



AlaFile E-Notice

47-CV-2016-900433.00

Judge: D. ALAN MANN

To: MASTANDO TERESA RYDER
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

JANE DOE MOTHER/FRIEND OF MARY DOE MINOR V JEREMY JOSEPH NELSON ET AL
47-CV-2016-900433.00

The following matter was FILED on 10/29/2018 10:17:01 AM

D002 STARKEY JAMES AND AS OWNER OF SANITARY SYSTEMS
MOTION FOR SUMMARY JUDGMENT PURSUANT TO RULE 56

[Filer: LITTLE THOMAS MARVIN]

Notice Date: 10/29/2018 10:17:01 AM

DEBRA KIZER
CIRCUIT COURT CLERK
MADISON COUNTY, ALABAMA
MADISON COUNTY, ALABAMA
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STATE OF ALABAMA

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47-MADISON

 District Court
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CV21

JANE DOE MOTHER/FRIEND OF MARY DOE
MINOR V JEREMY JOSEPH NELSON ET AL

CIVIL MOTION COVER SHEET

Name of Filing Party: D002 - STARKEY JAMES AND AS OWNER OF
SANITARY SYSTEMS

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

THOMAS MARVIN LITTLE
2015 2ND AVE NORTH, STE 200
BIRMINGHAM, AL 35203

Attorney Bar No.: LIT017

 Oral Arguments Requested
TYPE OF MOTION**Motions Requiring Fee**

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0 _____

Motions Not Requiring Fee

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other _____
pursuant to Rule _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
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Date:
10/29/2018 10:12:09 AM

Signature of Attorney or Party
/s/ THOMAS MARVIN LITTLE

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

JANE DOE, as MOTHER AND NEXT)
FRIEND OF MARY DOE, a minor, and)
ALL OTHER minor children,)
SIMILARLY SITUATED,)
)
Plaintiffs)

v.)

Civil Action No.: 2016-900433

JEREMY JOSEPH NELSON,)
JAMES STARKEY,)
individually, and as owner of)
SANITARY SYSTEMS,)
)
Defendants.)

JANE SMITH, as minor and next friend)
of MINOR SMITH 1, a minor,)
and MINOR SMITH 2, a minor)
)
Plaintiffs)

v.)

Civil Action No.: 2016-900449

JEREMY JOSEPH NELSON,)
individually, SANITARY SYSTEMS,)
and JAMES STARKEY,)
individually, and as owner of)
SANITARY SYSTEMS, FICTITIOUS)
DEFENDANTS NO.1-12)
)
Defendants.)

MOTION FOR SUMMARY JUDGMENT

COME NOW the Defendants, James Starkey, individually and d/b/a Sanitary Systems and Sanitary Systems (collectively “Starkey”), by and through their undersigned counsel, pursuant to Rule 56 of the Alabama Rules of Civil Procedure, and move this Court to enter summary judgment in favor of Starkey, on the grounds that there is no genuine issue of material fact, and that they are

therefore entitled to judgment as a matter of law. In support of this Motion, Starkey relies on all pleadings submitted in these consolidated matters, as well as the following exhibits attached hereto:

Deposition of Jeremy Joseph Nelson, attached as Exhibit A;

Deposition of James Starkey, attached as Exhibit B;

Plea Agreement, attached as Exhibit C;

Deposition of Cpl. Thomas Whitten, attached as Exhibit D;

Affidavit of James Starkey, attached as Exhibit E.

This brief and its contents are for the sole purpose of supporting this Motion for Summary Judgment. Defendants admit no liability nor do they waive any defenses or privileges allowed by law, whether included herein or otherwise.

NARRATIVE STATEMENT OF UNDISPUTED FACTS

Defendant James Starkey first met Jeremy Joseph Nelson (“Nelson”) in 1987, when Nelson was approximately 12 years old (Exhibit A at p. 37-38; Exhibit B at p. 52). Both attended Locust Grove Baptist Church, where Starkey and Nelson’s parents were members (Exhibit A at p. 37; Exhibit B at p. 55; Exhibit E). Starkey’s daughter was Nelson’s approximate age (Exhibit B at p. 52).

As a young adult, Nelson had several misdemeanor arrests, including three arrests for public intoxication, one arrest for possession of marijuana, and one arrest for domestic violence (Exhibit A at p. 25). Later, Nelson was arrested twice in 1996 for failure to appear in court (Exhibit A at p. 31). Nelson had no further arrests until 2014, when he was arrested in connection with the subject incidents (Exhibit A at p. 32). Nelson had never been arrested for any crimes involving

sexual misconduct or pornography prior to October 7, 2014 (Exhibit A at p. 90; Exhibit D at p. 81-83).

Starkey is the sole owner of Sanitary Systems (Exhibit B at p. 18; Exhibit E), which provides basic janitorial services to commercial clients (Exhibit B at p. 23; Exhibit E). Nelson began working for Starkey as a janitor in approximately 1994 (Exhibit B at p. 56; Exhibit E). At the time of his hire, Nelson told Starkey about his misdemeanor possession charge (Exhibit B at p. 64). Despite knowledge of his past arrest, Starkey gave Nelson a chance because he was familiar with Nelson and his family (Exhibit B at p. 65).

Over the years, Starkey became aware that Nelson drank alcohol when he was not working (Exhibit B at p. 161). However, Nelson never came to work intoxicated, and his use of alcohol did not affect his work (Exhibit B at p. 161, 164). Starkey testified that Nelson went to work every night and got his job done (Exhibit B at p. 170, 215-216).

Nelson testified that he worked at Sanitary Systems while under the influence of marijuana, but that Starkey was never aware of his marijuana use (Exhibit A at p. 42). Starkey also testified that he was not aware of Nelson's marijuana use, and never suspected that he was using marijuana while on the job (Exhibit B at p. 162-163).

Starkey had contracts to perform janitorial services with Ann's Studio of Dance, WHNT Channel 19, and Bentley Automotive (Exhibit B at p. 74, 90-91; Exhibit E). Nelson performed janitorial work for each business as an employee of Starkey (Exhibit B at p. 94, 105). Nelson's duties at these three businesses were to sweep, mop and vacuum floors, clean bathrooms, and empty trash cans (Exhibit A at p. 107-109, 123; Exhibit E). None of his duties at any of the three businesses required the use of a camera for any business purpose (Exhibit A at p. 136-37; Exhibit E).

Approximately a year and a half prior to his arrest on October 7, 2014, Nelson began hiding small surveillance cameras in the women's restroom at WHNT (Exhibit A at p. 98). To do so, Nelson drilled a hole in the restroom's trash can, and placed a camera inside the trash can and underneath the trash bag, with its lens lined up with the drilled hole (Exhibit A at p. 98-100). The camera was used to record images of female employees of WHNT using the restroom (Exhibit A at p. 101-102).

During April, 2014, Nelson began placing a hidden camera in the restroom at Ann's Studio of Dance (Exhibit A at p. 111). The device he used was disguised as a wall charger, and plugged into an electric outlet, allowing him to leave the device in the studio when he was not present (Exhibit A at p.111-116). Ann's closed for the summer in May, 2014 and reopened in August, 2014 (Exhibit A at p. 111, 122-123). Upon its reopening, Nelson began hiding the wall charger camera in the student changing room (Exhibit A at p. 119-121). Nelson used the camera to record children using the restroom and changing clothes (Exhibit A at p. 117-121).

During September-October, 2014, Nelson used a camera mounted inside a trash can in the women's employee restroom at Bentley Automotive to record female employees using the restroom at that business (Exhibit A at p. 128-29).

Nelson was careful not to hide any camera in any of the businesses when Starkey could be present (Exhibit A at p. 101, 110). Before hiding any camera, Nelson would call Starkey to ensure that he would not be coming to the location where Nelson was working (Exhibit A at p. 101). Starkey never discovered any camera hidden by Nelson (Exhibit A at p. 110; Exhibit E).

Nelson purchased all of the cameras he used from eBay (Exhibit A at p. 132-133). Nelson never discussed his purchases of camera equipment with Starkey (Exhibit A at p. 104; Exhibit E). Nelson never discussed looking at pornographic images of children with Starkey (Exhibit A at p.

71-72; Exhibit E). Nelson never told Starkey about how much he viewed pornography or the types of images he viewed (Exhibit A at p. 81-83). Starkey had no knowledge or suspicion that Nelson had used or was using surveillance cameras to record any person, whether dressed or undressed until after his arrest on October 7, 2014 (Exhibit E).

Nelson's covert filming of persons at Ann's, Bentley Automotive and WHNT was done for his own personal desires (Exhibit A at p. 137-138). In pleading guilty to federal charges associated with his crimes, Nelson executed a document stating that "the purpose of producing the videos was for sexual gratification and to use the videos for trading material" (Exhibit C at p. 6). None of Nelson's filming of people was related to any business purpose of Starkey (Exhibit A at p. 136-138).

Nelson was arrested on October 7, 2014, and was charged with various state and federal crimes related to the possession and production of child pornography (Exhibit A at p. 140). Corporal Thomas Whitten of the Alabama Law Enforcement Agency was one of the principal investigators of Nelson's crimes (Exhibit D at p. 10-11). Starkey was never considered a suspect during the investigation of Nelson, and Whitten indicated that there was no evidence that Starkey knew of Nelson's activities involving filming women and children (Exhibit D at p. 65-66). As part of the investigation of Nelson, a criminal history was obtained (Exhibit D at p. 81-82). Nelson's criminal history contained no charges related to pornography or sexual misconduct, and contained nothing that would alert an employer that Nelson may be involved in child pornography (Exhibit D at p. 81-83).

Nelson pleaded guilty to five counts of sexual exploitation of children and distribution of child pornography, and was sentenced to a term of 140 years (Exhibit A at p. 141; Exhibit C). He

has been in custody since October 7, 2014, and is currently incarcerated at the federal prison in Tucson, Arizona (Exhibit A at p. 140).

STANDARD OF REVIEW

A defendant is entitled to summary judgment if it can show that “there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law.” Ala. R. Civ. P. 56(c)(3). The following standard governs a trial court’s review of a motion for summary judgment:

[The Court] must determine whether the movant has made a prima facie showing that no genuine issue of material fact exists and that the movant is entitled to a judgment as a matter of law. In making such a determination, [the Court] must review the evidence in the light most favorable to the nonmovant. Once the movant makes a prima facie showing that there is no genuine issue of material fact, the burden then shifts to the nonmovant to produce “substantial evidence” as to the existence of a genuine issue of material fact. [S]ubstantial evidence is evidence of such weight and quality that fair-minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved. Thomas v. Earnest, 72 So. 3d 580, 583 (Ala. 2011) (quoting Brown v. W.P. Media, Inc., 17 So. 3d 1167, 1169 (Ala. 2009)) (internal citations and quotations omitted).

Once the movant has made a prima facie showing that there is no genuine issue of material fact, the burden shifts to Plaintiffs to produce substantial evidence that an issue of material fact exists. “Mere conclusory allegations or speculation that a fact exists will not defeat a properly supported motion for summary judgment.” Young v. Serra Volkswagen, Inc., 579 So. 2d 1337, 1340 (Ala. 1991) (citing Riggs v. Bell, 564 So. 2d 882 (Ala. 1990)). “Bare argument or conjecture will not satisfy [the nonmovant’s] burden to offer facts to defeat the motion [for summary judgment].” Young, 579 So. 2d at 1340 (quoting Riggs, 564 So. 2d at 885); see also McGough v. G&A Inc., 999 So. 2d 898, 904 (Ala. Civ. App. 2007), cert denied Aug. 8, 2008 (citing Gilmore

v. Shell Oil Co., 613 So. 2d 1272 (Ala. 1993)) (“Evidence that consists of mere speculation is not considered substantial evidence that will defeat a motion for summary judgment.”).

ALLEGATIONS AGAINST MOVANTS

The Complaint filed by the Doe plaintiffs allege claims of Negligent and Wanton Hiring, Supervision, Training and Retention against Starkey, and seeks to hold Starkey liable for Invasion of Privacy under a theory of Respondeat Superior. The Doe plaintiffs are members of a class comprised of minor students at Ann’s Studio of Dance and adult female employees of WHNT Channel 19 and Bentley Automotive.

The complaint filed by the Smith plaintiffs also alleges claims of Negligent and Wanton Hiring, Supervision, Training and Retention, Invasion of Privacy and Outrage. The two Smith plaintiffs were minor students at Ann’s Studio of Dance, and are members of the aforementioned class.

The claims were consolidated by the Court on April 20, 2016. The class was certified on August 8, 2018.

LEGAL ARGUMENT

I. JAMES STARKEY AND SANITARY SYSTEMS OWED NO DUTY TO THE PLAINTIFFS TO PROTECT THEM FROM THE CRIMINAL ACTS OF JEREMY JOSEPH NELSON

“The existence of a duty is a question of law to be determined by the trial judge.” State Farm Fire & Cas. Co. v. Owen, 729 So. 2d 834, 839 (Ala. 1998).

In regard to the liability of one person for the criminal acts of another, the law in Alabama has developed over time to impose a strict burden of proof for the plaintiff. Alabama courts first

applied this standard to allegations against premises owners for crimes committed against their invitees. Later, courts extended the rule to apply to employers for crimes committed against their employees and finally, to employers for crimes committed by their employees. The development of this area of the law is discussed herein.

Alabama courts have consistently held:

It is the general rule in Alabama that absent special relationships or circumstances, a person has no duty to protect another from criminal acts of a third person. Absent a duty to protect its invitee/employee from the criminal acts, a premises owner/employer cannot be held liable for injuries and damage resulting from those criminal acts.

Moye v. A.G. Gaston Motels, Inc., 499 So. 2d 1368, 1370 (Ala. 1986).

In Moye, the decedent was shot and killed in front of a hotel after attending a teenage dance at the hotel. In affirming summary judgment in favor of the premises owner, the Court held:

There is a singular exception to this general rule, which arises where the “particular criminal conduct was foreseeable.” Stated differently, “this Court has recognized that a duty may be imposed on a store owner to take reasonable precautions to protect invitees from criminal attack in the exceptional case where the store owner possessed actual or constructive knowledge that criminal activity which could endanger an invitee was a probability.”

This Court has recognized that it is indeed difficult to impose such a duty, not yet having been presented the case whose facts command a finding of such a duty.

A second reason we have generally refused to impose liability on premises owners for the criminal acts of third parties is the usual absence of "proximate cause"; it is the independent, intervening criminal act that is generally the proximate cause of plaintiff's injuries and not any action or inaction on the part of the premises owner. In Latham v. Aronov Realty Co., 435 So. 2d 209, 211 (Ala. 1983), this Court quoted Vines v. Plantation Motor Lodge, 336 So.2d 1338, 1339 (Ala. 1976):

Negligence alone does not afford a cause of action. Liability will be imposed only when negligence is the proximate cause of injury; injury must be a natural and probable consequence of the negligent act or omission which an ordinarily prudent person ought reasonably to foresee would result in injury. If, between the alleged negligent act or omission and the injury, there occurs an independent, intervening, unforeseeable event, the causal connection between the

alleged negligence and the injury is broken. Mobile City Lines, Inc. v. Proctor, 272 Ala. 217, 130 So.2d 388 (1961). . . .

The key here is foreseeability. This court has held many times that a person, who by some act or omission sets in motion a series of events, is not responsible for consequences of intervention of another agency, unless at the time of his original act or omission, the act of the intervening agency could reasonably be foreseen. If so, the causal chain is not broken. If the injury results from an independent intervening, efficient cause, not reasonably foreseeable, the original negligent act or omission is not the proximate cause of injury. . . .

In spite of police protection and security services of whatever type or form, criminal acts continue to be committed and this is a problem which confronts this society's citizens individually and as a whole. As this Court pointed out in Parham v. Taylor, 402 So. 2d 884, 886 (Ala. 1981), quoting from Thoni Oil Magic Benzol Gas Stations, Inc. v. Johnson, 488 S.W.2d 355 (Ky. 1972):

In spite of police protection afforded by the state it is a fact of life that citizens are sometimes assaulted, beaten, robbed, raped or murdered at home, at work or on the streets. This is a problem which confronts all citizens equally *and for which there is often no civil remedy*.

It is this recognition of the harsh reality that crime can and does occur despite society's best efforts to prevent it that explains this Court's requirement *that the particular criminal conduct be foreseeable and that the defendant have "specialized knowledge" that criminal activity which could endanger an invitee was a probability*. Stripling v. Armbruster, 451 So. 2d 789 (Ala. 1984). A common factor used by this court in each of these cases to determine if a particular act is in fact foreseeable is the prior criminal incidents occurring at the premises and which the premises owner was aware of or should have been aware of. Moye, 499 So. 2d at 1371-72 (emphasis added).

Repeatedly, Alabama appellate courts have affirmed the entry of summary judgment in favor of a defendant in regard to claims that he or she was liable for the criminal acts of a third party¹. In Carroll v. Shoney's, Inc., 775 So. 2d 753 (Ala. 2000), the Court clarified the rule set forth in Moye. In Carroll, a restaurant employee was shot and killed by her husband during her

¹ See Bailey v. Bruno's, Inc., 561 So. 2d 509 (Ala. 1990); C.A. v. Wal-Mart, Inc., 683 So. 2d 413 (Ala. 1996); Johnston v. Mr. Mini Mart # 50, 744 So. 2d 922 (Ala.Civ.App. 1999).

shift, following an incident at the restaurant the previous night, in which the husband had threatened her, stating that he was going to “get her.” In affirming summary judgment in favor of the restaurant, the Court held:

Alabama law requires a plaintiff to show three elements to establish a duty that would be the basis for a cause of action such as the one presented in this case. Moye, 499 So. 2d at 1370. First, the particular criminal conduct must have been foreseeable. Second, the defendant must have possessed "specialized knowledge" of the criminal activity. Third, the criminal conduct must have been a probability. Carroll, 775 So.2d at 756.

The Carroll Court further held that, despite the previous threat, the evidence was insufficient to show that the husband would probably *murder* his wife, and therefore that the *particular* crime was not foreseeable. The Court explained:

Viewing the facts most favorably to Carroll, as we are required to do, and applying the law to those facts, we conclude that the plaintiff has not presented evidence creating a genuine issue of material fact as to Captain D's liability. The particular criminal conduct in this case was a murder. Unlike Hail v. Regency Terrace Owners Ass'n, 782 So. 2d 1271 (Ala. 1999), there was no evidence in this case that any employee of Captain D's was told, or should have reasonably foreseen, that Ronnie Harris would enter the Captain D's restaurant and murder his wife. Admittedly, there was evidence that Mildred Harris and her husband had been fighting, and that she had requested permission to be away from work for that reason, but the evidence also indicated that she had made similar requests on other occasions for the same reason. During his deposition, Carroll, who is Mildred Harris's father, admitted that he had no reason to think that Ronnie Harris would shoot Mildred Harris. Based on the foregoing, we fail to see how Captain D's can be held responsible for Ms. Harris's death. Consequently, we affirm the judgment of the trial court.

Carroll, 775 So.2d at 757.

In Ex parte South Baldwin Regional Medical Center, 785 So. 2d 368 (Ala. 2000), the Supreme Court extended the rule set forth in Moye and Carroll to facts in which an invitee was sexually molested by the *employee* of a hospital. In South Baldwin, parents sued the hospital, claiming assault and battery, negligent supervision and breach of duty to a business invitee, after their six-year-old daughter, while visiting a patient, was fondled by McFadden, a registered nurse

employed at the hospital. The evidence showed that McFadden had been diagnosed with manic depression, and “had a history of emotional outbursts with fellow employees and at least one patient.” 785 So.2d at 371. However, “[n]o evidence indicate[d] that McFadden had ever engaged in sexual misconduct before the incident made the basis of this action.” Id.

The Court of Civil Appeals reversed the trial court’s entry of summary judgment in favor of the hospital, holding that whether McFadden’s conduct was foreseeable was a question for the jury. E.P. v. McFadden, 785 So. 2d 364 (Ala. Civ. App. 2000). In dissent, Judge Crawley stated:

I would affirm the summary judgment in all respects; therefore, I must respectfully dissent from that portion of the opinion reversing the summary judgment for the hospital on E.P.'s claims of assault and battery, negligent supervision, and breach of duty to a business invitee. I agree that McFadden's personnel file documents a history of problems at work; however, almost all of these problems involved disagreements with coworkers. McFadden's file also indicates that he is a competent nurse dedicated to superior patient care. Days before the molestation incident, McFadden did have a disagreement with an elderly patient. Allegedly, McFadden told her that she would get her medicine "when he saw fit." When McFadden learned that the patient reported the incident, he allegedly returned to her room and threatened her. During the hospital's investigation of that incident, McFadden allegedly molested the child in this case.

