

**AUDIO TAPED INTERVIEW
OF CAPTAIN EDWARD KUNTZ, DSN 1798
DATED
MARCH 21, 2007**

CAPT. HAYDEN: Good evening. We are here with Captain Edward Kuntz, Lieutenant Jack Huelsmann. I am Captain John Hayden, commander of the Internal Affairs Division. Captain Kuntz, with...with...the instances that we are referring to...Captain Kuntz was then the commander of Vice/Narcotics. Lieutenant Jack Huelsmann is the deputy commander of the Internal Affairs Division. Captain Kuntz, the first questions or serious questions that I'm going to ask center around the seizure and the bringing in of evidence...of various types...umm.... Was there...was there a...a working understanding of the seizure of evidence in general...umm...uh for Vice/Narcotics that...that...was a written policy of some sort that...um...that was unique to (inaudible).

CAPT. KUNTZ: No, there's no....there's no written policy in the Vice/Narcotics that's unique. The Vice/Narcotics goes along the same order as the rest of the police department.

CAPT. HAYDEN: Okay.....alright. Umm.....so...the ...just for the record, there was no other procedure....um...procedure ...things that you might have instituted....things that might have been instituted via e-mail or directives that kind of talked about property control or evidence control outside of the special orders....like for example 9S12 and/or asset forfeiture, the special orders that apply to everybody else?

CAPT. KUNTZ: No.

CAPT. HAYDEN: Okay. Umm....how many different places within the Vice/Narcotics Unit can be....places where evidence is stored....how many different locations?

CAPT. KUNTZ: Umm....there's the evidence....um we call it the evidence locker, but it's actually it's a secured part of the building which has a screen in front of it...it's got a padlock on it...(inaudible) a lock on it. Also umm....if it was any money like a money seizure involved, there are 2 safes....one....one....both of 'em which were located in my office, which was locked and alarmed each night. And if any money was put in there as far as a seizure was



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concerned, then...umm....you know to be taken to Asset Forfeiture the next day....umm....we would put the money in there. But there's no instance that I'm aware of the money was ever put in that safe. Umm....the individuals that had access to the safe were myself, Lieutenant Deeba, umm Sergeant Gary Sloan and uhh..... I think that...uh.... I think there was a.....

CAPT. HAYDEN: Now was that the safe that was...that's in your office?

CAPT. KUNTZ: Umm.....it was in my office....

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: It is no longer in my office since I changed jobs. It's now in Lieutenant um....it's in Lieutenant Deeba's office right now.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: There's a....there's a safe.....umm....the confidential files are stor.... the confidential informant files are stored in there. Umm...The special investigative funds monies are stored in there, along with the....the records of those monies. And then uh there's another safe where they keep radios, but the safe where the secret money and everything was could be utilized for money seizures if, in fact, it was necessary.

CAPT. HAYDEN: Okay. Sergeant Boone...well, not.....particularly when we responded to the Narcotics Division.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:on Monday, which would've been the 19th I believe....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:of March, Sergeant Boone showed me a safe....

CAPT. KUNTZ: Right.

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CAPT. HAYDEN:that he actually....umm....umm.....facilitates. He....

CAPT. KUNTZ: Right.

CAPT. HAYDEN: He said that he's....you know.... him and possibly...uh
...Sergeant Cruz have the combination to it.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: What iswhat is that safe used for?

CAPT. KUNTZ: I was un.... I was unaware of the....the existence of that
safe until he showed it to you and me at the same time the
other day.....

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: Ummm....that safe is not authorized for the storage of any
type of evidence or anything else and uh.... I was unaware
that it was even being used.

CAPT. HAYDEN: Okay. Uh..... Let's talk.....

LT. HUELSMANN: Or at least during your tenure.....

CAPT. KUNTZ: At least during my tenure and...they have um...I can't
recall the time that I was actually in Sergeant Boone's
office, so...or I had occasion to be in Sergeant Boone's
office. That office where he's at now, which the safe is
located in, used to be our conference room.

CAPT. HAYDEN: Okay. So we... so we actually saw 3 safes (inaudible) the
2 that you made reference to.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:one with radios, one with special funds.....

CAPT. KUNTZ: Right.

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CAPT. HAYDEN:Sergeant Boone's safe, and then the other place....the evidence spot.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:which was on the first floor. I want to now look at uh....kinda focus....turn my inquiry toward the uh ticket scalping detail for the world series, which was....the detail was actually October the 24th thru the 27th of this past year, 2006.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: It's my understanding that you may have not.... were not in town or not assigned?

