

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THOMAS F. SPELLISSY

Plaintiff,
v.

Case No.: 8:08-CV-02479T-26-MAP

UNITED STATES SPECIAL
OPERATIONS COMMAND

Defendant.
_____ /

AFFIDAVIT

In support of the above captioned case,

I, Thomas F. Spellissy under oath, depose and say:

I am Thomas F. Spellissy, the Plaintiff, and I truly believe that all the information in my complaint and this motion is true.

The following statements are true.

1. In late December 2007, I was with my current lawyer, John McGuire and we were eating lunch at Capogna's Dugout Restaurant, Clearwater, FL and Steven Fetherman was also there eating lunch. Fetherman and I discussed the investigation of my company and I. Fetherman told me that he was interviewed by the USSOCOM Inspector General in reference to my investigation; I did not know that this interview took place. Fetherman made comments favorable to me and this was not disclosed by USSOCOM during my pre-trial and trial hearings. Fetherman told me that Brad Mohr was also interviewed. This interview was not disclosed.
2. LTC Wil Riggins told me in Washington, DC after my trial that he was interviewed by the USSOCOM Inspector General concerning the investigation of me and my company. This information was not disclosed by USSOCOM.
3. I retired from my job as the Program Executive Officer for Special Programs, USSOCOM as a Colonel. My retirement date of record is 31 December, 2004. My former attorney, Pat Doherty received a letter

from the Department of the Army, dated 3 November, 2006 telling him that I was going to be placed on the retirement list as a Lieutenant Colonel. I appealed this decision twice to the U.S. Army Board of Military Records. Both appeals were denied. The Board of Military Records disagrees with the findings from the District Court of the Middle District of Florida by claiming that my finding of guilt occurred while I was on active duty. The District Court Judge found that the alleged offense of conviction occurred after I retired from active duty.

Thomas F. Spellissy
Thomas F. Spellissy

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to or affirmed and signed before me on 4/8 2009 by Thomas F. Spellissy

Jennifer L. Martin
NOTARY PUBLIC--STATE OF FLORIDA

[Print, type, or stamp commissioned name of notary.]



Personally known
Produced identification
Type of identification produced _____

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