

1 A I was never asked to produce or
2 locate those receipts.

3 Q Okay. Mr. Davio, turning back to
4 the beginning, you said you took over the
5 program from Pat Snow. And this is about
6 1988. Am I correct?

7 A Yes. That's correct.

8 Q Okay. Do you know how long Pat
9 Snow was involved in the Fist Flex program
10 before you served?

11 A Not to my recollection.

12 Q Can you speculate? Two years,
13 three years? Just trying to get some sense.
14 If you don't know, you don't know.

15 A I believe -- I -- I don't know.
16 If I were to speculate, I guess, I think it
17 would be months and not years.

18 Q All right. Now you testified you
19 received two or three prototypes from Mr.
20 Snow. Am I correct?

21 A That's correct.

22 Q Do you know whether or not those
23 prototypes were prototypes that had been
24 purchased from Wesleyan or from Mine Safety
25 Appliances?

1. A I do not know that.

2 Q Now, you say you saw at least one
3 single complete prototype and then one that
4 had been disassembled by Mr. Snow. Am I
5 correct?

6 A To the best of my recollection,
7 yes.

8 Q Did he ever discuss with you why
9 he had disassembled that prototype?

10 A No, sir.

11 Q All right. Now, you testified
12 that you did not see any markings or tags on
13 the prototypes. Am I correct?

14 A That's correct.

15 Q But you don't have any personal
16 knowledge whether the prototypes that you got
17 from Mr. Snow had been originally tagged when
18 he received them. Am I correct?

19 A That is correct. I -- I don't
20 know that.

21 Q Okay. Now, you say that Mr.
22 Miller frequented Natick for other purposes.
23 Do you know what those other purposes were?
24 I believe you said other business. Do you
25 know what that other business was, sir?

1 approximate time when -- when he took over the
2 program from you or do you remember what the
3 day or the time -- the date was that -- that
4 you relinquished responsibility?

5 A I can't recall.

6 Q You don't recall? Okay.

7 A No.

8 Q Do you know who Don Davio is?

9 A I do.

10 Q And what -- what do you remember
11 about Mr. Davio?

12 A I believe at this time he -- he and
13 I worked in the same section for a brief
14 period of time. But this time, in '88, I was
15 no longer working in that same section.

16 Q Okay. All right.

17 MR. PRITCHARD: Are you able to go
18 on?

19 WITNESS SNOW: Yes. No problem.

20 MR. PRITCHARD: Okay.

21 BY MR. PRITCHARD:

22 Q During the -- the time that you had
23 ordered the Fist Flex prototypes, do you
24 remember giving any of these prototypes to
25 third parties for evaluations?

1 A I do not recall. Third party,
2 meaning other than Army entities?

3 Q Other than Army entities, yes. Or
4 government --

5 A I do not recall.

6 Q Okay. Do you remember ever breaking
7 down the system, the Fist Flex system?

8 A I do not remember that. But it
9 would have been likely that I would have.

10 Q Okay. And -- and why -- why would
11 you have broken that system down?

12 A I -- I -- a lot of the -- part of
13 the evaluation was to look at the worthiness,
14 you know -- you know, hardiness, if you will,
15 both the components and if the chemical
16 capacities of the components. So I don't
17 recall breaking them down but I -- I would
18 guess I would have.

19 Q Would it -- would it be accurate to
20 describe that you broke the system down in an
21 effort to --to knock it off?

22 MR. MOORHOUSE: Objection. Leading.

23 JUDGE FREEMAN: Sustained.

24 MR. PRITCHARD: Did -- did you ever
25 tell anybody that the Army was going to knock

1 off the Fist Flex system?

2 WITNESS SNOW: Not that I recall.

3 BY MR. PRITCHARD:

4 Q Did you -- did you ever attempt to
5 build any systems -- hydration systems
6 yourself?

7 A Not that I recall.

8 Q Do you remember -- strike that.

9 JUDGE FREEMAN: Let me follow up on
10 that question, sir. If Natick had determined
11 to develop in-house, a NBC resistant watering
12 system, would that have been your -- that have
13 gone to you or gone to some other part of
14 Natick or what -- how would that would have
15 been handled at the time?

16 WITNESS SNOW: It -- it most likely
17 would have come to me, I would think, if I was
18 still dealing with -- with evaluation at the
19 time.

20 MR. PRITCHARD: Okay, Mr. Snow. I'm
21 going to approach the camera and try to hold
22 up a system for you to -- to look at. For the
23 record, this is Exhibit -- Appellant's Exhibit
24 5. Are you -- are you able to see this? Tell
25 me -- tell me how clear that is.