CAPT. KUNTZ: I...um.... I left Saint Louis on September 30th 2006 to attend the FBI National Academy in Quantico, Virginia. Umm.... I graduated from the Academy December 15th, 2006 and came back to Saint Louis on December 17th. Umm....although I made several trips home, umm... I had named Lieutenant Deeba as acting commander of the Vice/Narcotics Division and had no operational command of the unit during that period.

CAPT. HAYDEN: Okay. Okay. And....okay, that's clear.

CAPT. KUNTZ: I guess I should say functional command... I guess I still had operational command, but I didn't have functional command.

CAPT. HAYDEN: What would be your understanding of how....during the scalping detail, how tickets should be seized?

CAPT. KUNTZ: Umm.... I had never been on a scalping detail before.... I've never worked a scalping detail... you know....umm... generally just evidence seizures....you know. My understanding of how a scalping detail would be is that they were down there getting scalpers...that they would seize the....seize the tickets and ...and you know....certainly secure them in some way....you

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know....document them in some way so they'd know which tickets were seized from which individual. I would've thought that they would....they would probably not leave and go immediately and directly enter them into evidence because it would be counterproductive to the overall detail, in my opinion....that they would leave and they would be offsite and not doing...you know, so they would effectively only be able to make one arrest or write one summons and they'd be done the minute they had seized a ticket. So that they would secure the tickets on their person and be able to go and account for which tickets came from which person and then at the end of the detail, they would enter those into evidence....you know, put 'em in the envelopes and then put 'em in the evidence locker with...you know.....

CAPT. HAYDEN: And you mentioned that you hadn't....hadn't actually performed or conducted a detail (inaudible).....

CAPT. KUNTZ: I've never.....no, I've never..... I've never done a scalping.....

CAPT. HAYDEN: Okay. Did you leave any instructions for....? Well, let me ask you this first. Did you know that there would be a detail....in your absence, that there would be an actual....

CAPT. KUNTZ: When I left town, the Cardinals were looking pretty bad and so I I was the most surprised guy in the world when they went to the world series, but I had no... I had no idea that there would be a detail.

CAPT. HAYDEN: Okay. And so therefore, you wouldn't have left uhh....would you have left any kind of directives for uhh....the lieutenant to follow?

CAPT. KUNTZ: Ummm.....it's my under.....it's my understanding that most of the scalping details in the past were conducted by the Intelligence Division. I don't know if maybe the....maybe Vice/Narcotics used to do 'em and I wasn't aware of it, but they didn't conduct any....to my knowledge, I don't remember any scalping details that they

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worked umm...during my tenure as commander of the unit. Now I didn't take command until April 17, 2006. So from the time that I took command until the time I went to the FBI Academy was a period of what...4 to 6 months or something like that, so you know there's not a lot....you know there wouldn't be any championship.... I can't feel any championship series or anything that would've been held during that period.

CAPT. HAYDEN: Captain, several detectives...umm.... during this investigation, have mentioned to us that they actually...umm... upon seizing tickets actually relinquished tickets to other persons, and when I say other persons, they say that they had relinquished them to family members....umm.... relatives, you know close friends...those types of people, people that were close to them. At what point did you become aware that umm...this investigation was being conducted?

CAPT. KUNTZ: Ummm....in.... I got back from the FBI Academy on December 17th. I took some personal time and some vacation time....it was the Christmas season. Umm.... I was called by Lieutenant Deeba on....say the date....it said uh.... I guess it would've been December 20th. I got that date from Lieutenant (inaudible), who told me that was when she responded. I have no personal recollection of the exact date, but that....Sergeant Sheila Pearson of the Internal Affairs Division had responded to the Vice/Narcotics office to seize tickets that were entered into evidence during the world series scalping detail and that there were allegations that the tickets were used prior to being entered into evidence. Umm....that was the first... that was the first umm....knowledge that I had of any of this. Umm....the only instruction I gave to Lieutenant Deeba at that time was to cooperate fully with the investigation.

CAPT. HAYDEN: And when did you come....you said you took some personal time. When did you actually come back to.....

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CAPT. KUNTZ: Umm.....I was actually off in...in umm....on....on umm.....December 28th. While I was off on vacation, the chief of police, Colonel Mokwa, called me to a meeting in a small boardroom, offered me command of the new Crime Suppression Unit and from that....from that date until I ac... I was transferred to the Bureau of Community Policing on January 3, 2007, umm..... I pretty much didn't have anything to do with Vice/Narcotics. I was putting the new unit together and doing all the things that that took. I... after he asked me to take command of the new unit, I agreed to take command of the new unit and my sole focus was on creating and putting together a new unit.