The opinion concludes that McFadden's "history" made his alleged sexual molestation of E.P. foreseeable and, therefore, that the hospital can be held liable for his actions. I disagree. According to our supreme court, to impose liability on the hospital E.P. would have to establish (1) that "the *particular* criminal conduct [was] foreseeable;" (2) that "the defendant ... possessed 'specialized knowledge' of the criminal activity;" and (3) that "the criminal conduct [was] a probability." Carroll v. Shoney's, Inc., 775 So. 2d 753 (Ala. 2000) (emphasis added in dissent). In any case in which a defendant faces liability for the criminal actions of a third party, the focus is on whether the criminal activity was foreseeable. Notably, the supreme court has held that the particular criminal activity, not just any criminal activity, must be foreseeable. Carroll; see also Moye v. A.G. Gaston Motels, Inc., 499 So. 2d 1368, 1373 n.1 (Ala. 1986) (stating that evidence that one murder and one robbery of a guest in a hotel room in the 18 months preceding the homicide of Ms. Moye "would be insufficient as a matter of law to give rise to a duty to protect Ms. Moye"), and Henley v. Pizitz Realty Co., 456 So. 2d 272, 273, 277 (Ala. 1984) (holding that prior criminal acts on the premises, including "one battery upon the owner of a car; six breakings and enterings of cars; two robberies; ... six thefts; and one theft in which the thief was shot by a customer," were not sufficient to make the rape of Henley foreseeable).

Nothing in McFadden's history indicated that he would molest a child. Therefore, I conclude that the molestation of E.P. was not foreseeable. I would affirm the summary judgment for the hospital in its entirety.
E.P. v. McFadden, 785 So. 2d at 367-68.

On the hospital's Petition for Writ of Certiorari, the Supreme Court reversed, and adopted Judge Crawley's dissent in its entirety, further holding:

We agree with Judge Crawley and Judge Thompson that the Court of Civil Appeals should have affirmed the summary judgment for the hospital, on the authority of Carroll v. Shoney's, supra, and the cases cited therein. See Ala. Code 1975, § 12-3-16 ("The decisions of the Supreme Court shall govern the holdings and decisions of the courts of appeals, and the decisions and proceedings of such courts of appeals shall be subject to the general superintendence and control of the Supreme Court as provided by Constitutional Amendment No. 328."). The main opinion of the Court of Civil Appeals does not cite Carroll v. Shoney's. In fact, it cites no case dealing with the substantive law applicable to the merits of E.P.'s claims against the hospital.

The record clearly indicates that McFadden had a history of mental illness (manic depression) and that he had functioned for years as a nurse because of the hospital's willingness to allow him to work while he was receiving treatment. The evidence indicates that although he generally did a good job, McFadden had a history of emotional outbursts with fellow employees and with at least one patient. No evidence indicates that McFadden had ever engaged in sexual misconduct before the incident made the basis of this action.

Did hospital administrators exercise sound judgment in allowing McFadden to work at the hospital in direct contact with patients? The answer to that question is debatable. However, the evidence, even viewed in the light most favorable to E.P., as our standard of review requires us to view it, falls woefully short of demonstrating that McFadden's supervisors should have foreseen that he would probably sexually molest a child in the hospital's care. See Ex parte McRae's of Alabama, Inc., 703 So.2d 351, 352 (Ala. 1997), wherein this Court, after citing numerous cases, stated: "The plaintiffs' evidence falls far short of the high standard a plaintiff must meet to hold a defendant liable for the criminal acts of a third party." Ex Parte South Baldwin Regional Medical Center, 785 So. 2d at 370-71.

The facts in the present matter are strikingly similar to those in South Baldwin. Both actions allege claims in which plaintiffs seek to hold an employer liable for sexual crimes against children committed by an employee who was working at the time he committed the subject act.

Both McFadden (the South Baldwin employee) and Jeremy Nelson had issues in their pasts (mental illness and altercations with coemployees and patients for McFadden; substance abuse and domestic violence arrests for Nelson), from which one could argue that the decision to hire or retain them was questionable. Testimony showed that both McFadden and Nelson performed the duties associated with their employment well. Most importantly, the record contains no evidence as to either McFadden or Nelson of any sexual misconduct prior to the subject criminal act.

It is undisputed that Nelson had never been accused of any sexual misconduct involving either an adult or a child (Exhibit A at p. 90; Exhibit D at p. 81-83). No female coemployee or client had ever complained that Nelson had harassed them (Exhibit A at p. 56-57; Exhibit E). Moreover, Nelson testified that he went to great lengths to hide his criminal activities from Starkey and all others (Exhibit A at p. 101-110).

Pursuant to the holdings in Moye, Carroll and South Baldwin, the plaintiffs must show that Starkey should have foreseen that Nelson would probably use his position as a janitor to covertly record the customers and employees of Starkey's clients in a state of undress. The evidence is insufficient to prove that Nelson's particular criminal conduct was foreseeable, and therefore, Starkey owed no duty to protect the plaintiffs from his unforeseeable crimes. Summary judgment is therefore due to be entered in Starkey's favor.

II. JAMES STARKEY AND SANITARY SYSTEMS ARE NOT LIABLE TO PLAINTIFFS FOR INVASION OF PRIVACY AND OURTAGE UNDER A THEORY OF RESPONDEAT SUPERIOR

Even had the Supreme Court not extended the Moye and Carroll rule to claims against an employer for crimes committed by his employee, Alabama law would not hold Starkey liable for Nelson's conduct. The Court has held:

For an employer to be held liable for the intentional torts of its agent, the plaintiff must offer evidence (1) that the agent's wrongful acts were committed in the line and scope of the agent's employment; or (2) that the acts were committed in furtherance of the business of the employer; or (3) that the employer participated in, authorized, or ratified the wrongful acts.

Potts v. BE & K Constr. Co., 604 So.2d 398, 400 (Ala.1992).

Alabama courts have long held that torts of a sexual nature are purely personal, and therefore outside the line and scope of employment². In Great Atlantic & Pacific Tea Co. v. Lantrip, 26 Ala. App. 79, 153 So. 296 (1934), the Court of Appeals considered an action in which a female grocery customer sought to hold the store liable for a sexual assault committed by a store employee. The Court held:

The evidence conclusively shows that, however reprehensible the conduct of Jennings was in the alleged assault on plaintiff, such conduct and assault was not so connected with the business of defendant as to render it liable in this action. *While the act complained of was done during the employment of Jennings by defendant, such act was not within the scope of his employment.* The act complained

² See Doe v. Swift, 570 So. 2d 1209 (Ala. 1990); Kilgore v. Thompson & Brock Mgt., Inc., 93 F.3d 752, 754 (11th Cir. 1996); Corbitt v. Home Depot USA, Inc., ___ F. Supp. 2d ___, 2008 U.S. Dist. LEXIS 16256 (S.D. Ala. Mar. 3, 2008). Edwards v. Hyundai Motor Manuf. Alabama, LLC, 603 F. Supp. 2d 1336 (M.D. Ala. 2009); Brassfield v. Jack McLendon Furn., Inc., 953 F. Supp. 1438 (M.D. Ala. 1996); Patterson v. Augat Wiring Sys., 944 F. Supp. 1509 (M.D. Ala. 1996); East Alabama Behavioral Medicine, P.C. v. Chancey, 883 So. 2d 162 (Ala. 2003); Machen v. Childersburg Bancorporation, Inc., 761 So. 2d 981 (Ala. 1999); Southern Energy Homes, Inc. v. Harcus, 754 So. 2d 622 (Ala. 1999); Mardis v. Robbins Tire & Rubber Co., 669 So. 2d 885 (Ala. 1995); Moman v. Gregerson's Foods, Inc., 570 So. 2d 1215 (Ala. 1990); Perkins v. Dean, 570 So. 2d 1217 (Ala. 1990); Joiner v. AAA Cooper Trans., 477 So. 2d 364 (Ala. 1985); Stancombe v. New Process Steel, LP, 2015 U.S. Dist. LEXIS 46373 (N.D. Ala. 2015); Waltz v. Dunning, 2014 U.S. Dist. LEXIS 178660 (N.D. Ala. Dec. 31, 2014); Wells v. Olson, 2014 U.S. Dist. LEXIS 62343 (N.D. Ala. May 6, 2014); A.S. v. Horace Mann Ins. Co., 2013 U.S. Dist. LEXIS 94406 (N.D. Ala. July 8, 2013); Booker v. Winn-Dixie Montgomery, LLC, 2012 U.S. Dist. LEXIS 158862 (S.D. Ala. Nov. 6, 2012); Jones v. O'Reilly Auto., Inc., 2012 U.S. Dist. LEXIS 166472 (N.D. Ala. Oct. 22, 2012); Wingard v. Länsförsäkringar AB, 2012 U.S. Dist. LEXIS 151850, (M.D. Ala. Oct. 23, 2012); Kurtts v. Chiropractic Strategies Group, Inc., 2011 U.S. Dist. LEXIS 22181 (S.D. Ala. Mar. 2, 2011). See McIlwain, *The Top Ten Ways of Avoiding Sexual Harassment Liability*, 61 Ala. Law. 194 (May 2000); Stancombe v. New Process Steel LP, 652 Fed. Appx. 729 (11th Cir. 2016); Barlow v. Piggly Wiggly Ala. Distrib. Co., 2015 U.S. Dist. LEXIS 134573 (N.D. Ala. Oct. 2, 2015); Anderson v. Surgery Ctr. of Cullman, Inc., 2017 U.S. Dist. LEXIS 66897 (M.D. Ala. Jan. 13, 2017); Walker v. Heard, 2016 U.S. Dist. LEXIS 157560 (N.D. Ala. Nov. 15, 2016); Williams v. SDI of Jackson, LLC, 2016 U.S. Dist. LEXIS 139762 (S.D. Ala. Oct. 7, 2016).

of was entirely personal to Jennings and was wholly aside from the master's business.

Lanthrip, 153 So. at 298 (emphasis added).

In Ex parte Atmore Community Hosp., 719 So.2d 1190 (Ala. 1998), the plaintiff sued her employer for invasion of privacy after being sexually harassed by a male coemployee. After restating the above rule from Potts, supra, the Court held:

This Court has stated that tortious acts furthered an employer's business where, for example, a defendant undertaker refused to release the body of the plaintiff's husband until the plaintiff had paid for services rendered, Levite Undertakers Co. v. Griggs, 495 So. 2d 63 (Ala. 1986), and where the defendant used threatening or abusive behavior in an attempt to coerce the plaintiff into dropping his claim, National Security Fire & Casualty Co. v. Bowen, 447 So. 2d 133 (Ala. 1983). In contrast, where a co-employee defendant's behavior is aimed at "satisfying [the co-employee's] own lustful desires," this Court has held that "no corporate purpose could conceivably be served." Busby, 551 So. 2d at 327. Turner's evidence of Hayes's alleged battery and invasion of privacy indicates that Hayes's alleged conduct was aimed solely at satisfying his own lustful desires. Thus, Turner failed to present substantial evidence on which Atmore Hospital could be liable for a battery or invasion of privacy by Hayes on the grounds that his conduct furthered the hospital's business.

An employee's tortious acts occur within the scope of his employment if the acts are "so closely connected with what the servant is employed to do and so fairly and reasonably incidental to it, that they may be regarded as methods, even though quite improper ones, of carrying out the objectives of the employment." Prosser & Keeton, *The Law of Torts* 503 (5th ed. 1984). In Big B, Inc. v. Cottingham, 634 So. 2d 999, 1002 (Ala. 1993), this Court held that there was sufficient evidence that a store manager who falsely imprisoned a customer suspected of shoplifting was acting within the scope of his employment because preventing shoplifting was closely related to his employment as a store manager. In contrast, where the store manager forced the customer to perform a sexual act with him, this Court has held that the manager was acting outside the scope of his employment. *Id.* at 1002; see also Hendley v. Springhill Mem'l Hosp., 575 So. 2d 547 (Ala. 1990) (holding that a hospital is not liable for the unauthorized sexual touching by an agent). Turner's evidence of Hayes's alleged battery and invasion of privacy shows that his conduct was entirely personal in nature and not within his assigned duties. Thus, Turner failed to present substantial evidence on which Atmore Hospital could be liable for these claims on the grounds that Hayes's conduct was within the line and scope of his duties.

Atmore Community Hosp, 719 So.2d at 1194-95.

Hendley v. Springhill Mem'l Hosp., 575 So. 2d 547 (Ala. 1990) is particularly instructive.

The plaintiff in Hendley was a hospital patient who had been prescribed a TENS unit for pain in her tailbone. An employee of a business that serviced the units for the hospital entered the plaintiff's room and, passing himself off as a doctor, performed a vaginal examination of the plaintiff. Without deciding whether the man was an agent of the hospital, the Court found that such conduct was outside the line and scope of employment. In affirming summary judgment for the hospital, the Court held:

To recover against a defendant under the theory of respondeat superior, it is necessary for the plaintiff to establish the status of employer and employee -- master and servant -- and to establish that the act was done within the scope of the employee's employment. Wells v. Henderson Land & Lumber Co., 200 Ala. 262, 76 So. 28 (1917). Thus, the determinative question becomes whether the act committed by the employee was done while acting within the line and scope of his employment. If it is determined that the employee was not acting within the scope of his employment, then there can be no recovery under the doctrine of respondeat superior.

It is a general rule that where an employee abandons his employer's business for personal reasons the employment is suspended and the employer is not liable for the actions of the employee during the temporary lapse in employment and during the time of the employee's absence from the employer's business. Land v Shaffer Trucking, Inc., 290 Ala. 243, 275 So. 2d 671 (1973). A tort committed by an agent, *even if committed while engaged in the employment of the principal*, is not attributable to the principal if it emanated from wholly personal motives of the agent and was committed to gratify wholly personal objectives or desires of the agent. Plaisance v. Yelder, 408 So. 2d 136 (Ala. Civ. App. 1981). If there is any evidence in the record tending to show directly, or by reasonable inference, that the tortious conduct of the employee was committed while the employee was performing duties assigned to him, then it becomes a question for the jury to determine whether the employee was acting from personal motives having no relationship to the business of the employer. Plaisance, 408 So. 2d at 137. However, in Avco Corp. v. Richardson, 285 Ala. 538, 234 So. 2d 556 (1970), this Court noted that in cases where a servant's deviation from the master's business is slight and not unusual, a court may determine, as a matter of law, that the servant was still executing the master's business. On the other hand, with a very "marked and unusual" deviation, the court may determine that the servant is not on his master's business at all. Cases falling between these two extremes must be regarded as involving a question of fact to be left to the jury. In this case, Sands, if he committed the alleged vaginal examination, "acted from wholly personal motives

having no relation to the business." Plaisance, 408 So. 2d at 137. Furthermore, such a deviation from his duties necessarily would have been "marked and unusual."

In Great Atlantic & Pacific Tea Co. v. Lantrip, 26 Ala. App. 79, 153 So. 296 (1934), the Alabama Court of Appeals held that a sexual advance made by a store clerk while waiting on the plaintiff was "entirely personal . . . and was wholly aside from the master's business," *even though the act was done during the employment of the employee by the defendant*. Alabama jurisprudence is consistent with federal jurisprudence. In Grimes v. B. F. Saul Co., 60 App. D.C. 47, 47 F.2d 409 (1931), the court held that a defendant corporation could not be held liable for a rape committed upon a tenant of an apartment building owned by the corporation where the rape was committed while the defendant employee was making certain inspections of the building. The court concluded that the employee's act was "an independent trespass of the agent, utterly without relation to the service which he was employed to render for the defendant." *Id.*, 60 App. D.C. at , 47 F.2d at 410. The court reasoned as follows:

"The act of a servant done to effect some independent purpose of his own and not with reference to the service to which he is employed, or while he is acting as his own master for the time being, is not within the scope of his employment so as to render the master liable therefor. . . . The moment the agent turns aside from the business of the principal and commits an independent trespass, the principal is not liable. The agent is not then acting within the scope of his authority in the business of the principal, but in the furtherance of his own act. . . . The general idea is that the employee at the time of doing the wrongful act, in order to fix the liability on the employer, must have been acting in behalf of the latter and not on his own account."

The alleged examination is such a gross deviation from the purpose for which Sands was in Hendley's room (monitoring her TENS unit), that the conduct cannot be attributed to Springhill or West Mobile by application of the doctrine of respondeat superior. Accordingly, the partial summary judgment in favor of Springhill and West Mobile must be affirmed.

Hendley, 575 So.2d at 550-51 (emphasis added).

In the case at bar, Nelson testified that his janitorial duties included sweeping, mopping and vacuuming floors, emptying trash, cleaning bathrooms and kitchens, and dusting (Exhibit A at p. 60). None of his duties at Ann's Studio of Dance, Bentley Automotive or WHNT Channel 19 required the use of a camera for any business purpose (Exhibit A at p. 136-137; Exhibit E). Nelson further testified:

Q. Was the filming you did at Bentley's and Anne's and Channel 19 related to any business purpose of Mr. Starkey's?

MR. ARTRIP: Object to the form.

A. What do you mean?

(By Mr. Little)

Q. Well, you've explained to me what your responsibilities were at those three businesses.

A. Yeah.

Q. And my question to you is, when you filmed people at those three businesses, was that related to any business purpose of Mr. Starkey's?

A. No.

MR. ARTRIP: Same objection.

(By Mr. Little)

Q. Is it fair to say that that was for your own personal desires?

A. My own personal.

Q. Was filming those people of any benefit whatsoever to Mr. Starkey?

A. No.

(Exhibit A at p. 137-138).

Clearly, Nelson's conduct was done solely for the satisfaction of his own personal, lustful desires. In his plea agreement, Nelson agreed to the following statement: "The defendant stated the purpose of producing the videos was for sexual gratification and to use the videos for trading material." (Exhibit A at p. 190-191; Exhibit C at p 6).

It is without question that Nelson's act of filming women and children while in a state of undress in the restrooms and changing rooms of Starkey's clients was a "marked and unusual" deviation from his duties as a janitor. Pursuant to the longstanding law of Alabama, such conduct was outside the line and scope of his employment, and was not in furtherance of Starkey's business.

Further, there is no evidence that Starkey “participated in, authorized, or ratified” Nelson’s acts. In Potts, supra, the Court held:

Although this Court has not established explicitly what must be shown to prove that an employer has implicitly "ratified" or "tolerated" one employee's sexual harassment of another employee, we now hold that in addition to proving the underlying tortious conduct of an offending employee, a complaining employee must show that the employer (1) had actual knowledge of the tortious conduct of the offending employee and that the tortious conduct was directed at and visited upon the complaining employee; (2) that based upon this knowledge, the employer knew, or should have known, that such conduct constituted sexual harassment and/or a continuing tort; and (3) that the employer failed to take "adequate" steps to remedy the situation.
Potts, 604 So. 2d at 400.

Plaintiffs have failed to show that Starkey had knowledge of Nelson’s conduct, either actual or constructive. Therefore, they cannot show that Starkey “participated in, authorized, or ratified” Nelson’s tortious acts. Consequently, summary judgment is due to be granted in favor of Starkey regarding plaintiffs’ claims for invasion of privacy and outrage.

III. JAMES STARKEY AND SANITARY SYSTEMS ARE NOT LIABLE TO PLAINTIFFS UNDER A THEORY OF NEGLIGENT HIRING, TRAINING, RETENTION OR SUPERVISION

Likewise, the plaintiffs cannot show that Starkey is liable under a theory of negligent hiring, training, retention or supervision. In Thompson v. Havard, 235 So. 2d 853 (Ala. 1970), the Court held:

In the master and servant relationship, the master is held responsible for his servant's incompetency when notice or knowledge, either actual or presumed, of such unfitness has been brought to him. Liability depends upon its being established by affirmative proof that such incompetency was actually known by the master or that, had he exercised due and proper diligence, he would have learned that which would charge him in the law with such knowledge. It is incumbent on the party charging negligence to show it by proper evidence. This may be done by showing specific acts of incompetency and bringing them home to the knowledge of the master, or by showing them to be of such nature, character, and frequency that the master, in the exercise of due care must have had them brought to his notice. While

such specific acts of alleged incompetency cannot be shown to prove that the servant was negligent in doing or omitting to do the act complained of, it is proper, when repeated acts of carelessness and incompetency of a certain character are shown on the part of the servant to leave it to the jury whether they would have come to his knowledge, had he exercised ordinary care.
Thompson, 235 So. 2d at 858.

