

IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT IN AND
FOR SARASOTA COUNTY, FLORIDA

CASE NO.: 2022 CA 1128 SC

JOSEPH PETITO and NICHOLE
SCHMIDT,

Plaintiffs,

vs.

CHRISTOPHER LAUNDRIE, ROBERTA
LAUNDRIE, and STEVEN BERTOLINO,

Defendants.

**DEFENDANT STEVEN BERTOLINO'S NOTICE OF
FILING DEPOSITION OF RICHARD STAFFORD, ESQUIRE**

COMES NOW, this Defendant, STEVEN BERTOLINO, through counsel, pursuant to the Florida Rules of Civil Procedure, and hereby gives notice of filing the transcript of the October 19, 2023 deposition of Richard Stafford, Esquire in support of Defendant Steven Bertolino's Motion for Summary Judgment, filed on February 12, 2024. This Notice is given in accordance with Florida Rule of Civil Procedure 1.510(c). The transcript is also filed for use at trial and any other purposes as provided for by the Florida Rules of Civil Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 12, 2024, the foregoing was electronically filed with the Court, which will give electronic notice to: **Patrick J. Reilly, Esquire** at eservice@snyderandreilly.com, pat@snyderandreilly.com, valerie@snyderandreilly.com [counsel for Plaintiffs]; and **Ryan L. Gilbert, Esquire** at ryan@ryangilbertlaw.com, office@ryangilbertlaw.com [counsel for Christopher and Roberta Landrie].

/s/ Laura M. Kelly

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14606/3350

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1 IN THE CIRCUIT COURT OF THE 12TH JUDICIAL CIRCUIT
 2 IN AND FOR SARASOTA COUNTY, FLORIDA
 3 -----
 4
 5 JOSEPH PETITO AND NICHOLE SCHMIDT,
 6 Plaintiffs,
 7 vs. No. 2022 CA 1128 SC
 8 CHRISTOPHER LAUNDRIE, ROBERTA LAUNDRIE, AND STEVEN
 BERTOLINO,
 9 Defendants.
 10
 11 -----
 12
 13
 14 DEPOSITION of RICHARD STAFFORD, taken on
 15 October 19, 2023, at 9:40 A.M., in BOHEMIA, NEW YORK,
 16 before SOPHIAN DEFRANCE, Digital Reporter and Notary
 17 public of the State of New York.
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 21
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 23
 24
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 20 Also Present:
 21 Joseph Petito, Plaintiff
 Tara Petito
 22 Christopher Laundrie, Defendant
 23 Steven Bertolino, Defendant
 24
 25

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1 IT IS HEREBY STIPULATED AND AGREED, by
 2 and between counsel for the respective parties
 3 hereto, that the filing, sealing and certification
 4 of the within examination shall be and the same are
 5 hereby waived;
 6 IT IS FURTHER STIPULATED AND AGREED that
 7 all objections, except as to the form of the
 8 question, shall be reserved to the time of the
 9 trial;
 10 IT IS FURTHER STIPULATED AND AGREED that
 11 the within examination may be signed before any
 12 Notary Public with the same force and effect as if
 13 signed and sworn to before the Court.
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1 RICHARD STAFFORD
2 (On the record at 9:40 A.M.)
3 THE REPORTER: We are now on the record. And
4 the time is -- the time is 9:40, a.m. Eastern Standard
5 Time on Thursday, October 19, 2023, to take the
6 deposition of Mr. Richard B. Stafford in the case of
7 Joseph Petito and Nichole Schmidt versus Christopher
8 Laundrie, Roberta Laundrie and Steven Bertolino.
9 My name is Sophan DeFrance, notary republic
10 and digital reporter assigned for Esquire Deposition
11 Solutions in the state of New York.
12 The witness is located in Bohemia, New York,
13 and has confirmed his identity with driver's license
14 issued by the State of New York.
15 Counsel, will everyone in attendance, please
16 identify yourself for the record and state, which
17 party do you represent, please.
18 MR. REILLY: Patrick Reilly for Joseph Petito
19 and Nichole Schmidt.
20 MR. MELTZ: Chuck Meltz and Laura Kelly on
21 behalf of Steven Bertolino.
22 THE REPORTER: Thank you.
23 MR. MELTZ: Are we off --
24 MR. REILLY: Ryan?
25 No, it looks like it's still on.

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1 RICHARD STAFFORD
2 THE REPORTER: Thank you.
3 Would you like to start the depo?
4 MR. MELTZ: Hey, Ryan, it's Chuck Meltz. Can
5 you just announce your appearance?
6 MR. GILBERT: Yeah. This is Ryan Gilbert
7 representing the defendants, Christopher Laundrie and
8 Roberta Laundrie.
9 MR. MELTZ: All right. We're good.
10 THE REPORTER: Thank you. Yeah.
11 Mr. Stafford, will you please raise your
12 right hand?
13 RICHARD STAFFORD
14 having been first duly sworn, testified as follows:
15 THE REPORTER: Thank you.
16 Counsel, you may now proceed.
17 MR. MELTZ: Thanks.
18 EXAMINATION by MR. MELTZ
19 Q. Mr. Stafford, my name is Chuck Meltz and I
20 represent Steven Bertolino, who is a defendant in a
21 lawsuit that's currently being brought by Joseph
22 Petito and Nichole Schmidt.
23 You've been identified by the plaintiff's
24 attorneys as a witness in this matter. We're aware of
25 some of the reasons why for that. We're going to ask

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1 RICHARD STAFFORD
2 you some questions about yourself, your background,
3 and your involvement in the underlying events that
4 have brought us here today.
5 If I ask you anything that you're not clear about
6 or unsure about, that's not my intent. So if that
7 occurs, please let me know and hopefully I'll be able
8 to rephrase the question in a more understandable way.
9 With that said, please do your best to let me
10 finish my questions before you start your answer.
11 I'll do my best to let you finish your answer before I
12 start my next question. That way, we're both not
13 speaking at the same time.
14 Assuming I ask you a question that you do
15 understand, I need you to answer out loud, using words
16 as opposed to shaking your head or shrugging your
17 shoulders. If you do that, I will almost certainly
18 say, is that a yes or is that a no. Not to be
19 impolite. Just to make sure that we have a good
20 record.
21 We're going to go through some documents today.
22 So when I hand you a document, if you need whatever
23 time to read it, take whatever time you need to read
24 it. None of them are particularly long, but we'll go
25 at your pace.

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1 RICHARD STAFFORD
2 And then finally, we'll probably take at least
3 one break, maybe two. But if you need a break before
4 it seems like I'm headed that way. Let me know.
5 We'll take a break. Pick right back up where we left
6 off, all right?
7 A. Okay.
8 Q. Can you please state your full name?
9 A. Richard Stafford.
10 Q. Mr. Stafford, what's your date of birth?
11 A. [REDACTED]/71.
12 Q. Where do you currently reside?
13 A. [REDACTED] in Blue Point.
14 Q. Where is Blue Point?
15 A. In New York.
16 Q. How long have you lived there?
17 A. Seventeen years.
18 Q. Where do you currently work?
19 A. I currently work at Suffolk Regional Off
20 Track Betting.
21 Q. What is Suffolk Regional Off Track Betting?
22 A. We are a private -- we're a private
23 corporation that is owned by Suffolk County. We
24 manage the off track betting horse racing for Suffolk
25 County and -- and Jake's 58, which is a casino in

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1 RICHARD STAFFORD

2 Suffolk County.

3 Q. For people who don't know what off track

4 betting is; hat is that?

5 A. It is a -- it's where people can go and bet

6 on horses from racetracks all across the country.

7 Q. What's your particular position at Suffolk?

8 Regional Off Track Betting?

9 A. General counsel.

10 Q. When did you accept that position?

11 A. When did I accept it, or when did I start?

12 Q. When did you start?

13 A. On September 4th. I believe that's the

14 Tuesday, September 4. The day after Labor Day.

15 Q. Of 2023.

16 A. 2023.

17 Q. All right. Before accepting the position or

18 starting the position of general counsel at Suffolk

19 Regional Off Track Betting, what was your employment?

20 A. I had two -- well, two things. I worked at

21 Riverhead Town Attorney's Office in the Town of

22 Riverhead as a deputy town attorney. I started there

23 on October 31st of '22. And I completed employment

24 there this Sunday, which would be September 2nd, I

25 believe.

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1 RICHARD STAFFORD

2 Q. What was the other thing?

3 A. I -- I had a law practice.

4 Q. What was the name of your law practice?

5 A. The Law Office of Richard Stafford. Richard

6 B. Stafford.

7 Q. Does the Law Office of Richard B. Stafford

8 still exist?

9 A. I do have a few cases that I am wrapping up.

10 I'm allowed to practice on the side at my current job

11 and the other job in Riverhead.

12 Q. You are an attorney?

13 A. I am.

14 Q. Are you licensed to practice law in the state

15 of New York?

16 A. I am.

17 Q. Are you licensed in any other states?

18 A. No. I am not.

19 Q. Have you ever been licensed in any other

20 states?

21 A. No. I have not.

22 Q. Where did you go to law school?

23 A. I went to law school at Penn State.

24 Q. When did you graduate?

25 A. In May of 2001.

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1 RICHARD STAFFORD

2 Q. With a JD.

3 A. Yes.

4 Q. Did you have any particular emphasis or focus

5 of study while in law school?

6 A. No.

7 Q. Upon leaving law school, did you immediately

8 enter the practice of law?

9 A. I did.

10 Q. What did you do?

11 A. I worked for the Suffolk County District

12 Attorney's office in New York.

13 Q. As an assistant district attorney?

14 A. Yes.

15 Q. How long did you do that?

16 A. From August of 2001 through September of

17 2004.

18 Q. Did you start off prosecuting lower level

19 offenses?

20 A. Correct.

21 Q. And then at the time that you left the

22 District Attorney's Office, what types of cases were

23 you prosecuting?

24 A. I was in their Special Investigations Bureau.

25 Q. Which did what?

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1 RICHARD STAFFORD

2 A. Prosecuted organized crime, prosecuted

3 gang-related cases. And any intricate investigation

4 cases.

5 Q. Was that in more of a supporting attorney

6 role, though, given your level of experience at the

7 time?

8 A. No. I was -- you know I wasn't the bureau

9 chief or the deputy, but I had my own cases and I

10 controlled what I -- my cases.

11 Q. While you were at the District Attorney's

12 Office, did you ever -- were you ever first chair or

13 lead prosecutor in a murder case?

14 A. No.

15 Q. Did you ever participate in a murder case?

16 A. Not in the DA's office.

17 Q. While you were at the DA's office, would you

18 interact with criminal defendants who are represented

19 by counsel?

20 A. Yes.

21 Q. Okay. And was that most of them? All of

22 them? What percentage of criminal defendants that you

23 prosecuted were represented by counsel?

24 A. When I was in the Special Investigations

25 Bureau, 100 percent.

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1 RICHARD STAFFORD

2 Q. When you were an assistant district attorney,

3 did you ever try to contact a criminal defendant

4 yourself directly who you knew was represented by

5 counsel?

6 A. No.

7 Q. Why not?

8 A. Because they had a counsel, and that's who I

9 would contact.

10 Q. Was that a matter of professional courtesy,

11 or is that a rule of some sort?

12 A. That's just the way we always did it, so --

13 Q. So do you think it's just custom and

14 practice?

15 A. I believe it's a rule that you don't contact

16 if you're a district attorney, someone else's clients.

17 Q. When you were a district attorney at the

18 Suffolk County District -- or assistant district

19 attorney at the Suffolk County District Attorney's

20 Office, would you try cases?

21 A. I did.

22 Q. In some of those cases, would the criminal

23 defendant not testify?

24 A. Yes.

25 Q. Oftentimes? Sometimes? Frequently?

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1 RICHARD STAFFORD

2 A. Most of the time, they did not testify.

3 Q. Could you, as an assistant district attorney,

4 make them testify?

5 A. No.

6 Q. Why not?

7 A. Because the government can't force someone to

8 testify.

9 Q. Why not?

10 A. Because that's the law.

11 Q. When you were an assistant district attorney

12 and you had a case in which the defendant you were

13 prosecuting indicated he or she was not going to

14 testify, would you ever try to mount some type of

15 public media or public pressure campaign to shame them

16 or coerce them or force them into testifying?

17 A. As a district attorney, no.

18 Q. Would that be ethically permitted?

19 A. As a district attorney.

20 Q. When you were an assistant district attorney

21 prosecuting a defendant -- criminal defendants, if

22 they chose not to testify, were you allowed to make an

23 argument to the judge or the jury that they should

24 infer something negative or infer something of an

25 indication of guilt against the person who didn't

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1 RICHARD STAFFORD

2 testify?

3 A. No.

4 Q. Again, is that an argument that's also

5 prohibited?

6 A. As a district attorney, correct.

7 Q. When you were an assistant district attorney

8 and you were working with criminal defense attorneys,

9 I take it you saw some of the same criminal defense

10 attorneys over and over?

11 A. Correct.

12 Q. Particularly the assistant public defenders?

13 A. Correct.

14 Q. And public defender is a Florida term. Do

15 they have that same term in New York?

16 A. Legal Aid attorney.

17 Q. Legal Aid attorney.

18 If you had a Legal Aid attorney or public

19 defender or private criminal defense lawyer you were

20 working with who advised his or her client not to

21 speak to law enforcement or not to testify; did you

22 consider that attorney to be doing something wrong?

23 A. No.

24 Q. When you were assistant district attorney,

25 would you oftentimes work with victims or victim

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1 RICHARD STAFFORD

2 families?

3 A. Yes.

4 Q. In cases that you've had as an assistant

5 district attorney, if the person you were prosecuting

6 didn't give a statement or didn't speak or didn't

7 testify; at times, would the families sometimes

8 express their displeasure or disgust or concern that

9 the person who had committed the crime wasn't

10 speaking?

11 A. I'm sure they did.

12 Q. In those circumstances, would you tell the

13 victim or victim's family, listen, you should blame

14 their lawyer because that's the person who's given

15 them the advice?

16 A. I don't think I ever had those conversations

17 with them.

18 Q. If those conversations occurred, would you

19 have taken the time to explain to a victim while you

20 were at the Assistant District Attorney's Office that

21 a person accused of a crime doesn't have to speak and

22 doesn't have to testify, and that's just the way the

23 law works?

24 A. You're asking me to speculate, so --

25 Q. But that is just the way the law works,

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1 RICHARD STAFFORD

2 though, isn't it?

3 A. Correct.

4 Q. What did you do after leaving the State

5 Attorney's Office or District Attorney's Office?

6 A. I started a law practice.

7 Q. Was that the Law Office of Richard B.

8 Stafford?

9 A. Correct. No.

10 Q. What was it?

11 A. I started a law firm that was Stafford &

12 Walsh.

13 Q. How long was the firm, Stafford & Walsh?

14 A. Only for about four months.

15 Q. What did it become after that?

16 A. Law Office of Richard Stafford.

17 Q. I didn't want to presume, so --

18 A. Yes.

19 Q. When you left the assistant -- sorry.

20 When you left the District Attorney's Office for

21 Suffolk County and went into private practice, what

22 was your area of practice or focus?

23 A. I'd say 90 percent criminal.

24 Q. Criminal defense?

25 A. Correct.

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1 RICHARD STAFFORD

2 Q. Did that remain constant over the years?

3 A. Yes. I'm sure it went up a few percentage

4 and almost to solely criminal.

5 Q. Was there a particular type of case that you

6 would represent a criminal defendant on more than

7 another?

8 A. No.

9 Q. In terms of your criminal law defense

10 practice, did you have like a phone book ad or

11 internet ad of some sort that described you in your

12 area of focus?

13 A. I did.

14 Q. Did you identify particular crimes that you

15 could represent somebody on?

16 A. Sure.

17 Q. As part of your criminal practice, did you

18 ever represent someone who was accused of murder?

19 A. Yes.

20 Q. Did you ever try a murder case?

21 A. I did.

22 Q. How many?

23 A. To a verdict, two.

24 Q. What were the result of those?

25 A. Guilty.

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1 RICHARD STAFFORD

2 Q. On both?

3 A. On both.

4 Q. In either of those cases, do you recall if

5 any member of the deceased family testified?

6 A. Not immediate family.

7 Q. In any of those cases, do you recall if any

8 members of the immediate family were present for the

9 trial?

10 A. Yes.

11 Q. So they were watching it?

12 A. Correct.

13 Q. And during the trial where you were

14 representing someone who was accused of murder,

15 knowing that the victim's family was in the courtroom,

16 would you not make certain arguments on your client's

17 behalf because you were concerned about hurting the

18 feelings of the victim's family?

19 A. No.

20 Q. Why would you not take the victim's family's

21 feelings into account?

22 A. I -- I had a relationship with the victim's

23 family in the one case.

24 Q. Okay. The one case, the murder case that was

25 tried.

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1 RICHARD STAFFORD

2 A. Yes.

3 Q. All right. But did that stop you from making

4 arguments on your client's behalf?

