

STATE OF WISCONSIN

DANE COUNTY
BRANCH 7

CIRCUIT COURT

STATE OF WISCONSIN,

Plaintiff,

vs.

ANDREW D. SPEAR,

Defendant.

Case No. 2012 CF 1602

AFFIDAVIT OF ANDREW D. SPEAR

STATE OF WISCONSIN)

: ss

COUNTY OF DANE)

Andrew D. Spear swears as follows:

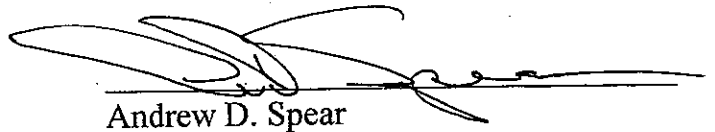
- 1) I am 60 years old, stand 5'2" tall and weigh approximately 110 lbs. Mary Spear is 57 years old, is 5'07' tall and weighs approximately 150 lbs. She has always been bigger and stronger than me.
- 2) Mary Spear's and my daughter, Leslie, was killed on June 29, 2008 by a drunk driver.
- 3) Leslie was cremated.
- 4) While we have both had an extremely challenging time dealing with Leslie's death, Mary really fell apart and has had numerous mental and emotional breakdowns resulting in her hurting herself and receiving medical, psychological and psychiatric treatment and counseling.
- 5) Since Leslie's death Mary has suffered from seizures or seizure like symptoms.
- 6) These seizures frequently begin with Mary's eyes beginning to flutter and she then thrashes about violently. She then passes out.
- 7) She has injured herself on several occasions while thrashing about and once broke her nose when she fell into the bathroom counter.

- 8) She has passed out and been unresponsive for as little as several minutes and for as much as an hour.
- 9) When she begins to come to, she grabs at, tears at and removes her clothes.
- 10) I have taken her to the hospital when her seizures were long lasting.
- 11) I have always reacted to her seizures by trying to protect her from hurting herself when she is thrashing about and seizing by calming and holding her afterwards.
- 12) Mary advised me that her psychiatrist (Dr. Steven Vobach) explained to her that the reason she takes her clothes off is because she thinks that she is removing the flames from Leslie's body as she is being cremated. She believes that Leslie is being cremated while she is still alive.
- 13) Approximately two years ago, on June 19, 2010 Mary threatened and attempted suicide. I found her, stopped her and comforted her and took her to the doctor.
- 14) Her treating Physician at that time, Dr. Radford, wanted Mary to be committed to a mental institution for her safety.
- 15) I very delicately told Mary that Dr. Radford had suggested she be hospitalized. She quickly figured out that it was to be a mental institution. She screamed and cried that she would not go. She promised that she would never try to commit suicide again. I told her that our other option was to see a different psychiatrist and let him make the decision. After much discussion she agreed that she would abide by his decision. We then found Dr. Stephen Vobach who agreed to work intensively with Mary on an outpatient basis.
- 16) Mary began seeing Dr. Vobach twice a week and then later, weekly. When she moved to Madison in January 2012 she spoke to him by phone weekly.
- 17) She was also still being treated by the Texas Trauma Center in Dallas until she moved to Madison.
- 18) I am aware Mary takes several medications for her psychiatric and psychological difficulties. I have a prescription bottle of hers from 11/23/2011 for Clonazepam, 0.5 mg tablets; quantity 90; 2 refills until 04/14/2012. I am aware she is prescribed Pristiq and may have other medications she is supposed to take.

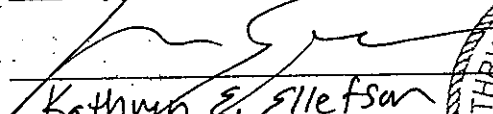
19) Mary most frequently communicated with Dennis Smith using a Blackberry issued to her by the State of Wisconsin. She also communicated using her AT&T cell phone.

20) I observed an e-mail stream between Mary and Dennis in which Mary declared her love for Dennis and wondered if he was leaving her to which he responded, "My dearest, I did not know that you had called. I am sorry you think I left you. Stupidly left my blackberry at the office."

21) This affidavit is made in support of Defendant's Motion for In Camera Inspection, Motion to Compel Production of Computer Hard Drives and Motion to Compel Production of Phone, Text and E-mail Records.


Andrew D. Spear

Signed and sworn to before me this
17th day of February, 2013.


Kathryn E. Ellefson
Notary Public, State of Wisconsin
My commission expires 10/8/2013