CAPT. HAYDEN: Okay. So upon being apprised of the investigation, were you able to con....privately....were you able to conduct an audit to determine what, if any, umm irregularities were going on with respect to the tickets seizures or....?

CAPT. KUNTZ: No, I wasn't aware of any irregularities. You know.... Umm.... You know.... I gaveyou know I gave strict orders to Lieutenant Deeba to cooperate with Internal Affairs and ...and a captain telling a lieutenant to do something, I assumed that that would be done. I didn't... I didn't follow up to make sure that it was being done, I just gave the order and said give the investigators everything they need and that was the only involvement that I had.

CAPT. HAYDEN: Captain Kuntz, have you any firsthand knowledge of this type of thing goingdo you have any firsthand knowledge....has any officer or sergeant and detective reported to you or I guess first or secondhand knowledge....reported to you or that you are aware of that potentially people could get tickets or seize tickets during a detail and actually relinquish them to other persons?

CAPT. KUNTZ: No. No, I Iyou know.... I mean....uh....the...the single most important value I value as a police officer (inaudible) is shocked and saddened by the whole....(inaudible) that just wasn't on my (inaudible).

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CAPT. HAYDEN: Some of the detectives, when questioned, mentioned that there was chatter about umm...umm...and they weren't very specific, but they mentioned that there was chatter within the unit about the possibility of seizing tickets and relinquishing them to close friends as long as they could be retrieved. Had you ever heard anything like that?

CAPT. KUNTZ: No, but keep in mind that I was out of town from September 30th thru Dember 17th, so I wouldn't have been in the office or anywhere..... I wasn't within 986 miles of the Vice/Narcotics office, so you know, to be privy to that, I would imagine that I would've had to been located there.

CAPT. HAYDEN: Has anyone ever asked you..... have you ever received a phone call when somebody was asking for the possibility of utilizing season tickets?

CAPT. KUNTZ: No.

CAPT. HAYDEN: Has any detective or sergeant reported to you that they have received a call with respect to somebody inquiring about the possibility of getting season tickets.....for usage?

CAPT. KUNTZ: No.

CAPT. HAYDEN: Jack, do you have anything?

LT. HUELSMANN: No.

CAPT. HAYDEN: I want to move to a couple of procedural issues as I mentioned the other day.

CAPT. KUNTZ: Sure.

CAPT. HAYDEN: Lieutenant Huelsmann and I did respond out there.

CAPT. KUNTZ: Yes.

CAPT. HAYDEN: One thing that I noted is that um....Sergeant Boone did have a safe there.....

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CAPT. KUNTZ: Right.

CAPT. HAYDEN: Now there was very little, if anything, in the safe at this point.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: In fact I don't think there was any evidence on that day.

CAPT. KUNTZ: I don't recall anything in there at the time.

CAPT. HAYDEN: In there.... He did, however, show me a log book that he maintained.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: And in looking through that, I do see instances where tickets were in there for a period of time....that type of thing.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: Umm.....one thing that kind of surprised me uh....is that our Asset Forfeiture police in particular....according to 2003, seizures of two thousand dollars or more require the Asset Forfeiture team to actually respond....

CAPT. KUNTZ: Yes, they do.

CAPT. HAYDEN:to a location. And uh.... I believe it's within 48 hours or so from the time of seizure....

CAPT. KUNTZ: Yes.

CAPT. HAYDEN: You know.... In other words, if they come and get it, naturally they're seizing it immediately.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:when it's two thousand dollars or more. When it's not two thousand dollars or more, but yet and still seized for

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Asset Forfeiture, uh... I believe that delivery of all seized property no later than 48 hours from the time of seizure, whether warrants are issued or not....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:is actually the language in the *(phone ringing)* umm..... language in the special order.

(phone ringing again)

CAPT. KUNTZ: I don't know how to make it stop ringing.

(phone ringing)

CAPT. HAYDEN: That's okay.

CAPT. KUNTZ: Do you want me to take it?

LT. HUELSMANN: Go ahead and *(inaudible)*.... We're back on.

CAPT. HAYDEN: Okay. Umm....what I... what I....on the first 2 pages and I *(inaudible)* I've taken some of these out of order, but the point I was trying to let you see is that if...if these are accurate ...if these forms are accurate, there are instances where umm....and I know there was one for 7 thousand. There's several instances of money over 2 thousand dollars being seized and kept in uh....in that safe for long periods of time. Were you aware of that?