5 A. No.

6 Q. Why not?

7 A. Because I was representing my client.

8 Q. Would you agree with me that when you

9 represent a client who's accused of murder, as a

10 lawyer, you owe that client your duties and

11 responsibilities?

12 A. Correct. And that's on any criminal case.

13 Q. And since with any criminal case, it's your

14 client to whom you owe duties and responsibilities,

15 would you agree with me, sometimes, as an attorney,

16 you have to represent your client in a way that might

17 upset either the victim or the victim's family?

18 A. Sure.

19 Q. As a criminal defense lawyer, would you spend

20 any significant amount of time trying to figure out

21 how to present a defense that would impact the victim

22 or victim's family in as minimal a way as possible.

23 A. On -- on a criminal case? Yes.

24 Q. Okay. Tell me how you do that.

25 A. Depending on the case. Depending on -- on

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1 RICHARD STAFFORD

2 victims. Depending on the age of the victim.

3 Q. So if you had a minor, you might approach

4 that a different way?

5 A. Correct.

6 Q. Did you ever represent as part of your

7 private practice, someone who was accused of sexual

8 assault?

9 A. Yes.

10 Q. Did you ever try any of those cases?

11 A. Yes.

12 Q. In those cases, would the victim sometimes

13 testify?

14 A. Yes.

15 Q. And would you cross-examine that victim?

16 A. I would.

17 Q. In your experience, did the victim ever

18 consider the -- well, I don't want to ask it that way.

19 When you cross examined a victim in a sexual

20 assault case, if you had questions or evidence that

21 you believe would be helpful to your client, would you

22 not use it if you thought it would upset the victim?

23 A. No.

24 Q. Why not?

25 A. Because I have to represent my client.

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1 RICHARD STAFFORD

2 Q. When you represented criminal defendants in

3 your private practice at some time or in some

4 occasions, would they choose not to testify at trial?

5 A. Say that again.

6 Q. Sure. In your private criminal practice, did

7 you have trials where you represented criminal

8 defendants who did not testify at trial?

9 A. Yes.

10 Q. And I'm not looking for you to give me any

11 specific attorney-client discussions with a particular

12 client. But in your criminal practice, were there

13 times where you would advise your clients, do not

14 testify at trial?

15 A. I'm not going to get into that. I'm not

16 going to answer that.

17 Q. Have you ever been in interviews with law

18 enforcement where law enforcement was interviewing

19 someone who you represented who was accused or

20 suspected of committing a crime?

21 A. Yes.

22 Q. In those types of interviews, have you ever

23 had an occasion in which you told law enforcement my

24 client can't answer that question?

25 A. Specific questions?

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1 RICHARD STAFFORD

2 Q. Yeah.

3 A. I'm -- I'm sure I have. I can't think of

4 anything offhand.

5 Q. Have you had clients of yours who've

6 testified before grand juries?

7 A. I could have. Could have been one or two.

8 I'm trying to -- I'm trying to think back, but that's

9 usually not the case.

10 Q. When you were prosecuting organized crime,

11 would you at times be involved in grand jury

12 proceedings?

13 A. Yes.

14 Q. Have you ever been involved in a grand jury

15 proceeding in which the person testifying at the grand

16 jury had to invoke their Fifth Amendment privilege?

17 A. No.

18 Q. Do you know what the Fifth Amendment

19 privilege is?

20 A. Yes.

21 Q. What is it?

22 A. That they have the right to remain silent.

23 And -- and just to clarify, you mean after

24 they've gone into the grand jury and testified, they

25 invoked their Fifth Amendment rights?

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1 RICHARD STAFFORD

2 Q. Yes.

3 A. I never had that.

4 THE REPORTER: Say that again.

5 THE WITNESS: I never had that.

6 THE REPORTER: Thank you.

7 BY MR. MELTZ:

8 Q. Have you been involved in trials in which

9 someone has invoked their Fifth Amendment privilege

10 while on the witness stand?

11 A. Yes.

12 Q. Have you been in civil litigation where

13 someone invoked their Fifth Amendment privilege?

14 A. No. Yes. Quasi civil.

15 Q. What do you mean by that?

16 A. I had a driving while intoxicated case. So

17 it's a criminal case, but they have some licensing

18 issues. So I represented a individual at his

19 licensing proceeding and the witness claimed the

20 Fifth.

21 Q. Prior to taking your current position, while

22 you were at the Law Office of Richard B. Stafford, did

23 you ever do any civil litigation?

24 A. No.

25 Q. When you were working at the law office of

Page 25

1 RICHARD STAFFORD

2 Richard B. Stafford, if you had a new client come in,

3 would you use written engagement letters?

4 A. Yes. If -- if it was over a certain amount.

5 Q. It depended on the amount of money?

6 A. Correct.

7 Q. So if there was, like, a relatively minor

8 offense, would you not use an engagement letter?

9 A. Correct.

10 A. Or if I was doing a pro bono.

11 Q. In any of your cases, while in private

12 practice, did you ever represent a

13 prospective -- sorry.

14 In any of your cases in private practice, did you

15 ever represent someone who was accused of a crime that

16 appeared to you to generate some significant amount of

17 media attention?

18 A. Yes.

19 Q. How many times did that occur?

20 A. Ten.

21 Q. Did you have a standard operating procedure

22 for doing something if you were representing a person

23 accused of a crime who the public seemed to take

24 interest in?

25 A. No.

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1 RICHARD STAFFORD

2 Q. Was each situation different and unique?

3 A. It was.

4 Q. In the 10 or so cases you had where you

5 represented someone accused of a crime that there was

6 some public interest in, was there ever a time in

7 which you advised your client just stand in front of

8 the media and answer all of their questions?

9 A. No.

10 Q. Would you ever give that type of advice?

11 A. I think on all of those cases they were in

12 jail. So that would be no.

13 Q. There's a way to arrange media interviews in

14 jail; is there not?

15 A. Certainly.

16 Q. In any of those 10 cases in which there was

17 heightened media tension where you were representing

18 someone accused of a crime, did you ever make some

19 sort of public statement attempting to explain what

20 your client did?

21 A. No.

22 Q. Why not?

23 A. Because that -- he's been -- he's under

24 arrest and I'd wait until we get into court. Other

25 than claiming that, you know, they should not jump to

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1 RICHARD STAFFORD

2 any conclusions, let's wait until the case gets before

3 the court -- before court.

4 Q. Have you had situations in which you

5 represented a client who had not yet been charged with

6 the crime, but you knew there was an active criminal

7 investigation underway?

8 A. Yes.

9 Q. Did any of those instances ever involve some

10 heightened media attention or scrutiny?

11 A. No.

12 Q. For a client of yours who's under

13 investigation but not yet charged with a crime, have

14 you ever advised that client to turn themselves in?

15 A. Yes.

16 Q. And if they don't agree to turn themselves

17 in, as a lawyer, is there some way you can make them

18 do that?

19 A. I have a -- I -- without getting into

20 attorney-client issues that -- repeat the question.

21 Q. Sure. For someone who's not yet been charged

22 with a crime, and you believe they should turn

23 themselves in, but your client says, I'm not going to

24 do that. As a lawyer, is there some way you can make

25 that client turn themselves in?

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1 RICHARD STAFFORD

2 A. No.

3 Q. As a lawyer, is there some way you can

4 contact law enforcement and say, he's in my office,

5 come get him?

6 A. There could be.

7 Q. Okay. Under what circumstances?

8 A. He's suicidal. He's going to hurt himself.

9 He's going to hurt other people.

10 Q. Have you --

11 A. I haven't had that situation.

12 Q. Okay. You never had to make that call?

13 A. No.

14 Q. Absent those unique circumstances, is there

15 something you can do to get law enforcement to arrest

16 a client of yours who doesn't want to be arrested?

17 A. No.

18 Q. Prior to 2021. Did you know either Joe

19 Petito or Nichole Schmidt?

20 A. I did.

21 Q. How did you know?

22 A. I did not know Joe Petito.

23 (Phone ringing.)

24 MR. MELTZ: Hang on one second.

25 BY MR. MELTZ:

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1 RICHARD STAFFORD

2 Q. You knew Nichole Schmidt?

3 A. I did.

4 Q. When did you first meet Nichole Schmidt?

5 A. Probably in 2001. I can't tell you when, but

6 that's when I moved to Blue Point.

7 Q. Was she in the neighborhood?

8 A. She -- I probably met Jim Schmidt first.

9 Q. All right. How'd you meet Jim?

10 A. He was friends with my neighbor. My neighbor

11 was the chief of the fire department, and Jim was

12 active in the fire department.

13 Q. Based on that, at some point in time, then,

14 did you meet Jim and Nichole together?

15 A. Yes.

16 Q. Did the two or three or four of you become

17 friendly?

18 A. Hello. Not really friendly. That didn't

19 change until later.

20 Q. When did it change?

21 A. Somewhere after 2009, I'd say, maybe around

22 there.

23 Q. Was there something or some event that caused

24 it to change?

25 A. Yes. I have a son that is the same age as

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1 RICHARD STAFFORD

2 Nichole and Jim's older son, T.J. They played sports

3 together. And I have a daughter that is the same age

4 as Jim and Nichole's oldest daughter.

5 Q. And who was Jim and Nichole's oldest

6 daughter?

7 A. Maddi. Madeline.

8 Q. So as the kids became friendly, did the

9 parents become friendly as well?

10 A. Correct.

11 Q. And did --

12 A. My wife was closer friends with Nichole, but

13 I knew her through -- through my wife.

14 Q. That change in the family friendship in 2009,

15 did that continue moving forward or did you lose touch

16 or contact at some point?

17 A. No. My -- our daughters were very close.

18 Q. Your daughter and Maddi?

19 A. Correct.

20 Q. Do they remain friends?

21 A. Yes.

22 Q. So was it more sort of social acquaintances

23 with Nichole and Jim mostly tied to the kids, or would

24 you and Nichole and Jim do things on your own?

25 A. I would say mostly tied to the kids, but then

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1 RICHARD STAFFORD

2 closer to maybe '19 -- '18, '19, '20, we were a little

3 more on -- on the friendlier side.

4 Q. By the time we get to 2020, had you ever

5 represented Nichole or Jim or anyone in the family?

6 A. No.

7 Q. By the time we get to 2020, had you ever met

8 Gabby Petito before?

9 A. I have.

10 Q. Okay. How many occasions do you think you've

11 met Gabby?

12 A. I don't know. But I'm sure like -- I don't

13 know. I looked through photos of, like, Field Day,

14 and she's in photos that I had, so I'm sure I met her,

15 but I wasn't friends with her.

16 Q. Do you know what the difference in age was

17 between Gabby and Maddi?

18 A. Yeah. It's about, give or take, maybe 10

19 years. She was an older sister. She would watch my

20 daughter, so --

21 Q. Gabby would watch your daughter?

22 A. Correct. And -- and Maddi because when they

23 were over there, if the parents went out, Gabby was

24 there. My daughter had more of a relationship

25 with -- with Gabby.

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1 RICHARD STAFFORD

2 Q. By 2020, had you ever met Gabby's biological

3 father, Joe Petito?

4 A. No.

5 Q. When did you meet him for the first time, if

6 ever?

7 A. I would have to think of the specific date,

8 but I would say somewhere in the realm of -- when I

9 personally met him?

10 Q. Yes.

11 A. Physically. I'd say somewhere, maybe around

12 the 22nd, 23rd of September.

13 Q. Of 2021

14 A. Correct.

15 Q. Prior to the issues involved with Gabby's

16 disappearance and her ultimate death, had you ever

17 spoken with Joe Petito?

18 A. No. I mean, if I had -- I didn't -- I don't

19 think so. I don't think I even met him in passing.

20 Q. As best you can recall, in all of your prior

21 conversations with Nichole and Jim over the years, did

22 his name ever come up?

23 A. Not that I can recall.

24 Q. Was there ever a period of time that you

25 remember Gabby living with Joe Petito?

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1 RICHARD STAFFORD

2 A. I didn't know.

3 Q. At any point in time, prior to you becoming

4 aware that there was an issue with Gabby and she was

5 missing and you weren't sure what was happening, did

6 you know that she was dating anybody ever?

7 A. Yes.

8 Q. What did you know?

9 A. It was my understanding she was dating Brian

10 Laundrie.

11 Q. When did you first learn that?

12 A. I don't know.

13 Q. Was it before there was issues and concerns

14 about what may have happened with Gabby?

15 A. Yes.

16 Q. This is just while they were dating?

17 A. Correct.

18 Q. Did you ever meet Brian?

19 A. I think I have. I can't guarantee it. I

20 think he might have helped me at Bayport Flower House,

21 if he worked there, but I wouldn't know.

22 Q. What's Bayport Flower House?

23 A. It's a nursery in Bayport.

24 Q. Do you have some ownership interest in that?

25 A. No.

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1 RICHARD STAFFORD

2 Q. When you say he may have helped you there,

3 what do you mean?

4 A. I think he could have worked there. He

5 looked familiar from there, but I could be wrong. But

6 I -- other than thanking him for putting something in

7 my car, I don't think I ever --

8 Q. I understand.

9 A. I -- I never had a meaningful conversation

10 with him.

11 Q. You may have bought something at Bayport

12 Nursery, and he may have loaded it in your car?

13 A. Correct.

14 Q. Got it.

15 A. Other than that, I - _ I had no relationship

16 with him.

17 Q. Prior to becoming aware there were issues

18 with Gabby Petito missing, do you ever recall Nichole

19 or Jim Schmidt ever saying anything negative about

20 Brian?

21 A. I didn't talk about their daughters dating

22 with them.

23 Q. And I appreciate the fact that that may not

24 have been an issue that you brought up, but did they

25 ever come to you and say, we're having an issue or

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1 RICHARD STAFFORD

2 problem or concerns about Brian?

3 A. Not that I can recall.

4 Q. Prior to issues arising with Gabby Petito

5 going missing, and the events that followed, had you

6 ever met Chris or Roberta Laundrie?

7 A. Again, not that I know of. I --

8 Q. Did you even know who they were?

9 A. No. But I could have met them in town, but

10 not know who they are. So I would -- I would say no.

11 Q. All right. At some point in time, were you

12 contacted by Joe Potito or Nichole Schmidt because

13 they needed your professional advice or services or

14 guidance in some way?

15 A. Yes.

16 Q. When did that first occur?

17 A. September 10th.

18 Q. Of 202?.

19 A. Correct.

20 Q. Before going down that road -- and Mr. Reilly

21 may be the one to answer this question.

22 MR. MELTZ: Are Nichole or is Nichole Schmidt

23 or Joe Petito asserting or waiving their

24 attorney-client privilege in connection with things

25 they've said with Mr. Stafford?

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1 RICHARD STAFFORD

2 MR. REILLY: They are not.

3 MR. MELTZ: They're not waiving the

4 privilege?

5 MR. REILLY: Correct.

6 BY MR. MELTZ:

7 Q. Okay. At some point, were you retained to

8 provide legal advice or legal services or legal

9 guidance, to Joe Petito or Nichole Schmidt?

10 A. Yes.

11 Q. Was that on or about September 10, 2021?

12 A. That would be -- they came when they wanted

13 to hire me. That would be probably the morning of the

14 13th.

15 Q. Between the 10th and the 13th, were you

16 having -- don't want to know the substance, but just

17 were you having communications with Nichole Schmidt or

18 Joe Petito?

19 A. They -- not Joe Petito. Nichole consulted

20 with me and asked my legal advice.

21 Q. Even though you don't consider yourself to

22 have been retained until the 13th, do you consider the

23 conversations that you had with Nichole between the

24 10th and the 13th to be protected by the

25 attorney-client privilege?

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1 RICHARD STAFFORD
2 A. Correct.
3 Q. Because Nichole was seeking legal advice or
4 guidance from you?
5 A. Correct.
6 Q. Even though she hadn't formally retained you?
7 A. Correct.
8 Q. Because that's just what happens with lawyers
9 and clients or potential clients, correct.
10 A. Correct. They come in, you get a -- you do a
11 consultation, and then they could consult someone else
12 or go back, and they talk it out, and then they come
13 back and retain you.
14 Q. All right. Let me hand you what we've marked
15 as Exhibit 1 to your deposition.
16 (Defendants' Exhibit No. 1 was marked for
17 identification.)
18 MR. MELTZ: I don't have a copy of this one.
19 But you know what it is.
20 MR. REILLY: No. I don't. Let me see it.
21 MR. MELTZ: It's the notice.
22 MR. REILLY: Okay.
23 BY MR. MELTZ:
24 Q. Mr. Stafford, I've handed you the notice of
25 taking your deposition duces tecum today.

