

Sex, Lies & Audiotape (Part II)

by Edgar J. Steele

Here Come de Fix

I had an inkling that the fix was in on the morning of the second day of the pretrial hearing concerning our forensic audiology experts. The lead prosecutor, Assistant US Attorney Traci Whelan, was smiling, humming to herself and positively *chirping* happily to others before court convened. Never have I seen an attorney, least of all her, look so happy and confident going into a crucial hearing. Clearly, she *knew* what would be the court's ruling, though experience *should* have told her she was *losing* on the issue of audiology experts and losing badly. *She knew. How, do you suppose?*

Of course, I already explained (Part I) how the judge later would rule (later that same day) that we could not put either of our audio experts on the witness stand during the trial.

A Work in Progress

My wife, after listening to the recordings several times on different occasions, also swears that they have "evolved" through time, with different

wording in places. It seems that, each time someone noticed something blatantly wrong with the recordings, they then changed, apparently solving problems.

I knew that the recordings would be good when I first was told about them - of "Mission Impossible" quality, in fact. Even so, I was unprepared for what I heard as my Public Defender, Roger Peven, played them for me. Peven made it clear at the outset that *he* believed the recordings were genuine, and his conviction remains unshaken to this day, for all I know. I confess that Peven's certitude shook me to the core, but *nothing* like the recordings themselves did.

Listening to the recordings was one of the most excruciating experiences of my life. I heard a voice that *sounded* like my own, saying some of the most outrageous things possible. At points, I heard familiar words and phrases that I often use. I even heard whole segments that I recalled saying in the past. Only later would I reflect upon how over the top was the total effect; how *scripted* it all sounded.

Hearing what seemed to be *my* voice discussing the deaths of my wife and her mother with this bumbling and oafish *handyman*, of all people, pushed me

over the edge. I became violently ill upon returning to my cell. In retrospect, I now realize that I suffered what commonly is known as a nervous breakdown.

Evil Edgar

My Cyndi! My best friend and lover. My sweetheart. *My Girl.* How could it happen? For two weeks, I was in agony, pacing aimlessly in my cell, sick to the point of vomiting almost daily.

At the time, I had a world of respect for my public defender, Roger Peven, so his opinions carried a good deal of weight with me. *He* thought the recordings were real, so I *had* to consider the possibility that my personality had split under the pressure of four major surgeries in six months and all the drugs I had been taking at the time (more on this in a future installment I call "Evil Edgar"). After all, I *did* seem to have a great many blank spots in my memory, like a videotaped movie with whole scenes erased, seemingly at random. Could it be?

Meanwhile, I finally persuaded the jailhouse doctor to prescribe an anti-depressant for me. Increasing the dosage twice in the weeks to come seemed finally to bring me some relief. I was sleeping again.

Ceaselessly, as a dog with a bone, I replayed sections of those recordings in my head. The segment that bothered me the most was a brief monologue "I" delivered on the danger of Cyndi not dying and merely being turned into a paraplegic for whom I would be forced to care for. (*Nonsense!* I would be honored and pleased to care for her the rest of my life! I could no sooner walk away from her than voluntarily stop breathing air.)

"Don't touch him," I supposedly said on one recording, referring to Cyndi's (nonexistent) boyfriend. *Wait a minute*, I thought, *if she had a boyfriend* (she never has), *why wasn't he the plot's target, instead of my wife?* I loved her enough to be jealous of her, but not enough to want her alive? Slowly, serious doubts began bubbling to the surface of my mind.

A Little Truth

Some parts of the recordings *did* ring true, such as my paying Fairfax \$400 for two tires he had bought to replace what he damaged on my pickup. At trial, that \$400 was portrayed as my down payment on the hit, though the Handyman Hit Man *also* claimed he already had been paid in silver bullion (yes, *before* the "down payment!"). Ask yourself why I would give him a \$400 down payment if I *already* had paid him in full for the "hit," \$10,000 in silver bullion

that Fairfax, at trial, finally was to admit that he himself *took* from its hidey-hole. Yet another hard-to-believe piece of the government's case. A lie?
"Obviously."

Much of the recordings was foreign to me, though. *Why*, I asked myself, would I pay to have Cyndi's mother killed? She never had been anything but good to the children and me. Besides, though I hate to say it because of the impact upon Cyndi, she already is dying and spends as much time in the hospital as she does at home (where she lives alone in another state). Clearly, she *already* doesn't have long to live. Know that I regret the pain that saying this means for my Cyndi, but I feel it must be said. Of course, since Cyndi's mother lives in another state, a plot *also* against *her* would confer legal jurisdiction on the Federal Government (*the FBI*).

Both recordings started with the *same* introduction by FBI Agent Sotka before he allegedly planted the recorder on Larry the Idahun Hit Man. And both recordings started *precisely* at "6:02 pm." Odd, eh? Just coincidence, I am sure.

And, wouldn't there have been small talk between Fairfax and Sotka at the start and end of those recordings (e.g. "Hello," "got your tic tacs?" "Good luck," "how did it go?" "Good bye.")?

Also, though the prosecutor made a big thing about a train whistle heard that marked the passage of a train over two miles away every day at about 6:15 pm, she failed to draw the jury's attention to the fact that the whistle appeared *nine* times on one of the recordings, *but not at all on the other*. Besides, though one *can* hear that train when standing in front of the house (or parked on the road out front), it is *impossible* to hear in the barn, where both recordings supposedly took place.

