I also understood Brass had informed the State about Wright’s alibi and offered to make Pearman-Brooks available for an interview.

29. Nonetheless, the State chose not to interview Pearman-Brooks until March 31, 2009, more than sixteen months after Dolezsar’s murder and more than a year after Wright was arrested.³⁴ As the Utah Rules of Criminal

³² R.1015.

³³ Pearman-Brooks said 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 the night before 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. R.310-111; 1020; Disc 27.

³⁴ 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

Procedure require, Brass filed a *Notice of Alibi* on September 15, 2009.³⁵

30. Brass filed a Request for Discovery on March 4, 2008.³⁶ The State responded on March 20, 2008,³⁷ and then supplemented that response forty-one times. The State's provided its Forty-First Supplemental Response on May 12, 2010, twelve days after the jury found Wright guilty of both charges.³⁸
31. In the March 20, 2008, Response to Discovery Request, the State provided five binders of police files, other documents and thirty-nine compact discs.³⁹
32. When I became involved in Wright's case, the file was substantial. It included thousands of documents, including but not limited to, court filings and transcripts; witness reports and interview transcripts; police reports; extensive forensic data and reports; research materials; and client files. It also contained over 100 compact discs which included, along with other items, audio and video interviews; photographs; forensic data and reports; recorded telephone conversations; police notes; surveillance video;

("Player," the lead prosecutor) were present. *See also* Pearman-Brooks Trial Testimony, R.1020

³⁵ R.350-51

³⁶ R.9-10

³⁷ R.15-17

³⁸ R.861-62

³⁹ In supplemental responses, Brass and I received sixty-nine additional CDs. The CDs were not produced in sequential order.

newspaper articles; and computer files.

33. My recollection is that the discs purporting to be computer files could not be read, and the defense never received readable files or printed documents from either Ken Dolezsar's or Wright's computers, even though both had been collected during police searches.⁴⁰
34. Compact disc eleven ("Disc 11") was an audio interview with Leslie DeeAnn Mower ("Mower"), Dolezsar's wife.⁴¹ 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.⁴²
35. I have recently learned from post-conviction counsel that the interview on Disc 11 was supposed to be one hour and forty-seven minutes long. However, based upon materials I have reviewed, my understanding is we

⁴⁰ I understand Sandy City Police had two terabytes of data from Dolezsar's computers and additional terabytes from Wright's computers. Post-conviction counsel has informed me that the relevant computer files have never been provided to Wright or his representatives in a readable format. I have been provided with an affidavit prepared by Todd Gabler, a private investigator and certified digital forensics expert, who was retained in 2015 by Wright's uncle. 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 participation in FBI and private investigations on his computers. See Gabler's Affidavit dated July 22, 2020, attached as Exhibit D. In his affidavit, Gabler also attests that as of the July 22, 2020, the State continued to refuse Wright's requests for the computer data.

⁴¹ A certified transcriptionist prepared a transcript of the interview on Disc 11 in March of 2021 at the direction of Wright's family. (The transcript is attached as Exhibit A.)

⁴² Mower's attorney, Bart Bailey ("Bailey"), and her niece and assistant, Jami Ross ("Ross"), were present at that interview. Delahunty and Carriger conducted the interview.

could only access about nineteen (19) minutes of the Disc 11 interview.⁴³

36. I also learned Bailey and Mower provided information in the interview after the nineteenth minute that would have proved relevant and exculpatory to Wright's defense.⁴⁴ Specifically, Mower admitted (after denying it in a prior interview)⁴⁵ she believed Dolezsar was meeting 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 "Tom," Tommy," and "Darick;" collectively "Tom,

⁴³ A letter dated September 6, 2017, from Wright's appellate attorney, Nathalie Skibine, to Wright, indicating her copy of Disc 11 "stopped working" at around nineteen (19) minutes corroborates the problem with Disc 11. (Ms. Skibine's letter is attached as Exhibit C.) It is also corroborated by the affidavit of Todd Gabler, a private investigator and certified digital forensics expert, who I understand Wright's uncle retained in 2015. 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, attached as Exhibit D.)

⁴⁴ Post-conviction counsel indicated Wright received eleven additional minutes of Disc 11 in 2020 after he filed a bar complaint against Player.