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1 RICHARD STAFFORD
2 Have you seen it before?
3 A. I have.
4 Q. Did Mr. Reilly provide it to you?
5 A. He did.
6 Q. And it has 11 different document requests
7 that were preceded by a subpoena as well that we'll
8 talk about in a moment.
9 But have you looked through your records and
10 physical possessions to determine what responsive
11 materials you have with respect to Schedule A of
12 Exhibit 1?
13 A. Yes.
14 Q. It's my understanding that Mr. Reilly had a
15 flash drive that he turned over to Ms. Kelly today.
16 Did you provide him that flash drive?
17 A. I did. I provided it to Ms. Kelly and to Mr.
18 Reilly. I did have another copy for the Laundries'
19 attorney, but he's not here.
20 Q. Got it. Are you the person who created the
21 flash drive?
22 A. I did. I am.
23 Q. And what we'll do is, we'll mark the flash
24 drive that you brought today as Exhibit 2. Whether we
25 mark the physical flash drive as Exhibit 2, or we

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1 RICHARD STAFFORD
2 simply print everything out and mark the collection of
3 documents as Exhibit 2, we'll sort out at a later
4 date.
5 (Defendants' Exhibit No. 2 was marked for
6 identification.)
7 THE WITNESS: I got the flash drive back, but
8 if that's an issue, I can give it back to you. She
9 downloaded all the documents off of there.
10 MS. KELLY: Yeah. I have all of the
11 documents downloaded, and I'm happy to provide an
12 electronic copy to the reporter if she would like
13 that.
14 MR. MELTZ: All right. So what we'll do
15 is --
16 MR. REILLY: It's like, what, 800 pages, did
17 you say?
18 MS. KELLY: It's 299 documents. I don't know
19 how many pages.
20 BY MR. MELTZ:
21 Q. So what we'll do is we'll almost certainly do
22 it in the form of a zip file, I would think, or
23 something like that. But we'll have an electronic
24 document that will be Exhibit 2. You're welcome to
25 review it and confirm that it is a complete and

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1 RICHARD STAFFORD
2 accurate recitation of what's on the flash drive. And
3 presumably, when you fill out the errata sheet, if you
4 think there's something missing, you'll let us know --
5 A. Correct.
6 Q. -- okay?
7 A. Yes.
8 Q. All right.
9 THE REPORTER: We're marking it as Exhibit 2
10 now?
11 MR. MELTZ: Yeah.
12 THE REPORTER: Got it.
13 MR. MELTZ: Exhibit 2. I'll give the sticker
14 to you because it'll come later.
15 THE REPORTER: Thank you.
16 BY MR. MELTZ:
17 Q. In preparing Exhibit 2, I'm looking at
18 documents that were responsive to the subpoena and the
19 notice taking deposition, did you locate any
20 engagement letters between yourself or your office and
21 Nichole Schmidt or Joe Petito?
22 A. I did.
23 Q. Okay. And are those in there?
24 A. No. They're not.
25 Q. Why are they not in there?

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1 RICHARD STAFFORD

2 A. They are not from the time frame that you

3 requested.

4 Q. All right. May I look at this?

5 So the time frame at issue was August 1, 2021,

6 through September 30 of 2021, correct?

7 A. Correct.

8 Q. And there's no engagement letters in that

9 time frame?

10 A. There is none.

11 Q. When did the engagement letters arise?

12 A. In -- I believe it was later in October.

13 Q. October of 2021?

14 A. Correct.

15 Q. What were you engaged to do by either Joe

16 Petito or Nichole Schmidt in October of 2021?

17 A. It was to represent them in this matter.

18 Q. Which matter?

19 A. On the -- the disappearance of -- of Gabby

20 Petito and other matters I was handling for them.

21 Q. In October of 2021, Gabby's body had been

22 located, correct?

23 A. Correct.

24 Q. Had Brian's body been located by. That point

25 in time?

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1 RICHARD STAFFORD

2 A. I believe it could have been.

3 Q. By the time you were engaged?

4 A. By the time they signed a retainer.

5 Q. And I'm not looking for you to tell me, like,

6 what you discussed. I'm just looking for the scope of

7 your engagement. What legal services were you to

8 provide in October of 2021?

9 A. I -- they had a -- they set up a foundation.

10 Q. Okay.

11 A. So that was part of it. I had -- I don't

12 want to get into what I was doing with them. I'm

13 going to invoke attorney-client.

14 Q. All right.

15 A. I could say from the time they retained me; I

16 wasn't taking retainer fee.

17 Q. You didn't charge them?

18 A. I did not.

19 Q. But to be clear, you were providing legal

20 services up through the point in time of the retainer,

21 you just hadn't reduced it to writing?

22 A. Correct. Because it was, you know --

23 Q. Just because you took no fee doesn't mean you

24 didn't have an attorney-client relationship --

25 A. Correct.

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1 RICHARD STAFFORD

2 Q. -- correct?

3 A. Correct.

4 Q. Prior to being contacted by Nichole Schmidt

5 on or about September 10 of 2021, had you ever had a

6 matter with Steven Bertolino before?

7 A. Not that I know of.

8 Q. Did you even know of him?

9 A. No.

10 Q. Getting back to Exhibit Number 1, which is

11 the schedule of documents to bring with you today, in

12 looking through your records to try to put together

13 responsive materials, was there anything that you

14 thought you were going to find but somehow you just

15 couldn't come across it when looking through your

16 documents?

17 A. Not that I can think of offhand.

18 Q. Did you come across any direct emails or

19 texts or communications between yourself and Mr.

20 Bertolino?

21 A. I did.

22 Q. How many of those did you identify?

23 A. Not many. Maybe five or less.

24 I can discuss what they are.

25 Q. Sure.

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1 RICHARD STAFFORD

2 A. They were -- they had to do with returning

3 property part.

4 Q. Part of what you assisted Ms.

5 Schmidt -- well, you talk about being retained in

6 October. Were you retained by both Ms. Schmidt and

7 Mr. Petito?

8 A. I was.

9 Q. Anyone else?

10 A. I think their spouses.

11 THE REPORTER: And what? I'm sorry.

12 THE WITNESS: Their spouses. Nichole Tara

13 Petito and Jim Schmidt.

14 BY MR. MELTZ:

15 Q. Okay. And at some point in time, the legal

16 services that you provided to the two sets of families

17 involved securing the appropriate return of property

18 and working with Mr. Bertolino on the behalf of the

19 Laundrie family to just make sure whatever property

20 was to go to Mr. Petito and Ms. Schmidt went to them,

21 and whatever property was going to go to the Laundries

22 went to them, correct?

23 A. Correct.

24 Q. Was that process ultimately concluded by Mr.

25 Reilly?

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1 RICHARD STAFFORD

2 A. I think so.

3 Q. Was there a point in time where you and Mr.

4 Reilly were essentially co-counsel for Ms. Schmidt and

5 Mr. Petito or their spouses?

6 A. I don't think so. I'm not admitted in

7 Florida.

8 Q. Was there any ever some type of, like,

9 substitution of counsel or notification given to some

10 individual or entity that Mr. Reilly was taking over

11 for you?

12 A. I -- I'm not sure what he filed, if he did or

13 if he spoke -- what he gave to the FBI.

14 Q. It was the FBI that had physical custody of

15 the items or possessions that were being returned to

16 the two sets of families, the Laundrie family and the

17 Petito Schmidt family?

18 A. Yes. I think, again, I don't know, I don't

19 remember if there was anything held by the Northport

20 Police Department. I think at one time, they did have

21 the van, but I think the FBI had everything.

22 Q. At the time you first began providing legal

23 services to Nichole Schmidt, where was she living?

24 A. In Blue Point.

25 Q. At some point, did she move to Florida?

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1 RICHARD STAFFORD

2 A. She did.

3 Q. Do you recall when that was?

4 A. June of '22.

5 Q. At the time you first started providing legal

6 services to Joe Petito, where was he living?

7 A. Florida.

8 Q. He was already in Florida at that time?

9 A. I believe he was.

10 Q. Separate and apart from anything that Nichole

11 Schmidt told you on October 10, were you able to get

12 any information about Gabby Petito or what was going

13 on with Gabby Petito from some non-privileged source?

14 A. Say that again.

15 Q. Sure. Separate in part from anything that

16 Nichole Schmidt may have told you on October -- sorry,

17 on September 10, 2021, which is protected by the

18 attorney-client privilege that has been asserted, did

19 you obtain any information about Gabby Petito from

20 some non-privileged source?

21 A. Yes.

22 Q. What non-privileged source?

23 A. I'm sure I went on her Instagram page,

24 watched her video.

25 Q. From September 10 forward, did you

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1 RICHARD STAFFORD

2 ever -- let me ask a different question.

3 Once you became involved with Nichole Schmidt on

4 September 10, 2021, at some point in time, did you

5 become aware that Mr. Bertolina was involved as the

6 attorney for the Laundrie family?

7 A. Yes.

8 Q. When did you become aware of that?

9 A. I don't know the exact date.

10 Q. Were you aware that Mr. Bertolina was

11 representing Chris and Roberta Laundrie before

12 September 14, 2021?

13 A. I don't know.

14 Q. Were you aware that Mr. Bertolina was

15 representing Chris and Roberta Laundrie before

16 September 16, 2021?

17 A. I'm sure that was before that.

18 Q. Why would you be sure of that?

19 A. Because I think it was later in the week, and

20 I think it was somewhere in the middle of the week.

21 Again, I don't remember. I had phone calls of people

22 thinking that I was representing Brian Laundrie.

23 Q. What type of phone calls were those?

24 A. From media asking for comments. I think

25 that's where I learned.

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1 RICHARD STAFFORD

2 Q. Did you ever get any phone calls from someone

3 who thought incorrectly that you were representing

4 Brian Laundrie who wasn't in the media?

5 A. I'm sure -- yeah. I'm sure. Yeah.

6 Q. Were those friendly phone calls to tell you

7 you were doing a great job, or were they something

8 different?

9 A. All across the board.

10 Q. Tell me about the all across the board calls

11 you were getting.

12 A. I had hundreds of calls, and I'm sure -- but

13 I'm sure most of them at the beginning were not

14 favorable.

15 Q. So calls that you would have received in the

16 beginning when there was an incorrect belief that you

17 were representing Brian Laundrie were not favorable?

18 A. Correct.

19 Q. Would people leave --

20 A. But again, that was a very short time.

21 Q. I understand. Would people leave messages?

22 A. Yeah. I'm sure they had my message, but most

23 of the time, they did not because they would fill up

24 my voicemail immediately.

25 Q. Would you sometimes talk to these people?

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1 RICHARD STAFFORD

2 A. Most of the time, no.

3 Q. Would you sometimes listen to the voicemails?

4 A. Most of the time, no.

5 Q. Some of the time did you?

6 A. Sure.

7 Q. And tell me what some of the voicemails said

8 from people who thought you represented Brian

9 Laundrie?

10 A. Asking for a statement.

11 Q. Was that it?

12 A. Most of the time.

13 Q. Okay. What about other times?

14 A. And to confirm that I represented him.

15 Q. Okay. Did you ever get any threats?

16 A. No.

17 Q. Did you ever get any hostile messages?

18 A. Sure. I have. I've got -- yeah.

19 Q. What?

20 A. I'm sure I have. Most of the time, if it was

21 not -- I didn't listen to it.

22 Q. So would it be you'd have voicemails and if

23 it seemed like it was someone calling to say something

24 unpleasant about Brian Laundrie, you just fast-forward

25 that one?

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1 RICHARD STAFFORD

2 A. Or just if they didn't seem like if they were

3 giving an opinion and they weren't somebody that knew

4 anything, they were just giving their opinion on the

5 case, I would -- I would delete it.

6 Q. When did you first become aware that there

7 was media interest in the disappearance of Gabby

8 Petito?

9 A. I think there was some media interest on

10 Sunday, but by Monday.

11 Q. Monday is the 11th?

12 A. No. Monday is the 13th.

13 Q. Monday is the 13th.

14 What was it about Monday the 13th that made you

15 aware that there was media interest in Gabby Petito's

16 disappearance?

17 A. I -- I went to the Schmidt house and had

18 conversations with people from the media.

19 Q. Were there people from the media outside the

20 Schmidt house?

21 A. There was.

22 Q. How many?

23 A. Six to seven.

24 Q. Were there any --

25 A. Maybe more.

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1 RICHARD STAFFORD

2 Q. Were there any members of the public?

3 A. No.

4 Q. The six to seven media people who are outside

5 of the house, were they friendly to you?

6 A. Yeah.

7 Q. Did you provide a comment at that time?

8 A. No.

9 Q. Did you identify that you were the attorney

10 for the Schmidt or Petito family?

11 A. I did.

12 Q. Did you give your contact information?

13 A. I did.

14 Q. Once you gave your contact information to the

15 media, did you start to receive media inquiries

16 regarding the disappearance of Gabby Petito?

17 A. I did.

18 Q. In what form or forms would you receive that

19 contact?

20 A. Well, first what I did is I brought all the

21 media people from their house to my office.

22 Q. Essentially for a press conference?

23 A. For an interview.

24 Q. Had you ever been in that position before?

25 A. No.

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1 RICHARD STAFFORD

2 Q. How far away was your office?

3 A. Well, I take that back. Yes.

4 Q. When?

5 A. About a year before.

6 Q. What type of case?

7 A. Attempted murder.

8 Q. And what were the circumstances that led you

9 to meet with a number of reporters in the attempted

10 murder case?

11 A. They were looking to interview my client.

12 Q. Did --

13 A. They were looking to interview my client.

14 Q. You were representing the accused attempted

15 murderer?

16 A. No. I was representing the victim.

17 Q. The victim?

18 A. So --

19 Q. The victim's family?

20 A. No. The victim.

21 Q. It was attempted murder?

22 A. Correct.

23 Q. Was that a civil suit?

24 A. No.

25 Q. What were you representing the victim for?

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1 RICHARD STAFFORD
2 Just to be there?
3 A. Because he needed somebody. He did not talk
4 to the press though.
5 Q. Do you speak on his behalf?
6 A. Yeah.
7 Q. All right. So getting back then to Monday
8 the 13th, when you bring the reporters to your office,
9 that was one way in which you communicated with them -
10 A. Correct.
11 Q. -- just at your office. Did you receive
12 emails?
13 A. I'm sure - yeah.
14 Q. From members of the media?
15 A. Correct.
16 Q. Did you receive telephone calls from members
17 of the media?
18 A. I did.
19 Q. Other than that first group of people who you
20 brought over to your office, did other members of the
21 media just show up at your office.
22 A. That day, or I'm sure they did, but
23 throughout the period, they would stop at my office.
24 Q. Did you have members of the general public
25 that started to come to your office looking for

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1 RICHARD STAFFORD
2 information about Gabby Petito?
3 A. They did not come to the office.
4 Q. Can you give me a sense of between the 13th
5 and the 16 September of 2021, the volume of media
6 inquiries you were getting in a day?
7 A. Hundreds.
8 Q. Did it increase over time?
9 A. Yeah.
10 Q. Were there requests for television
11 interviews?
12 A. There was.
13 Q. Were there requests for social media-type
14 interviews?
15 A. Yeah. There was.
16 Q. How would you determine which requests to
17 respond to and which ones not to respond to?
18 A. Well, it all depends when it was.
19 Q. Meaning what?
20 A. When the request came in.
21 Q. Explain that.
22 A. If the request -- when the request came in
23 after the 19th, we pretty much -- I didn't respond to
24 90 percent of them.
25 Q. What about before the 19th?

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1 RICHARD STAFFORD
2 A. We would choose where -- well, I would choose
3 where we would go to get the most coverage to try to
4 get the word out to help find Gabby Petito.
5 Q. Did you have a strategy for trying to get the
6 word out to find Gabby Petito?
7 A. I did.
8 Q. What was that strategy?
9 A. To try to get her face out there that she was
10 missing. And if someone saw something, they would
11 call us, call the FBI, call the local police
12 department so they can help find her.
13 Q. So one strategy literally was, let's just get
14 her image out there because maybe someone saw her.
15 A. Correct.
16 Q. And if someone saw her, they can tell us
17 where they last saw her.
18 A. Correct.
19 Q. Had you seen that type of media outreach
20 before?
21 A. I'm sure I have on TV, but --
22 Q. That goes back --
23 A. -- nothing like this.
24 Q. But getting someone's image out there goes
25 back to, you know, in the old days, there'd be --

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1 RICHARD STAFFORD
2 A. Correct. They could --
3 Q. -- a face on a milk --
4 A. -- put her on a milk carton.
5 Q. -- carton. Exactly.
6 Did you use any other strategies to try and
7 develop information about where Gabby Petito may be?
8 A. Statements to the press.
9 Q. Okay. About what?
10 A. About that we were looking for Gabby.
11 Q. Okay. Did you use any other strategies to
12 find out where Gabby Petito might be that were
13 directed to specific individuals?
14 A. I spoke to law enforcement.
15 Q. All right. Any other media techniques that
16 you used to try and obtain information about the
17 whereabouts of Gabby Petito?
18 A. That I did?
19 Q. Yes.
20 A. Not that I can recall off the top of my head.
21 Q. At the time that you were making these --
22 A. I don't know -- I don't think -- I can't
23 think of something like that. That -- that I went out
24 to the media, other -- other avenues. I don't
25 remember if I did a Facebook page to find Gabby. I

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1 RICHARD STAFFORD
2 don't remember if we ever got that far.
3 Q. At some point in time between September 10,
4 2021, and September 16, 2021, did you identify a
5 potential lead in the whereabouts of Gabby Petito that
6 you tried to enlist the media's help to further
7 develop?
8 A. Could you be more specific?
9 Q. Just in very general sense? You thought to
10 yourself, hey, this person or these people may know
11 something -
12 A. Sure.
13 Q. -- members in the media, can you help get
14 that information?
15 A. Sure. We thought Brian Laundrie knew where
16 Gabby was.
17 Q. Okay.
18 A. He was last with her.
19 Q. Did you attempt to contact Brian Laundrie
20 directly?
21 A. I did not.
22 Q. By the way, as an attorney, if you actually
23 had contacted Brian Laundrie directly, would you have
24 suggested to him that he might want to retain counsel
25 before speaking to you?