I was *almost* convinced after just one hearing of the two recordings. Meanwhile, Cyndi, who is *much* more familiar with my voice than I, required just one hearing to pronounce them both fakes, a fact withheld from me until after the trial, nearly a year later, when she and I finally were allowed to talk with each other about the case. It took me a long time to reach that conclusion, though I was certain of it during the first month or so after I was arrested.

Lies

The governments two faked recordings were the biggest lies told at the trial, Cyndi later was to write of differences within those recordings: "What I found odd is that there were distinct differences between non-plot subjects being discussed and the plot being discussed.

1. "Non-plot conversations: easier to hear, voice resembled my husband's voice."
2. "Plot conversations: much harder to hear, husband's voice seems strange, different and odd to me... intonation was wrong... fluctuation in the voice was wrong... diction and pronunciation of words were wrong... sentences were off grammatically... ends of words were as if they were cut off or being dropped; Ed speaks clearer than that."

Cyndi also noted that, "There were a lot of things that I had heard my husband say to (Larry Fairfax) many times in conversations about a work project that (Fairfax) was doing for us." This time, however, those phrases popped up appended to plot details supposedly under discussion between Fairfax and myself.

Cyndi also later would write that, "there were a lot of things that seemed like they were out of other conversations that my husband had in his office or our bedroom." Such as, "Following Ed's aortic aneurysm in Nov. 2009, he

spoke a lot about never wanting to end up in a vegetative state or a paraplegic and that he would rather be dead than for his children or I left to take care of him."

More Lies

The discussion between Cyndi and FBI Agent Sotka following the playing of the recordings was especially revealing: "When I tried to tell the FBI agents that I didn't trust these tapes and they didn't prove anything to me, Agent Sotka only became argumentative, defensive and went to great lengths to try to convince me that I was wrong and how they wouldn't lie. Sotka didn't want to hear my opinion of the tapes. *He made it very clear that he didn't want to hear anything other than what they wanted me to say.*"

At this meeting, Cyndi was shown a document verifying the recordings "were authentic and not altered." Interestingly, during a court hearing several months later, the government was to claim that it *had not yet had an opportunity to analyze the recordings* in response to our "surprise" claim that they were false.

Sotka's big admission at trial: During his testimony, FBI Agent Sotka for the first time admitted that, after downloading (copying) the recordings to a computer, he made second-generation CD copies, he *destroyed* the originals, *after* they allegedly had been made, so that only Agent Sotka ever heard the *originals*. Yes, you heard that right. Sotka admitted under oath to being the *only* person who ever had heard the original recordings, *after which he destroyed them*. This finally came out because Sotka was unable to produce the original mini discs at trial, as demanded by our subpoena. They had been erased, he was finally forced to admit.

Still More Lies

Sotka stalled for ten days, until June 21, when he finally agreed to let Cyndi hear the recordings. Even then, however, Sotka would claim the *third* recording (of conversations during my arrest of June 11) was "not yet ready." They never have let Cyndi hear that third recording, *nor me, either*, nor was it played at trial. What was needed to *get* it ready, do you suppose? The same "processing" that required them to keep Cyndi away from the first two recordings for *ten days*?

Reportedly, it has now slipped out that the third recording has a one-hour gap, which is why, I suppose, released just a transcript of that recording, transcript not yet provided to Cyndi or to me. Just coincidence, I am sure, that the third recording would prove both FBI Agent Sotka and ISP Trooper Spike in their (evidentially improper) testimony about my reaction to their lies to me about the deaths of both Cyndi and her mother. At the end of that tens days, during which Cyndi was prevented from hearing the recordings (I wasn't to be allowed to hear them for another two months), the pipe bomb was discovered on our car.

When finally allowed to listen to the first two recordings, Cyndi plainly heard the word "bomb," but not the word "car," which was to appear, as if by magic, sometime later. Sotka told Cyndi he had listened to the two conversations *as they were being recorded* (yet another lie, it turned out), even taking notes, but somehow missed mention of any "bomb." Sotka later was to testify that he listened to the recordings *twice* before he destroyed the originals. Of course, if he *had* heard "bomb," then he would have had to warn Cyndi, which Sotka never did. After she drove back from Oregon? Nor did Sotka's supervisor or AUSA Whelan, who listened to the June 9th

recording (the recording that now has the word "bomb") the very next morning (June 10th), warn Cyndi. Or, perhaps "bomb" was never on the *original* tapes at all. It seems that *both* Assistant US Attorneys Whelan and Hawes, not to mention *their* boss and any member of FBI and Justice Department employees, would have heard "bomb" on the recordings if it was there early on... doesn't it?

Cyndi drove around for a week (from June 9th to the 15th), through three different states, before the bomb's discovery. When do you suppose the bomb was added to her car? Could it have been *after* the word "bomb" was added to the tape? After I was arrested? Just asking.

The Sex

In a truly bizarre development, one month later FBI Agent Sotka was to admit to my wife that he "liked" her. Make of that what you will. I'm not sure what Sotka meant, but I don't think I like it.

No, that wasn't the "sex" promised by the title, but you have heard just some of the many, many lies that FBI Agent Sotka told in this case. I admit that I adapted the title of this chapter from a mediocre movie of several

years ago, but there *is* sex to come (so to speak), when I tell you about all my Ukrainian "girlfriends" (over 100 of them)... (I suppose you could call that *lots* of sex, since every single one of these young ladies is drop-dead gorgeous).

Keep in mind those world-class experts we retained to examine the recordings for authenticity; the forensic audiology experts who *both* independently found the recordings to be *packed* with indications of dubbing, splicing and editing. *That* is the single most critical fact in the case, a fact that the judge refused to allow us to get before the jury. The omission led to my conviction.

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