As with claims alleging a principal's liability for his agent's torts under a theory of respondeat superior, Alabama courts have held that "[i]n order to prevail in a negligent hiring case, a plaintiff must show that an employee was acting within the line and scope of his employment." Nash v. Segars, 682 So.2d 1364, 1365 (Ala.Civ.App. 1996), citing Brown v. Vanity Fair Mills, Inc., 291 Ala. 80, 277 So.2d 893 (Ala.1973); Doe v. Western Restaurants Corp., 674 So.2d 561 (Ala.Civ.App.1995) (emphasis added).

As shown above, Nelson clearly deviated from the line and scope of his employment when he filmed patrons of Starkey's clients for his own personal lustful desires. Even assuming, for the sake of argument, that Nelson was acting within his line and scope, the evidence is not sufficient to show Starkey possessed the knowledge of his incompetence required by Thompson.

In Joyner v. B & P Pest Control, Inc., 853 So. 2d 991 (Ala.Civ.App. 2002), the Court held:

Incompetency is connected conjunctively with carelessness, indifference, heedlessness and recklessness. ... 'Incompetency, as related to the law of negligence, connotes "want of ability suitable to the task, either as regards natural qualities or experience, or deficiency of disposition to use one's abilities and experience properly. Incompetency connotes the converse of reliability. The term may include something more than physical and mental attributes; it may include want of qualification generally, such as habitual carelessness, disposition, and temperament.'"

Joyner, 853 So2d at 999, quoting McGowin v. Howard, 251 Ala. 204, 207-08, 36 So. 2d 323, 325 (1948).

In the case at bar, there is no evidence that Nelson's work was not suitable, or that he was not qualified to perform the tasks for which he was hired. Rather, the sole allegation is that Starkey should not have hired or retained Nelson due to his arrests, more than 20 years before the incident

made the basis of this suit, for public intoxication, possession of marijuana, and domestic violence. His previous arrests do not indicate any propensity for producing child pornography or any type of sexual misconduct, and nothing in his history is suggestive that he would do so.

Clearly, the conduct complained of here relates to criminal acts committed by Nelson. As to those acts, Ex parte South Baldwin Regional Medical Center, supra, is controlling. The South Baldwin plaintiffs made claims of negligent supervision by the hospital of its employee for the sexual assault of their minor daughter. Although both Nelson's and the South Baldwin employee's history contained events that could arguably render him questionable for employment in general, nothing in either employee's history suggested that either would commit any sexual acts or misconduct against children. The South Baldwin Court properly held that the hospital was not liable for negligent supervision, and affirmed the entry of summary judgment in its favor on that claim. Likewise, summary judgment is due to be granted in favor of Starkey and against the plaintiffs.

CONCLUSION

Based on the foregoing, there is no genuine issue as to any material fact of liability on the part of Defendants, and Defendants are entitled to full and final summary judgment as to all of Plaintiff's claims against it for the reasons set forth above.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Honorable Court enter summary judgment in its favor as to all claims made by Plaintiff against them as there is no genuine issue as to any material fact and Defendants are entitled to judgment as a matter of law.

Respectfully submitted,

s/Thomas M. Little
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individually and d/b/a Sanitary Systems
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to all counsel of record on this the 29th day of October, 2018.

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U.S. Penitentiary
P.O. Box 24550
Tucson, AZ 85734

s/Thomas M. Little
Of Counsel

Exhibit A

1 IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

2 JANE DOE, as MOTHER AND NEXT)

FRIEND OF MARY DOE, a minor, AND)

3 ALL OTHER minor children,)

SIMILARLY SITUATED,)

4)

Plaintiffs,)

5 v.) No. 2016-900433

6 JEREMY JOSEPH NELSON, JAMES)

STARKEY, individually, and as)

7 owner of SANITARY SYSTEMS,)

8 Defendants.)

9 JANE SMITH, as minor and next)

friend of MINOR SMITH 1, a minor,)

10 and MINOR SMITH 2, a minor,)

11 Plaintiffs,)

v.) No. 2016-900449

12 JEREMY JOSEPH NELSON,)

13 individually, SANITARY SYSTEMS,)

and JAMES STARKEY, individually,)

14 and as owner of SANITARY SYSTEMS,)

FICTITIOUS DEFENDANTS NO. 1-12,)

15 Defendants.)

16)

17 VIDEOTAPED DEPOSITION OF JEREMY JOSEPH NELSON

18 Tucson, Arizona

19 February 1, 2017

20 9:02 a.m.

21 BONNIE J. HUMM, CR #50722 (AZ)

22 EATON, GREEN & WILLIAMS, INC.

23 549 North Sixth Avenue

24 Tucson, Arizona 85705

25 (520)623-0593 (800)759-9022

1 BE IT REMEMBERED that the videotaped deposition
2 of JEREMY JOSEPH NELSON was taken at USP Tucson, 9300
3 South Wilmot Road, in the City of Tucson, County of Pima,
4 State of Arizona, before Bonnie J. Humm, a certified
5 court reporter for the State of Arizona, on the 1st day
6 of February, 2017, commencing at the hour of 9:02 a.m. on
7 said day in a certain cause now pending before the
8 Circuit Court of Madison County, Alabama.

9 * * * *

11 APPEARANCES:

12 FOR THE JANE DOE PLAINTIFFS:

13 MASTANDO & ARTRIP LLC

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16 Huntsville, Alabama 35801

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20 HENINGER GARRISON DAVIS, LLC

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21
22
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24
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I N D E X

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1 APPEARANCES CONTINUED:

2 FOR THE DEFENDANTS JAMES STARKEY AND SANITARY
3 SYSTEMS:

4 SMITH, SPIRES & PEDDY, PC

5 By: Thomas M. Little, Esq.

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7 Birmingham, Alabama 35203

8 (205) 251-5885

9 thomas@ssp-law.com

10 Also Present: Frederick Van Norman, Videographer

11
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1 THE VIDEOGRAPHER: My name is Frederick
2 Van Norman, and I'm with Green Legal Video, Tucson,
3 Arizona. Our court reporter is Bonnie Humm with Eaton,
4 Green & Williams. Their address is 549 North 6th Avenue,
5 Tucson, Arizona.

6 This is the videotaped deposition of
7 Jeremy Joseph Nelson in the matter of Jane Doe and Jane
8 Smith, et al. versus Jeremy Joseph Nelson. It's being
9 held in the Circuit Court of Madison County, Alabama.
10 The case number is 2016-900433.

11 This deposition is being held at the USP
12 Tucson at 9300 South Wilmot Road, and that's in Tucson,
13 Arizona. The date today is February 1st, 2017, and the
14 time is 9:02 a.m.

15 Will everyone present please introduce
16 yourselves, after which time our court reporter will
17 swear in the witness.

18 MR. HASKINS: Drew Haskins on behalf of
19 the plaintiffs.

20 MR. ARTRIP: I'm Eric Artrip on behalf of
21 Jane Doe. I think Mr. Haskins is Jane Smith.

22 And let's make a note also that it's been
23 double noticed under CV 2016-900449.

24 MR. LITTLE: And I'm Thomas Little on
25 behalf of James Starkey and Sanitary Systems.

1 JEREMY JOSEPH NELSON,
2 having been first duly sworn by the Certified Reporter to
3 tell the truth, the whole truth, and nothing but the
4 truth, testified as follows:

5 MR. LITTLE: And I think just for the
6 record we've got an agreement that this deposition is
7 taken under the usual stipulations in Alabama. Our court
8 reporter may not be familiar with those, but I think we
9 all are.

10 MR. ARTRIP: Are we going to waive reading
11 and signing, I presume?

12 MR. LITTLE: That's up to Mr. Nelson.

13 Mr. Nelson, you have a right to read and
14 sign this deposition. If you want to read your testimony
15 and correct any errors that may be, you have that right
16 to do that or you can waive that right.

17 THE WITNESS: Okay.

18 MR. ARTRIP: So you have to make a
19 decision. If you want it mailed to you and you wait two
20 weeks, it will automatically be deemed to have been
21 signed. Or you can read it and then make any corrections
22 you want and then sign it.

23 THE WITNESS: Yeah, I'd like to read it.

24 MR. ARTRIP: You would like to what?

25 THE WITNESS: Read it to make sure.

1 A. Okay.

2 Q. What's your date of birth?

3 A. March 15th, 1972.

4 Q. And where were you born?

5 A. I was born in Amarillo, Texas.

6 Q. Who is your -- who are your biological
7 parents?

8 A. Okay. My biological dad's name was David
9 Davis, and my mother's biological name was Judy Nelson.

10 Q. Are they still living?

11 A. As far as -- Judy is for sure. I've heard --
12 I've heard from my uncle that Dave -- that David had
13 died. So I don't know the guy, so I don't really...

14 Q. It's my understanding you were adopted --

15 A. Yes.

16 Q. -- as an infant?

17 And who adopted you?

18 A. My uncle, Judy's brother.

19 Q. What is his name?

20 A. Don Nelson.

21 Q. And where did he reside when you were adopted?

22 A. At the time they was in Birmingham, Alabama,
23 and we lived there roughly up until I was about two and a
24 half years old. Then we moved up to Huntsville and lived
25 there ever since.

1 MR. ARTRIP: We will have a copy sent to
2 you, then.

3 THE WITNESS: Okay.

4 MR. LITTLE: Great.

5 MR. ARTRIP: I'm sorry.

6 MR. LITTLE: No, you're fine.

7 EXAMINATION

8 BY MR. LITTLE:

9 Q. Are you Jeremy Joseph Nelson?

10 A. Yes, sir.

11 Q. Mr. Nelson, have you ever been deposed before?

12 Have you ever given a deposition before?

13 A. No.

14 Q. I'm going to be asking you a series of
15 questions, and sometimes I don't ask the best questions.

16 So if there's anything that I ask you and you don't
17 understand, just speak up and ask me to clarify it, and

18 I'll be happy to do so.

19 A. Okay.

20 Q. If you need to take a break, go to the
21 restroom, just speak up, and we'll arrange for that.

22 And it's my understanding that if you get
23 hungry -- we may go past lunch, so if you get hungry,
24 they'll bring you something in here. So we'll leave that
25 up to you whenever you want to do that.

1 Q. Were you raised in Madison County?

2 A. Pretty much, yes, sir.

3 Q. What part of Madison County?

4 A. Up near the Riverton area, close to New
5 Market. It's not very -- it's about 20 miles south of
6 Tennessee.

7 Q. You said your uncle -- your uncle adopted and
8 raised you?

9 A. Uh-huh.

10 Q. Did he -- was he married at the time?

11 A. Yes.

12 Q. And what is your -- I guess your mother, your
13 adoptive mother, what's her name?

14 A. Betty Nelson.

15 Q. Are both of them still living?

16 A. Yes.

17 Q. Do both of them still reside in Madison
18 County?

19 A. Yes.

20 Q. Do you have any other relatives, either by
21 blood or marriage, that live in Madison County?

22 A. Well, my brother and sister by them, so we are
23 I guess by blood. They're I guess technically my
24 cousins, but I've always considered them brother and
25 sister.

1 Q. What's your -- I'll refer to them as your
2 brother. What's your brother's name?
3 A. Jake Nelson.
4 Q. And what part of Madison County does Jake
5 Nelson reside?
6 A. Last I heard he was still living with -- well,
7 he moved back in with my parents several years ago. The
8 last I've heard he's still there. So whether or not he's
9 moved, I don't know.
10 Q. What is his age?
11 A. He's eight years younger than I am, so 36.
12 Q. Does he -- is he employed?
13 A. Last I heard he was, yes, sir.
14 Q. Last you heard, what was he doing for a
15 living?
16 A. Oh, goodness. I think he was delivering
17 pizza.
18 Q. Who was his employer? Do you know?
19 A. That I don't know.
20 Q. Is he -- is he married?
21 A. No, not anymore.
22 Q. Has he been married?
23 A. Yes.
24 Q. What was his wife's name?
25 A. Oh, goodness. Kortney.

1 Q. Do you know if she still lives in Madison
2 County?
3 A. I think she does. I'm not for positive.
4 She's got -- she moved in with another -- her boyfriend.
5 I don't know if she got remarried or not, but she's
6 living with him. I know that my mom and dad go visit, so
7 she's roughly -- she's around there somewhere.
8 Q. Do you have any idea what Kortney's maiden
9 name was?
10 A. No.
11 Q. The reason I'm asking you these questions, if
12 this case goes to trial, it'll be tried in Madison
13 County. We'll be choosing a jury from people who reside
14 in Madison County. So we just want to get a clearer idea
15 of who you may be related to in Madison County.
16 Does Jake have any children over the age
17 of, say, 17?
18 A. No.
19 Q. And I think you said you had a sister, also?
20 A. Yes.
21 Q. What was her name?
22 A. Christy. Christy Driver now.
23 Q. Okay. Christy Nelson Driver?
24 A. Yeah.
25 Q. What is her age?

1 A. She is six years younger than me, so 38.
2 Q. And she lives in Madison County as well?
3 A. No. She lives in Cullman County.
4 Q. Any other relatives by blood or marriage that
5 live in Madison County?
6 A. By blood, no. By me being adopted, I have a
7 lot of -- I have an aunt and several cousins scattered.
8 Q. What's your aunt's name?
9 A. Aunt Linda.
10 Q. Linda?
11 A. Yeah.
12 Q. What's her last name?
13 A. Linda Scott.
14 Q. Is she formerly a Nelson, also?
15 A. She's Smith.
16 Q. Is she married?
17 A. No, sir.
18 Q. Does she have any adult children?
19 A. No.
20 Q. Any others that you can think of?
21 A. As far as cousins go maybe?
22 Q. Sure.
23 A. I mean, I've got -- I've got -- well, I call
24 her Aunt Donna, but she's aunt by marriage, which her
25 husband, which is my mom's brother, he's deceased, been

1 deceased for a long time. She still -- she still resides
2 there. She's got two -- two -- two children that are
3 still living. And, of course, they branch off. They've
4 got their own kids, and I've got several of my mom -- my
5 mom come from a big family, six kids, so a lot -- there's
6 a lot of cousins there.
7 Q. What's your mother's maiden name?
8 A. Smith.
9 Q. And she was raised there in Madison County?
10 A. Correct.
11 Q. Her children, are they Smiths?
12 A. No. Nelsons.
13 Q. I'm sorry. That was a bad question.
14 Her brothers and sisters -- or her
15 brothers, are they Smiths?
16 A. Oh, yeah, they were Smiths. They have all
17 deceased, though.
18 Q. Does she have any sisters that are still
19 living?
20 A. Just Aunt Linda.
21 Q. Have you --
22 A. Wait. No, no, no, no, no. She has another
23 sister that lives in Georgia. My bad.
24 Q. And I'm really just mainly interested in just
25 the ones that live in Madison County.

1 It's my understanding you have some
2 children?
3 A. Yes.
4 Q. How many children do you have?
5 A. I have two.
6 Q. And what are their ages?
7 A. Michal is 22 now, and Autumn is 18.
8 Q. Where do they reside?
9 A. They reside in Madison County.
10 Q. Michal, is he -- is he Nelson?
11 A. She.
12 Q. What was her name again?
13 A. Michal.
14 Q. Michal?
15 A. Yeah.
16 Q. Is she Nelson?
17 A. Yes.
18 Q. She's not married?
19 A. No.
20 Q. What does she do for a living?
21 A. Right now she's a waitress.
22 Q. Where does she work?
23 A. That I'm not -- I think Jimmy's Lounge, I
24 believe.
25 Q. And Autumn, she's 18?

1 A. Yes.
2 Q. And does she live there in Madison County?
3 A. Yes.
4 Q. Is she still Nelson?
5 A. Yes.
6 Q. She's not married.
7 Who are their mothers?
8 A. Carmen Nelson.
9 Q. And where does she reside?
10 A. Tennessee.
11 Q. When were you married to Carmen?
12 A. That was back -- let's see -- ninety -- I
13 guess we got married around '94. And, yeah, because
14 right as soon as we was married, she was pregnant with
15 Michal, who was born in '95, so...
16 And we stayed married for a couple years.
17 We got divorced before my youngest daughter was
18 conceived, but we tried to get back together for a short
19 period of time, and that didn't work. Just long enough
20 for my youngest to be conceived.
21 Q. So you were divorced sometime around '96,
22 '97 --
23 A. Yes.
24 Q. -- somewhere around there?
25 And where did you go to school?

1 A. Riverton Middle and Buckhorn High School.
2 Q. Did you say Buckhorn?
3 A. Buckhorn.
4 Q. Did you graduate from high school?
5 A. Yes, sir.
6 Q. What year was that?
7 A. 1990.
8 Q. Any further education past that?
9 A. I had about a year of college at Jack State
10 University and about half a year at Martin Methodist.
11 Q. Jacksonville, Alabama?
12 A. Yes.
13 Q. And where is Martin Methodist?
14 A. That's in Tennessee.
15 Q. Did you receive a degree from either of those?
16 A. No.
17 Q. Any other education?
18 A. No, sir.
19 Q. Tell me a little bit -- I know you worked for
20 my client, James Starkey, for a number of years. But
21 tell me about your employment history before you went to
22 work for him.
23 A. Okay. Let's see. I worked at Cafe 302 from
24 the ages of 16 to 18.
25 Q. Is that there in Huntsville?

1 A. Yes, sir. It might technically be New Market.
2 I'm not for sure. It's like right around the New
3 Market/Hunts --
4 Q. Is that business still in operation?
5 A. Yes.
6 Q. What did you do for them?
7 A. I was just a waiter, cook, cashier, a little
8 bit of everything.
9 Q. And how long -- you said from 16 to 18 years
10 of age?
11 A. Yes.
12 Q. Okay. And after that?
13 A. Then I went to college, and I got a job at
14 Taco Bell while I was there for roughly a half a year.
15 Q. Was that in Jacksonville?
16 A. Yes. And then when I moved back, I had a
17 bunch of jobs. Do you want a list of all of them?
18 Q. Please.
19 A. Okay. I worked at --
20 Q. When you say you moved back, you mean you
21 moved back to Huntsville?
22 A. Yes.
23 Q. Madison County?
24 A. Right.
25 Let's see. I worked at Andrews Lawn Care

1 and Landscaping.
 2 Q. Andrews?
 3 A. Yes. I worked at -- it used to be called
 4 Disktronics. Now I'm not sure exactly what they're
 5 called. They've changed their name so many times. It's
 6 a disk manufacturing company out there.
 7 Q. When you say disk, you're talking about CDs?
 8 A. Compact disks, yes.
 9 I worked at a -- some little small
 10 restaurant. I forgot the name of it. It used to be out
 11 on Winchester. I worked there for a very short period of
 12 time. Basically just a hamburger joint. Tugos is what
 13 it was called.
 14 Q. One more time?
 15 A. Tugos.
 16 Q. Tudos?
 17 A. Yeah.
 18 THE COURT REPORTER: Can you spell it?
 19 THE WITNESS: T-U-G-O-S, I believe.
 20 A. And then I worked at Manchu Wok and also
 21 Frankenstein's in Madison Square Mall.
 22 (By Mr. Little)
 23 Q. What is Frankenstein's?
 24 A. That was a restaurant, a food service that
 25 dealt with hotdogs and baked potatoes.