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1 RICHARD STAFFORD
2 A. I didn't contact him.
3 Q. I understand you didn't contact him, but
4 let's say he called you up and said, hey, Mr.
5 Stafford, it's Brian Laundrie. What do you want to
6 talk with me about? Would you have just tried to see
7 if he would confess to you, or would you tell him --
8 A. No. I just -
9 Q. -- hey, Brian, listen --
10 A. At this point, we didn't know where Gabby
11 was, so I wouldn't have advised him of any rights. He
12 hadn't -- now if he did confide in me that he murdered
13 her, then I'd tell him he should get an attorney. But
14 until -- we didn't know where she was.
15 Q. If he confided in you that he murdered Gabby,
16 why would you tell him to get an attorney?
17 A. Or he should turn himself in.
18 Q. Okay. But why would you tell him to get an
19 attorney?
20 A. I'm a criminal attorney.
21 Q. It would be a good idea for Brian?
22 A. Uh-huh.
23 Q. Yes?
24 A. If -- if he's committed a crime, I believe
25 so.

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1 RICHARD STAFFORD
2 Q. Would you then be a witness in that trial
3 because he's confessed to you?
4 A. If he -- yeah. Without prompting? Then I
5 would be.
6 Q. When you represented people who were accused
7 of significant violent crimes, would you generally
8 tell them not to talk about the crime with other
9 people so that that other person was not in a position
10 like we just described?
11 A. Generally. I'm not going to get the
12 specifics. But generally.
13 Q. Generally. Is that basically criminal
14 defense attorney 101 practice?
15 A. It is.
16 Q. Let me hand you what will mark as Exhibit 3.
17 And we're going to take a break after this.
18 (Defendants' Exhibit No. 3 was marked for
19 identification.)
20 BY MR. MELTZ:
21 Q. Mr. Stafford, take a look at Exhibit 3. Let
22 me know when you're done looking at it, and I'm going
23 to ask a few questions.
24 A. Yes.
25 Q. All right. What is Exhibit 3?

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1 RICHARD STAFFORD
2 A. That's a -- a statement or a letter I -- I
3 sent out to the press.
4 Q. Prior to September of 2021, had you ever
5 issued public letters to the press before?
6 A. Not that I can recall.
7 Q. Did you do anything to first determine
8 whether that's something a lawyer can even do?
9 A. Yes. I can represent what my clients want.
10 Yeah. My -- my clients best interest.
11 Q. But did you consult something to say in
12 representing my client's best interest, myself as an
13 attorney, I can send an open letter to the press?
14 A. I'm -- I'm sure I did.
15 Q. Do you recall what it was you looked at?
16 A. No, I don't.
17 Q. Do you recall if whatever you looked at
18 provided any guidance or rules or guidelines with
19 respect to open letters to the press?
20 A. I don't recall.
21 Q. Or press releases or press statements?
22 A. I don't recall.
23 Q. Do you believe that depending on the
24 situation, it can be one of the jobs of an attorney
25 providing legal advice to make statements to the press

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1 RICHARD STAFFORD
2 on behalf of their client?
3 A. Yes.
4 Q. Why do you believe that.
5 A. Like in this case?
6 Q. Sure.
7 A. That I had people in Florida, in Wyoming by
8 the 14th, and in New York. So I --
9 Q. Meaning what?
10 A. Jim Schmidt was in Wyoming. Nichole was in
11 New York and Joe was in -- in Florida.
12 Q. How does that factor into you making
13 statements to the press?
14 A. Well, because it's easier for one person to
15 make one statement, and I was representing their best
16 interest.
17 Q. And by the way, was Exhibit 3 your first
18 public statement to the press?
19 A. In this case I believe it was.
20 Q. I'm just asking, as a clean question. Was
21 Exhibit 3 your first public statement in the matter of
22 Gabby Petito that you released to the press?
23 A. I believe it was.
24 Q. Do you know how many press releases or public
25 statements you made after Exhibit 3?

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1 RICHARD STAFFORD
2 A. I don't. Five or six.
3 Q. With respect to any press release or public
4 statement that you made to the media regarding issues
5 related to Gabby Petito, tell me what steps you took,
6 if any, to consider how your statement might impact
7 Chris or Roberta Laundrie.
8 A. For this. I did not.
9 Q. Was it your job as the attorney for the
10 Schmidt family and the Petito family to consider Chris
11 and Roberta Laundrie's feelings when you made a
12 statement to the media?
13 A. No.
14 Q. Why not?
15 A. I wasn't representing Chris and Roberta
16 Laundrie.
17 Q. Looking at Exhibit 3, you provide some
18 information that's more background information about
19 Brian was traveling with Gabby in the Grand Teton
20 Yellowstone area, correct?
21 A. Yes.
22 Q. Can you tell me how you knew that from any
23 non-privileged source?
24 A. No.
25 Q. Do you know where Gabby's remains were

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1 RICHARD STAFFORD
2 ultimately found?
3 A. Yes.
4 Q. Were they in the Grand Teton area?
5 A. Yes.
6 Q. To your knowledge, was there a search
7 underway on September 14, 2021, in the Grand Teton
8 area?
9 A. On the 14th? Well, yeah. I think there was.
10 Q. As of September 14, 2021, had you been in
11 contact with law enforcement to basically give them
12 any information that you had about where to perhaps
13 look for Gabby?
14 A. I think maybe on the 14th, that night, maybe.
15 Q. Was there something you learned that night as
16 opposed to some earlier point in time?
17 A. No.
18 Q. Was it just a lack of getting up with law
19 enforcement?
20 A. Yeah.
21 Q. Were you having difficulty getting in touch
22 with law enforcement?
23 A. No.
24 Q. The second paragraph of Exhibit 3 says,
25 "Brian is refusing to tell Gabby's family where he

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1 RICHARD STAFFORD
2 last saw her. Brian is also refusing to explain why
3 he left Gabby all alone and drove her van to Florida.
4 These are critical questions that require immediate
5 answers."
6 Correct?
7 A. Correct.
8 Q. In making that statement as part of Exhibit
9 3, did you consider how that might affect Brian if he
10 was out at a store or out in a neighborhood and
11 encountered someone with an interest in the Gabby
12 Petito case?
13 A. No.
14 Q. Did you consider whether that statement might
15 put Brian's personal safety in jeopardy in any way?
16 A. No. I didn't think it would.
17 Q. Why not?
18 A. Because at this point, she's just missing -
19 she -- from everything we thought she was still alive,
20 and we were looking for her.
21 Q. What made you think that Gabby Petito was
22 still alive on September 14, 2021?
23 A. We had no other issue to believe that she was
24 dead. We just know he wasn't talking.
25 Q. Can you tell me from any non-privileged

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1 RICHARD STAFFORD
2 source when you were aware Gabby had last contacted
3 her family as of September 14, 2021?
4 A. No.
5 Q. It would be privileged?
6 A. It would be privileged.
7 Q. By this point in time, had you gotten any
8 information from law enforcement about phone records
9 or anything else like that?
10 A. No.
11 Q. But to be clear, you weren't concerned about
12 Brian's safety or wellbeing in the general public on
13 September 14, 2021, because there was no significant
14 concern that Gabby might have been harmed in some way?
15 A. And I don't believe I said anything that
16 would put him in danger.
17 Q. The next paragraph says, "The Schmidt and
18 Petito family begged the Laundrie family to not,"
19 quote, "remain in the background," end quote.
20 Why did you use quotes for that?
21 A. Because I believe that was a statement that
22 Mr. Bertolino said.
23 Q. Do you remember what that statement was?
24 A. Just that they -- I think that's when he said
25 that he -- he hopes that we find Gabby and she gets

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1 RICHARD STAFFORD
2 reunited to her family -- with her family, and at this
3 point, the Laundries are going to remain in the
4 background.
5 Q. Are you aware of -- strike that.
6 It goes on to say, "The Schmidt," "I'll just start
7 that sentence over.
8 "The Schmidt and Petito family begged the
9 Laundrie family to not," quote, "remain in the
10 background," end quote, "but to help find who Brian
11 referred to as the love of his life."
12 Next sentence. "How does Brian stay in the
13 background when he is the one person that knows where
14 Gabby is located?"
15 Correct?
16 A. Yeah.
17 Q. What effect, if any, did you think that
18 sentence would have when it was introduced into the
19 public domain?
20 A. I would hope Brian would tell us where he
21 left Gabby or where he last saw her.
22 Q. As of September 14, 2021, did you know if
23 anyone was representing Brian?
24 A. At that point I don't know -- I don't know if
25 I did.

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1 RICHARD STAFFORD
2 Q. Okay.
3 A. I don't think I did.
4 Q. Did you have any reason to believe that Mr.
5 Bertolino was only representing Chris and Roberta
6 Laundrie and not Brian Laundrie?
7 A. I don't remember when I learned that he was
8 representing Brian Laundrie, and I didn't know he was
9 representing Chris and Roberta until later. I thought
10 he was Brian's attorney.
11 Q. Well, Mr. Bertolino issues a press release on
12 September 14, 2021, that it appears you're responding
13 to because --
14 A. Oh, okay.
15 Q. -- you put remain in the background in
16 quotes, correct?
17 A. Yes. Correct. Could be. Oh, that's right.
18 That's right.
19 Q. So we're on the same page?
20 A. I'm sorry. Yes.
21 Q. So is it your testimony that you knew he also
22 was representing Brian? You weren't sure, or you
23 thought he wasn't representing Brian?
24 A. That maybe, I thought he was representing all
25 three.

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1 RICHARD STAFFORD
2 Q. All three?
3 A. Yeah.
4 Q. Is there a reason why if you wanted Brian to
5 say something, you wouldn't contact Brian's attorney
6 directly?
7 A. No.
8 Q. Typically, as an attorney, if you're
9 representing one party and you know the other party's
10 representing [sic] by counsel, if you want some
11 information from the other party, you go through their
12 attorney, correct?
13 A. On some cases, yes.
14 Q. Well, can you tell me any situation where
15 it's appropriate for an attorney who's representing
16 one party to contact the actual person on the other
17 side when that person is represented by another party?
18 A. Well, I didn't specifically call Brian.
19 Q. You just --
20 A. I did an open letter press.
21 Q. Is there a difference between the two?
22 A. I think there is.
23 Q. Can you point me to something that would tell
24 me that?
25 A. No.

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1 RICHARD STAFFORD
2 Q. So getting back to Brian's health, safety,
3 and wellbeing, you don't think that what was said in
4 paragraph 2 or 3 would have created any issues for
5 Brian if he was seen by the public in a store or out
6 on the street or anything like that?
7 A. No.
8 Q. Because?
9 A. At this point, we don't know if Brian did
10 anything. He just knows where she is or could tell us
11 what he knew so we could find Gabby.
12 Q. But Brian's not telling what he knew,
13 correct?
14 A. Yeah.
15 Q. And you're letting the public know that,
16 right?
17 A. (No audible response.)
18 Q. Yes?
19 A. Yeah.
20 Q. And there's a tremendous amount of public
21 interest on the evening of September 14, 2021, into
22 where Gabby is, correct?
23 A. Correct.
24 Q. And maybe the answer is no. But did it cross
25 your mind at all that some member of the public who

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1 RICHARD STAFFORD
2 might have read Exhibit 3, might approach or confront
3 Brian in some way about what he knew?
4 A. No. I didn't think of it.
5 Q. At some point in time, did you become aware
6 that people were actually outside of the Laundrie
7 house?
8 A. I did become aware of that.
9 Q. When did you first become aware of that?
10 A. I don't remember when. When it probably
11 first started happening.
12 Q. When did it first start to happen?
13 A. I don't know.
14 Q. Whenever --
15 A. Probably the 15th. Could be the 14th.
16 Q. Whenever it first --
17 A. I don't think it was the 14th, though.
18 Q. Okay. Whenever you first became aware that
19 not just the media, but members of the general public
20 were starting to congregate outside of the Laundrie
21 house, did it cross your mind that statements made by
22 you about the Laundrie family may have an effect with
23 respect to what was going on outside of the Laundrie
24 house?
25 A. Say that again.

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1 RICHARD STAFFORD
2 Q. Sure. Whenever you first became aware that
3 folks other than the media were starting to congregate
4 outside of the Laundrie's house where they live, their
5 home --
6 A. Yes.
7 Q. -- from that point forward, did you give any
8 contemplation to if I make a public statement about
9 the Laundrie family, it may affect them in some way?
10 A. Well, sure.
11 Q. It may affect their safety and wellbeing?
12 A. I didn't think their safety there was police
13 officers outside their house.
14 Q. How'd you know that?
15 A. At least that's what I was -- understood.
16 Q. So in your mind, if you made a statement
17 about the Laundrie family or referenced the Laundrie
18 family, that might trigger some outrage or animus in
19 the general public, they would be okay because the
20 police were --
21 A. No. Depending on what I would say. I
22 wouldn't say anything that would rile the -- the
23 public up.
24 Q. All right. Let's take a break.
25 A. Okay.

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1 RICHARD STAFFORD
2 THE REPORTER: The time is 10:54 a.m. Eastern
3 Standard Time. And with no objections, we are off the
4 record.
5 (Off the record.)
6 THE REPORTER: The time is 11:07 a.m. Eastern
7 Standard Time. And we are now on the record.
8 MR. REILLY: Before you ask a question, I
9 want to point out for the record in response to Mr.
10 Stafford's last answer to your question before I went
11 off the record, Mr. Bertolino said, "Bullshit." So
12 I'd ask you to please ask your client to refrain from
13 commenting on the testimony.
14 MR. BERTOLINO: So --
15 MR. MELTZ: Wait. I don't believe we will
16 have any further comments -
17 MR. REILLY: Thank you.
18 MR. MELTZ: -- on the testimony.
19 MR. BERTOLINO: And, Mr. Reilly, just for the
20 record is clear. Since you called Chris and Roberta
21 liars in their testimony and in the wrongful death
22 action, and since your client, Joe Petito sat across
23 the table in his deposition and threatened to jump
24 over the table and kill me, I think I'm entitled to
25 one bullshit comment when I heard an outright lie.

