

# **EXHIBIT D**

**Gabler Affidavit  
July 22, 2020**

I, TODD GABLER, hereby depose and state as follows:

1. I am a resident of the State of Utah and am over the age of 18 years.
2. I am fully competent to testify concerning the matters set forth herein; the matters set forth below are based upon my personal knowledge, or they are based upon information and belief, and if called to testify, I would testify as set forth below.
3. I am a licensed private investigator in the State of Utah, DPS Agency #100175, and registrant #100253. I have been so licensed since July of 1997, pursuant to the Utah Private Investigator's Regulation Act, Utah Code 59-9-101 et seq. I have 27 years of experience as a private investigator, and I am the Chief Investigator for Rudiger Investigations, NMS, a bonded and insured Private Investigator Agency in the State of Utah.
4. I am a certified digital forensics examiner, and a certified cell phone signals expert. My expert CV is attached to this affidavit which details my 13 years of experience in this capacity.
5. I was retained by Jeff Wright to conduct investigations and render expert analysis involving the criminal conviction of his nephew, Christopher Eugene Wright. I acted in these professional capacities from September of 2015 until June of 2017.
6. This affidavit was requested by Eugene Wright. The scope of the affidavit is limited to the items requested by Mr. Wright, and they do not represent my full knowledge of the case, nor does this affidavit purport to cover all of the aspects of my investigation that could be significant in this case.
7. During my investigation it became clear that an audio recording of an interview with the victim's wife had been altered. This recording was produced in discovery as Disk 11. Disc 11 was a recording of an interview conducted on May 20, 2008. This interview was attended by Dee Mower, Bart Bailey, Dean Carriger, Josh Player, and Vaun Delahunty. The audio recording provided on Disk 11 does not provide the necessary metadata to begin to verify the lineage of this generation of the recorded interview.
8. During the portions of the Disk 11 interview that I could hear, Dee Mower, the widow of the victim, described her theories on who could have killed her husband, and why. Mower stated that she believed his murder related to his business dealings, and that David Novak should be considered a suspect high on the priority list of investigation. This is an incredibly significant recording, and the withholding of a complete recording with metadata, has significant implications for the defendant's investigation of his defense case.
9. During my investigation, I discovered that 2 Terabytes of data from the victim's

computers had been preserved by the RCFL (FBI computer lab) in Salt Lake City. I also learned that the RCFL did not keep any of this material, and returned it to the Sandy City Police Department. I believe that Ken Dolezar, the victim, conducted business on these computers, scheduled appointments, communicated with potential and current business associates, and documented details of his own investigations on these computers.

- 10. Part of my investigative effort was to locate and analyze the 2 Terabytes of data stored on 4 hard drives. I was able to determine that the defense counsel and investigator had never obtained copies of this data in preparation for the trial in this case. I have also learned that the prosecution in this case continues to refuse to release this data to the defendant so that an appropriate analysis can be conducted.

DATED July 22, 2020.

**VERIFICATION**

STATE OF UTAH )  
 )ss.  
COUNTY OF WASHINGTON )

TODD GABLER, being first duly sworn upon his oath, deposes and says that he is the affiant; that he has read the foregoing and understands the contents thereof, and the same is true of his own knowledge, information and belief.

DATED this 18 day of AUGUST 2020.

  
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TODD GABLER  
Affiant

On the 18 day of August, 2020, personally appeared before me TODD GABLER, the signer of the foregoing Verification/Affidavit, who duly acknowledged to me that he executed the same.

  
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NOTARY PUBLIC