⁴⁵ 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.* Mower did not mention the investigations, as she and Bailey did in the May 20, 2008, interview and as Bailey did in the April 7, 2007, letter (Exhibits A and B). I do not recall seeing 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 be dishonest in this interview, it may suggest Mower was afraid of the consequences of admitting she was involved in the investigations.**

Tommy and Darick")⁴⁶; and Novak may have had information about Tom, Tommy and Darick.⁴⁷

37. Further, in the twenty-third minute, 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.⁴⁸

38. Bailey then stated the following:

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.

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,

⁴⁶ First names are used for Tom, Tommy and Darick because of the many players with the same last name and not out of disrespect.

⁴⁷ Exhibit A

⁴⁸ Exhibit A, p.18; Disc 11 (23:19-23:24)

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.

39. 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

40. During our representation of Wright, I do not believe we received either the full interview contained on Disc 11 as referenced above, or the April 7, 2007, letter from Bailey to Dolezsar.

41. I was never made aware Dolezsar participated in a government/FBI/ Department of Justice investigation of Tom, Tommy, and Darick.⁴⁹

⁴⁹ Although I have not spoken with Brass about these issues, after working with him for almost 8 years, I believe that had he had this information, the defense strategy would have been very different, including but not limited to, the treatment of the eyewitness ("Slavic accent") and the investigation of alternative suspects (Tom, Tommy, Darick, Novak, Zmelik, and others).

42. I was never made aware Dolezsar was financing and participating in a private (independent) investigation of Tom, Tommy, and Darick.⁵⁰
43. Finally, I do not recall seeing any documents indicating the State had fully and competently investigated Tom, Tommy, or Darick as alternative suspects in Dolezsar's murder.⁵¹
44. Brief references to Tom, Tommy and Darick's connections to illegal activities, and particularly with the Russian mafia, were made in the discovery we received. However, as I recall, nothing clearly related to FBI, private, or State investigations. Specifically:

a. Detective Chris Thomas's Supplemental Report.⁵² 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

⁵⁰ *Id.*

⁵¹ Police interviewed Darick and Tommy on November 17, 2007, and December 15, 2007, respectively. See Disc 12 (Darick) and Disc 13 (Tommy). However, police took all of Darick and Tommy'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. Further, I do not believe Tom was ever interviewed. If he was, I cannot recall seeing any evidence of that interview.

⁵² 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 to defense. It could have been provided as early as March 20, 2008, or as late as March 30, 2010.

the FBI that no such organization existed.⁵³

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 from Tom.⁵⁴ I do not recall receiving anything in discovery suggesting the State had followed up on this information, and again, I do not recall anything contextualizing the FBI and private investigations that were occurring.

- b. Disc 21:⁵⁵ We also received a police interview with Jason Golly in which 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.”

⁵³ Post-conviction counsel indicated this representation is likely inaccurate. One of the largest and most powerful organized crime syndicates in Russian is called Solntsevskaya Bratva (sometimes shortened to Solntsevo) which loosely translated means Brotherhood from Solntsevo. Solntsevo derives from the Russian word soltnse meaning sun. (https://en.wikipedia.org/wiki/Solntsevo_District)

⁵⁴ 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.

⁵⁵ Disc 21 is dated December 21, 2007, and, upon information and belief, provided to defense March 20, 2008. (Attached as Exhibit F.)

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 do not recall seeing any documentation for an interview with Robert Dolezsar.⁵⁶ I also do not recall seeing anything to suggest the State conducted a follow-up investigation after their interview with Golly.

- c. Disc 19:⁵⁷ We 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 (“Darick’s soon to be ex-wife), 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 . . . 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, “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 Cheris⁵⁸ and Zmelik.⁵⁹

⁵⁶ Tommy also encouraged the police to speak with Robert Dolezsar. (Disc 12.)

⁵⁷ 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.

⁵⁸ *Id.* Steed emphasized twice in the interview the police should speak with Cheris, and she could provide essential information. Tommy also encouraged the police to speak with Cheris. (Disc 12.)