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1 RICHARD STAFFORD
2 And I won't do it again.
3 MR. REILLY: Thank you.
4 MR. BERTOLINO: You're welcome.
5 MR. MELTZ: All right. Well, we got that
6 squared away.
7 BY MR. MELTZ:
8 Q. And with that said, Mr. Stafford, you ready
9 to keep going?
10 A. Yes.
11 Q. All right. Now I got myself backwards.
12 When we last left off, we were discussing Exhibit
13 3, and there was the fourth paragraph, which is a
14 single sentence that we didn't talk about, that said,
15 "The Schmidt and Petito family implore Brian to come
16 forward and at least tell us if we are looking in the
17 right area."
18 Correct?
19 A. Correct.
20 Q. Do you believe a sentence like that creates a
21 sense of urgency?
22 A. Well, yes.
23 Q. That's what it was designed to do, correct?
24 A. We were -- I was given hope that we had the
25 opportunity of being reunited with Gabby. And time is

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1 RICHARD STAFFORD
2 of the essence. I've been out to the Yellowstone
3 Teton area it's freezing at night. And to find Gabby
4 as quickly as possible, and if he knew where she was
5 so that we can be reunited with her, that was our
6 goal.
7 Q. And again, you can't tell me about the
8 communications, but certainly you had the ability to
9 speak with your clients about when they last heard
10 from Gabby and know how much time had passed since
11 that date in September 14 of 2021, correct?
12 A. I had -- I've had conversations with my
13 clients.
14 Q. And your testimony is that if the last date
15 of contact was on or before August 27, you still
16 believe that Gabby, left alone in the wilderness, was
17 still alive as of September 14, 2021?
18 A. We were hoping.
19 Q. Did you believe it?
20 A. I was hoping. I was hoping.
21 Q. And until Gabby's remains were found, did
22 that hope continue?
23 A. I will say when I became involved and learned
24 the situations I hoped, but was trying to prepare for
25 the worst. The statement on the 14th gave me more

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1 RICHARD STAFFORD
2 hope. Gave me more hope that -- that if they can be
3 reunited with her, that gave me hope that she was
4 somewhere out there, that somewhere out there that
5 they can find her and bring her home.
6 Q. Did you meet with Mr. Reilly before your
7 deposition?
8 A. I did.
9 Q. Do you consider yourself to have an
10 attorney-client relationship with Mr. Reilly?
11 A. No.
12 Q. All right. So when Mr. Reilly was explaining
13 to you what this case was all about, did he tell you
14 that one of his theories is that the September 14th
15 statement from Mr. Bertolino somehow gave his clients
16 false hope?
17 A. He did not tell me that.
18 Q. Okay. Have you read their deposition
19 testimony about that?
20 A. I have not.
21 Q. So explain to me the index of hope that you
22 had on the 14th. Did you go from thinking that Gabby
23 was 95 percent dead to 93 percent dead or 50 percent?
24 A. I can't put a number on it.
25 Q. But Mr. Bertolina's statement, did it in any

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1 RICHARD STAFFORD
2 way trump any other facts or objective information you
3 had regarding Gabby's disappearance at that time?
4 A. It was -- we didn't have much information on
5 Gabby at that time.
6 Q. Again, without telling me anything that's
7 protected by the attorney-client privilege, when did
8 you first learn about the August 12 incident in Moab
9 between Brian and Gabby?
10 A. Probably when I saw it --
11 Q. On the news?
12 A. On the news.
13 Q. Did you ever reach out to Mr. Bertolino to
14 let him know that there had been this incident on
15 August 12, 2021, where the law enforcement officers
16 responded, and could he please get more information
17 from his clients about it?
18 A. I did not.
19 Q. Once you became aware of the August 12, 2021
20 incident between Brian and Gabby in Moab, Utah, did
21 that give you more hope or less hope that she may
22 still be alive?
23 A. Wait. Say that again.
24 Q. Sure. Once you became aware that there was
25 this incident on October 12th, 2021, in Moab, Utah,

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1 RICHARD STAFFORD
2 did that give you more hope or less hope that Gabby
3 may be found alive, or did it not affect it at all?
4 A. Probably -- I don't know if it affected at
5 all. I -- I believe this was -- you know, they had a
6 prior domestic incident. So as -- as a criminal
7 attorney, probably makes it less likely.
8 Q. Hand you what we'll mark as Exhibit Number 4.
9 (Defendants' Exhibit No. 4 was marked for
10 identification.)
11 THE WITNESS: Thank you.
12 BY MR. MELTZ:
13 Q. Take a look at it and let me know when you're
14 ready.
15 A. Yes.
16 Q. What is Exhibit Number 4?
17 A. It's a statement. A letter to Christopher
18 and Roberta Landrie from Jim and Nichole Schmidt and
19 Joe and Tara Petito.
20 Q. Is it on your letterhead?
21 A. It is.
22 Q. Did you provide this letter to Mr. Bertolino
23 as Chris and Roberta Landrie's attorney?
24 A. I don't believe I did.
25 Q. When was it issued?

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1 RICHARD STAFFORD
2 A. I believe on the 15th of September.
3 Q. That would be after the date that Mr.
4 Bertolino issued a statement on behalf of the Landrie
5 family?
6 A. I believe so.
7 Q. So why would you generate a letter on your
8 stationery to Christopher and Roberta Landrie
9 directly as opposed to their attorney, Steven
10 Bertolino?
11 A. I can't disclose that. I'm going to invoke
12 attorney-client privilege.
13 Q. Was it just sent to Christopher and Roberta
14 Landrie or was it made public?
15 A. It was made public.
16 Q. When was it made public?
17 MR. REILLY: Object to the form of your last
18 question. Was it just sent to Christopher and Roberta
19 or made public.
20 BY MR. MELTZ:
21 Q. Okay. Was the letter directed solely to
22 Christopher and Roberta Landrie at their address or
23 email, or was the letter made public?
24 A. It was not. It was made public.
25 Q. Was it made public first?

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1 RICHARD STAFFORD
2 A. Yes.
3 Q. It was released to the press?
4 A. Yes.
5 Q. By your office?
6 A. Correct.
7 Q. What was the purpose of Exhibit 4?
8 A. We were hoping to find Gabby. Every day that
9 she was missing we were afraid our time was running.
10 Q. How did Exhibit 4 assist in your hope to find
11 Gabby Petito?
12 A. We were hoping that -- I'm going to invoke
13 attorney-client.
14 Q. Were you the author of Exhibit 4?
15 A. I'm going to invoke the attorney-client.
16 Q. You were the distributor of Exhibit 4,
17 correct?
18 A. I -- I'm the individual that sent it out to
19 the media.
20 Q. The first paragraph of Exhibit 4 says, and
21 this again is on the Law Office of Richard B.
22 Stafford, Attorney at Law stationery. "Chris and
23 Roberta Landrie, we are writing this letter to ask
24 you to help find our beautiful daughter. We
25 understand you are going through a difficult time and

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1 RICHARD STAFFORD
2 your instinct to protect your son is strong."
3 Why was that said?
4 A. I'm going to have to invoke the
5 attorney-client privilege.
6 Q. It goes on to say, "We ask you to put
7 yourselves in our shoes. We haven't been able to
8 sleep or eat, and our lives are falling apart."
9 The next paragraph says, "We believe you know the
10 location where Brian left Gabby."
11 Correct?
12 A. That's what it says.
13 Q. And it was your goal to put that information,
14 to put that belief in the sphere of the general
15 public, right.
16 A. I sent the letter out to the media.
17 Q. And as part of sending the letter out to the
18 media, you wanted the media to be aware of this belief
19 that Brian's parents knew where Brian left Gabby,
20 right?
21 A. I sent the letter out to the media.
22 Q. What was the basis of the belief that Brian's
23 parents knew where Brian left Gabby?
24 A. I'm going to invoke the attorney-client
25 privilege.

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1 RICHARD STAFFORD
2 Q. And I appreciate that. So let me see if we
3 can drill this down a little bit.
4 A. Okay.
5 Q. If there's an objective fact that would
6 support that belief, is it your testimony that the
7 only basis you would have to know that fact would be
8 from your clients?
9 A. Correct.
10 Q. Okay. Are you aware of any objective fact
11 from any source other than your clients that would
12 establish some knowledge by Brian's parents that they
13 knew where Brian left Gabby?
14 A. Did I know any other objective fact?
15 Q. Yeah.
16 A. No.
17 Q. To your knowledge, did Brian's parents or
18 Brian ever talk to your clients about that issue?
19 A. Not to my knowledge.
20 Q. As an attorney, before putting a statement
21 like, we believe you know the location where Brian
22 left Gabby into the general public through publication
23 to the media, do you believe you have any independent
24 duty or obligation to confirm the reasonableness of
25 that belief?

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1 RICHARD STAFFORD
2 A. I -- you're saying, do I have to go out and
3 get independent verification?
4 Q. Is there --
5 (Crosstalk.)
6 A. I don't --
7 Q. Do you think you have to do anything to
8 confirm the reasonableness of a belief that you're
9 putting out into the public sphere?
10 A. Sure.
11 Q. What did you do?
12 A. I had -- I had conversations.
13 Q. Did you have conversations with anyone other
14 than your clients?
15 A. On this issue? No.
16 MR. REILLY: Can I talk to you outside for a
17 second?
18 THE WITNESS: Yeah.
19 MR. REILLY: Just briefly.
20 MR. MELTZ: Okay. Guess we're taking a
21 break.
22 THE REPORTER: The time is 11:21 a.m. Eastern
23 Standard Time. And with no objections, we are off the
24 record.
25 (Off the record.)

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1 RICHARD STAFFORD
2 THE REPORTER: The time is 11:22 a.m. Eastern
3 Standard Time. We are now on the record.
4 Counsel, you may now proceed.
5 BY MR. MELTZ:
6 Q. Mr. Stafford, let me read the entirety of the
7 second paragraph of Exhibit 4. And this is the letter
8 to Christopher and Roberta Landrie where it says, "We
9 believe you know the location where Brian left Gabby.
10 We beg you to tell us. As a parent, how could you let
11 us go through this pain and not help us? As a parent,
12 how could you put Gabby's younger brothers and sisters
13 through this?"
14 Correct?
15 A. That's what the statement says.
16 Q. When you distributed the statement to the
17 media and members of the general public, did you
18 consider how it would make Christopher and Roberta
19 Landrie feel emotionally?
20 A. I released the -- I -- I had conversations
21 and I released the letter.
22 Q. And I'm not asking you that.
23 A. Yeah.
24 Q. I'm saying before you released the letter and
25 considering the language used in paragraph 2 of

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1 RICHARD STAFFORD
2 Exhibit 4, did you give any contemplation of how that
3 language would emotionally affect Christopher and
4 Roberta Landrie?
5 A. Did I give it any thought?
6 Q. Yes.
7 A. When I read it? Yes.
8 Q. And what was that thought?
9 A. That they, as a parent, might want to help
10 out the Schmidt and Petito families and say where
11 their future daughter-in-law was.
12 Q. What if they didn't know, though? How could
13 they possibly satisfy what's been put on them in
14 paragraph 2 of Exhibit 4 if they didn't know?
15 A. You're asking me to speculate?
16 Q. You're the one that issued it.
17 A. That's right.
18 Q. So if they didn't know, what did you think
19 they would feel when they read Exhibit 4, paragraph 2?
20 A. I didn't consider that.
21 Q. Why not?
22 A. I didn't consider it. I was -- I was
23 representing my clients.
24 Q. Did you consider how the media or members of
25 the general public would react to the statements of

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1 RICHARD STAFFORD

2 paragraph 2 of Exhibit 4?

3 A. No.

4 Q. Again, it's because you're representing your

5 clients?

6 A. Correct.

7 Q. At the time that Exhibit 4 was released, were

8 you aware at that point that members of the general

9 public were starting to stand outside or congregate

10 outside the Laundrie family house by this time?

11 A. By this time I think I was.

12 Q. Did you consider how Exhibit Number 4,

13 whether it's a second paragraph or any paragraph,

14 might affect those people standing outside the

15 Laundrie's home?

16 A. I did.

17 Q. And how did you consider it?

18 A. I didn't think anything that was in here

19 would have a adverse effect on the people outside the

20 house.

21 Q. What was your basis for that thought?

22 A. I didn't think there was anything in there

23 that would rile them up and -- and put the -- the

24 Laundries in danger.

25 Q. So, just to be clear, putting out a statement

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1 RICHARD STAFFORD

2 in which there's a claim that Chris and Roberta and

3 Laundrie knew the location where Brian left Gabby, in

4 your mind, if Chris and Roberta Laundrie didn't share

5 that information, you thought the people standing

6 outside their house would be fine with that?

7 A. Well, I don't know what the people would be

8 fine with or not fine with outside.

9 Q. Then you really don't know how your statement

10 would affect them then, do you?

11 A. No.

12 Q. Correct?

13 A. Well, again, I didn't think it was going to

14 rile them up. I think it was -- we were more

15 interested in trying to get -- get Gabby home.

16 Q. How could it not rile them up?

17 MR. REILLY: Objection to form.

18 BY MR. MELTZ:

19 Q. Do you have an answer for that?

20 A. No.

21 Q. Okay.

22 THE REPORTER: Just make sure you speak up.

23 THE WITNESS: I'm sorry.

24 THE REPORTER: No, you're fine. Thank you.

25 BY MR. MELTZ:

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1 RICHARD STAFFORD

2 Q. The third paragraph says, "Gabby lived with

3 you for over a year. She was going to be your

4 daughter-in-law. How can you keep her location

5 hidden?"

6 Correct?

7 A. That's what the -- that's what the letter

8 says.

9 Q. And that suggests that Chris and Roberta

10 Laundrie knew where Gabby was and were hiding that

11 fact, right?

12 A. I think the statement speaks for itself.

13 Q. Do you know if that statement's true or

14 false?

15 A. I -- well do --

16 MR. REILLY: Objection to the form.

17 THE WITNESS: Do I know that now or did I

18 know it then?

19 BY MR. MELTZ:

20 Q. Well, at the time it was issued, do you know

21 if the suggestion that Christopher Laundrie and

22 Roberta Laundrie were keeping Gabby's location hidden

23 was a true statement or a false statement?

24 A. Then, back then I didn't know. I was --

25 I -- and again, I can't get into attorney-client

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1 RICHARD STAFFORD

2 statements.

3 Q. It goes on to say, "You were both at Jim and

4 Nichole's house. You were both so happy that Brian

5 and Gabby got engaged and were planning to spend their

6 lives together. Please, if you or your family has any

7 decency left, please tell us where Gabby is located.

8 Tell us if we are even looking in the right place."

9 Correct?

10 A. That's what this letter says.

11 Q. And if there was no response to

12 Christopher -- sorry.

13 If there was no response by Christopher and

14 Roberta Laundrie to this outreach in Exhibit 4, they

15 would have no decency left; is that correct?

16 A. I think -- I think the letter speaks for

17 itself.

18 Q. Had you ever authored a letter like this

19 before in your professional career?

20 MR. REILLY: Objection to form.

21 BY MR. MELTZ:

22 Q. You can answer the question.

23 A. No.

24 A. And again, I -- I can't get into

25 attorney-client stuff.

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1 RICHARD STAFFORD
2 Q. I got it.
3 Before -- let me rephrase the question.
4 Had you ever released a statement like Exhibit 4
5 before this one?
6 A. No.
7 Q. Before releasing it, did you consult any
8 rules, regulations, ethical guidelines, talk about it
9 with someone to determine whether or not Exhibit 4 was
10 appropriate or inappropriate?
11 A. I did.
12 Q. Who did you contact?
13 A. Attorneys in my office.
14 Q. Did they specialize in those issues?
15 A. I don't believe they do.
16 Q. Was there a draft of Exhibit 4 that was
17 worded differently before the one that was actually
18 released?
19 A. I can't get into attorney-client statements.
20 Q. Did you pay any attention at all to whether
21 or not the press and public standing outside the
22 Laundrie's house increased after Exhibit 4 was
23 released?
24 A. I did not. It might have.
25 Q. Why do you say it might have?

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1 RICHARD STAFFORD
2 A. I -- at the time I wasn't sitting and
3 watching the news. I know that they did have people
4 outside their house.
5 Q. Were you --
6 A. I don't know when it increased and when it
7 decreased.
8 Q. Were you monitoring the news in any way to
9 try and determine what effect statements released by
10 your office to the public were having?
11 A. I would look at the news between probably 2
12 and 3:00 in the morning. Mostly print media.
13 Q. Getting back to your days as a criminal
14 defense attorney, which you were still actively
15 practicing at the time of Exhibit 4, correct?
16 A. Correct.
17 Q. Did you ever have a circumstance where you
18 had advised a client of yours to remain silent, but
19 because of some media outcry, you then changed your
20 legal advice and said, ah, I think you should tell
21 everybody what you know?
22 A. No.
23 Q. Did you expect Exhibit 4 to be successful in
24 somehow causing Chris and Roberta Laundrie to say
25 something that they had otherwise been advised not to

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1 RICHARD STAFFORD
2 say?
3 A. I had no -- I released the statement.
4 Q. Would you agree with me that -- this is a
5 hypothetical would you agree with me that if Chris or
6 Roberta Laundrie didn't know the location of Gabby's
7 body and Exhibit 4 is released to the press, that it
8 could cause them emotional distress?
9 MR. REILLY: Objection to form. You cannot
10 ask a lay witness a hypothetical question.
11 THE WITNESS: Could it cause them -- I --
12 I -- repeat the question.
13 BY MR. MELTZ:
14 Q. Sure. Would you agree with me that if,
15 hypothetically, if Christopher and Roberta Laundrie
16 did not know the location of Gabby's body, as is
17 suggested in Exhibit 4, to put Exhibit 4 out into the
18 public sphere could cause them emotional distress?
19 MR. REILLY: Same objection.
20 THE WITNESS: Could it cause? It could.
21 Anything can cause emotional distress.
22 BY MR. MELTZ:
23 Q. With that understanding, though, and even
24 though --
25 A. But --

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1 RICHARD STAFFORD
2 Q. -- you didn't know for certain -- just let me
3 get the question out. You're representing your
4 clients and you felt Exhibit 4 being released to the
5 press was something you needed to do to try and help
6 them with their situation?
7 A. Correct.
8 Q. Even if it might hurt the feelings or cause
9 emotional distress to Chris and Roberta Laundrie?
10 A. Correct.
11 Q. Did you expect Chris and Roberta Laundrie to
12 read or become aware of Exhibit 4 even though it was
13 released to the public?
14 A. Yes.
15 Q. Did Exhibit 4 result in any additional
16 information being provided by the Laundrie family?
17 A. Not to my knowledge.
18 Q. Let me hand you what we'll mark as Exhibit 5.
19 (Defendants' Exhibit No. 5 was marked for
20 identification.)
21 BY MR. MELTZ:
22 Q. Exhibit 5 is a media story that's based
23 upon a statement made by you that can really be best
24 found in page 4 of this.
25 We have the actual statement within the materials

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1 RICHARD STAFFORD

2 that you've produced today. But take a look at it and

3 let me know.

