

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO: 8:05-Cr-475-T-27TGW

THOMAS SPELLISSY

and

STRATEGIC DEFENSE INTERNATIONAL, INC.

AFFIDAVIT

In support of Defendant's motion for a new trial.

I, Fred Chan under oath, depose and say:

1. I was a Program Manager for the Program Executive Office, Special Programs, United States Special Operations Command. I worked on Classified and Unclassified programs. My responsibilities included working on Foreign Comparative Test and Defense Acquisition Challenge proposals and programs. I have worked for the government 20 years.
2. I worked for Colonel Thomas Spellissy for three years and I have worked with former civilian service support contractor, Mr. William E. Burke for 4 years.
3. Acquisition priorities are established at USSOCOM by the Assessment Directors and approved by the Commanding General. Assessment Directors are all Military Officers.
4. Program Managers establish the priorities for their approved programs based on the priorities from the units for which the program is for. Program Managers are Military Officers or Government Civilian Employees. Program Executive Office's establish priorities for existing programs.
5. Foreign Comparative Test/Defense Acquisition Challenge proposals are approved or rejected by Program Managers in accordance with their technical evaluations, priorities and funding. Program Managers submit their approved proposals to the Program Executive Officer who ranks the programs from his Program Managers according to the

Command's priorities. The Program Executive Offices submit their proposals to the Acquisition Executive. These proposals now become the Command's proposals.

6. The Command's proposals are ranked according to the Command's priorities which come from the Command's Board of Directors. The Board of Directors is made up of General Officers from the Component Commands and the Commanding General of USSOCOM. The final ranking is then signed by the Acquisition Executive and sent to the Department of Defense. The Department of Defense ranks the proposals according to the Department's priorities through a formal board and sends them to Congress for approval based on the available funding.
7. All of the rankings, approvals and disapprovals are done by government personnel and not by contractors. These are government only decisions.
8. The staffing of the proposals is performed with much government oversight. If there are any issues concerning the ranking of proposals it would be adjudicated by the operational units. The operational units at USSOCOM are very involved in the acquisition process to make sure priority is given to satisfy their requirements.
9. There is no opportunity in the process, especially for a contractor to change an approval, disapproval or ranking of a proposal. Any change would require the approval of the Program Manager and Program Executive Officer as a minimum.
10. Mr. William Burke did not have any authority to approve, disapprove, rank or change a proposal.

Fred Chan

Fred Chan

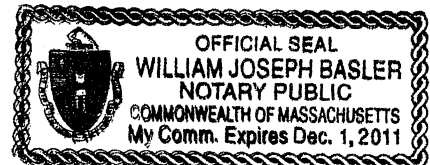
STATE OF MASSACHUSETTS

COUNTY OF *Middlesex*

Sworn to or affirmed and signed before me on *Oct 6,* 2008 by _____

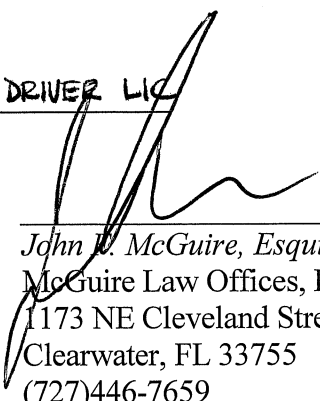
William J Basler

NOTARY PUBLIC - STATE OF MASSACHUSETTS



- Personally known
 Produced identification

Type of identification produced MA DRIVER LIC



John P. McGuire, Esquire, FBN 0000401
McGuire Law Offices, P.A.
1173 NE Cleveland Street
Clearwater, FL 33755
(727)446-7659
Attorney for Defendant