⁵⁹ 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.

d. Disc 50:⁶⁰ 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.⁶¹

45. If, as I believe (based upon information and knowledge), the State's failed to thoroughly investigate these (as well as other) alternative suspects and/or provide the information necessary for the defense to properly do so, the State's failures (whether intentional or negligent) affected the outcome of the trial.
46. Further, if, as I believe (based upon information and knowledge), the State's failed 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, the State's failure (whether intentional or negligent) changed the trajectory of the defense. Further, the State's failure changed the relevance of the information Carlson provided and the expert's analysis of that information.
47. Carlson was interviewed on November 15, 2007, stating he heard the

⁶⁰ Transcript of Disc 50 is attached as Exhibit H, upon information and belief, dated November 7, 2007, and provided to defense March 30, 2010.

⁶¹ 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.

victim speak with an Eastern European accent.⁶² 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.⁶³ He also stated both the victim and the shooter had "bulging" Eastern European eyes but he did not see the perpetrator's eye color.⁶⁴

48. 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.⁶⁵
49. On March 24, 2008, the prosecution interviewed Carlson again in preparation for Wright's preliminary hearing.⁶⁶ I understand the post-conviction investigation determined 3 minutes and 21 seconds of the copy of the interview the State provided to the defense was missing. I understand this omission was not definitively discovered until post-

⁶² Disc 1 (Lee Carlson's first interview on November 15, 2007) was provided to the defense on March 20, 2008. Dolezsar was from Canada and had no accent, but particularly, did not have an Eastern European accent. His family confirmed this information.

⁶³ *Id.*

⁶⁴ *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, and was important in the expert's analysis the reliability of Carlson's identification.

⁶⁵ 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.

⁶⁶ Disc 3 (Lee Carlson's second interview on March 24, 2008) was provided to defense on April 3, 2008.

conviction investigation.⁶⁷

50. In the March 24, 2008, interview we 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.⁶⁸ He testified similarly at the preliminary hearing on April 25, 2008, although he claimed to have had a two-minute view of the perpetrator.⁶⁹
51. Two years later, as noted above, Player disclosed that Carlson said it was the shooter who spoke with a Slavic accent. Carlson also had viewed additional photographs of Wright online prior to the preliminary hearing.⁷⁰ 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.⁷¹
52. Our interview on April 12, 2010, (four days before trial) with Carlson confirmed this information. However, Carlson indicated he had provided the information to both Player and Delahunty prior to the preliminary hearing.

⁶⁷ 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 March 30, 2010. See also Primeau Report, dated February 24, 2015, indicating Disc 3 had been altered. Attached as Exhibit J.

⁶⁸ Disc 3 (Interview with Lee Carlson dated March 24, 2008).

⁶⁹ Preliminary Hearing Transcript dated April 25, 2008. R.1025

⁷⁰ *Memorandum in Support of Motion to Suppress Identification*, filed April 5, 2010.

⁷¹ *Id.*

53. Again, I do not believe we received any documents from the State providing information about the investigations in which the victim, Dolezsar, was participating.
54. I do not believe we received all of Disc 11 or the April 7, 2007, Letter from Bailey to Dolezsar. 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 emphasized for the first and only time.
55. Those disclosures give context and believability to the brief references to the Russia mafia in the record.
56. The information about those investigations I believe was not provided to defense 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.
57. This likely shows the police, in particular, and the prosecution, had tunnel vision once they identified Wright as a suspect to the exclusion of evidence to the contrary. Regardless, it deprived Wright's defense of exculpatory evidence.
58. 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 we did not receive Carlson's statements about his

identification and the killer's accent until immediately before trial becomes more egregious. Although the primary argument that Wright did not speak with a Slavic accent was still relevant, what was more important was 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.

59. I believe the defense investigation, the defense itself, and the verdict would have been different if had we had been told Dolezsar was participating in an FBI investigation and was financing and directing a private investigation into Tom, Tommy, and Darick Mower, and that Novak and others were also involved in those investigations.

DATED this 25th day of March, 2026.


Kim Cordova

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On March 25, 2026, Kim Cordova personally appeared before me, whose identity was proven to me on the basis of satisfactory evidence, who acknowledged to me that he signed the foregoing instrument.

Notary Public