4 So the parts I'm going to ask you about is the

5 section under "Watch Carolyn Gusoff's report on page

6 4," and it has to do with "The Petito's family issued

7 a new statement Wednesday."

8 A. Yes.

9 Q. All right. The statement that's in italics

10 on page 4 of Exhibit 5, which is referred to as "The

11 Petito's family has issued a new statement."

12 That was a statement issued by your office,

13 correct?

14 A. I believe so.

15 Q. And it says, "Every day the search for Gabby

16 continues, the Schmidt and Petito family becomes

17 more," - sorry. Let me start again.

18 The statement says, "Every day the search for

19 Gabby continues, the Schmidt and Petito family becomes

20 more desperate. They are frantically searching for

21 answers and information in their daughter's

22 disappearance while Brian sits in the comfort of his

23 home."

24 Correct?

25 A. Correct.

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1 RICHARD STAFFORD

2 Q. That's his parents' home, right?

3 A. I believe so.

4 Q. Chris and Roberta Laundrie?

5 A. I believe so.

6 Q. Who the media and members of the public were

7 standing outside, right?

8 A. I believe so.

9 Q. And this particular statement, you're telling

10 them Brian's in that house and he's not saying

11 anything, right?

12 A. At the time we believed that's where he was.

13 Q. Did you give a moment's pause or thought as

14 to what members of the general public would do upon

15 reading that paragraph?

16 A. No.

17 Q. It goes on to say, "Brian claims he wants to

18 sit in the background while we search for Gabby in the

19 wilderness of Grand Teton and Yellowstone National

20 Park. Brian left Gabby in the wilderness with grizzly

21 bears and wolves while he sits in the comfort of his

22 home. In his home!"

23 Right?

24 A. Yes.

25 Q. You released that statement.

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1 RICHARD STAFFORD

2 A. I don't believe it was in writing, was it?

3 It was. Okay.

4 Q. Here.

5 A. Then it could be.

6 Q. I don't want there to be any doubt about

7 this. So you brought us a flash drive as opposed

8 to --

9 A. If it's --

10 Q. No. No. It's okay. I just have to make a

11 record.

12 So you brought us a flash drive as opposed to

13 producing documents. So, unfortunately, I have to

14 show you something from the flash drive.

15 A. Okay.

16 Q. All right. So hang on.

17 A. I can use it to refresh my recollection.

18 Q. You a hundred percent can.

19 So now you're looking at a portion of the --

20 A. I'm sorry I'm going to hit you --

21 Q. You scroll however you want. .

22 A. No. It's I got to get it off that.

23 Q. So we've now pulled up the flash drive that

24 you've produced us today, Mr. Stafford, that has what

25 appears to be information sent by your office,

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1 RICHARD STAFFORD

2 correct?

3 A. Yes.

4 Q. So the language that I just read about the

5 grizzly bears and the wolves, did your office issue

6 that?

7 A. It did.

8 Q. And did your office also issue the line about

9 sitting in the comfort of his home, period, in his

10 home, exclamation point?

11 A. It did.

12 Q. Given that hyperbolic language about the

13 grizzly bears and the wolves, while Brian's sitting in

14 the comfort of his home, did it cross your mind how

15 members of the general public might approach that home

16 in which Brian's sitting in comfort?

17 A. It did not.

18 Q. And to be clear, you never thought about it

19 or you thought about it, but it was outweighed by your

20 obligations to your client?

21 A. Sure, I thought about it, but it was

22 outweighed by the -- by my obligations to my client.

23 Q. At this point, are you still under the belief

24 that your statements are not putting Brian or his

25 parents in any type of harm's way?

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1 RICHARD STAFFORD
2 A. Correct.
3 Q. And what's your basis for that belief? The
4 police will protect them if some crazy person tries to
5 break in?
6 A. And I don't think anything I said put them in
7 danger.
8 Q. Can you give me an example of something that
9 you could have said that would have put them in
10 danger?
11 MR. REILLY: Objection to form.
12 THE WITNESS: You know, to -- to have them
13 dragged from their home and forced to be told what to
14 say?
15 BY MR. MELTZ:
16 Q. All right. Short of that, can you think
17 of --
18 A. Sure. I could say something else, but I
19 didn't -- I'm not going to speculate and come up with
20 anything. But I didn't think this would cause people
21 to storm their house.
22 Q. Did you think --
23 A. To drag them out.
24 Q. Did you think the statement about Brian
25 leaving Gabby in the wilderness with grizzly bears and

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1 RICHARD STAFFORD
2 wolves would cause any members of the general public
3 to have negative feelings or beliefs about Brian or
4 his parents?
5 A. It could.
6 Q. Do you believe that the statement in any way
7 could cause members of the general public to have
8 positive beliefs about Brian or his parents?
9 A. I don't think so.
10 Q. Was it your expectation that statements could
11 be made about the Laundrie family and that the
12 Laundrie family would make no public statements in
13 response?
14 A. I believe the Laundrie family was making
15 public statements.
16 Q. I understand that. Was it your expectation
17 that they wouldn't?
18 A. No. I was hoping that they would either make
19 a statement through their attorney or that they would
20 tell the Petito Schmidt family where their daughter
21 was.
22 Q. So one of the purposes of your making
23 statements to the public on behalf of your clients was
24 to try to get a responsive statement from the
25 Laundries, right?

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1 RICHARD STAFFORD
2 A. I was representing my client's interest.
3 Q. I understand. But one of the purposes of
4 making the public statements was to try to get some
5 information or statement in response from the
6 Laundries, correct?
7 A. And without getting into the attorney-client
8 privilege, I could say correct.
9 Q. Either directly or through Mr. Bertolino?
10 A. Correct.
11 Q. Some responsive statement from Mr. Bertolino
12 was sought in connection with the public statements
13 that you made, correct?
14 A. Could you rephrase that?
15 Q. Sure. Some responsive statement from Mr.
16 Bertolino was sought by your office when making these
17 public statements and requests for information to the
18 Laundrie family?
19 A. Again, without getting into attorney-client,
20 we were hoping to find out where Gabby Petito was.
21 Q. One of the ways you were hoping to find out
22 was in some type of response to your public outreach,
23 correct?
24 A. Yes.
25 Q. And you were looking for a response from Mr.

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1 RICHARD STAFFORD
2 Bertolino as the Laundrie family attorney?
3 A. Well, from anybody.
4 Q. But including Mr. Bertolino?
5 A. Sure.
6 Q. Was some of the choice of language used in a
7 way to provoke or promote a response from the Laundrie
8 family?
9 A. I can't get into the choice of language.
10 Q. That would be attorney-client privilege?
11 A. It would be.
12 Q. The next part of this particular press
13 release --
14 MR. MELTZ: And what was the date on this
15 one?
16 MS. KELLY: The email that you reviewed
17 earlier was sent on September 15th, 2021, at 4:58 p.m.
18 to agomez@██████.
19 BY MR. MELTZ:
20 Q. All right. So the September 15 press release
21 to AP goes on to say, "Brian, how could you do this to
22 Gabby? You selfishly remain silent while Gabby is all
23 alone in the wilderness. Brian, your silence is
24 reprehensible. We beg you to do the right thing and
25 help us bring Gabby home."

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1 RICHARD STAFFORD
2 Correct?
3 A. That's what it said.
4 Q. What was meant by "Brian, how could you do
5 this to Gabby?"
6 A. I can't get into what attorney-client
7 privileges and the statements between me and my
8 client.
9 Q. What --
10 THE REPORTER: I'm sorry.
11 THE WITNESS: I'm sorry.
12 THE REPORTER: No. I know he's right across
13 from you, but just speak up so --
14 THE WITNESS: Yeah.
15 THE REPORTER: -- it doesn't come out
16 inaudible on the transcript. It's really important.
17 THE WITNESS: Okay.
18 THE REPORTER: Thank you.
19 BY MR. MELTZ:
20 Q. Would you agree with me, Mr. Stafford, that
21 one of the messages that's being communicated by your
22 statement, as reported in Exhibit 5, is that it's not
23 acceptable for Brian to remain silent?
24 A. The statement speaks for itself, and I was
25 representing my clients.

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1 RICHARD STAFFORD
2 Q. Whatever constitutional right Brian had to
3 remain silent, that's not acceptable based upon the
4 statement that's in Exhibit 5, would you agree with
5 that?
6 A. That in Exhibit 5, it states that -- where is
7 it? I don't know if it says acceptable, but
8 that -- and it doesn't talk about his constitutional
9 rights. It just says, his remaining silent is
10 unacceptable.
11 Q. "You selfishly remain silent while Gabby is
12 all alone in the wilderness."
13 Right?
14 A. That's what the statement says.
15 Q. Now, did you think Brian was represented by
16 counsel at this point in time?
17 A. I believed he was.
18 Q. All right. So as a lawyer representing a
19 party, how do you contact a represented party and tell
20 that represented party directly, don't remain silent,
21 even though you've been advised to do so?
22 A. I never --
23 MR. REILLY: Objection to form.
24 THE WITNESS: I never called or spoke with
25 Brian.

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1 RICHARD STAFFORD
2 Q. But aren't you directly contacting and
3 appealing to Brian through Exhibit 5?
4 A. I am making statements on behalf of my
5 clients.
6 Q. Are those general statements or are they
7 directed to a person?
8 A. I'd have to look at the whole statement.
9 Some of it could be general, some of it's directed at
10 a person.
11 Q. Some of it's --
12 A. Most --
13 Q. -- directed to Brian, right?
14 A. Correct.
15 Q. I mean, it addresses him as Brian.
16 A. Correct.
17 Q. And, I mean, there's one specific Brian it's
18 referring to, right?
19 A. Correct.
20 Q. Brian Laundrie.
21 A. Correct.
22 Q. Who's represented by counsel at that time.
23 A. Correct.
24 Q. And he's already issued a statement that
25 says, I'm not saying anything, right?

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1 RICHARD STAFFORD
2 A. I believe that's what he said to the police
3 department.
4 Q. And what you then did is you tried to contact
5 him around his attorney to get him to say something?
6 MR. REILLY: Objection to form.
7 THE WITNESS: I never tried to contact him
8 directly.
9 BY MR. MELTZ:
10 Q. Did you think he would read Exhibit 5?
11 A. Sure.
12 Q. What's the difference between that and
13 contacting him directly?
14 A. It was an open letter -- it was an statement
15 from my clients.
16 Q. What's the difference between an open
17 statement to your clients or from your clients versus
18 contacting Brian directly?
19 A. Because it was an open statement. It was a
20 public statement.
21 Q. So you draw a distinction?
22 A. Correct.
23 Q. There is a distinction between direct -- a
24 statement that's directed to a specific person versus
25 a statement that's publicly disseminated?

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1 RICHARD STAFFORD

2 A. Yes.

3 Hold on. Did you need --

4 THE REPORTER: No. You're fine.

5 THE WITNESS: Okay.

6 THE REPORTER: Thank you.

7 THE WITNESS: Say that again.

8 BY MR. MELTZ:

9 Q. Sure. There is a difference between a

10 statement from an attorney or by an attorney on their

11 client's behalf that's directed to a specific person

12 or persons versus directed to the public at large?

13 A. Sure. There's a difference.

14 Q. Mr. Stafford, I'm going to hand you what

15 we're going to mark as Exhibit 6.

16 (Defendants' Exhibit No. 6 was marked for

17 identification.)

18 MR. REILLY: What exhibit was that last

19 exhibit?

20 MR. MELTZ: 5.

21 MR. REILLY: Thank you.

22 BY MR. MELTZ:

23 Q. Mr. Stafford, I'm going to hand you what

24 we're going to mark as Exhibit 6. And Exhibit 6, is

25 Google Search Report.

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1 RICHARD STAFFORD

2 MR. MELTZ: Does it have a technical name,

3 Laura?

4 MS. KELLY: You're referring to which one?

5 MR. MELTZ: This one. I just want to make

6 sure I call it the right thing.

7 MS. KELLY: It's a cached version of a

8 website that's mentioned it -- or it's a New York Post

9 article. It's only cached just because there were so

10 many images in the New York Post article that this

11 made it more legible.

12 BY MR. MELTZ:

13 Q. Okay. So this is a New York Post article.

14 A. Okay.

15 Q. So in this New York Post article, if you turn

16 to the one, two, three, fourth page. Let me know when

17 you're there.

18 MR. REILLY: Note for the record, this

19 doesn't appear to be the entire article.

20 MR. MELTZ: Yep. I got you.

21 THE WITNESS: Okay.

22 BY MR. MELTZ:

23 Q. Are you on the fourth page?

24 A. I -- I am.

25 Q. Okay. Where it picks up, "The lawyer added,

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1 RICHARD STAFFORD

2 they're at the point that the desperation has turned

3 to anger. They know that the Laundries know where

4 their daughter is and they will not tell them. That's

5 infuriating." And that's in quotes.

6 Do you see that?

7 A. Yes.

8 Q. Do you remember saying that?

9 A. I'm sure I did if it's quoted.

10 Q. What is the factual basis for the Laundries

11 knowing where their daughter is?

12 A. That's attorney-client.

13 Q. So to be clear, you have no non-privileged

14 information on that?

15 A. At this time when it was -- when's the story

16 from? February I mean, September 16th, then at that

17 time, no.

18 Q. Okay. There's another quote. "I know they

19 reached out on Friday the 10th and I believe again on

20 the 11th, and the Laundries refused to answer them

21 Stafford said. They stayed silent."

22 Is that your quote?

23 A. That is.

24 Q. It then says, "Petito's parents also sent a

25 letter to the Laundries Thursday reiterating that we

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1 RICHARD STAFFORD

2 believe you know the location where Brian left Gabby."

3 End quote.

4 Do you see that?

5 A. I do.

6 Q. Is that an incorrect reporting?

7 A. It -- it could be. They -- I believe they

8 only had the one letter, which we've already

9 discussed, which is Exhibit 4. So that could be

10 incorrect.

11 Q. Okay. Would it be incorrect because your

12 position is you didn't send letters to the Laundries,

13 you released the letter in a public way?

14 A. Correct.

15 Q. Getting back to the statement that "they're

16 at the point that desperation has turned to anger,"

17 who are you talking about?

18 A. I was talking about Joe, Nichole, Tara,

19 and -- and Jim.

20 Q. Who were they angry at?

21 A. They were angry at Brian.

22 Q. Anybody else?

23 A. I can't get into attorney-client privilege.

24 Q. At any point in time before Gabby was found,

25 did you become aware that Brian or Chris or Mr.

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1 RICHARD STAFFORD

2 Bertolino were being threatened in any way?

3 A. No.

4 Q. Not aware of that at all?

5 A. No.

6 Q. And is it your testimony that you had no

7 reason to believe at any point in time prior to Gabby

8 being found, that you knew anyone who wanted to do the

9 Laundry family or Mr. Bertolino bodily harm?

10 A. No. But anytime I'm sure there's people out

11 there that want to do anybody harm.

12 Q. But you didn't know anyone in particular?

13 A. I didn't know specifically that I can

14 remember now, no.

15 Q. Getting to the quote, "They know that the

16 Laundries know where their daughter is, and they will

17 not tell them that's infuriating." End quote.

18 When you gave that quote to the news media, did

19 you contemplate how that quote might affect Chris

20 Laundrie or Roberta Laundrie in any way?

21 A. No.

22 Q. Why not?

23 A. Because I was representing my clients.

24 Q. When you were representing people accused of

25 crimes, did you sometimes represent someone who was

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1 RICHARD STAFFORD

2 falsely accused?

3 A. Yes.

4 Q. How did that make them feel?

5 A. Because they're upset.

6 Q. Did you ever have a client who was falsely

7 accused of something, some criminal conduct that

8 wasn't upset by the false accusation?

9 A. Yeah.

10 Q. Who?

11 A. I can't say.

12 Q. But he or she was okay with it?

13 A. They -- they knew it was -- it was going to

14 work out.

15 Q. They were confident the truth would come out?

16 A. They were.

17 Q. Have you ever represented a client whose son

18 or daughter killed themselves?

19 A. Son or daughter? No. I don't know.

20 Q. Okay.

21 A. I -- I might have. I can't think

22 of -- offhand.

23 Q. Did you ever represent a client of yours who

24 was accused of committing a crime against somebody,

25 sexual assault, attempted murder, something like that,

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2 where the victim killed themselves?

3 A. Not that I can think of. Wait. Where the

4 victim killed themselves?

5 Q. Yeah. Couldn't live with it and killed

6 themselves.

7 A. That the victim killed themselves?

8 Q. Yeah.

9 A. Not that I can think of.

10 Q. Did you have situations where you represented

11 a client who killed himself?

12 A. Unh-unh. Not that I can think of offhand.

13 I -- I might have, but, like, I don't believe while I

14 was representing them. Maybe years down the line,

15 they could have, you know.

16 Q. I understand. When you were a criminal

17 defense attorney, did you sometimes represent clients

18 who, because of their age, their parents were involved

19 in the process?

