



8. I have refreshed my recollection with the transcript from Sneed's direct examination by the State and my cross examination of him regarding prescription medication. The State elicited on its direct examination a question about what prescription medication Sneed was on after being arrested.
9. Based on the trial transcript, Mr. Sneed testified that he was put on lithium after he had a cold and asked for Sudafed, and that he had never seen a psychiatrist, and that he did not know why he was placed on lithium. I also cross examined him on this point and he repeated he did not know why he was placed on lithium. (May 2004 Trial Testimony of J. Sneed, Vol. 12, 64:3-10; Vol. 13, 15:6-12)
10. Based on my recollection, there was no tactical decision on my part not to delve into Mr. Sneed's psychiatric condition. I believe I took the cross examination as far as I could based on the information I had at the time.
11. If the State had disclosed this information about Mr. Sneed being evaluated by a psychiatrist and then placed on lithium due to his bipolar diagnosis to the defense before or during trial, I believe I could have used this information in my cross examination of Mr. Sneed.
12. If the State had disclosed this information, I believe I could have used this information to present to the jury the danger of having untreated bipolar disorder and also using methamphetamine. Mr. Sneed had testified in the 2004 re-trial that he had used methamphetamine and other illicit drugs while living at the Best Budget Inn motel.
13. If the State had disclosed this information to the defense before or during trial, I believe we could have used this information in our cross examination of Mr. Sneed, we could have called Dr. Trombka as a witness, and it could have aided our overall defense theory. In addition, had the State disclosed this information, the information obtained by Edith King and the King Report would have become relevant and utilized for further impeachment of Sneed.
14. I believe I could have also attempted to impeach Mr. Sneed with his prior testimony at his sentencing hearing where he denied under oath being examined by anyone else other than Edith King concerning his mental health. I have refreshed my memory with the transcript from Mr. Sneed's June 18, 1998 Sentencing Hearing. There, the Judge specifically asked him if his competency evaluation by Edith King was "the only time you've ever been examined by anybody concerning your mental health?" Mr. Sneed testified "Yes, sir." (June 18, 1998 Sentencing Hearing, Case No. CF97-244, at 7:25-8:2).
15. If the State had disclosed this information to the defense before or during trial, I believe we could have presented this information to the jury for them to evaluate as the fact-finder the credibility of Mr. Sneed and the guilt or innocence of Mr. Glossip.