1 Manchu Wok was a Chinese restaurant.
 2 Q. Thank you.
 3 A. And then I worked for Flagstone Apartments. I
 4 worked there maybe about a year as maintenance. And then
 5 I went to work for Woody Anderson Ford in the parts
 6 department. And that's about the time I got the job with
 7 Mr. Starkey. And it was basically just about an hour a
 8 night, I reckon.
 9 Q. What was an hour a night?
 10 A. Well, I just basically went into one of the
 11 dealerships we was cleaning at the time and vacuumed, and
 12 that was about it. And then he kind of just gradually
 13 gave me a little bit more, a little bit more. Then I
 14 finally went full time. Or actually I went part time
 15 with him, and I stayed part time forever. Or not ever
 16 but for many years.
 17 And then I got a job working at Lowe's
 18 full time, and I was working at Lowe's full time, and I
 19 was still working for him at night part time. And then
 20 he landed a few more contracts and was able to hire me on
 21 full time, so I quit Lowe's. I worked there for four
 22 years.
 23 And ever since then I've just worked --
 24 well, I also worked for another -- another contractor as
 25 well, another janitorial contractor, Excel Janitorial,

1 for a very short period of time.
 2 Q. What was the name?
 3 A. Excel Janitorial.
 4 Q. Is it letter X, letter L?
 5 A. E-X-C-E-L.
 6 Q. E-X-C-E-L.
 7 And how long did you work for Excel
 8 Janitorial?
 9 A. Maybe a half a year, I guess.
 10 Q. All right. I'm going to go back a little bit.
 11 So all right. So you worked at Cafe 302 until you were
 12 about 18 years. And then you -- I guess you graduated
 13 from high school and moved to Jacksonville where you
 14 worked for Taco Bell.
 15 How long were you in Jacksonville?
 16 A. Roughly about a year.
 17 Q. So two semesters, basically?
 18 A. Yeah.
 19 Q. And I think you said after that you came back
 20 to Huntsville and first worked at Andrews Lawn Care?
 21 A. Well, first I worked at -- I think Tugos is
 22 where I very first worked at. And then I went to work
 23 for Disktronics. And then I went to work for Andrews.
 24 Q. How long did you work at Tugos?
 25 A. Oh, goodness. Just a couple weeks.

1 Q. And were you terminated from that job?
 2 A. No. I just quit.
 3 Q. Okay. And about how long did you work at
 4 Disktronics?
 5 A. Just a few months. About maybe three, four
 6 months.
 7 Q. Why did you leave that job?
 8 A. Andrews Lawn Care, the guy, his name was
 9 Andrew -- or actually it was Bo Andrews. He -- I forgot
 10 how we met. I think he was friends with somebody I went
 11 to church with or something. And he kind of offered me
 12 more money, and so I went there for a better paycheck.
 13 Q. And how long did you work at Andrews?
 14 A. Just until summer ended. Work dried up. So
 15 that was a mistake.
 16 Q. So this is around the time you're 19 or 20?
 17 A. Yes.
 18 Q. Where did you work after that?
 19 A. That is, I believe, when I went to work for --
 20 I guess that's when I went to work for Frankenstein and
 21 Manchu Wok. I worked both of those jobs at the same
 22 time.
 23 Q. And I think you said that Frankenstein's was
 24 in the mall. Was Manchu Wok in the mall as well?
 25 A. Yes. Just right next door to it.

1 Q. What mall is that?
 2 A. Madison Square Mall.
 3 Q. Were you terminated from either of those jobs?
 4 A. No. No, sir.
 5 Q. That's one more thing I forgot to tell you.
 6 She's trying to make a record here.
 7 A. So speak up?
 8 Q. Everybody does that. If you could, just,
 9 rather than shaking or nodding your head or saying uh-huh
 10 or unh-unh, if you could give a yes or no response or
 11 whatever your response may be so she can make a clear
 12 record.
 13 A. Okay.
 14 Q. We'll probably have to remind you again, and
 15 that's fine.
 16 A. Okay.
 17 Q. All right. So after you -- did you leave the
 18 employment of Manchu Wok and Frankenstein's about the
 19 same time?
 20 A. Yes.
 21 Q. And where did you go to work after that?
 22 A. That I guess is when I went to work for Woody
 23 Anderson Ford.
 24 Q. When did you work for Flagstone Apartments?
 25 A. No, no, no, no, no. My bad. Flagstone is

1 where I went to work for next.
 2 Q. You said you were a maintenance man?
 3 A. Yes.
 4 Q. How long did you work for them?
 5 A. Roughly two years.
 6 Q. So does that take you to about 22 years old or
 7 so?
 8 A. About 20, 21, 22, yeah.
 9 Q. Okay. And what was your reason for leaving
 10 Flagstone Apartments?
 11 A. I got fired from there.
 12 Q. For what reason?
 13 A. I had got arrested on property, public
 14 intoxication.
 15 Q. Do you remember what year that was?
 16 A. It had to have been -- I celebrated my
 17 21st birthday there, so it was shortly after that. I
 18 don't know if it was a whole year later maybe. Probably,
 19 probably when I was 21, so '72, '82, '92 -- '93, I guess.
 20 Q. Where did that arrest take place?
 21 A. Sir?
 22 Q. Where did that arrest take place?
 23 A. That was in Madison County, Alabama.
 24 Q. Is that the Madison County Sheriff's
 25 Department?

1 A. It was the Madison County -- no. It was
 2 actually Madison City. My bad. It was Madison City. I
 3 can't remember if Madison County arrested me or if it was
 4 Madison City that arrested me.
 5 Q. And that's fine. I'm just trying to get your
 6 best memory.
 7 What were the circumstances of that
 8 arrest?
 9 A. Just -- what do you mean?
 10 Q. Well, what happened when you were arrested?
 11 A. Oh. I had -- I was basically -- I had blown
 12 my knee out. I had fell and tore my knee up. So I was
 13 basically just drunk and trying to get to my car. And a
 14 cop happened along and -- or somebody might have, I guess
 15 somebody saw me or something. I don't know. They called
 16 the cops, and the next thing I know the cops showed up.
 17 And I was belligerent at the time. That night was a
 18 blur.
 19 Q. Were you charged with anything else at that
 20 time?
 21 A. No.
 22 Q. I guess did you plead guilty or --
 23 A. Yes.
 24 Q. Was that your first arrest?
 25 A. No, sir. I was arrested back when I was in --

1 okay. I've been arrested six times. So one time was
 2 in -- I had one public intoxication while I was at
 3 college.
 4 Q. In Jacksonville?
 5 A. In Jacksonville. I had that public
 6 intoxication. I had another public intoxication with
 7 my -- when I was married and also had a possession charge
 8 on the same -- at the same time on that one, possession
 9 of marijuana.
 10 And the other times I went was I had an
 11 assault charge, and then I also had two -- I guess they
 12 were like failure to appear in courts for speeding
 13 tickets. But all six times I never spent more than half
 14 a day there. So it was pretty much paid my fines and I
 15 did a year of probation for the possession charge.
 16 Q. Okay. I'll come back to those and figure out
 17 a little bit more about when those occurred. But all
 18 right. So you got a public intoxication charge in
 19 Madison and was fired from Flagstone Apartments?
 20 A. Yes, sir.
 21 Q. And after that, did you go to Woody Anderson
 22 Ford?
 23 A. Yes.
 24 Q. About what year was that?
 25 A. Oh, I guess it was 1994 maybe, maybe '93. I

1 know that I was there through '95, because that's when my
 2 youngest daughter -- or my oldest daughter was born. So
 3 I was working there when she was born.
 4 Q. And how long did you work for Woody Anderson
 5 Ford?
 6 A. About two years.
 7 Q. How did that transpire where you got a public
 8 intoxication? I guess did your employer find out? Did
 9 Flagstone find out about that and fired you after that?
 10 A. Yes.
 11 Q. Do you know if you -- for any of those
 12 employers up to this point, do you know if you ever had
 13 to undergo a background check?
 14 A. I have -- I don't think so. I have no idea.
 15 Q. Is Flagstone Apartments, is that still -- is
 16 it still Flagstone Apartments? Is it still there?
 17 A. I believe so. I know they're still there. I
 18 don't know if they go by the same name.
 19 Q. Sure. All right. And you say you worked at
 20 Woody Anderson Ford for a year or two?
 21 A. Yes.
 22 Q. In the parts department?
 23 A. Yes, sir.
 24 Q. And what were the circumstances of you leaving
 25 that employer?

1 A. Well, I had -- that was about the time me and
 2 my ex-wife was having problems. I was having problems
 3 drinking, and I was on over-the-counter speed. And I
 4 checked myself -- I quit so I could check myself into a
 5 rehab.
 6 Q. You weren't terminated from there?
 7 A. No, sir.
 8 Q. All right. So when did you start working for
 9 Mr. Starkey?
 10 A. That was roughly about -- I was still working
 11 at Woody Anderson Ford when I started working. I can't
 12 remember if I started working with him first or Woody
 13 Anderson Ford first. They was both right around the same
 14 time.
 15 Q. Sometime around 1993 or 1994?
 16 A. Yes. About 1994 more than likely.
 17 Q. Okay. You're -- so your first arrest, I think
 18 you said it was for public intoxication in Jacksonville?
 19 A. (Witness nods head.)
 20 THE COURT REPORTER: You have to answer
 21 out loud, sir.
 22 THE WITNESS: Yes. My bad.
 23 (By Mr. Little)
 24 Q. And did you plead guilty to that?
 25 A. Yes.

1 Q. When was your next one? Is that the one in
 2 Madison?
 3 A. That -- yes, I believe, yes.
 4 Q. And that was during the time you were working
 5 for Flagstone?
 6 A. Yes.
 7 Q. And then you said you had one more where you
 8 were arrested for both public intoxication and charged
 9 with that as well as possession of marijuana?
 10 A. Correct.
 11 Q. Was that misdemeanor possession of marijuana?
 12 A. Yes.
 13 Q. And what jurisdiction was that?
 14 A. Madison. Madison County.
 15 Q. City of Madison?
 16 A. No. It was in Huntsville.
 17 Q. Madison County?
 18 Where were you living at that time?
 19 A. At that time I was living -- it was over off
 20 of Winchester Road. It was my ex-wife's mother's house.
 21 She had moved out, and my ex-wife's sister was living
 22 there, and we was living with her sister at the time.
 23 Q. Okay. And what happened on that occasion?
 24 A. I was just -- just another one of those I got
 25 really drunk. Me and my ex-wife got into a fight. As a

1 matter of fact, I was still in the cast from my previous
 2 mess-up.
 3 Q. With your knee?
 4 A. Yes. And I had decided to leave, and I had in
 5 mind I was going to New Mexico. I don't know why. And I
 6 started walking down the road, and a cop seen me walking
 7 down the road, odd hour of night, cast on. They
 8 apparently knew I was drunk and pulled over.
 9 Q. About when was that? Was that about the
 10 time -- I think you said about the time you left Woody
 11 Anderson Ford?
 12 A. Yes. It was after Woody Anderson. So, I
 13 mean, it was still -- it had to have been '94, because
 14 that was still before my youngest -- or my oldest
 15 daughter was born.
 16 Q. It was before your oldest daughter was born?
 17 A. Right.
 18 Q. And what was -- how was that charge resolved?
 19 A. That's I basically paid my fine off and did a
 20 year of probation for the misdemeanor possession charge.
 21 Q. And then I think you said you had three other
 22 times you were arrested for failure to appear for
 23 speeding tickets or --
 24 A. I believe it was -- I'm pretty sure it was --
 25 well, one time was for an assault charge.

1 Q. Tell me --
2 A. And that was -- that was when I was working at
3 Woody Anderson Ford as well. And the other two times I'm
4 not for sure when they were. They were a couple of years
5 later. Those were the ones where I had speeding tickets
6 and just basically didn't go to court.

7 Q. When were you arrested and charged with
8 assault?

9 A. Well, that was when I was at Woody Anderson
10 Ford, so around '94. Or no, no, no, no, no. It was
11 after my oldest was born, so '95.

12 Q. What happened there?

13 A. That is another one of those I was -- I got
14 drunk, and me and my wife or my ex-wife, she had
15 basically threatened to leave, take Michal with her, and
16 said that I wouldn't ever see her again. And I lost -- I
17 lost -- I went crazy, I guess you can say. Anyway, I
18 backhanded her, and I ended up getting the assault
19 charge.

20 Q. Was that a misdemeanor or a felony charge?

21 A. I don't know, to be honest with you. All I
22 know is that I didn't serve time. I paid a fine. I pled
23 guilty. He told me that I wouldn't ever be able to own
24 firearms again, and that was roughly it.

25 Q. Do you know -- I think you said you're not

1 Q. And that's fine. Like I say, I'm -- I know
2 you have -- I don't necessarily remember what happened
3 in -- back that far back, and I don't expect you to. But
4 I'm just trying to get your best memory of it.

5 You say the failure to appears happened
6 sometime within the next few years after that?

7 A. Correct.

8 Q. Is that -- is that the last time you were
9 arrested, apart from what you're here incarcerated for
10 today?

11 A. Yes.

12 Q. Tell me -- it sounds like you had some issues
13 with alcohol and drugs?

14 A. Yes.

15 Q. Tell me when those -- tell me a little bit
16 about your history with alcohol and drugs and when that
17 started and how it progressed, I guess.

18 A. Well, alcohol I've -- I guess it started at a
19 really young age. Momma would tell me that I would go
20 around trying to sneak people's -- my grandpa's liquor
21 and my uncle's beer cans. And that was -- I don't even
22 remember that. But I do remember --

23 Q. When you were a child?

24 A. Yeah. But I do remember that about the age
25 around 11 or 12 I was sneaking into my poppa's liquor

1 sure what you were charged with, whether it was a
2 misdemeanor or a felony. But do you know if you pled
3 guilty to a misdemeanor or a felony?

4 A. I pled guilty to it, yes.

5 Q. At the time was it a misdemeanor or a felony?
6 Did it get dropped down to a misdemeanor? Or how do you
7 remember that happening?

8 A. To be honest with you, I really don't know. I
9 guess it was a felony. It was county cops that came and
10 arrested me, so...

11 I guess felony doesn't really mean that --
12 I don't know. To be honest with you, I really have no
13 idea.

14 Q. Okay. And you say that was '94, '95, sometime
15 in that area?

16 A. Yes, '95.

17 Q. The other -- I guess the two failure to appear
18 for speeding tickets, when did those occur?

19 A. Those were just sometimes afterwards. I have
20 no idea. Maybe two or three years afterwards.

21 It might have been '96 --

22 Q. What might have been '96?

23 A. -- when I had the assault charge, because --
24 more than likely it was '95, but I do remember my
25 daughter being close to being a year old, so...

1 cabinet. But that was only periodically, you know,
2 every -- once -- maybe once a month or once every other
3 month.

4 Then I had a -- I met a friend, and I was
5 going to his house. And we basically got his older
6 sister's boyfriend -- that was around the age of 13,
7 14 -- to buy us alcohol every couple of weekends.

8 And then about the time I went to college
9 at the age of 19, I started drinking and never looked
10 back except for one time I quit for five months and then
11 one time I quit for like two weeks. And then, of course,
12 I quit the short time I went to the rehab, but I checked
13 myself out of rehab early, so I went right back to
14 drinking again.

15 Q. What about drug use?

16 A. I did have a problem with cocaine for roughly
17 maybe a year and also smoked marijuana off and on ever
18 since high school.

19 Q. Anything else?

20 A. I've done the occasional LSD, occasional pain
21 pills, maybe buy a couple Valiums, Xanaxes. That would
22 probably -- other than that synthetic weed that they had
23 that you can buy at the gas station several years ago. I
24 tried that two or three times. Wasn't really impressed
25 with it. But that's probably about the extent.

1 Q. You mentioned something earlier about
2 over-the-counter speed. What are you talking about
3 there?
4 A. It was Max Alerts. It was --
5 Q. Max Alerts?
6 A. Yeah. Max, M-A-X A-L-E-R-T-S. They was just
7 pure ephedrine, and they were sold in bottles of a
8 hundred. And they kind of -- the government started --
9 because people were starting to manufacture meth with
10 them, so they started changing them. Max Alerts I guess
11 went out of business, and they started adding ingredients
12 to it to kind of make them where they wasn't so potent.
13 Q. I think you said that you were using those
14 back about the time you were arrested for public
15 intoxication or assault back in the '90s?
16 A. Yeah, it was definitely the assault. I did
17 Max Alerts the whole time I worked at Woody Anderson Ford
18 and afterwards for roughly a year or two.
19 Q. Okay. And that was something you said you
20 could buy over the counter at gas stations --
21 A. Correct.
22 Q. -- and places like that?
23 A. Yes.
24 Q. Have you ever held any volunteer positions?
25 A. Not -- no, not that I can remember.

1 Q. Anything that you would have had to take a
2 background check for?
3 A. Oh, no.
4 Q. Or undergo a background check for?
5 A. No, sir.
6 Q. Do you know if you've ever been denied a
7 position or denied anything because of something that
8 came up on a background check?
9 A. No, sir.
10 I did have a background check done when I
11 moved into the apartments several years ago, and it came
12 up clean.
13 Q. What apartments were those?
14 A. That was Fontainbleu Apartments.
15 Q. How is Fontainbleu spelled? Is it like
16 B-L-E-U?
17 A. Yeah. It's French. It's like Fontainbleu or
18 something. B-L -- I don't know. B-L-U, B-L-U-E.
19 Q. And where are those apartments?
20 A. Julia Street off of University Drive.
21 Q. Julia?
22 A. Yes.
23 Q. Is that in Huntsville?
24 A. Yes.
25 Q. Do you know who the owner of Fontainbleu

1 Apartments is?
2 A. No, sir.
3 Q. When did you live there?
4 A. Okay. I've been incarcerated for two years.
5 For three years I lived at the house where I was arrested
6 at.
7 Q. For three years before you were incarcerated?
8 A. Correct. So beginning about five years ago up
9 to four years previous to that. So roughly I guess nine
10 years ago is when I moved there, thereabouts.
11 Q. Sometime around 2008, 2009?
12 THE COURT REPORTER: You have to answer
13 out loud.
14 A. Yes.
15 (By Mr. Little)
16 Q. Apart from that background check when you
17 moved into those apartments, do you know if you've ever
18 undergone a background check?
19 A. Not to my knowledge.
20 Q. You said it was -- I think you mentioned that
21 it was clean. What did you mean by that?
22 A. Well, I mean I just I've never -- as far as
23 background goes, it just shows the misdemeanor times that
24 I was arrested for the public intoxication. I mean, I
25 guess it wasn't clean, but it shouldn't have been

1 anything bad enough that it would have kept me getting
2 hired anywhere.
3 Q. They didn't deny you an apartment there?
4 A. No.
5 Q. And that was -- you said you moved in there.
6 Were you -- did you have employment -- did you work for
7 them as well?
8 A. No.
9 Q. You just had a background check as a resident?
10 A. Right.
11 Q. How old were you when you first met James
12 Starkey?
13 A. Well, I was going to -- we went to church
14 together, so I met him probably around the age of 12 or
15 13.
16 Q. What church was that?
17 A. Locust Grove.
18 Q. Locust Grove?
19 A. Baptist Church.
20 Q. And where is that?
21 A. That is Hurricane Creek Road, I believe.
22 Q. Hurricane Creek Road?
23 A. Yeah. I believe that's the name of the road.
24 It's also out there near Buckhorn area.
25 Q. Is that Huntsville?

1 A. Yes. Actually that would probably be New
2 Market.
3 Q. New Market? And is that when you started
4 going to church there, when you were --
5 A. Yes.
6 Q. -- around 12 years old, I think you said?
7 A. Yes.
8 Q. And how did you -- I guess how did you know
9 Mr. Starkey? Was he --
10 A. Well, I went to school with -- his sister
11 was -- or his daughter was a year or two younger than I
12 was, and we were involved with a lot of the same youth
13 activities. And I just kind of grew up knowing her. A
14 lot of -- we dated a lot of the same friends. That's how
15 we always knew each other, from that.
16 Q. If you would just, I guess, tell me about your
17 relationship with him.
18 A. With?
19 Q. With Mr. Starkey.
20 A. Well, he is -- he's always been really great,
21 really great to me. I've always kind of considered him
22 like a second dad, really. I mean, he took care of me
23 for 20 years. He -- whenever I needed money in advance,
24 you know, if I was hurting, he would always give me my
25 paycheck a couple days early if I needed it. Whenever --

1 whenever we had side work, he would always make sure he
2 called me up to come and help him out and make a little
3 bit of extra money.
4 Other than that, I mean, I went over to
5 his house a lot, you know, helped him with leaves, with
6 wood around his house, with chopping, you know,
7 destroying poison oak, poison ivy. We burned brush
8 together. I did a lot of help -- one time he went on
9 vacation, and I took care of his animals for him. He
10 just lived right -- he lived maybe a mile away from my
11 parents, a mile and a half away from my parents, so he
12 was just kind of next door, really. And, I mean, he's
13 always been there. He's just someone that's always been
14 a really good guy.
15 Q. Were he -- was Mr. Starkey and your father,
16 were they friends or were they close?
17 A. They was acquaintances. They knew each other
18 from church. It's not like they hung out or anything,
19 though.
20 Q. What -- did he -- did Mr. Starkey, to your
21 knowledge, did he know about the arrests you had?
22 MR. HASKINS: Object to form.
23 A. Yes.
24 (By Mr. Little)
25 Q. All of them?

