

EXHIBIT A

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS:

AFFIDAVIT OF KEVIN O'DONNELL

Kevin O'Donnell, being first duly sworn, deposes and says:

1. This Affidavit is based upon matters within my personal knowledge.
2. This Affidavit is being submitted in response to "Defendant Smith's Motion Regarding Destruction of Evidence" ("Smith Motion") in the case of *United States v. Joseph Smith, et al.*, Case No. 1:06-CR-00394.
3. I reviewed the Smith Motion and the attached declaration of Vivian S. Gagen. The assertion in the Motion and any suggestion in the Gagen Declaration that I destroyed or caused to be destroyed any potential evidence in the Smith case is wrong.
4. I was for many years a member of the Finance Council of the Catholic Diocese of Cleveland.
5. In January 2004, after Joseph Smith was placed on leave, I chaired the Finance Council meetings for several months. Vivian "Sue" Gagen provided administrative assistance to the Finance Council during that time.
6. At each Finance Council meeting, each Finance Council member would be provided with a binder that may have contained documents such as the agenda for the meeting, a prayer, committee rosters, Finance Council bylaws, handouts regarding the topics to be discussed, copies of minutes that were sometimes created for prior meetings, and other miscellaneous documents. The Council members' binders were not the official records of the

Diocese, but were merely provided as a convenience to the Finance Council members for each meeting.

7. At times the Finance Council members' binders became cluttered with miscellaneous papers from prior meetings. I have a vague recollection that in early 2004 I may have removed some old documents from my binder and/or asked Ms. Gagen to do the same with other members' binders so as to keep them current and uncluttered.

8. At no time did I discard or destroy, nor did I instruct or request anyone to discard or destroy any Diocesan documents based on their content.

9. At no time did I discard or destroy, nor did I instruct or request anyone to discard or destroy any documents that could conceivably have been related to the allegations that had been made against Joseph Smith and Anton Zgoznic.

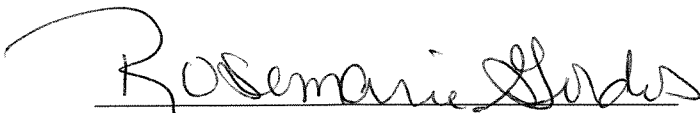
10. At no time did I discard or destroy, nor did I instruct or request anyone from the Diocese of Cleveland to discard or destroy, any official minutes or official records of the Diocese of Cleveland.

FURTHER AFFIANT SAYETH NAUGHT.



Kevin O'Donnell

Subscribed and sworn to before me on this 3 day of August, 2007.



Notary Public

My Commission Expires



ROSEMARIE GORDOS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lake County
My Comm. Exp. 8/10/10