20 A. Yes.

21 Q. Did that include violent crimes?

22 A. Yes.

23 Q. Did that ever include murder?

24 A. Yeah.

25 Q. Did you have occasions representing criminal

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2 defense clients where they were being sentenced to

3 some period of incarceration and your client's parents

4 were in court at the time of sentencing?

5 A. Yes.

6 Q. And in those situations, was that typically a

7 sad event for the parents?

8 A. Yes.

9 Q. In your belief, is a parent's love or

10 emotional tie to their child removed because that

11 child may have committed a crime? Has that been your

12 practical experience?

13 A. No.

14 Q. When Brian was found dead, did you believe

15 that event had some impact on his parents?

16 A. I'm sure it did.

17 Q. Are you aware of your clients ever publicly

18 expressing any level of sympathy or understanding to

19 Brian's parents for losing a son?

20 A. I'm not aware of that.

21 Q. Did you ever have a criminal trial where one

22 of your clients parents testified about their son's or

23 daughter's confession to them?

24 A. No.

25 Q. I mean, clearly you wouldn't call the parent

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2 as your own witness. This would have to be the
3 government calling your client's parent as a witness.
4 A. Correct.
5 Q. You've never had that occur that you can
6 remember?
7 A. Well, they ended up not testifying. They
8 were on the witness list.
9 Q. But they were not called to testify?
10 A. They were not.
11 Q. Were they deposed beforehand?
12 A. There's no - there's no depositions in -- in
13 criminal cases in New York.
14 Q. I knew that as soon as you said it. In
15 Florida, there's not for misdemeanors, but there is
16 for felonies.
17 A. Yeah.
18 Q. It's a wild system.
19 A. Until recently, we didn't get discovery until
20 the trial started.
21 THE REPORTER: This is off the record?
22 MR. MELTZ: It doesn't need to be.
23 BY MR. MELTZ:
24 Q. I was aware of that, too.
25 A. Or not discovery as it was called we used to

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2 have it back then.
3 Q. Let me hand you what will mark as Exhibit 7.
4 (Defendants' Exhibit No. 7 was marked for
5 identification.)
6 BY MR. MELTZ:
7 Q. It's short. Take a look at it. Let me know
8 when you're ready.
9 A. I'm ready.
10 Q. What's Exhibit 7?
11 A. It's a statement on behalf of the family that
12 I released on, I believe, it's September 18 of I don't
13 think it's September. Could be 18th. In 2021. I
14 believe the emails will have what date it was. It
15 could have been the 18th. But -- yeah. You know what
16 it was the 18th. It was the 18th.
17 Q. This statement says, "All of Gabby's family
18 want the world to know that Brian is not missing. He
19 is hiding. Gabby is missing."
20 Correct?
21 A. Correct.
22 Q. What was the purpose of this statement?
23 A. I was representing my clients.
24 Q. Was this a statement that was designed to
25 somehow get more information about Gabby's location?

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2 A. I believe I released this statement as -- I
3 released a statement.
4 Q. Other than being hurtful to Brian's parents,
5 can you give me any other reason for Exhibit 7?
6 MR. REILLY: Objection to form.
7 THE WITNESS: Attorney-client privilege.
8 BY MR. MELTZ:
9 Q. Did you consider how Brian's parents, Chris
10 and Roberta Landrie, would respond to Exhibit 7?
11 A. No.
12 Q. Was that because you were representing your
13 clients and how they may respond didn't matter to you?
14 A. And it -- it didn't matter, and I didn't
15 believe it would adversely affect them.
16 Q. Why not?
17 A. I'm releasing a comment -- a statement on
18 behalf of my client, and it is -- it was a statement
19 they made. I didn't think it would adversely affect
20 him.
21 Q. Do you think Exhibit Number 7 would have been
22 comforting to Chris and Roberta Landrie in any way?
23 MR. REILLY: Objection to form.
24 THE WITNESS: No.
25 BY MR. MELTZ:

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2 Q. What was the intended reaction, if any, from
3 the Landrie family to Exhibit 7?
4 A. That's attorney-client privilege.
5 Q. Is there anything that your clients could
6 have told you to put in the public sphere that you
7 would not have? Or did you just -- if they have told
8 you to put something out, you put it out?
9 A. No. No. There was -- I can't get into
10 attorney-client.
11 Q. But you would have --
12 A. And I was an attorney, and --
13 Q. -- you had limits?
14 A. -- I was advising them.
15 Correct. Correct. That was -- that was my job,
16 to determine what went out and what didn't go out on
17 their behalf.
18 Q. When you were making those determinations,
19 did you consider that you could be sued by the
20 Landrie family if you made the wrong determination?
21 A. If I said things that were outrageous or
22 inappropriate.
23 Q. Did you consider that at the time?
24 A. I'm sure I did.
25 Q. Okay. Did you consider that accusing Chris

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2 and Roberta Landrie of knowing where Gabby's body

3 was, if that wasn't true, could be outrageous?

4 A. I can't get into attorney-client privileges.

5 Q. That has nothing to do with attorney-client

6 privilege.

7 A. But I considered it, and -- and then I

8 released the statements.

9 Q. Okay. Why did you use the word "outrageous"?

10 A. I just did.

11 Q. I mean, prior to issuing any of these press

12 releases, had you ever come across any legal article

13 or treatise or case or publication in which you read

14 that an attorney who made a statement on behalf of

15 their clients was sued for it?

16 A. I -- I don't practice in civil law, so --

17 Q. So you didn't have that background?

18 A. What? To sue other attorneys or sue --

19 Q. No. No. You didn't have the background to

20 be aware of whether or not that was even a thing that

21 a lawyer could get sued for making a statement on

22 behalf of their client?

23 A. Sure. If you made statements that were false

24 or that were

25 Q. Defamatory?

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2 A. Defamatory.

3 Q. Any others that you were aware of?

4 A. If you made outrageous statements.

5 Q. Okay. Give me an example of any outrageous

6 statement a lawyer ever made that you were aware they

7 were sued for before September of 2021.

8 A. I can't point to anything.

9 Q. Can you think of a single one.

10 A. Before that? No.

11 Q. Here's Exhibit 8.

12 (Defendants' Exhibit No. 8 was marked for

13 identification.)

14 BY MR. MELTZ:

15 Q. Exhibit 8 is a statement that was issued on

16 September 19, 2021, correct?

17 A. Yeah.

18 Q. Take a quick look and let me know when you're

19 done.

20 THE REPORTER: I'm sorry, what date was that

21 issued?

22 MR. MELTZ: September 19, 2021.

23 THE WITNESS: Yes. I'm ready.

24 BY MR. MELTZ:

25 Q. All right. Was September 19, 2021 the day

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2 that Gabby Petito's remains were discovered?

3 A. Yes.

4 Q. Do you know where they were discovered?

5 A. In the Bridger-Teton National Forest.

6 THE REPORTER: Bridger --

7 THE WITNESS: Teton National Forest.

8 BY MR. MELTZ:

9 Q. As of September 19, 2021, had you had any

10 direct communications with Steven Bertolino at that

11 time or by that time?

12 A. I don't think I did.

13 Q. Had you tried to call him?

14 A. No.

15 Q. Or email him directly?

16 A. No. And I don't think you tried to call me.

17 Q. Right. I get there's a two way to that. I'm

18 really more interested in your part so --

19 A. I did not.

20 Q. As part of trying to get more information for

21 the Landrie -- sorry.

22 As part of trying to get more information for Ms.

23 Schmidt and Mr. Petito between September 13 and

24 September 19, did you ever attempt to contact Steven

25 Bertolino, the Landrie family attorney, directly?

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2 A. No.

3 Q. Did you ever speak to Steven Bertolino

4 directly?

5 A. I did.

6 Q. When?

7 A. It was -- the first time, maybe September 22

8 or 23rd.

9 Q. What was that about?

10 A. It was about a -- he called me in response to

11 a letter that I sent.

12 Q. Sent to him or issued to the press?

13 A. I think it went to both. I think it was sent

14 to him and to the press.

15 Q. What was that letter about?

16 A. It was about -- I can't get into

17 conversations that I have with my client, but the

18 letter had to deal with a posting on -- on a website.

19 Q. All right. Let me hand you Exhibit Number 9.

20 (Defendants' Exhibit No. 9 was marked for

21 identification.)

22 MR. REILLY: Thank you.

23 BY MR. MELTZ:

24 Q. Take a look at it. Let me know you're ready.

25 A. I'm ready.

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2 Q. What is Exhibit Number 9?

3 A. It's a letter I sent to Steve Bertolino on

4 September 22, 2021.

5 Q. This was also the same letter that you

6 released to the public?

7 A. It is.

8 Q. And did you release Exhibit Number 9 to the

9 public before speaking with Mr. Bertolino about the

10 contents of the letter?

11 A. I did.

12 Q. Why?

13 A. I can't get into that. Attorney-client

14 privilege.

15 Q. The letter that you released to the general

16 public through the press says, "Mr. Bertolino, the

17 Petito and Schmidt family are demanding that you

18 remove Gabby Petito's picture from your Yelp page.

19 The Web page is https," various symbols.

20 "The family tried to remove their daughter's

21 picture from your page and were informed that only the

22 business owner can add or remove pictures.

23 Furthermore, the Petito and Schmidt family demand that

24 you cease and desist posting pictures of Gabby Petito

25 to any and all of your social media pages, web pages

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2 or advertisements in an effort to gain business."

3 Do you see that?

4 A. Yes.

5 Q. What did you mean by that?

6 A. Without getting into attorney-client

7 privileges that they wanted their picture -- their

8 daughter's picture taken off of his Yelp page.

9 Q. Exhibit Number 9, you're accusing Mr.

10 Bertolino of essentially profiteering off of Gabby's

11 horrible circumstances and death, right?

12 MR. REILLY: Objection to form.

13 THE WITNESS: I was representing my clients.

14 BY MR. MELTZ:

15 Q. Okay. And I hear you telling me that.

16 A. Yeah.

17 Q. But in representing your clients, you took an

18 action, right?

19 A. Correct.

20 Q. You chose to take that action?

21 A. Correct.

22 Q. And the action you took was to release

23 Exhibit Number 9 into the public universe through a

24 press release before even determining with Mr.

25 Bertolino whether or not the assertions contained

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1 RICHARD STAFFORD

2 therein were true and correct, right?

3 MR. REILLY: Objection to form.

4 THE WITNESS: I knew the statements -- her

5 pictures were up on his Yelp page.

6 BY MR. MELTZ:

7 Q. How did you know it was his Yelp page?

8 A. I -- I can't get into how --

9 Q. Did you --

10 A. -- we got --

11 Q. Mr. Stafford, did you do any independent --

12 (Crosstalk.)

13 A. I pulled it up and it was his page, and --

14 Q. And how did you determine that Mr. Bertolino

15 was the owner or operator of the page you pulled up?

16 A. It was his -- it was advertising for his law

17 firm. His law firm.

18 Q. At that time, were lots of people creating

19 social media posts and pages that purported to be true

20 and genuine with respect to the Petito matter, but had

21 really nothing to do with it?

22 A. They -- they could have. I'm sure there's a

23 lot of stuff out there.

24 Q. Did you ever independently determine that

25 Steve Bertolino actually owned or operated the Yelp

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2 page that's the subject of Exhibit 9?

3 A. We called Yelp and they were -- and they told

4 me to contact the person who it's about.

5 Q. Who was the owner and operator of that Yelp

6 page?

7 A. I don't -- I assumed it was Steven Bertolino.

8 Q. Did you ever confirm that?

9 A. No.

10 Q. Did you ever track down who the owner or

11 operator that Yelp page was?

12 A. No. The pictures were removed and it -- and

13 it was finished.

14 Q. Who removed those pictures?

15 A. I assume Steven Bertolino.

16 Q. How do you know that?

17 A. I -- I don't know.

18 Q. When you spoke with Mr. Bertolino, did he

19 tell you whether or not that was his Yelp page?

20 A. I don't remember if he did.

21 Q. You don't recall Mr. Bertolino telling you it

22 was not his Yelp page and he had no idea what you were

23 talking about?

24 A. He could have. I -- I don't remember that

25 part of that conversation.

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2 Q. Let me ask you this question. If Mr.

3 Bertolino didn't own or operate the Yelp page that's

4 the subject of Exhibit 9, would you agree with me that

5 Exhibit Number 9 is defamatory to Mr. Bertolino?

6 MR. REILLY: Objection to form.

7 THE WITNESS: No. I don't believe it's

8 defamatory.

9 BY MR. MELTZ:

10 Q. How could it not be?

11 A. Because it's up on his page and up --

12 Q. Mr. Stafford --

13 A. -- up on a page that's -- that's advertising

14 for his law firm.

15 Q. Mr. Stafford, if I created a page for you

16 that said law Offices of Richard B. Stafford, and I

17 put a picture of Hitler below it saying, everyone

18 welcome. Is that your fault or my fault?

19 A. Well, that would be your fault.

20 Q. But it's your web page. Do you see the

21 dilemma here?

22 A. I -- I think there's a difference between

23 Hitler and Gabby Petito.

24 Q. Okay. Well, there is, isn't there? What's

25 the difference between associating with Hitler and

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2 accusing Mr. Bertolino of profiteering off of Gabby

3 Petito? Which one's worse in your mind?

4 MR. REILLY: Objection to form.

5 THE WITNESS: I don't think there's anything

6 worse than Adolf Hitler.

7 BY MR. MELTZ:

8 Q. But does that change? It would be my

9 responsibility and not yours if I'm the one that

10 posted it?

11 A. But if -- if it was your page -- if it was my

12 page and I'm the only one that can remove it, then it

13 would be my responsibility to take it down.

14 Q. First of all, do you know if Mr. Bertolino

15 posted anything that's described in September 22,

16 2021, letter?

17 A. I don't know.

18 Q. And do you know if the site that it was

19 posted to was owned or operated by Mr. Bertolino?

20 A. I don't know.

21 Q. And don't you think you should have at least

22 looked into some of that before issuing to the public

23 Exhibit Number 9?

24 A. We -- we contacted Yelp and they told us to

25 contact the -- the individual from the law firm. So

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2 that's why the letter was written.

3 Q. Did Yelp give you information that they knew

4 the individual for the law firm actually created that

5 Yelp account?

6 A. I don't believe they did.

7 Q. Did you ask that question?

8 A. I don't believe I did.

9 Q. In releasing Exhibit Number 9 to the media,

10 what, if any, response from the public, did you expect

11 to be directed to Mr. Bertolino?

12 A. I was hoping that the pictures would come

13 down.

14 Q. Well, all you had to do was call Mr.

15 Bertolino to take care of that, right?

16 A. I did not call Mr. Bertolino.

17 Q. But if truly, all you wanted was for the

18 pictures to come down, wouldn't you call Mr. Bertolino

19 and say, Mr. Bertolino, take the pictures down?

20 A. I can't get into attorney-client privilege.

21 Q. Did you ever have a conversation with Mr.

22 Bertolino where you told Mr. Bertolino that your

23 clients wanted to do him bodily harm?

24 A. I never said that they would do him bodily

25 harm.

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2 Q. I didn't say that they would. That your

3 clients had threatened or suggested they wanted to do

4 him bodily harm?

5 A. I don't think I said that they threatened to

6 do him bodily harm.

7 Q. You didn't tell Mr. Bertolino that your

8 clients or people they knew wanted to kill him?

9 A. No. Definitely not.

10 Q. Are you aware of whether or not Mr. Petito's

11 ever said that in a statement?

12 A. I have no knowledge of that.

13 Q. But you never had a conversation with Mr.

14 Bertolino in which you suggested that you were having

15 difficulty managing the emotions on your side?

16 A. I did.

17 Q. You had that conversation?

18 A. I did.

19 Q. What did you tell him?

20 A. I told him his statements were driving my

21 family crazy. That we had -- Jim Schmidt was very

22 active in the fire department. We had numerous

23 members of the fire department that wanted to go

24 protest at Mr. Bertolino's house and at his law office

25 and that I was keeping them in check.

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1 RICHARD STAFFORD
2 Q. Were there protests at Mr. Bernardino's house
3 in law office?
4 A. No. There was not.
5 Q. You don't think anyone ever protested at Mr.
6 Bertolino's house or law office?
7 A. Not to my knowledge.
8 Q. What did you do to check on that?
9 A. I didn't go check on that. But to my
10 knowledge, I didn't think anyone went to his house or
11 his law office.
12 Q. Did you ever issue any statements either
13 directly or on behalf of your clients where you asked
14 people to stop going to the Laundrie's house? Please
15 don't do that.
16 A. No.
17 Q. Why not? Wouldn't that be the decent thing
18 to do?
19 BY MR. REILLY: Objection to form.
20 THE WITNESS: We were -- I had conversations
21 with the FBI. We were told to not discuss the people
22 at the Laundrie house.
23 BY MR. MELTZ:
24 Q. What did the FBI tell you?
25 A. To not discuss what was going on at the

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1 RICHARD STAFFORD
2 Laundrie house.
3 Q. Did they give you a reason for that?
4 A. No.
5 Q. Did that seem like an odd request?
6 A. No.
7 Q. Did you have to follow it?
8 A. No.
9 Q. Did you get the sense that the FBI wanted
10 people to keep protesting outside the Laundrie house?
11 A. No.
12 Q. Did you suggest to the FBI, hey, would it be
13 helpful if we issued a statement that said, you know,
14 listen, it's a tough time, but don't protest outside
15 their house?
16 A. I did not say that.
17 Q. Have you ever been in a position, Mr.
18 Stafford, of representing a client who has people
19 protesting outside of their home?
20 A. Not that I can recall.
21 Q. Or business?
22 A. Not that I can recall.
23 Q. I'll hand you what we'll mark as Exhibit 10.
24 (Defendants' Exhibit No. 10 was marked for
25 identification.)