1 A. I never really went into detail about all of
2 them. He knew about some of them at least. Probably --
3 Q. Which ones do you think he knew about? Or
4 which ones do you remember talking to him about?
5 A. Okay. I knew that he knew about the one where
6 I was -- the assault charge, because that was when I was
7 at Woody Anderson Ford and working for him. And he knew
8 about that possession and public intoxication. And he
9 knew about the two -- the two failure to appear in
10 courts.
11 Q. Did you -- did you discuss your drug and
12 alcohol problems with him?
13 A. I never discussed drugs with him. Alcohol, I
14 mean, he constantly was getting onto me. You need to
15 quit, you need to quit, he'd always tell me. He'd either
16 tell me I need to quit or I need to cut back, which I was
17 always, I guess you could say, a responsible alcoholic.
18 My ex-wife used to say I was a -- oh, goodness, what's
19 the name of it?
20 Anyway, basically I would never drink
21 until I got home. And when I got home late at night,
22 that's when I drank. And I usually didn't get drunk. I
23 usually just drank enough to -- and then I went to bed,
24 you know. I would -- I've had my nights, though. I
25 ain't going to lie. There's been several nights where I

1 have drank way too much. But for the most part it wasn't
2 ever really a concern to him.
3 Q. Did you ever drink on the job?
4 A. No.
5 Q. Did you ever show up to work intoxicated?
6 A. No.
7 Q. Did you ever have a time where he sent you
8 home because you were intoxicated?
9 A. No.
10 MR. ARTRIP: What was the answer? I'm
11 sorry.
12 THE WITNESS: No.
13 (By Mr. Little)
14 Q. Do you have an opinion as to whether alcohol
15 or drugs ever affected your job performance?
16 A. Not really.
17 Q. What do you mean?
18 A. I mean it never affected me to a point where I
19 was like missing work or, you know, anything like that.
20 I mean, I might have occasionally skipped a trash can by
21 accident just because I wasn't super clear headed, you
22 know.
23 Q. Because you were intoxicated?
24 A. Well, because I might have been high or
25 something. I used to smoke the marijuana, you know, all

1 throughout the day, so -- but I don't think that ever
2 really affected anything really. I mean, I always -- it
3 wasn't like I -- I don't know if you know what it's like
4 to get high from marijuana. You really can't overdo it.
5 You just get high and just kind of mellowed out, you
6 know. I'd just put my headphones on and just go to work.

7 Q. You'd get high and go to work?

8 A. Right.

9 Q. Did Mr. Starkey know?

10 A. No.

11 MR. HASKINS: Object to form.

12 (By Mr. Little)

13 Q. Do you -- did you ever tell him you were high
14 at work?

15 A. No. I never admitted to him being high at
16 work.

17 Q. Did he ever suspect that you were high at
18 work?

19 MR. HASKINS: Object to form.

20 A. No.

21 (By Mr. Little)

22 Q. Did he ever ask you if you were high?

23 A. No.

24 Q. Did he -- did he ever send you home because he
25 said you were high?

1 Q. And about what time -- about what time did you
2 start working for Lowe's? Or about what year? Sorry.

3 A. All right. I know I was working at Lowe's
4 while I was working at Fontainbleu Apartments -- or while
5 I was living at Fontainbleu Apartments. I worked --

6 Q. And I think you said you moved in there around
7 2008?

8 A. Right.

9 Q. Were you already working for him then?

10 A. Working for?

11 Q. Lowe's. Sorry.

12 A. Oh. Now, that I don't remember. I can't
13 remember if I worked at Lowe's and then moved to
14 Fontainbleu or if I lived at Fontainbleu first and then
15 started working at Lowe's. I really don't know, to be
16 honest with you.

17 Let's see. Because I used to bring my
18 daughters in with me to Lowe's. I used to go pick them
19 up from school and bring them in and let them hang out
20 until their momma got off work or out of class or
21 whatever it was she was doing, and she would come by and
22 pick them up from Lowe's.

23 So I'm thinking that they was about the
24 age -- I guess my youngest was about the age of maybe 6
25 to 10, and my oldest was about the age of 10 to 14.

1 A. No.

2 Q. I think you mentioned that you used the
3 over-the-counter speed. Did you use that when you were
4 working for Mr. Starkey?

5 A. If I did, it was at the very beginning of
6 our -- of when I started working for him. Maybe the
7 first year or two.

8 Q. Did he ever ask you if you were intoxicated as
9 a result --

10 A. No.

11 Q. -- of that?

12 A. No.

13 Q. What about any other things, any other
14 substances? Did you ever go to work using any other
15 substances?

16 A. No.

17 Q. Did you ever have any kind of motor vehicle
18 accident when you were --

19 A. No.

20 Q. -- using or intoxicated?

21 A. No, sir.

22 Q. You said you started working for him part time
23 while you were still working at Woody Anderson Ford; is
24 that correct?

25 A. Yes, sir.

1 Q. And you said she was 25 now?

2 A. Twenty-two.

3 Q. Twenty-two. So 10 years ago or so?

4 A. Right.

5 Q. And how long did you work for Lowe's?

6 A. Four years.

7 Q. Do you know if you had to undergo a background
8 check for Lowe's?

9 A. I wouldn't doubt it, because I had to go
10 through -- I had to take a psychological test. I had to
11 take a -- it was like a two- or three-hour little test on
12 the computer to test whether -- how I would handle
13 certain situations. They made me do a drug test. But
14 other than that, I don't know. I don't know what they
15 would have done behind closed doors.

16 Q. I assume you passed all those tests?

17 A. Yes.

18 Q. At least you weren't denied employment as a
19 result of any of those tests?

20 A. Correct.

21 Q. And why did you leave Lowe's?

22 A. Because Jamie gave me -- he moved me from part
23 time to full time and basically just doubled my salary,
24 and he paid me good, so...

25 Q. And just for the record, when you say Jamie,

1 you're talking about James Starkey?
 2 A. James Starkey, yes, sir.
 3 Q. I think you said that during the time you were
 4 working for Lowe's you were working for Mr. Starkey part
 5 time?
 6 A. Yes.
 7 Q. Since the time you started working for
 8 Mr. Starkey, have you worked there continuously up until
 9 the time you were arrested?
 10 A. For Mr. Starkey?
 11 Q. Yes, sir.
 12 A. Yes.
 13 MR. LITTLE: Let's go off the record for a
 14 minute.
 15 THE VIDEOGRAPHER: We're off the record at
 16 9:53.
 17 (Off the record.)
 18 THE VIDEOGRAPHER: We're back on the
 19 report at 9:57.
 20 (By Mr. Little)
 21 Q. When you -- I guess when you started working
 22 for Mr. Starkey and through your employment, what were
 23 your responsibilities?
 24 A. At first it was just vacuuming, sweeping, and
 25 trash. That was roughly it.

1 Q. What businesses did you work for? Who were
 2 his customers?
 3 A. We had -- when I first started working for
 4 him, I was in charge of doing -- oh, goodness. Was it
 5 Hyundai? No, it wasn't Hyundai. It was -- it was one of
 6 them car dealerships out there near Madison Square Mall
 7 and University Drive. My mind slips me right now which
 8 one it was. That's when I started -- very first started
 9 working, and at that point I was just vacuuming.
 10 And then we went from there -- I went
 11 to -- we started doing -- he brought me in on Channel 19.
 12 We did Bentley, the Bentley dealerships. And I also did
 13 a veterinarian place. I'd go sweep once a week. I had a
 14 clinic or two that I'd go help him out with.
 15 Q. Medical clinics?
 16 A. Yes. And then Bentley let go of us, and
 17 Channel 19 let go of us. And we got -- we got several
 18 contracts with Jerry Damson, all the Jerry Damson
 19 dealerships. Also the ones in Decatur as well. So I was
 20 able to go back and forth to Decatur to take care of
 21 those dealerships and also the ones here.
 22 And we picked up another -- I think we had
 23 a -- some -- I think it was like a building that took
 24 care of -- had a lot of offices, a lot of lawyer offices
 25 in it or something. I forgot exactly what all it was.

1 We didn't stay there very long.
 2 He got a foot doctor contract that I
 3 helped him out with quite a bit. A couple more clinics.
 4 And we had the Locust Grove Baptist Church. We had that
 5 contract for several years. We lost the contract for
 6 the -- for the Jerry Damson, and about the time we lost
 7 that one, we turned around and got back the Bentley
 8 dealerships again, and we got back Channel 19 again.
 9 And Channel 19 lasted the whole time, so
 10 did Bentley, it lasted for the rest of the, I don't know,
 11 six or seven years. We didn't -- we quit the Locust
 12 Grove. They cut back on their budget, so they went with
 13 somebody else. We got other church; we started doing
 14 Pineview Baptist Church. And then we got another church
 15 we was doing out on Winchester, Hillmont or Hill
 16 something. I forgot the name of it. We did that for a
 17 year or two. Then they dropped back on their budget.
 18 Then we started back again. And I was actually -- that
 19 was one of the places that I was cleaning once I got
 20 arrested.
 21 Then he sometime -- he bought out that
 22 other janitorial company, and he took on a whole lot more
 23 contracts. He also picked up -- that's about the time he
 24 picked up the dance studio. It was roughly a couple
 25 years, and he picked up the -- I guess he had the

1 Huntsville Hospital job. He was doing some stuff with
 2 the Huntsville Hospital.
 3 We had an engineering place we did for
 4 about four years until it sold out, then sold out to
 5 another company, and they let go of us because it was a
 6 new company, and the new company went with who they was
 7 with. So there might be a couple more that just don't
 8 come to mind right now.
 9 Q. And these are -- what you just described are
 10 the customers that Mr. Starkey had during the course of
 11 your employment there while you were working for him --
 12 A. Right.
 13 Q. -- over the years?
 14 A. Yes.
 15 Q. When you first started working there, were you
 16 working as a team with him?
 17 A. No. He -- he had another guy that he had
 18 hired, and they did work as a team. And I went to church
 19 with him as well. Me and him was like best buddies. And
 20 he had got permission for me to come and help him out on
 21 the weekends so he could --
 22 Q. Mr. Starkey or the friend?
 23 A. The friend got permission from Mr. Starkey to
 24 have me come and help him out. And Jamie knew me, so he
 25 didn't really see any problem with it. So I would go and

1 basically help him out for an hour, and that was it.

2 Q. What was this person's name?

3 A. Shawn Campbell.

4 Q. Shawn Campbell?

5 A. Yes. And then Shawn quit roughly about a
6 month after I started doing this. He quit, and Jamie
7 asked me -- he was like, he said, well, I like your work.
8 Would you like to take over his position? And I was like
9 yes. And so I basically took care of that dealership for
10 several nights a week. It was maybe an hour or two, a
11 couple hours a night.

12 Q. This was the dealership that you couldn't
13 remember?

14 A. Yeah. I can't believe I can't remember the
15 name of it.

16 Q. That's all right. And tell me again what your
17 responsibilities were then when you started working.

18 A. Then I was just -- just basically floors. My
19 friend Shawn would do the sweeping and the mopping, and I
20 would do the vacuuming. And then when I took over his
21 position, I just basically took over all the floors.

22 Q. And were you working in tandem with
23 Mr. Starkey, or were you going by yourself?

24 A. I mean, here and there. I mean, he would
25 always check in. He had several different places he took

1 second time around, the second time we was hired there.

2 Which, by the way, I don't know if

3 Channel 19 did a background check on me or not, but I was
4 cleared for their little security card going in and out
5 of the building. I don't know what kind of check they
6 done on me if they'd have done anything.

7 Q. Do you know if any other -- do you know
8 whether any other of Mr. Starkey's clients ever required
9 him to do a background check on you?

10 A. The other -- only other places I would know
11 would be maybe possibly the -- I don't know if the
12 doctor's office would have or not, because they had --
13 you know, they had secure areas, sensitive areas.

14 There's some areas that was off limits to us.

15 The engineering place, they had at some
16 point -- and we was free -- we could clean freely, but
17 there was some areas that they wanted him to be there
18 strictly when they was there as well. So I don't know if
19 they'd have done --

20 Q. When you say him, you mean Mr. Starkey?

21 A. Right.

22 Q. You mentioned -- you mentioned side work.
23 What type of side work did you do with him?

24 A. Okay. Side work, we did -- cleaned
25 residential and business windows. We stripped and waxed

1 care of, and you never know which order he was going in.
2 You know, one day you might be working with him, the next
3 day you wouldn't. But he would always call on the phone.
4 At the time we had pagers, so he'd always page us. He
5 supplied pagers, and we'd just call him and kind of check
6 in, you know, give him a head's up of what's going on, if
7 anything needs special attention.

8 And that was -- that was pretty much it.
9 Some of the contracts we had, you know, I pretty much had
10 to be there with him, and then other contracts I didn't
11 have to be there with him.

12 Q. What was the difference? What contracts did
13 you have to be there with him?

14 A. Well, like Channel 19, for a long time I
15 didn't have a key to it, so I had to be there for him
16 because there's so many locked doors. He's the only one
17 that could unlock the doors, so I had to be there while
18 he was there as well. That way he can unlock the doors.

19 Then I finally -- I guess Channel 19 must
20 have gave him permission to give me a key, too, as well,
21 because then I was able to actually start going off on my
22 own there.

23 Q. About what time -- about what year was that,
24 approximately?

25 A. That would probably had to have been the

1 tile floors. We steam-cleaned carpets. We
2 pressure-washed houses and driveways. We cleaned out
3 gutters. And we did some miscellaneous, you know,
4 construction cleanup.

5 We had a handful of people that would call
6 us once a year to come in and do a spring cleaning around
7 their house. We did some staining, some cleaning off of
8 decks and preparing them and staining the decks. Pretty
9 much a lot of handyman-type stuff. But mostly -- mostly
10 it was windows and tile floors and pressure washing.

11 Q. And was that for both commercial and
12 residential customers?

13 A. Correct. Mainly for residential.

14 Q. Mainly for residential. Your regular
15 business, Sanitary Systems, or Mr. Starkey's regular
16 business, was that all commercial?

17 A. Yes.

18 Q. And was that -- were all of those
19 businesses -- or all of those customers, were they
20 businesses that you would clean at night or after the
21 business's normal operating hours?

22 A. For the most part.

23 Q. Which ones were -- which ones would you clean
24 or what customers did he have where you would be there
25 with people working?

1 A. Channel 19, there was people working 24 hours
2 a day there.

3 Q. Okay. And that's a television station in
4 Huntsville?

5 A. Right. Yes, sir.

6 Other than that, all the businesses would
7 periodically have somebody working over, working late
8 sometimes. But for the most part, whenever I went to
9 clean, it was pretty much empty.

10 Now, there -- a lot of times I did go in
11 on the dealerships, because they stayed open so late
12 sometimes, there was a whole lot of times that I went in
13 to the dealerships where there was still several salesmen
14 there and several office workers there as well.

15 Channel -- oh, I already mentioned
16 Channel 19.

17 Other than that, for the most part, you
18 know, it was just here and there somebody would come
19 through working some, and you never really knew when.

20 Q. The dance studio, was that ever -- was there
21 anybody ever there working when you were there?

22 A. Maybe out of the -- however -- we did it for
23 like a year maybe, year and a half, two years. There was
24 maybe a handful of times there was a trickle of people
25 leaving by the time I showed up. They would stay over

1 had the leniency of going in, so sometimes I could go in
2 at 9:00 o'clock as long as I finished up. You know, I'd
3 be finished up by 4:00 o'clock the next morning before
4 they started showing back up.

5 Q. Did Mr. Starkey ever have any female
6 employees?

7 A. His daughter worked off and on. His wife
8 worked. There was one lady, an older lady, that worked
9 for him part time for a very short period of time way
10 back a long time ago. I don't even remember what her
11 name is.

12 He had -- at one point had a young married
13 couple working for him in Decatur, but he ended up having
14 to -- he ended up -- they got in some trouble, and he
15 ended up having to fire them.

16 Q. What kind of trouble did they get in?

17 A. I think -- if I ain't mistaken on that one, I
18 believe a safe got broken into, and they reported it.
19 They reported something about it. They came in, and they
20 found the safe open and all the stuff scattered
21 everywhere.

22 Q. When you say they, you mean the couple or the
23 client?

24 A. Yeah, the couple reported it.

25 And I think that an investigation of some

1 until like 9:00, 9:30.

2 Q. Employees?

3 A. Yes.

4 Q. Were you ever there when any of the studio's
5 customers or clients was there?

6 A. Maybe once or twice. She had us come in and
7 change some light bulbs one time, and I needed -- the
8 area I needed to change a light bulb in had to have
9 daylight, so I had to come there during the day.

10 Q. Your typical cleaning of that business, was
11 that usually after hours?

12 A. Correct.

13 Q. What about Bentley Automotive?

14 A. Bentley was also usually after hours. Every
15 once in a while, like I said, they would stay until
16 9:00 o'clock. I usually got started around 7:00. That's
17 when they're supposed to be out of there. But every now
18 and then they would be there all the way up to
19 9:00 o'clock, so...

20 Q. And what were your normal working hours?

21 A. Usually I'd get started right around
22 7:00 o'clock every night.

23 Q. What time would you finish up?

24 A. I would usually finish up around 2:00, 3:00
25 sometimes. Some nights I would -- you know, I kind of

1 sort pointed towards them being the ones that broke into
2 the safe.

3 Q. Did you ever work with them?

4 A. No. I don't even know what they look like.

5 Q. The other -- the other women that you
6 mentioned, did you ever work with them?

7 A. His daughter, we -- me and her took over his
8 position when he had a surgery. Actually it was me and
9 his wife took over his position when he had his surgery.
10 And me and his daughter took over the position when him
11 and his wife went on a vacation.

12 Q. Any of the women that you worked with, do you
13 know if they ever -- if they ever made any complaints to
14 Mr. Starkey about your behavior?

15 A. No.

16 Q. Or any harassment or anything like that?

17 A. No, sir.

18 Q. Has anyone ever made any kind of harassment
19 claim against you?

20 A. No, sir.

21 MR. ARTRIP: Object to form.

22 (By Mr. Little)

23 Q. Other than what you're charged with here?

24 A. Correct.

25 Q. You're not aware of any of those kind of

1 claims being made?

2 A. No, sir.

3 Q. What about -- what -- who were the residential
4 customers that you had in your side work?

5 A. Oh, goodness. A big majority of them they
6 would just call us because they'd see the name in the
7 phone book. And we would go do their -- you know, clean
8 their windows. Sometimes one time. Sometimes they would
9 call us back every couple of years. We've had several of
10 them call us back twice a year every year for many years.

11 Even the Bentleys, they -- the owners of
12 the Bentley dealerships, they had us coming and cleaning,
13 doing their windows. And they had us coming two, three
14 times a year. The Bentleys' son Trey, we did his house
15 two or three times a year every year. We did another one
16 of his -- I guess it was Mr. Bentley's, one of his
17 daughters, we went and did her house maybe once a year.

18 He had -- those were probably our most
19 loyal customers. We had another lady that we also did
20 her house about twice a year as well. We had a judge and
21 the judge's sisters. They -- or the judge's sister, they
22 would call us about every Christmas to come out there and
23 spruce up the house before Christmas, the windows.

24 Q. Who was the judge?

25 A. That I don't know. I never kept up with their

1 us that would still leave their house in our hands while
2 they was gone, but it was very rare that happened. For
3 the most part people wanted to be there.

4 Q. The commercial clients that Mr. Starkey had
5 that I guess composed the main portion of his business,
6 what were your responsibilities for those clients? And I
7 know it may have been different for every one, but just
8 typically what would you do for a business?

9 A. Well, some businesses I would be strictly just
10 the floors. Like, for instance, Channel 19, I pretty
11 much just went in, swept, mopped, vacuumed. That was --
12 well, that was it for several years. Then also I
13 switched over to doing half the trash. And then once a
14 week he would actually let me do the whole entire place
15 and --

16 Q. When you say the trash, what do you mean?

17 A. Just --

18 Q. Emptying trash?

19 A. Like emptying trash on like one half of the
20 building. Then there was other places where I absolutely
21 did everything. You know, I cleaned the bathrooms,
22 toilets, sinks, mirrors, kitchen, took care of any
23 burnishing that needed to be done, done the dusting.

24 He would come in -- like once a week he
25 would come in and basically he would say, all right, like

1 names.