CAPT. KUNTZ: No.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: No, all of um....the...the order is very specific and.... there were occasions where verbally I told the sergeants that it was mild...but the order states that within 48 hours my stand...my interpretation is the earliest possible convenience and that would be generally if the money is seized in the evening that they would contact the Asset

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Forfeiture as soon as possible the next day and give the money.....

CAPT. HAYDEN: Okay. Here's an example and you can look at that, but that would be one that uh....according to Sergeantas far as what was in his safe, the record says.... this is accurate, that it was seized on February the 24th of '06 and relinquished on 8/16/06.

CAPT. KUNTZ: If that's accurate, it's a clear violation of the order and Ilike I stated earlier, I had no knowledge that there was a safe in Sergeant Boone's office.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: But that was definitely a clear violation of the order and the policy in effect in the unit at the time.

CAPT. HAYDEN: Okay. And like I said...and there.... I guess what you're saying is that the ones that I would note.....

CAPT. KUNTZ: Anything that you would note in there....if the dates and times are accurate and they exceed the 48 hour period, then there are (inaudible) violations of the order and I was unaware like I said of the presence of the safe. But if there was money in the safe or any other place in the Vice/Narcotics building and it was there for more.....seized money....and it was there for more than 48 hours, it's a violation of the order.

CAPT. HAYDEN: Any.....what is your understanding about other evidence, and now I'm making reference to things that were in the cage itself. There....in fact I made top sheets of the things that actually were still there.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: There was a log book. Some things had been transported to Property Custody it's my understanding.

CAPT. KUNTZ: Right.

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CAPT. HAYDEN: Other items I actually made copies of the bags

CAPT. KUNTZ: Right.

CAPT. HAYDEN:so that I could get an idea of what's actually in there. Of course I didn't open any of the bags to see what was in there....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:but according to what's on front, I made copies of the front to determine your (inaudible) and that type of thing. What is your understanding about evidence that had to be....for example, using (inaudible) if a person is arrested, what is your understanding of when that needs to be transported to Property Custody?

CAPT. KUNTZ: Well, after re-reading the order, it was fairly obvious to me.... My interpretation of the order....umm....it says within 36 hours of completion of the investigation. The way I interpreted that and by my own policy is ... My philosophy has always been the investigation doesn't end until the case is adjudicated.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: So there would be....the evidence would be.....there are instances where the evidence was forwarded for one reason or another, but the.... My interpretation of the order was that ...you know, the evidence should be forwarded within 36 hours of the case being adjudicated.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: So....umm....you know....most of the stuff in the locker, and I haven't thoroughly.... I haven't audited the locker, I haven't gone through the locker. My understanding of what we were keeping in the building were procedural type things..... statements, affidavits, things that might be needed in court....umm.... Approximately I can't put a

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percentage on it, but a number of our cases are federal cases, so they don't lend themselves to turning the invent....to....to following the order as far as turning it over to the Circuit Attorney. I don't believe there's really anything in the order concerning..... and I could be wrong....concerning federal cases and where that property goes. Umm... I guess the I guess you can make the argument that it goes to Property Custody and...sign it out to Property Custody. Umm....that wasn't my interpretation oflike I said, I I....um am fully open to the possibility that my interpretation is not correct.

CAPT. HAYDEN: And...and in doing so, Iand ...the key is that you're right, like you said is what's not clear in the order is when the clock starts.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:on that 4....on that time period.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: I guess the issue being is that Ione thing that's pretty clear is that evidence....when you talk about court purposes....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:evidence goes from our Property Custody Section to the Property Custody Section or

CAPT. KUNTZ: Right.

CAPT. HAYDEN:a corresponding unit or place in the Circuit Attorney's office or presentation. I know Lieutenant Deeba mentioned that there was some... there was some.... His interpretation... but at the same time, he said that his interpretation included the fact that the officer would take it over there with them to court.

CAPT. KUNTZ: Right.

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CAPT. HAYDEN: And I said I think that even though ...you know interpretations can vary on when the clock starts on the 36 hours.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN: I don't see where....that if he is actually saying that people can take evidence over there themselves....take it out of the evidence container, take it out of the cage.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:and present it in court, I see it's a clear violation of department policy.

CAPT. KUNTZ: Right. And in re-reading the order, I wouldn't.... I wouldn't argue that that's not the case.

CAPT. HAYDEN: Okay. And that being said, I don't know if you would know or not that some of these things have been in there several months.

CAPT. KUNTZ: I would imagine that. I mean I would....you know, I don't use voyeur words, but I'd stipulate that.... I would say that you know..... I would say that you know that there's probably a number of things in there that are well past the 36 hour mark.