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2 BY MR. MELTZ:
3 Q. It's another short document. Take a look
4 at it and tell me what it is.
5 A. It was a -- a statement to the press that the
6 Petito and Schmidt family were conducting a press
7 conference at my office.
8 Q. What was that press conference about?
9 A. If I remember correctly, it was after the
10 funeral, and they were, I believe, thanking law
11 enforcement.
12 Q. And in your mind now that the funeral had
13 occurred and the outcome was known, was there any
14 additional reason to interact with the press at this
15 point in time moving forward?
16 A. Sure.
17 Q. What?
18 A. I was contacted by the press numerous times
19 and to either look for interviews or to interview my
20 clients.
21 Q. But why? If the whole purpose of the media
22 attention was to try to help find Gabby, right?
23 A. Correct.
24 Q. Gabby's found at this point, correct?
25 A. Right.

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2 Q. So why have any additional media attention
3 moving forward?
4 A. From this -- I can't get into attorney-client
5 privilege, but I know we -- for this press conference,
6 we wanted to thank the media for their involvement.
7 Q. All right. But once the media was thanked --
8 A. Not the media. The police --
9 Q. Law enforcement.
10 A. -- department. Correct. It was in the
11 statement.
12 Q. Well, once law enforcement was thanked, what
13 was there left to address with the media?
14 A. Well, soon after the -- after her body was
15 found and we had a funeral, they -- the family was
16 still involved. They were looking for Brian. And
17 after that, we created a foundation to help people
18 that have missing family members and that have been
19 victims of domestic violence.
20 Q. That's the Gabby Petito Foundation?
21 A. It is.
22 Q. Are you a member of that foundation or sit on
23 the board?
24 A. I am.
25 Q. What's your affiliation with that foundation?

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2 A. I'm a board member.
3 Q. Does the Gabby Petito Foundation generate
4 revenues through donations?
5 A. They do.
6 Q. Other than private donations, does it
7 generate revenues from any other sources?
8 A. No. I think it's all private donations.
9 Q. Have Ms. Schmidt or Mr. Petito done any shows
10 or interviews or things like that that generated
11 revenues for the Gabby Petito Foundation?
12 A. They have.
13 Q. What have they done?
14 A. I think they did Dr. Phil, Dr. Oz. I think
15 it's ITV. That was a British company, I think. And
16 they did a Fox News interview. And they did a -- and
17 since then, I think they've done multiple interviews
18 with either Good Morning America or other events that
19 they've attended.
20 Q. Were those interviews that --
21 A. Well, the --
22 Q. The money goes to the foundation?
23 A. I think only ITV, Dr. Phil and Dr. Oz. And
24 all -- any proceeds that they ever got went to the
25 foundation.

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2 Q. The foundation?
3 A. Correct.
4 Q. It's always amazing when -- what people know
5 and don't know about how the Dr. Phil and Dr. Oz shows
6 work.
7 A. Yeah.
8 Q. Do Mr. Petito or Ms. Schmidt participate on
9 behalf of the foundation in an event known as
10 CrimeCon; to your knowledge?
11 A. I believe they did.
12 THE REPORTER: I'm sorry, it was Crime?
13 MR. MELTZ: CrimeCon.
14 THE WITNESS: I believe they did in - it
15 could have been this past September.
16 BY MR. MELTZ:
17 Q. What is that?
18 A. I didn't participate. It's a -- I know what
19 Comic-Con is. I assume it's a -- a convention where
20 people talk about true crimes.
21 Q. I'm going to assume it probably lacks some of
22 the levity and mirth of Comic-Con.
23 A. I'm sure. I've been to Comic-Con. I've
24 never been to any other thing.
25 Q. San Diego or New York?

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2 A. New York. It was close. My kids went.
3 Q. Did you go dressed?
4 A. No. My -- my kids had some stuff on, but I
5 did not.
6 MR. MELTZ: All right, let's take a break.
7 I'm probably near finished. Don't know about Mr.
8 Gilbert, but all right. I think we're very near the
9 end.
10 THE REPORTER: Time is 12:19 p.m. Eastern
11 Standard Time. And with no objections, we are off the
12 record.
13 (Off the record.)
14 THE REPORTER: Okay. The time is 12:32 p.m.
15 Eastern Standard Time. And we are now on the record.
16 BY MR. MELTZ:
17 Q. Mr. Stafford, I'd like to turn you back to
18 Exhibit 8, which is your September 19, 2021 statement.
19 Let me know when you're there.
20 A. Yes.
21 Q. And again, this was the statement that was
22 issued shortly thereafter or sometime thereafter that
23 Gabby's remains were discovered that day, correct?
24 A. Yes.
25 Q. In the second paragraph, you say, "I would

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1 RICHARD STAFFORD
2 also like to personally thank the FBI, the Suffolk
3 County Police Department, the North Port Police
4 Department, and especially the Grand Teton Search and
5 Rescue Team."
6 Was it the Grand Teton search and rescue team
7 that discovered her?
8 A. I believe it was.
9 Q. It then says, "Your tireless work and
10 determination helped bring Gabby home to her parents."
11 Correct?
12 A. Yes.
13 Q. What did you mean by, "bring Gabby home to
14 her parents"?
15 A. Her remains.
16 Q. You didn't say that in there, though.
17 A. No.
18 Q. Was there a reason why you didn't?
19 A. No.
20 Q. "The family and I will be forever grateful."
21 Correct?
22 A. Correct.
23 Q. Given the language you used here when Gabby
24 was brought home to her parents, would you agree with
25 me that Gabby and her parents were reunited at that

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1 RICHARD STAFFORD
2 time?
3 A. No. I don't agree with that.
4 Q. Why not?
5 A. Because she was -- it was by the time they
6 got her, she was ashes. She was no longer living.
7 Q. She wasn't ashes, was she?
8 A. She was when the -- when the family received
9 her.
10 Q. Do you know if the use of the word
11 "reunited," applies to ashes and remains and family
12 members?
13 A. I don't think it does.
14 Q. Have you done any research on that?
15 A. No.
16 Q. Have you ever read articles about fallen
17 soldiers being reunited with their families?
18 A. Not that I could think of.
19 Q. Have you done any investigation to that use
20 of the word reunited?
21 A. No.
22 MR. MELTZ: All right. That's all the
23 questions that I have for you.
24 Hold on a moment.
25 Mr. Gilbert or Mr. Reilly may have some as

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2 well.
3 MR. REILLY: Mr. Reilly does not.
4 EXAMINATION
5 BY MR. GILBERT:
6 Q. Hi, Mr. Stafford. My name's Ryan Gilbert. I
7 represent the defendants Christopher Laundrie and
8 Roberta Laundrie in this case. I think I just have a
9 few questions that I would like to clarify with you.
10 First, other than issuing statements publicly,
11 did you do anything else at any point to attempt to
12 find out what Christopher Laundrie or Roberta Laundrie
13 knew or may have known about Gabby Petito?
14 A. I think I spoke with the FBI, and they
15 informed me that they had not spoken to Chris and
16 Roberta Laundrie.
17 Q. Do you know when you spoke with the FBI about
18 that?
19 A. No. I do not.
20 Q. Did you do anything else?
21 A. And -- and this is to know what the Laundries
22 knew?
23 Q. Correct.
24 A. And --
25 Q. About Gabby Petito, what happened, where she

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2 was, anything like that.
3 A. Yes.
4 Q. What else did you do?
5 A. And -- and -- are you talking about ever, or
6 are you talking about in the time frame of September
7 11 or 10th through October 1st or October -- or
8 September 19?
9 Q. I'd like to know ever. But more relevant, is
10 in that time before her remains were found on the
11 19th.
12 A. I did have multiple conversations with the
13 FBI, either Zoom meetings or in-person meetings with
14 the FBI.
15 Q. Before or after Gabby's remains were found?
16 A. After Gabby's remains were found.
17 Q. Okay. Did you do anything else before you
18 knew that Gabby's remains had been found? Did you do
19 anything else?
20 A. No.
21 Q. Okay. Earlier during your deposition, there
22 was a point that Mr. Reilly asked to go off record,
23 and I believe, since I'm not there present with you,
24 that you stepped outside to speak with him. Do you
25 recall that?

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2 A. I did.
3 Q. What did you and Mr. Reilly speak about
4 during that time?
5 A. He asked me about conversations with the FBI,
6 and I told him at that point what the questions were
7 being asked. I had not spoken with the FBI in-depth
8 about whether or not what I knew, about what the
9 parents knew.
10 Q. Did Mr. Reilly say anything else in that
11 conversation?
12 A. No.
13 Q. Did you say anything else?
14 A. I told him that at that point I had not
15 spoken to the FBI about what they knew or any phone
16 records or anything.
17 Q. Okay. Besides that conversation during the
18 deposition, how many times have you spoken with Mr.
19 Reilly about your deposition today?
20 A. I think, I might have talked -- spoke to him
21 real quick about scheduling, trying to find a place to
22 do a deposition. But I don't believe -- I thought it
23 was for mine, but that was, I believe, for Mr.
24 Bertolino's.
25 And then I got an email about -- that had the

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2 document request and where and when the -- the
3 deposition will take place. It had to do with
4 scheduling, and we never talked substantive about what
5 I was going to testify to or be deposed about.
6 Q. Is there any written correspondence of any
7 kind to or from or between you, your office, and Mr.
8 Reilly in his office that you have not provided on the
9 flash drive that you provided today?
10 A. Anything that's not protected attorney-client
11 then, no. I -- I think I've turned everything over.
12 Q. Have you had any in-person meetings with Mr.
13 Reilly --
14 A. I met with Mr. Reilly -- I'm sorry.
15 Q. No. I'm sorry. Yeah. I said did you have
16 any did you have any meetings in-person with Mr.
17 Reilly prior to today?
18 A. Yes.
19 Q. When were those?
20 A. I met with Mr. Reilly last night for about, I
21 don't know, an hour, hour and a half at his hotel and
22 the restaurant next door.
23 Q. And what did you discuss with Mr. Reilly last
24 night when you met with him?
25 A. Where we were going to do the deposition, and

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1 RICHARD STAFFORD
2 we talked about his -- his family and my family.
3 Q. Did you or Mr. Reilly talk at all about the
4 Gabby Petito case, this lawsuit, or anything related
5 to your deposition?
6 A. Just scheduling.
7 Q. Besides that, what else did you do or what
8 did you review to prepare for your deposition today?
9 A. I went through the emails that I put on the
10 thumb drive that I gave to Mr. Bertolino's attorney,
11 Mr. Reilly, and I didn't know you were not going to be
12 here. I -- I have a copy for you.
13 MR. GILBERT: Thank you.
14 I believe that's all the questions I have for
15 you, Mr. Stafford. Thank you very much.
16 EXAMINATION
17 BY MR. MELTZ:
18 Q. Mr. Stafford. I do have a follow-up.
19 MR. REILLY: You have three to five minutes.
20 MR. MELTZ: I'm so offended.
21 BY MR. MELTZ:
22 Q. You referenced producing emails. Did you go
23 back and try to search any of your text messages for
24 any responsive materials to Exhibit 1?
25 A. I don't have the same phone. I did look

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2 through, and I -- I looked for the phone. I could not
3 find the phone. If I do find text messages, I don't
4 know if I had text messages with Mr. Bertolino. If I
5 did, they were talking about nothing substantive.
6 They were talking about the property. And there was
7 no text messaging probably until December, January.
8 And as well, I did have a -- I remember I had a
9 voicemail from Mr. Bertolino that was just him calling
10 me and giving his phone number.
11 Q. So the largest category really wasn't
12 communications with Mr. Bertolino. It was
13 communications with the media. And at least some of
14 your emails suggest that there could have been text
15 communications with the media.
16 A. I -- I --
17 Q. Do you have any of those?
18 A. No. I don't -- and I don't -- I know I -- if
19 they called and I picked up, I would speak to them.
20 But it was usually -- I -- I don't remember texting.
21 I could have, you know, but I don't have those text
22 messages anymore. This is two years later, and I'm on
23 a second phone, so --
24 Q. When you changed phones --
25 A. I didn't. I didn't --

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1 RICHARD STAFFORD
2 Q. Hang on. When you changed phones, did you
3 change phone numbers?
4 A. No. Same phone number
5 Q. When you changed --
6 A. Well -- yes.
7 Q. Okay.
8 A. Well, yes and no. And I'll explain.
9 Q. Go ahead.
10 A. When this was going on, my -- my cell phone
11 would immediately fill up with voice messages. And
12 I'd have, say, a hundred messages on my -- on my
13 office line. So my cell phone would fill up, and I
14 would erase it, call the first person back, and by the
15 time I'd be off the phone, it'd be full again.
16 So -- and we had -- my number got put out there
17 for, like, tips. So I had people from all over the
18 country telling me what they think I should be doing.
19 So I got a second phone. Which is what the phone I
20 have now that had a different number. And at least
21 that's what I think this was.
22 And I had that phone number. And on that
23 phone -- so for a short time, I had two different
24 phone numbers. And when I canceled that other line, I
25 gave -- gave it to my son. I kept that iPhone.

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2 Before that, I was a Android during -- until I

3 think it was the 18th, I -- I used an Android. So I

4 was still using the Android up until maybe December of

5 '21. And then everything -- I just switched the SIM

6 cards over, and it didn't switch my -- my text

7 messages.

8 It backed up the pictures but not my -- and my

9 contacts, but not the text messages.

10 Q. So as part and parcel of getting a new phone,

11 you lost some portion of text messages you believe?

12 A. Correct. I don't have them, and I

13 can't -- if I find the phone and then they're on

14 there, I'll produce them. But as -- when I looked for

15 the last couple weeks, I can't find the phone.

16 MR. MELTZ: Okay. That was all follow-up I

17 have.

18 Mr. Stafford, we're going to get this typed

19 up. I'm going to order it. Would you like to read it

20 or waive it?

21 THE WITNESS: No, I'll read it.

22 MR. MELTZ: Okay. Excellent.

23 MR. REILLY: And I would like a copy.

24 THE WITNESS: I don't know if these are in

25 the correct order, but --

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1 RICHARD STAFFORD

2 THE REPORTER: Electronic?

3 MR. REILLY: Yeah, that's fine.

4 THE REPORTER: And same as yesterday?

5 MS. KELLY: Yes.

6 THE REPORTER: The time is 12:44 p.m. Eastern

7 Standard Time. With no objections, we are off the

8 record.

9 (Whereupon, the deposition concluded at 12:44 p.m.)

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1 REPORTER'S CERTIFICATE

2

3 I, SOPHIAN DEFRANCE, a Digital Reporter and

4 Notary Public within and for the State of New York do

5 hereby certify:

6

7 That the foregoing witness was duly sworn; that

8 the proceeding took place before me at the time and

9 place herein set forth; that the testimony and

10 proceedings were accurately captured with annotations

11 by me during the proceeding.

12

13 I further certify that I am not related to any of

14 the parties to this action by blood or marriage, and

15 that I am in no way interested in the outcome of this

16 matter.

17

18 In witness thereof, I have hereunto set my hand

19 this 27 October, 2023.

20

21 *Sophian DeFrance*

22 _____

23 SOPHIAN DEFRANCE

24 Notary Commission No. 01DE0006274

25 Commission Expires: April 26, 2027

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1 TRANSCRIBER'S CERTIFICATE

2

3 I, Natalie Young, legal transcriptionist, do

4 hereby certify:

5 That the foregoing is a complete and accurate

6 transcript of the original digital audio recording of

7 the testimony and proceedings captured in the above

8 entitled matter. As the transcriptionist, I have

9 reviewed and transcribed the entirety of the

10 proceeding to ensure a verbatim record to the best of

11 my ability.

12 I further certify that I am not neither

13 attorney for, nor a relative or employee of any of the

14 parties to the action; further, that I am not a

15 relative or employee of any attorney employed by the

16 parties hereto, nor financially or otherwise

17 interested in the outcome of this matter.

18 In witness thereof, I have hereunto set my

19 hand this 27 October, 2023.

20

21 *Natalie Young*

22 _____

23 Natalie Young

24 Legal Transcriber

25