2 Q. Any of those residential customers, do you
3 know if any of those residential customers ever made any
4 kind of complaint to Mr. Starkey?

5 A. If they ever complained on me, it was because
6 maybe I had left a smear on a window. That was the
7 biggest complaint I've ever had.

8 Q. You're not aware that any of those customers
9 ever asked him not to -- not to bring you back to their
10 house or anything like that?

11 A. No, that's never happened.

12 Q. And I assume you would do those jobs during
13 the day when those people, the owners of the homes, were
14 present?

15 A. Correct. There was probably a handful of
16 times where the owners would leave us there. They just
17 knew us from years of service for them. You know, they
18 would trust us enough if they had to run any errand or
19 something, they'd be like, I'll be back in two or three
20 hours.

21 Q. Those are people that you worked for --

22 A. Correct.

23 Q. -- time and time again?

24 A. For the most part. There might have been a
25 handful of people throughout the years that didn't know

1 on Monday night, on Monday night I'm going to come in and
2 do the trash and the bathrooms so you don't have to worry
3 about that. So that was his way of kind of making sure
4 everything was still looking good, you know, like I
5 wasn't slipping behind in any certain area.

6 Q. Do you know if any of the commercial clients
7 ever complained to him?

8 A. I mean, there's been -- like Channel 19, when
9 they got a new guy that started working for him, he was
10 trying -- we was of the opinion that he was trying to
11 find a reason to get rid of us. So he constantly was
12 complaining that I missed something here, I missed
13 something there. Finally after doing that two or three
14 times, he just let us go.

15 Q. Those complaints were related to the
16 janitorial services that you were providing?

17 A. Right.

18 I was responsible for him losing a
19 contract with veterinarians because I didn't show up to
20 work.

21 Q. When was that?

22 A. That was -- that was way back when I was
23 probably working with him for maybe two years at the
24 time.

25 Q. Was this back in the '90s sometime?

1 A. Yeah. He almost fired me over that one, but
2 he gave me a second chance. And I -- you know, from that
3 point on I've always -- I never missed a day of work. I
4 called in sick one time in 20 years, so...

5 Q. Do you know if anybody ever made any kind of
6 harassment complaint --

7 A. No.

8 Q. -- or anything like that?

9 A. No, sir.

10 Q. Any of the commercial clients, have any women
11 that called Mr. Starkey, that you know of, that made any
12 kind of complaints?

13 MR. ARTRIP: Object to the form.

14 A. No, sir, not that I know of.

15 (By Mr. Little)

16 Q. Not that you know of?

17 A. Right.

18 Q. He never told you anything about it?

19 A. I'm pretty sure if somebody did, he would have
20 asked me, because he usually -- if any calls ever were
21 made about me, he usually called me and confronted me
22 about it right then and there.

23 Q. The complaints that were made about you that
24 you're aware of, are they all related to, I guess, the
25 janitorial services you performed?

1 Channel 19 that you thought was looking for a reason to
2 terminate Mr. Starkey's contract?

3 A. Right. Yes.

4 Q. Did I remember that correctly?

5 A. Yes.

6 Q. Any others that you got more complaints from
7 than others?

8 A. That I got more complaints from?

9 Q. Yeah. Did you have any -- do you remember
10 that there was any particular clients other than
11 Channel 19 that made complaints about your work?

12 A. They all made a complaint here and there. You
13 know, it's just -- just minor complaints, though. It was
14 just, you know, the sink looked a little dirty. You
15 know, they just called and complained. Half the time
16 they wouldn't even call and complain. A lot of times
17 Jamie would just catch them himself. He was like, Man,
18 what did you do? You forgot to vacuum this whole row of
19 offices here. And I'd be like, Oh, okay, yeah, I guess I
20 did. I wasn't paying attention or something or I don't
21 know.

22 Q. He checked on your work pretty regularly?

23 A. Yeah.

24 Q. Is that the case with all his clients?

25 A. Yeah.

1 A. Yes.

2 Q. Didn't think you had -- the customer may not
3 have thought you cleaned something properly or that you
4 may have missed something?

5 A. Right.

6 Q. Something of that nature?

7 A. Yes.

8 Q. Were those type of complaints -- how common
9 were they?

10 A. Not very common. I mean, they was -- you
11 know, they was just random. One business might be like,
12 I think you kind of forgot to clean the bathroom last
13 night. Or, you know, things -- they was just kind of --
14 I guess they felt like they needed to say something. And
15 it wasn't like they was threatening to get rid of us or
16 anything. But he would always call me up, Did you forget
17 the bathroom last night? I don't think I did. Or, I
18 did. Or whatever.

19 A lot of the stuff was just petty stuff,
20 you know. I found a piece of paper under my trash can,
21 you know, a piece of garbage that I missed, things like
22 that. Or the bathroom is kind of smelling funny. But
23 most of the time that was out of our hands. That was the
24 drains.

25 Q. You mentioned a guy I think you said at

1 Q. How often would you see him over the course of
2 a night?

3 A. Every night. Well, I say every night. For
4 the most part every night we would cross paths somewhere.
5 If we didn't, we'd always get in touch with each other
6 over the phone, so...

7 Q. He kept -- did he keep up -- I guess did he
8 keep tabs on what you were doing and what businesses you
9 were working at each night?

10 A. Yes. Yeah, I pretty much had a set schedule.

11 Q. Every night?

12 A. Uh-huh. Yes. Then I might have done
13 certain -- I might have went out of whack as far as like
14 what I cleaned. Like one night I might do the
15 dealerships first and then go to Channel 19 and then to
16 wherever it was I was going next. Or I might do
17 Channel 19 last. Some nights I might even, if I was
18 running late, I might do Channel 19 first.

19 Q. Okay. When did you -- when did you first
20 start consuming or looking at pornography?

21 A. Well, I guess that would have been a pretty
22 long time ago, back when I was sneaking the liquor out of
23 my grandpa's cabinets. He had satellite TV, and he had
24 the Playboy channel and a couple of X-rated channels, and
25 I would stay up late. Then, of course, I had friends;

1 they had satellite dishes, and we'd go over there and
2 watch them. So, yeah, it's something I've struggled with
3 for -- you know, off and on for pretty much my whole
4 life, so...

5 Q. Did it continue like that during the time you
6 were living at home?

7 A. With my parents?

8 Q. Yes, sir.

9 A. Well, I mean, when I was at home, I didn't
10 have any access to anything like that. That was back
11 before the Internet. We didn't have satellite. We had
12 cable TV. I think the most part we ever got was every
13 once in a while we'd get Showtime for free for a week or
14 something, and I'd stay up late watching Showtime
15 skinflicks. I had always -- when I was a kid, I had a
16 stash of Playboys and Penthouses that I had hidden out in
17 my clubhouse.

18 Q. When you say you -- it's something you've
19 struggled with all your life, did you ever discuss that
20 with Mr. Starkey?

21 A. Not really. I mean, I might have --
22 occasionally I might have -- we might have got on a
23 conversation of a famous porn star or something. It
24 wasn't nothing that we talked about regularly, no.

25 Q. Did he ever talk about consuming pornography

1 Q. When did you -- how often were you looking at
2 or consuming it?

3 A. Oh, every night.

4 Q. Even during the time you were married?

5 A. Yes.

6 Q. What were you looking at?

7 A. Just regular adult pornography at that time
8 when I was married.

9 Q. Did there come a time when you started looking
10 at pornography depicting children?

11 A. Yes. That would have probably been around, I
12 don't know, 19 -- maybe right at 1999, 2000, I guess. I
13 dabbled in it for a couple of months, and then I quit for
14 a very long time.

15 Q. And where were you accessing it?

16 A. The newsgroups at that point.

17 Q. You will have to explain to me and the jury
18 what a newsgroup is.

19 A. A newsgroup is like a huge message board.
20 It's got about several hundred thousand different
21 categories you can go into. And you could either -- you
22 could upload videos, MP3s and pictures and rare files,
23 zip files, pretty much anything, even viruses.

24 And for the most part it was a message
25 board, but it was also a trading community as well. And

1 or looking at pornography with you?

2 A. A handful of times, yeah.

3 Q. When you say a handful of times, how many
4 times?

5 A. It might have just been like one of those
6 things where his -- like his daughter's husband said,
7 Hey, you ought to try -- you ought to go to
8 Thumbzilla.com or something. It was basically a
9 pornography website. And then he might have told me
10 about it. It was just -- basically just guy talk.

11 Q. When did you start looking at pornography over
12 the Internet?

13 A. That happened almost immediately as soon as --
14 I guess around, what, Windows 95 came out and AOL came
15 out with a big boom, and everything went Internet like
16 instantly. So I guess around 1996 I started -- I think
17 my dad gave me his old Macintosh, and I got on the
18 Internet for -- I went and got my own Internet service
19 provider, and that's when -- I guess that's when I
20 started with the Internet-type stuff.

21 And then, like I said, I struggled with
22 it. There was points where I quit. I quit for seven
23 years and didn't dabble with any of it. I was trying to
24 go to church regularly and all. Then I kind of got out
25 of church and kind of dove right back into my old ways.

1 it wasn't really -- I mean, it was part of the Internet,
2 but you couldn't just like go up and get AOL and have
3 newsgroups. You actually had to subscribe to a newsgroup
4 service provider.

5 And you'd have to have a newsgroup reader,
6 which some of them already came with a newsgroup reader.
7 Like Internet Explorer had -- and Netscape Navigator,
8 they both had their own little standalone clients that
9 you can download as a package. Whenever you downloaded
10 their Internet, you could also download Outlook Express,
11 which is the newsgroup reader.

12 Q. How did you --

13 A. Browser.

14 Q. How did you come to find these newsgroups?

15 A. I did a -- I just did a basic search one day.

16 I just -- just did a search. I think it was nude teens
17 or something like that. And it said go to alternate
18 binaries pictures erotica teens.

19 And I was like, Well, what's this? I
20 noticed there wasn't a link that you could just click on
21 and go to it. So I started doing my search. What does
22 alternate binaries pictures means? It's like this is a
23 newsgroup. So it was something brand new to me. So I
24 just kind of did my homework and a week later I was
25 browsing the newsgroups.

1 Q. You said this was about what year?

2 A. That was probably right around 1999 maybe, I
3 guess.

4 Q. And how long did that -- did that last?

5 A. That lasted I would say maybe a half a year,
6 three quarters of a year. And then --

7 Q. What made you stop?

8 A. I just -- I didn't like -- it was making me
9 feel horrible. You know, just to be able to -- knowing
10 the stuff that I was seeing was like -- you know, at
11 first it's kind of like a shock factor. It was like
12 after seeing it for so long, it just started gradually
13 getting to the point where I was liking it, I guess you
14 could say, and --

15 Q. What -- tell me what kind of images you were
16 looking at at this point that made you felt that way.

17 A. When I first started looking at it, I was
18 looking just for pretty much just younger women, 17, 18,
19 19 years old. But when you go into the newsgroups, you
20 never knew what you was going to see. And every once in
21 awhile a seven-year-old would be thrown in right in the
22 middle of everything. And so it was like, you know --
23 and then it's like for the most part it wasn't nothing
24 but like naturist-type pictures, nudism camps and such.

25 Q. Not depicting sexual activity?

1 at images of children with Mr. Starkey?

2 A. (Witness shakes head.)

3 Q. Is that a no?

4 THE COURT REPORTER: Answer out loud.

5 A. No.

6 (By Mr. Little)

7 Q. Did you ever discuss looking at images of
8 children with anybody in Madison County?

9 A. No, sir. No, sir.

10 Q. Who were your -- who was your --

11 A. Well, I did. I take that back. I'm sorry.
12 One of my roommates, he -- when I was living with -- in
13 Madison County or in Madison City, my roommate, Russ, I
14 think one time I got -- I got a little too, I don't know,
15 drunk or whatever and pretty much kind of went into
16 detail about some of that stuff.

17 And I felt like I just needed to share, I
18 guess, with somebody, because I never really talked about
19 it before except for people online that I didn't know.
20 And I mentioned to him about it, and he was like, oh,
21 yeah, I got a cousin that's like that, too. And he's
22 like, Y'all need to talk. And then I talked to his
23 cousin about it, and that was like a one-time deal. I
24 never talked to anybody else about it locally again ever.

25 Q. So who was -- you said that was your roommate.

1 A. Right, right. And every now and then you
2 would find something that was -- that would come out of
3 the Netherlands where it was legal where it did depict
4 sexual activity, but it was rare.

5 It wasn't until digital cameras came out
6 when people started going crazy with their digital
7 cameras, because you can't just go and shoot something
8 with nine-millimeter film and take it and get it
9 developed. So, yeah, about the time digital cameras came
10 out, that's when all this self-stuff started getting
11 posted everywhere.

12 But like I said, I was kind of out of it
13 for a long time, too. I quit and never looked back.
14 Well, I say I never looked back. I quit and I stayed
15 quit for a long time. And then I got back into it again,
16 and I stayed in it for about two years.

17 Q. When you said you got back into it, about what
18 year are we talking about then?

19 A. Oh, that was probably about 2007 maybe.

20 Q. Okay.

21 A. Somewhere around in there. And I stayed in it
22 for, like I said, maybe about two years, and then I quit
23 again. And I stayed quit all the way up until roughly
24 about two years prior to getting arrested.

25 Q. Did you ever -- did you ever discuss looking

1 What was Russ's last name?

2 A. Oh, goodness. Russ...

3 I think it's Thompson maybe. I'm not for
4 sure. His parents owned a restaurant out in Madison.

5 Q. When did you live with him?

6 A. That was back when I was -- let me see. 19 --
7 that was roughly right around 2000, I guess.

8 Q. Okay. This was during the period when you
9 first started consuming --

10 A. Right.

11 Q. -- pornography over the Internet?

12 A. Right.

13 Q. Did Russ and Mr. Starkey know each other?

14 A. No, sir.

15 Q. Do you have any knowledge that he ever
16 communicated your -- what you told him to Mr. Starkey?

17 A. No. They never talked. If they ever talked
18 it was because he -- Jamie might have showed up at the
19 apartment one time to drop something off, a vacuum
20 cleaner or something that I might have needed. He might
21 have said something to Russ in passing.

22 Q. They weren't acquaintances, though?

23 A. No.

24 Q. You mentioned Russ's cousin, I believe,
25 somebody you talked to?

1 A. Yeah. I don't even know what his name is
2 anymore.
3 Q. Did he and Mr. Starkey know each other?
4 A. No.
5 Q. When was this that you talked to him about --
6 was it about the same time?
7 A. Yeah, the same time.
8 Q. Do you know if that person, did he live in
9 Madison County?
10 A. I think he did. I'm not for positive, though.
11 Q. What did you talk to him about?
12 A. It was basically just I was -- he was
13 explaining to me how he -- what he searched on the
14 Internet and how I went about my business on the
15 Internet. We basically just traded what we did on the
16 Internet and where we went.
17 Q. And I think you said that was around the year
18 2000 or thereabouts?
19 A. Roughly, yes, sir.
20 Q. When you got back into pornography after I
21 think you said a seven-year absence or something like
22 that --
23 A. Yeah.
24 Q. -- did you ever -- was he among your peer
25 group after that?

1 A. No.
2 Q. You only talked to him the once about it?
3 A. Yes, just one time.
4 Q. Apart from Russ and Russ's cousin, did you
5 ever talk to anybody else about -- about viewing images
6 of children or really what you were looking at online
7 with anybody in Madison County?
8 A. No. Well, my dad knew. My ex-wife kind of
9 knew. They had -- I had downloaded some stuff onto my
10 dad's computer, and he found it. And basically he
11 deleted it and told me to -- basically that I needed
12 to -- he basically told me I needed to quit and --
13 Q. What were those images of?
14 A. They were just naturist pictures.
15 Q. Of children?
16 A. Yeah. Well, of -- it was just naturist photos
17 in general. It might have been a mix of anywheres
18 between young and old.
19 Q. And what -- tell me about the conversation you
20 had with your father.
21 A. It was very short. He just basically -- he's
22 like, he said, I found your stuff on the computer. And I
23 was like, You did? And I already knew he did, because
24 when I went over there I noticed it was gone. He was
25 like, yeah, you need to -- he said you need to --

1 basically he said you need to -- basically I just needed
2 to think about what I was doing and quit. And he didn't
3 want any more done on his computer, so...
4 Q. About when was this?
5 A. That was probably roughly right around the
6 same time.
7 Q. Around 2000 or thereabouts?
8 A. Yeah.
9 Q. Do you know if he mentioned that to
10 Mr. Starkey?
11 A. No, he didn't. It was before 2000. It was
12 that little time frame that I was dabbling in it. I
13 guess it was more than -- I guess I said seven months.
14 It was probably a little bit longer than six or seven
15 months I dabbled with it. I don't know. Maybe a year,
16 year and a half. It's hard to tell.
17 Q. You're talking about the 2000 time frame --
18 A. Right.
19 Q. -- before you quit?
20 A. Yeah. Between 19 -- I don't know when it was.
21 1999, 2000, right around that area.
22 Q. You said -- was that the only conversation you
23 ever had with your father about it?
24 A. Yeah.
25 Q. He never asked you about it again?

1 A. No.
2 Q. Did he -- did he ever indicate that he thought
3 you had any kind of addiction --
4 A. No.
5 Q. -- to pornography?
6 A. No.
7 Q. Did -- you mentioned that your wife knew about
8 it or your ex-wife knew about it as well?
9 A. She kinda did. She -- she had her suspicions.
10 I had a -- I messed up her computer one time I was on it.
11 This was roughly about the same time as well. I had
12 accidentally set -- I tried to save a picture, and instead
13 I hit save as background image or wallpaper or something.
14 I forgot what it was.
15 But at that time not only did it save it
16 as a wallpaper, but it also saved it as a startup image.
17 Well, I went back and changed the wallpaper back to what
18 it was supposed to be, but I had no idea about the
19 startup image. And, of course, she comes home and she
20 turns on her computer and, voila, there's this picture
21 up.
22 So she called me, and I told her -- I kind
23 of like lied to her about that. I told her, I said,
24 yeah, I said, I think I got a virus, a really nasty virus
25 that changed a bunch of stuff. I said I thought I

1 changed it back.
 2 She never really questioned me about it
 3 after that point. She just -- but I think it was always
 4 in the back of her mind that maybe possibly. But she
 5 just -- she really had no proof of anything.
 6 Q. What was the image?
 7 A. It was of a young Oriental girl about -- I
 8 don't know -- she was about 15, I guess.
 9 Q. Was she just nude, or was she engaged in any
 10 sexual activity?
 11 A. No. There was no sexual activity. It was
 12 barely even nude. I mean, she was nude, but she was also
 13 positioned in a way where you really couldn't -- it was
 14 more like -- at that time I guess it was considered an
 15 art in Japan. They used to have art books come out with
 16 various young females in them that were legal.
 17 Q. Did your -- did you have other conversations
 18 with your wife?
 19 A. No.
 20 Q. About pornography?
 21 A. No.
 22 Q. Or your consumption of it?
 23 A. No.
 24 Q. Did she ever ask if you were --
 25 A. Well, she -- she knew that -- back when we was

1 married, I used to -- her stepdad had -- he had a
 2 collection of magazines, and I'd go look at them. And
 3 she knew I looked at them. She never really -- she never
 4 really said anything to me about it. She pretty much
 5 didn't care, I guess.
 6 Q. Fair to say you were addicted to pornography?
 7 A. Yeah, off and on I was. You know, I'd go
 8 several years, and then several years I fought it and
 9 then didn't. And then I would slip up, and for several
 10 years again I was hooked back on it again.
 11 Q. Did you ever discuss the extent of your
 12 addiction, if that's -- if that's the way you'd
 13 characterize it -- did you ever discuss the extent of
 14 your addiction or discuss the extent of your consumption
 15 of pornography with anybody?
 16 A. Just roommates. I had another roommate that I
 17 had for several years. He knew that I looked at
 18 pornography a lot. I had a friend of mine that lived
 19 down the road. We'd -- he was pretty much my -- the guy
 20 I went to to get marijuana, and he would come over, and
 21 we would -- because he didn't have a computer. He didn't
 22 know anything about the Internet. He just basically was
 23 curious about it, and I'd show him a bunch of different
 24 pornographies, videos.
 25 Q. What would you show him?