CAPT. HAYDEN: Havingthe detectives mentioned that they indeed had... you know, according to them, they had um....given tickets to relatives and friends and family.

CAPT. KUNTZ: Right.

CAPT. HAYDEN: Umm...and reading the first page or so of the evidence (inaudible) to see that it talks about the least amount of hands touching it as possible to preserve the chain of evidence.

CAPT. KUNTZ: Right.

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CAPT. HAYDEN: If, in fact, they were doing what they claimed to have done by giving the tickets to relatives and families and friends, that, too, would be a clear violation of department policy....would it not?

CAPT. KUNTZ: Oh, absolutely. I mean according to my...again my interpretation of the order, you don't seize evidence and then hand it off to somebody else....you seize evidence and you enter it into evidence and there's a period, specifically in the order of how that evidence is to be marked and packaged and uh.....you know, so any break in that chain of evidence.... There would have been no reason for the seizing officer to give that to anyone,

CAPT. HAYDEN: Now, Captain, you said.....you mentioned that you came there in April of last year....April the 6th?

CAPT. KUNTZ: Ap....ah yeah, it was April the 7th. I took command of Vice/Narcotics April 17, 2006.

CAPT. HAYDEN: Okay. And then you went to the FBI Academy in.....

CAPT. KUNTZ: September 30, 2006.

CAPT. HAYDEN: So for those 5 months.....

CAPT. KUNTZ: Right.

CAPT. HAYDEN:did you conduct any audits of the locker....umm....of the procedure? In other words, did you....did you.....

CAPT. KUNTZ: I delegated that.....umm....what I did when I first got there is I conducted an audit of everything that was....you know, all of the fixed assets of the division, and I also directed that....well, actually I didn't physically myself do any of it. I directed that an audit be conducted of property locker....all 6 property....all the property in the building. Umm....there were a number of items that had been there for a number of years that were stored in....stored in closets

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and different things....not...not prisoners' prop...or not property or evidence or anything like that, just you know old desks and you know, just detritus that you know that's been there for years and years. So you know um....you know, as any commander would, I had everything... I had an audit....complete audit conducted of the entire division....radios, cars, all sorts of things. That included the evidence. And then um.... I instituted a policy that Lieutenant Deeba, who was the deputy commander, I considered my operations officer, was instructed to conduct an audit every 2 weeks...umm....and report to me the status on everything from our PAW cases umm....reports, evidence....umm...you know just about....you know the status....operational status of the division....umm...you know, we have confidential funds that are used tofor investigations. There's a log book that gives the dates that that is...that that audit's conducted and that's you know, I would go back and spot check what the lieutenant did...whether it was pulling up, you know our (inaudible) cases or things like that. However, I never spot checked the evidence locker.

CAPT. HAYDEN: Okay.

CAPT. KUNTZ: I would... I would....the only....what I did was I would check to make sure the evidence locker was secured and the safes were secured....that sort of thing. Made sure that there were no violations where, you know where anything was left open or unlocked or the building was left open or unlocked. It was more security than audit.

CAPT. HAYDEN: And did Lieutenant Deeba comply with your directive.

CAPT. KUNTZ: To my knowledge, Lieutenant Deeba complied with my directive. Uh...you know, he reported every 2 weeks. I would check the log book in the safe....and it's dated and it would say audit completed by Lieutenant Deeba and since the audit for the entire division was coincidental with that, I guess that's the right word....let's say concurrent with that audit, that I made the assumption that everything else.... And plus he would...he would also send me an Outlook

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and say you know, I conducted an audit on this date and these things were fine. I didn't keep any of those e-mails. They may be in his cache in his computer or something, but he would report to me generally that the audit was completed or you know, if he didn't, I would check in to see the log book to make sure he was doing the audits.

CAPT. HAYDEN: Since this investigation has commenced, Captain Kuntz, has any officer or sergeant reported to you that they themselves have gone....had went to the game....any of the world series games based on seized tickets?

CAPT. KUNTZ: No. I'm.... I'm ...you know....my only directive concerning this investigation is that they cooperate with the Internal Affairs Division. I've asked them no questions concerning it and they've volunteered no information concerning the investigation.

CAPT. HAYDEN: Well, this concludes the investigation....or this concludes this interview with Captain Kuntz. It is now 3 minutes after 5 on March 31st.... I'm sorry, March 21, 2007. Thank you, Captain Koontz.

CAPT. KUNTZ: Thank you.

END OF INTERVIEW

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