1 A. All the legal stuff. I wouldn't ever divulge
 2 any of that with my other.
 3 Q. When you say all the legal stuff, you're
 4 saying pornography depicting adults?
 5 A. Right.
 6 Q. And I think you said the only person you ever
 7 discussed looking at child pornography with was your
 8 roommate and your roommate's cousin?
 9 A. Right.
 10 Q. Did you ever talk to any counselors or
 11 anything like that?
 12 A. No. I was always -- I was always afraid that
 13 would blow up in my face. I was always afraid if I went
 14 and said something to a counselor, they'd just report me.
 15 So I just kept it secret.
 16 Q. Tell me about -- you mentioned a handful of
 17 conversations you had with James Starkey about
 18 pornography. Tell me a little bit more in detail about
 19 those conversations.
 20 A. Well, he would say -- he'd be like, well, you
 21 know, it was like -- he would tell me, like I said, he'd
 22 tell me about that Thumbzilla. And then maybe --
 23 Q. What is Thumbzilla?
 24 A. It's just a website. It's just basically an
 25 adult website where you go -- basically it was a website

1 that had many different categories with many different
 2 video clips.
 3 Q. Okay.
 4 A. And if he was looking at Asian, you just
 5 clicked on the Asian category, you know. And it was
 6 like -- they also had like -- they had porn star type
 7 categories, you know, alphabetical names by porn stars
 8 and such.
 9 We hardly ever talked about it, but every
 10 once in a while he'd be like -- he was like, Have you
 11 ever heard -- have you ever looked up Belladonna? I'd be
 12 like, No, I haven't. He was like, Yeah, you ought to go
 13 check her out.
 14 Q. Belladonna is --
 15 A. Just a porn star, yeah. That was just an
 16 example.
 17 Q. How many conversations would you say happened
 18 like that over the years?
 19 A. Just a handful, five, six times. It wasn't
 20 ever -- it wasn't ever a topic that we really discussed.
 21 Q. Did he ever tell you how many times he looked
 22 at or consumed pornography?
 23 A. No.
 24 Q. Or what the frequency of that was?
 25 A. No. He never -- it wasn't really a part of

1 our conversation, really.

2 Q. Did you ever -- I'm sorry. I interrupted you.

3 Did you ever talk to him about how much
4 you looked at pornography?

5 A. No.

6 Q. Did you ever talk to him about the things you
7 looked at?

8 A. No.

9 Q. What about other --

10 A. Are you talking about like things like as far
11 as the underage girls goes?

12 Q. Well, any -- well, yeah. Did you ever talk to
13 him about looking at --

14 A. Underage girls, no.

15 Q. -- underage girls?

16 THE COURT REPORTER: You're talking on top
17 of each other. One at a time, please.

18 (By Mr. Little)

19 Q. Did you ever talk to him about looking at
20 underage girls?

21 A. No.

22 Q. Did you ever talk to him about what your
23 interests were as far as pornography went?

24 A. Not that I know of. Usually it was just names
25 that we discussed.

1 Q. Have you seen this porn star? Have you seen
2 that porn star?

3 A. Right.

4 MR. LITTLE: Let's take a break.

5 THE VIDEOGRAPHER: Please stand by. This
6 ends media number one of the ongoing deposition. We're
7 off the record at 10:46.

8 (Off the record.)

9 THE VIDEOGRAPHER: This begins media
10 number two of our ongoing deposition. We are back on the
11 record at 10:52.

12 (By Mr. Little)

13 Q. Mr. Nelson, did you ever -- did you and
14 Mr. Starkey ever discuss the frequency that you looked at
15 pornography?

16 A. No, not really.

17 Q. Did he ever tell you about the frequency that
18 he looked at pornography?

19 A. No.

20 Q. Did you ever tell him that you thought you
21 might have any kind of an addiction or a problem with
22 pornography?

23 A. No, not really.

24 Q. Did you ever look at any pornography on any
25 computer that Mr. Starkey owned?

1 MR. ARTRIP: Objection to form.

2 A. That Jamie owned? No, I can't say I have. I
3 worked on his computer several times, but usually it's
4 just fixing e-mail account problems and such. Most of
5 the time his wife was walking around whenever I was on
6 his computer, so it's something I wouldn't ever attempt
7 to do.

8 (By Mr. Little)

9 Q. How would you -- tell me, if you would,
10 describe your -- how would you describe your
11 technological savvy?

12 A. I was pretty good. I was pretty good at it.
13 There was never a problem that I couldn't conquer. And
14 I've never taken my computer to a technician. I always
15 fixed my own problems.

16 Q. What about Mr. Starkey?

17 A. He was not computer savvy at all. I had to --
18 if he bought a printer, I had to go hook it up for him.
19 If he bought a digital camera, I had to show him the
20 software to upload/download -- upload his pictures. If
21 he ever changed service providers, I had to go in there
22 and help him do the switchover. If he went from Internet
23 Explorer 5.0 to Internet Explorer 6.0, I had to go over
24 there and fix everything for him.

25 Q. All right. So tell me, if you would -- you

1 talked about this period of time, it may have been six
2 months, it may have been up to a year and a half, around
3 the year 2000 when you were, I guess, first starting to
4 consume pornography over the Internet. And then I think
5 you said you felt bad about what you were doing. You
6 quit for a period of time --

7 A. Right.

8 Q. -- six to seven years, something like that?

9 A. Something like that, yeah.

10 Q. And then tell me about how your consumption of
11 pornography progressed when you picked it back up again.

12 A. Well, when I -- when I say I quit, I don't
13 know if I like actually quit all the pornography. I just
14 pretty much quit the underage stuff. I also tried to
15 quit the regular adult pornography. I don't know how
16 long I was quit from it. It wasn't seven years, but it
17 was for a period of time when I actually started going
18 back to church and was trying to better myself. And like
19 I said, it didn't last very long, and I started back up
20 again looking up just regular everyday pornography, and
21 then --

22 Q. When you say everyday, you mean pornography
23 depicting adults?

24 A. Right.

25 Q. What led you back to looking at pornography or

1 images depicting children?

2 A. I don't really know what brought all that
3 back. It's just I guess I just -- I guess after seeing
4 the same stuff over and over again, you start branching
5 out to some different stuff. You know, something
6 doesn't -- something doesn't do the trick for you
7 anymore, you branch out. It was like a gradual I'll
8 check out a few images here and there, and back to the
9 point where I was collecting again.

10 And I built up a huge collection, and it
11 was like something I would obsess over for a while. And
12 then all of a sudden one night I would have some kind of
13 drunk epiphany and hate myself and bawl my eyes out and
14 just trash everything, throw away everything I had. Went
15 out and bought a new computer. Tried to, you know,
16 basically just start over from scratch. And stayed that
17 way for several years again.

18 Of course, I dabbled here and there with
19 the regular -- with the adult pornography. That's just
20 something probably the majority of my life I've always --
21 it's like I wouldn't obsess over it, you know. I might
22 go two or three nights without looking at it. Because I
23 spent most of my adult life being single, and so I would
24 feel like I needed to release that arousal, so I'd hop
25 back on. I'd go searching through the adult stuff again.

1 Q. What -- you mentioned earlier I guess in the
2 first -- the time around 2000 that you were getting most
3 of this, I guess, underage pornography from what you
4 called newsgroups?

5 A. Correct.

6 Q. What about when you came back to it in 2006,
7 2007 or so?

8 A. At that point I went to the newsgroups again,
9 but the Internet was changing, and I kept seeing all
10 these different people. It was like -- they're like --
11 you know, on the newsgroups, it's like, yeah, you can go
12 to this website, this website, and it's basically message
13 boards, little message boards. And that was the new
14 popular place for everybody to go to.

15 Q. Tell me what a message board is.

16 A. Okay. They had like -- they had Mummy message
17 board, Zep's God. And it's basically just where
18 people -- you had various different companies that you
19 could go to and upload your pictures. And then you
20 create a link. Then you go back to this message board,
21 and you post your link to the message board. So,
22 therefore, the message board didn't really have anything
23 illegal in it, just -- well, I guess the links might have
24 been illegal, but that was the new way to go.

25 Also, Yahoo came out with what they call

1 Yahoo groups, and it was basically another photo sharing,
2 message board type thing, and that was also another
3 popular place to be. I did that.

4 And then, of course, there was the e-mail
5 rings, which e-mail rings always spoked me. I might have
6 dabbled in it here and there, but I'd quickly get out
7 just because I didn't feel comfortable.

8 Q. You didn't know who you were talking to?

9 A. Right. Well, that and I didn't like sharing.
10 I was mainly just a moocher. I'd just go and search. I
11 wouldn't ever do my sharing. I did do some sharing here
12 and there scattered, but it wouldn't last long, and I'd
13 get spooked out and quit.

14 Q. You mean sharing images or videos with other
15 users?

16 A. Right.

17 Q. What you mainly did was collect images from
18 other users and not share your own?

19 A. Right.

20 Q. Is that accurate?

21 A. Right.

22 Q. These websites and the message boards that you
23 just described, are these something that's accessible to,
24 I guess, people that are your average user of the
25 Internet?

1 A. Right. Pretty accessible.

2 Q. Anything else? Or how did it progress from
3 there?

4 A. All right. There's also -- well, back when I
5 first started the newsgroups, they also had MIRC.
6 Everybody just called it MIRC, but it was an IRC
7 chatline. Basically it also had several hundred thousand
8 different chat rooms you could go into. It wasn't
9 message boards. Message boards you typed what you wanted
10 to and you let it stay there, and then people see it. A
11 chat room you basically chat in live time, so it's not
12 like anything was ever documented.

13 And you could basically open up little
14 servers inside the chat room, which I did that a couple
15 of times. I didn't much like it. There was too many
16 people who knew too much about you on MIRC, so I didn't
17 dabble in that a whole lot. The newsgroups, though, you
18 could stay totally anonymous. There was no problem with
19 that at all.

20 Then, of course, I got into going on some
21 of the -- later on towards the end of my last couple of
22 years, I was going onto websites that was video type,
23 like video chat, X chatter, you know. Those are just
24 different where you can go with your own phone or web cam
25 and talk to a whole bunch of people.

1 Well, a lot of these like Russian web
2 based ones, a lot of the girls would get -- you would buy
3 stuff for them. You would buy certain things from the
4 website. Somehow, I don't know how it all worked, but
5 somehow the Russian website would put money in their
6 account for whenever you bought somebody a gift. And
7 these girls was basically taking off their clothes, and
8 I'd record them. I had software to record that type of
9 stuff as well.

10 Q. It was a live video feed?
11 A. Yeah.
12 Q. And this was about what time?
13 A. I started dabbling in that in my last year,
14 two years ago. Or three years ago is when I started.
15 Two years ago is when I got incarcerated.
16 Q. October of 2014, is that right?
17 A. Yes.
18 Q. So when you say the last year, you're talking
19 about the year leading up to your incarceration?
20 A. Correct.
21 Q. You had never been arrested for any type of
22 pornography-related offense or sexual-related offense --
23 A. No, sir.
24 Q. -- prior to October 2014?
25 A. No, sir.

1 Q. Have you ever been disciplined for any type of
2 pornography behavior --
3 A. No, sir.
4 Q. -- up to that point?
5 When did you start taking pictures or
6 making video yourself?
7 A. That was within the last year of 2013, 2014.
8 Q. What led you to start that?
9 A. Just -- I don't know what it was. It was
10 something psychological. I wanted to -- actually I don't
11 know -- just have something of my own, I guess. I mean,
12 it's not like I -- I guess -- I want to say maybe the
13 excitement of it. I don't know. I don't know what it
14 was.
15 Q. And what was the first thing you did to, I
16 guess, go down that road?
17 A. The first thing I did was I bought a hidden
18 camera off eBay and set it up around the house to get my
19 daughter's friends and --
20 Q. Is this your youngest daughter?
21 A. Yes.
22 Q. How old was your daughter at that time?
23 A. She was like 14.
24 Q. What -- describe this hidden camera, if you
25 would.

1 A. Well, I had a couple. I had a couple of like
2 thumb drives, just like a thumb drive was all. I had one
3 or two that was like alarm clocks. I had a couple of
4 them that looked like cigarette lighters.
5 Then, of course, I also had my telephone.
6 I downloaded an app on my telephone to make it into a
7 motion detection camera. And it would basically stay in
8 the off position but record secretly.
9 Q. What kind of phone was that?
10 A. That was the Galaxy S4.
11 Q. When did you -- what's your best judgment of
12 when you purchased your first camera that you used to
13 make these videos?
14 A. That was probably -- let me see. I was
15 arrested in '14, was it? So yeah, '13, 2013.
16 Q. Any idea what part of 2013?
17 A. I don't know. I have no idea.
18 Q. Had you ever -- had you ever made any, I
19 guess, still photographs of pornographic images of other
20 people before that?
21 A. No.
22 Q. So your first --
23 MR. ARTRIP: Was the answer no?
24 THE WITNESS: No.
25

1 (By Mr. Little)
2 Q. Was your first, I guess, move toward producing
3 your own pornography, whatever it was, when you purchased
4 this -- your first camera in 2013?
5 A. Correct.
6 Q. And what -- who did you film?
7 A. At that point I filmed -- my daughter had two
8 different friends that was coming over quite a bit.
9 One's name was Tori; one's name was Lauren. I had a
10 cousin that was coming over. She was one of my charges
11 was Caitlin. I met up with my last girlfriend, and her
12 daughter was coming over and staying a lot, and I had her
13 on video. Other than that, that's really -- that's
14 really about it.
15 Q. And what were the ages of these girls?
16 A. Fourteen was her friends; 11 -- or 12 was my
17 cousin, and 11 was -- I guess 11 was my girlfriend's
18 daughter.
19 Q. And where were you -- where were you filming
20 them?
21 A. Just restrooms, bathrooms.
22 Q. In your home?
23 A. Right.
24 Q. And what did you do with those videos?
25 A. Well, one of my charges was I had the two

1 distribution. I had got pretty drunk one night and made
2 a mistake of sending them to a guy that I was talking
3 with a lot on the Internet. We was sharing a bunch of
4 stuff, because I didn't trust -- like I said, I didn't
5 like the e-mail rings, so I tried to keep who I talked to
6 down to a minimum. And this was one of the two guys I
7 talked to all the time. I sent them each a copy of those
8 two videos or three videos.

9 Q. Who and where was this person?

10 A. One of them was in Mexico, and the other one
11 was in Tennessee.

12 Q. How did you come in contact with them?

13 A. That was from IMG SRC website. It's a
14 Russian -- it's kind of like photo bucket, but it's like
15 Russia's version of photo bucket. It's just basically
16 a -- it had different categories you can go to. It
17 usually wasn't designed -- it was mainly like nature
18 pics, dog pics, horse pics, house pictures. I mean,
19 whatever fancies, whatever you fancied, whatever you felt
20 like you was an artist of you took pictures of.

21 Well, they had one category there that was
22 families and kids, and that's where a lot of us would
23 hook up because it was Russian. You know, it's like you
24 could post what you wanted to there. And I don't know if
25 you know much about the Russian Mafia, how they work, but

1 selfies, people would know, hey, he likes this kind of
2 person, and you strike up a conversation. You send them
3 a message, hey, this is my e-mail address, and then next
4 you know you're in contact with e-mail, and that way you
5 can keep your conversation private between the two of you
6 and you can go into more detail about sharing and stuff.

7 Q. So I guess the images you described taking of
8 your daughter's friends and these other girls at your
9 home, am I understanding it right that these aren't
10 images that you were putting on the website but images
11 that you would share with people you met from that
12 website?

13 A. I shared one time or two times. The guy from
14 Mexico I shared. And I never -- once I shared with him,
15 he disappeared. I never heard from him again. He just
16 kind of -- he disappeared off IMG SRC. I have no idea
17 what happened to him.

18 Q. What did you share with him?

19 A. That one I shared the picture of my
20 ex-girlfriend's daughter.

21 Q. What was her age?

22 A. She was 11, 10 or 11. I don't know what age
23 she was exactly.

24 Q. You said that was just one time with this
25 person in Mexico. About what kind of time frame are we

1 they basically get away with anything they want to over
2 there as long as they're making money. And they won't
3 turn over your ISP to the American authorities, so it was
4 kind of like a safe place to go to meet other
5 individuals.

6 Q. You say -- you used the term us, where we
7 would go. You're talking about people that consumed
8 child pornography?

9 A. Correct, yes.

10 Q. When did you start looking at that website?

11 A. That website I actually -- I pretty much
12 dabbled in that for like the last two years of my -- '13
13 and '14 I was on that website like every day. I think I
14 might have -- when it first came out, I think I looked at
15 it once or twice. That was one of the -- when I first
16 quit or the second time I quit, I think it was just
17 starting up and going. There wasn't nothing -- I
18 remembered a little bit about it. That's why I went back
19 to it when I came back in, when I got back started again.

20 Q. And I guess how would you -- how did you meet
21 the person in Mexico and the person in Tennessee?

22 A. Just, you know, I had -- I had my images on
23 there, and they had their images. And for the most part
24 the images were just Facebook pictures. Selfies I guess
25 you can say. And you would -- if you posted a bunch of

1 talking about? When did that happen?

2 A. Oh, that was -- okay. Six months before I got
3 arrested is when I did that, because I did that like one
4 night. I might have done all that in one night, if I'm
5 not mistaken. I'm not for positive, but I think it was,
6 because I got like pretty, pretty wasted and ballsy, I
7 guess you can say, and I did that.

8 And then I turned around and I was talking
9 to the guy the next morning. We'd actually communicate
10 via Yahoo Messenger, and he's the one from Tennessee.
11 And I turned around and sent him some stuff as well. And
12 then it's like I crashed out, passed out, whatever.

13 Then when I woke up, I was like, Oh, my
14 God, what did I do, you know. Then I quit. Never did it
15 again. As a matter of fact I dropped out of all the
16 e-mail circles. I quit posting to IMG SRC. I just kind
17 of went incognito. And that's about the time I started
18 doing the -- I kind of quit downloading other people's
19 stuff, and that's when I started doing my own. All my
20 time was consumed in rigging my own systems up and doing
21 my own video taking.

22 Q. And I'll talk about that in a minute. But you
23 said you sent this person in Tennessee something one
24 time. What did you send him?

25 A. I sent him the videos of my daughter and my

1 cousin.
 2 Q. And those were taken at your home?
 3 A. Correct.
 4 Q. Okay. When was the first time that you filmed
 5 someone at one of the customers of Mr. Starkey?
 6 A. That would be Channel 19.
 7 Q. When was that?
 8 A. Approximately about a year and a half before I
 9 was arrested maybe.
 10 Q. Tell me about what kind of camera did you use
 11 then?
 12 A. Well, there I started out with the cigarette
 13 lighter. It looked like a cigarette lighter. I just
 14 basically gutted it and took a trash can and drilled a
 15 hole in the trash can, and I basically would just stick
 16 the camera straight up to the pinhole in the trash can.
 17 And I did that for a long time. And then
 18 I went to -- that's when I got the app for my cellphone,
 19 and I just basically started leaving my cellphone in
 20 there. I wouldn't never leave it except for the time
 21 that I was there.
 22 Q. In the trash can?
 23 A. Yeah. I would go in like I'm sweeping, and
 24 I'd deposit the camera. And then I'd go do my vacuuming,
 25 and then I'd come back as I was mopping and take it back

1 out.
 2 Q. How would it be -- how would those cameras be
 3 hidden?
 4 A. They was inside the trash can underneath the
 5 trash bag.
 6 Q. All right. Let me make sure I understand you.
 7 This is a regular rubber trash can like you see anywhere?
 8 A. Like about a foot by foot by foot maybe.
 9 Q. And it was placed in a bathroom at Channel 19?
 10 A. In the stall, yes.
 11 Q. Was this a ladies bathroom?
 12 A. Yes.
 13 Q. Was it -- how was that bathroom configured?
 14 What was the setup in there?
 15 A. Well, when you walked in, you had two sinks,
 16 then you had one stall, and then you had a really big --
 17 like a handicap stall, and the handicap stall, of course,
 18 was pretty spacious, and it had its own trash can.
 19 Q. And I think you said you drilled a hole in
 20 there?
 21 A. Yeah.
 22 Q. And you would mount the camera where you
 23 couldn't see it, but it would be going through the hole?
 24 A. Well, it would be -- it's like you'd have the
 25 hole and then put the camera down inside the trash can

1 and move it up to the hole, so it never would actually
 2 stick outside the trash can.
 3 Q. But the camera was -- I guess it was -- I
 4 guess the lens was going through the hole?
 5 A. No. Nothing was coming through the hole.
 6 Q. It would just -- that's how -- that's how it
 7 would get its images was through that hole?
 8 A. Through the hole, yes.
 9 Q. How large was this camera?
 10 A. It was maybe two inches long, half inch --
 11 Q. Smaller than a cigarette lighter?
 12 A. Right.
 13 Q. I think you said you purchased a camera that
 14 looked like a cigarette lighter?
 15 A. Right.
 16 Q. Or a cigarette lighter with a camera in it?
 17 A. Correct.
 18 Q. So you took it apart?
 19 A. Yes.
 20 Q. And how long would -- I think you said you
 21 left that while you -- you left that in the bathroom
 22 while you were working?
 23 A. Yes.
 24 Q. And then would retrieve it before you left?
 25 A. Correct.

1 Q. Was Mr. Starkey ever there when you did that?
 2 A. No. I always made a point to -- I'd call him,
 3 it would be like, Where you at? You know, just casual
 4 conversation. What are you up to? How it's going?
 5 How's your night going?
 6 And he would basically innocently tell me,
 7 Yeah, I'm down here at so and so doing -- I'm like, okay,
 8 I'm down here at the station. I either noticed he's
 9 already been there or if he wasn't there, I'd be like,
 10 What time you think you might be here? You know, just
 11 casual conversation again. I don't know, I still got
 12 about an hour.
 13 And I would just judge from that. If I
 14 could get away with it, I would try it. If I was there
 15 after him, I would do it, you know, and just not really
 16 worry about it, because I knew he wouldn't be coming
 17 back. And I was just -- because I couldn't have him
 18 there at the same time.
 19 Q. Over what time period did you film employees
 20 at Channel 19?
 21 A. I did that for a good year, a little over a
 22 year.
 23 Q. And how frequently would you do that?
 24 A. Oh, just it would be scattered. I mean, maybe
 25 once -- sometimes once a month, sometimes twice a week.

1 It was just random. Just whenever I -- if -- just, yeah,
2 just -- it was just random. It was scattered, whenever I
3 thought I could get away with it, whenever I wasn't
4 pressured or anything like that.

5 Q. And these would be videos of women using the
6 restroom?

7 A. Correct.

8 Q. Maybe changing clothes in there?

9 A. No. Just restroom.

10 Q. Okay. How long would you leave it in there
11 while you were working?

12 A. An hour. The batteries were only good for an
13 hour and a half anyway.

14 Q. And the camera would be inside the trash can
15 and behind the trash bag?

16 A. Up underneath the trash bag, yes.

17 Q. Up underneath the trash bag. Did anybody ever
18 find one of those cameras?

19 A. No.

20 Q. How many cameras did you own during this
21 period while you were doing this?

22 A. Well, those little cameras, they was real
23 touchy. If you touched the circuit board on them, you'd
24 fry them. So you had to be really careful about what you
25 touched on the camera. They was also easy to wear out

1 have an alarm clock setting on my windowsill. And it sat
2 there all the time. Whether I was using it or not, it
3 sat there, so it just looked like it was just something
4 that had been there for a long time.

5 Q. You bought an alarm clock that had a camera in
6 it or you --

7 A. Right. It came with a camera.

8 Q. -- built it?

9 A. No, I didn't build it. It came with a camera.

10 Q. Did you ever discuss with Mr. Starkey this
11 camera equipment you were purchasing?

12 A. No, sir.

13 Q. He never -- you never told him you had
14 bought --

15 A. No.

16 Q. -- little small surveillance cameras or
17 anything like that?

18 A. No, sir.

19 Q. Is that -- I guess is that the extent of the
20 videos you were making at Channel 19?

21 A. Yes. That and also for the last little bit I
22 was doing my phone as well. For that I also had to take
23 that same trash can and I just on the other side drilled
24 another hole. And just basically I'd set my phone up in
25 it.

1 the little buttons. After you used them 10, 15 times,
2 like the button would quit working. They was cheap. You
3 can get them on eBay for six dollars from China. So they
4 was -- I went through quite a few of those.

5 Q. Ten? A hundred?

6 A. No, not that many. Maybe eight to 10.

7 Q. Okay. And those were cameras that were
8 disguised as a cigarette lighter?

9 A. Correct. Cigarette lighter and also the -- I
10 switched back and forth between the USB thumb drive and
11 the cigarette lighter, whichever one I could find a
12 better deal on at the time.

13 Q. When you say a USB thumb drive, you're talking
14 about something that's two or three inches long?

15 A. Yes.

16 Q. That you use as a storage device to plug into
17 your computer?

18 A. Right.

19 Q. What were you using at your house?

20 A. At my house I was using mainly the thumb
21 drive, because I had thumb drives scattered all over the
22 place anyway. They wouldn't look anything different. I
23 didn't even bother gutting it. I just -- you can just
24 set the thumb drive down.

25 And I also used the alarm clock, so I'd

1 When you put it on the app to do the video
2 surveillance, it would basically turn off everything. It
3 would appear like a dead phone. It wouldn't even ring.
4 If somebody called you, it wouldn't ring. As a matter of
5 fact, if anybody ever called you while it was turned on,
6 it would just shut down.

7 And I started using that because the phone
8 took really high quality pictures and videos. The other
9 things was pretty grainy videos.

10 Q. Black and white or color?

11 A. They was color. They was just grainy. They
12 was just low quality.

13 Q. The ones you did on your phone, using it in
14 the same way in the same place in the trash can in the
15 handicap bathroom at Channel 19?

16 THE COURT REPORTER: You have to answer
17 out loud.

18 A. Yes.

19 MR. LITTLE: Thank you.

20 (By Mr. Little)

21 Q. Did you ever hide cameras anywhere else at
22 Channel 19?

23 A. No, sir.

24 Q. And you said you did this for a year or more?

25 A. Yes.

1 Q. How many -- how many images did you collect
2 from -- did you save these images or videos on your
3 computer?

4 A. Yeah, I saved them. I don't know exactly how
5 many it was. There was maybe 40, 50. I really don't
6 know. I had them scattered. It was like I had -- one
7 girl I had like eight videos of her. Another girl I had
8 like eight videos of her.

9 And then it's like sometimes I would come
10 in right before -- you know, before the 10:00 o'clock
11 news is over with, and that's when I'd get really stupid
12 and rush in there and set it up, because I was trying to
13 catch the people that was still there other than the ones
14 that worked there all night. And then I'd leave it, and
15 then, of course, everybody would get out of the news, and
16 most of them would pack up and head straight out. And
17 then I'd come back and about the time that they was done,
18 I'd be wrapped up cleaning, and I'd go retrieve it and
19 leave.

20 Q. I guess did these cameras have their own
21 storage in them?

22 A. Yes. A micro SD card.

23 Q. So you'd take them home and look at what you
24 had?

25 A. Yes.

1 How long had y'all had that contract
2 before?

3 A. That one we had for -- we had it for several
4 years, then they got rid of us for a couple of years,
5 then we had it for another several years. Probably like
6 I guess maybe eight years thereabouts.

7 My responsibilities there was I did all
8 the floors, all the sweeping, mopping, vacuuming
9 throughout the whole entire building.

10 Q. Did it have -- I guess what areas were
11 carpeted and what areas had other types of floors?

12 A. Okay. The bathrooms, the hall and the kitchen
13 was all either wood or...

14 Q. Linoleum?

15 A. Some kind of concrete, bricks of some sort.
16 And then all the office areas was carpeted.

17 Q. Okay. So depending on what those floors was,
18 you'd clean them, either vacuum them or sweep and mop?

19 A. Yes.

20 Q. How often would you do that?

21 A. That was five nights a week.

22 Q. All right. What else would you do at
23 Channel 19?

24 A. I also did the trash in the newsroom area. I
25 did the trash there. I also did the trash in the control

1 Q. Did you ever share any of those videos?

2 A. No.

3 Q. Did you ever post any of those videos on the
4 Internet?

5 A. No.

6 Q. So the only person who ever saw those videos
7 that you made at Channel 19 was you?

8 A. Correct.

9 Q. And I guess the investigators that looked at
10 your --

11 A. Yes.

12 Q. -- at your hardware after you were arrested?

13 A. Correct.

14 Q. Have we talked about everything you did as far
15 as making videos at Channel 19?

16 A. Yes.

17 Q. What was the next --

18 A. The next one I went to was the dance studio.

19 Q. And that's Anne's Studio of Dance?

20 A. Yes.

21 Q. How long had y'all had that contract?

22 A. Maybe two years. Roughly two years, I guess.

23 Q. Let me go back to Channel 19. Tell me what --
24 what were your responsibilities at Channel 19? What did
25 you have to do?

1 room, and I did the trash in the weather room. And there
2 towards the end, once a week I was doing the whole entire
3 building.

4 MR. LITTLE: Let's stop for a second.

5 THE VIDEOGRAPHER: We're off the record
6 11:28.

7 (Off the record.)

8 THE VIDEOGRAPHER: We're back on the
9 record 11:29.

10 (By Mr. Little)

11 Q. How often did you empty the trash in the
12 bathrooms?

13 A. Just that once a week.

14 Q. Is that the only time they'd get emptied or --

15 A. No. That was the only time I would be
16 responsible for it.

17 Q. Who was responsible for it other times?

18 A. Jamie.

19 Q. So were you only making videos on the days you
20 were responsible for that?

21 A. Well, no. I mean, I would -- on the days I
22 was responsible for it, it would be easy for me to do.

23 The days that I wasn't responsible for it, that would be
24 the days I'd have to judge when he was coming in, to set
25 up anything.

1 Q. He never found a camera that you had placed?
 2 A. No, sir.
 3 Q. Or never said anything to you about finding
 4 one?
 5 A. He would have never found one.
 6 Q. Why do you say that?
 7 A. Because if I ever -- if I ever knew he was
 8 coming in, I wouldn't even do it for the night. And if I
 9 did know he was coming in, then I could go watch the
 10 monitor to see -- I'd just sit there at the monitor,
 11 maybe clean that area, and I could sit there and see when
 12 his car was pulling in. When his car was pulling in,
 13 that would give me about five minutes to rush and get
 14 everything out.
 15 Q. Okay. All right. Now, on the Anne's Studio
 16 of Dance, you said y'all had had that contract for about
 17 two years?
 18 A. Yes.
 19 Q. Was that two years before you got arrested?
 20 A. Yes.
 21 Q. And when did you start making videos in there?
 22 A. Okay. It was about a month before they took
 23 off for their first summer break or for their summer
 24 break.
 25 Q. Of what year?

1 A. It would have been the last year, the summer
 2 of 2014. So I probably started I guess it was around
 3 springtime of 2014. Then they had the summer off. Then
 4 they started back up, and I started up again as well.
 5 And then I was arrested in October.
 6 Q. So when you say a month before they got off
 7 for their summer break, did their summer break coincide
 8 with when school gets out?
 9 A. Yes.
 10 Q. So sometime around late May of 2014 is when
 11 they took their summer break?
 12 A. Yes.
 13 Q. To your memory?
 14 A. Yes.
 15 Q. And you would have started in April?
 16 A. Yes.
 17 Q. Of 2014?
 18 A. Yes, sir.
 19 Q. That was the first time you ever made any
 20 video or any image whatsoever at Anne's Studio?
 21 A. Yes.
 22 Q. All right. What equipment did you use there?
 23 A. There I used a high-tech piece of equipment,
 24 like a wall charger. I mean, it was -- you couldn't
 25 even -- the pinhole in it was so small you couldn't even

1 see the pinhole. And then you had to like really look at
 2 it because it was black. Of course, the pinhole would be
 3 black, so it just all blended in. You plug it up and you
 4 leave it. It didn't have no batteries. It operated off
 5 the wall -- off the electricity from the circuit.
 6 Q. This was a wall -- when you say a wall
 7 charger, like you would plug your phone into?
 8 A. Yes.
 9 Q. It had a USB port?
 10 A. Yes. Well, no. This wall charger was like
 11 the square wall chargers. They're about maybe an inch
 12 and a half by inch and a half by two inches tall or
 13 whatever. You would usually like plug your power drills
 14 up to them or your laptops up to them. There's several
 15 different devices that would operate off these
 16 old-fashioned -- adapter, I guess. I said charger. I
 17 guess I mean adapter, a wall adapter, an adapter. I
 18 mean, you see them scattered all over the place. They're
 19 pretty common everywhere.
 20 Q. This was something that you would plug in to a
 21 single receptacle, and it would have multiple receptacles
 22 on it?
 23 A. No.
 24 Q. I'm trying to get an idea of what you're
 25 talking about.

1 A. No. You plugged it in, and usually I just
 2 draped the cord down up underneath the -- they had a -- I
 3 don't know what you call it. It's like a little thing
 4 where you could put your stuff, your articles, and they
 5 had like a mirror there so you can apply your makeup.
 6 But underneath was all hollow, and it was
 7 just open space where you can like put your toilet papers
 8 or whatever down there, you know, incense, whatever.
 9 People would use -- just put various stuff there. And
 10 that's where the wall outlet was, I guess so you could
 11 plug a hairdrier up or a curling iron or whatever have
 12 you.
 13 Q. What room in the studio was this?
 14 A. That was the downstairs restroom.
 15 Q. All right. Downstairs restroom, is that the
 16 only room -- I mean, I've seen reference to you taking
 17 videos in a changing room, also.
 18 A. Right. That was the room right next to it.
 19 Q. What was -- when did you start doing -- making
 20 videos in the changing room?
 21 A. I did that when I first started --
 22 Q. Was that before summer break or after summer
 23 break?
 24 THE COURT REPORTER: Wait.
 25 A. After summer break.

1 (By Mr. Little)

2 Q. All right. So from April of 2014 until the
3 studio let out for the summer, you were making videos in
4 the downstairs bathroom?

5 A. Yes.

6 Q. Exclusively?

7 A. Yes.

8 Q. How often would you do that?

9 A. That I did pretty much three -- three days a
10 week maybe, three, four days a week. She was open about
11 five days, so I was -- I did it fairly -- fairly
12 routinely.

13 Q. So this camera, was that the only camera you
14 ever used in Anne's Studio?

15 A. Yes.

16 Q. Would you leave it there when you were not
17 working?

18 A. Yes.

19 Q. And I think you said during the time you were
20 working, there weren't customers there?

21 A. Yes.

22 THE COURT REPORTER: There were?

23 MR. LITTLE: Weren't.

24 A. Oh, wait a minute. When I was working, no,
25 there was not.

1 put the new one in, and I'd take the other SD card home.

2 And then I would just plug it back up again.

3 Q. Did you ever go in to work and somebody had
4 taken it out of the wall?

5 A. No.

6 Q. It was always where you left it when you came
7 in?

8 A. Always.

9 Q. If somebody pulled it out and examined it,
10 would they -- I mean, unless it was a surveillance expert
11 or something like that, would your average person --
12 would it appear to be a camera?

13 A. No, it would not.

14 Q. It would appear to be what you called a wall
15 charger?

16 A. Correct. Or a wall -- an adapter.

17 Q. An adapter?

18 A. I don't know what the technical name is for
19 it.

20 Q. How much did that cost?

21 A. That normally cost about \$400 if you was to
22 buy it from the -- from the person that makes it or the
23 company that makes them. But I got mine -- it was on
24 eBay. It was used. The guy had said he used it for what
25 he needed to, and so he sold it, put it on auction, and I

1 (By Mr. Little)

2 Q. I think you said except for one time when you
3 had to change some light bulbs.

4 A. Yeah, yeah, a handful of times, yeah.

5 Q. So you would go in there. And how often did
6 you work there?

7 A. Five nights a week.

8 Q. Monday through Friday?

9 A. Yes.

10 Q. Were they closed on the weekends?

11 A. Yes. Actually it was Monday through Thursday.
12 We didn't work on Friday.

13 Q. So four nights?

14 A. It was just four nights a week.

15 Q. You would go there one night, leave it, and
16 then retrieve it the next night?

17 A. Well, what I would do is every night I would
18 leave it plugged up, because I didn't want it -- I wanted
19 it to look like somebody just left it there and forgot
20 about it. That's what I wanted it to look like. So I
21 just left it there all the time.

22 And what I would do is every night I would
23 bring in a new SD card, and while I was there I would
24 just take and you just flip the little back off, and you
25 was able to retrieve the SD card out of it, and I just

1 won it for \$80.

2 Q. And how often would you -- how often would you
3 make videos at the studio?

4 A. There I was doing it, like I said, it was --
5 you know, sometimes I would actually take it home with
6 me. Maybe skip two days. Bring it back, leave it.
7 Might even leave it the whole weekend. Of course, nobody
8 would be there on the weekend. I'd just leave it there.
9 And then come Monday I'd grab the SD card out of it and
10 leave it until the next day. And I'd do this -- you
11 know, I just kind of jumped around. You know, three days
12 straight, skip two days, four days straight, skip a
13 couple of days.

14 Q. You said this was a -- I think you said it was
15 the downstairs bathroom?

16 A. Yes.

17 Q. Would your videos be of people using the
18 bathroom?

19 A. Yes.

20 Q. Who would be using that bathroom?

21 A. It didn't matter. Anybody, young, old, male,
22 female.

23 Q. Employees?

24 A. Yes. Employees, parents, brothers, sisters.

25 Q. People that -- dancers?

1 A. Dancers, yeah.
 2 Q. And what would you do with those videos?
 3 A. Well, I would -- I'd just basically take --
 4 you know, I'd edit them down to -- because they were
 5 huge. They were like 150 meg or something, and I would
 6 take them and I'd basically trim them up a little bit and
 7 get the --
 8 Q. Because it was recording all the time?
 9 A. Yeah. Well, it was recording -- it would
 10 record in two-minute increments. Whenever something
 11 walked by it and triggered it --
 12 Q. It had a motion sensor?
 13 A. Yeah. It would record for two minutes. And
 14 then as long as whatever was in there was still moving,
 15 it would stop that video and automatically start up a
 16 brand-new one and record for another two minutes, so...
 17 Q. And did you save those videos on your system?
 18 A. Yes.
 19 Q. Did you share those videos?
 20 A. No.
 21 Q. Did you ever share those videos with anyone?
 22 A. No, sir.
 23 Q. Did you ever post any of those videos on the
 24 Internet?
 25 A. No, sir.

1 Q. The only person -- the only people who ever
 2 saw those videos were you and the people that
 3 investigated you in connection with your arrest?
 4 A. Correct.
 5 Q. Did you ever show them to anybody?
 6 A. No, sir.
 7 Q. All right. So when school started back and
 8 the dance studio opened back up in the fall of 2014, you
 9 continued making videos at that point?
 10 A. Yes, sir.
 11 Q. And when did you start placing that camera in
 12 the changing room?
 13 A. In the changing room was probably -- probably
 14 I guess maybe about the last month before I was arrested.
 15 Q. So September, October of 2014?
 16 A. Yes.
 17 Q. And where did you place that camera?
 18 A. Well, in there they had a wall outlet on
 19 every -- in the center of every single wall, all four
 20 walls, and I think I used two different outlets.
 21 Q. Was that just a big square room?
 22 A. Yeah.
 23 Q. Did it have lockers or anything?
 24 A. Yes, it had lockers.
 25 Q. How large was the room?

1 A. Maybe 15 by 15, I guess. About an average
 2 room.
 3 Q. Did it have benches for girls to sit?
 4 A. Yes.
 5 Q. What two walls did you use?
 6 A. Okay. They had one that was in between the
 7 lockers that pointed towards the seats. And then they
 8 had one on this opposite wall that pointed towards the
 9 mirror.
 10 Q. How many times did you place that camera in
 11 the changing room?
 12 A. Oh, really not that many. Maybe 10 times
 13 maybe.
 14 Q. During this period, were you still putting the
 15 camera in the downstairs bathroom?
 16 A. Well, I'd leave it in the changing room for
 17 about two days, and then I'd move it. You know, I might
 18 skip a day or two, and then I'd move it back to the
 19 bathroom and let it sit in the bathroom for three days.
 20 And then I would pull it for a day or two or for the
 21 weekend. Then come back and put it in the changing room
 22 for a day, three days. I mean, it just kind of varied.
 23 Q. What -- what kind of images did you get from
 24 the changing room?
 25 A. There it was just -- mostly just -- mostly

1 just people walking in and out, not really doing nothing.
 2 They just mostly come in and congregate. Some would come
 3 in and eat their snacks, sit around. They had a little
 4 table, and they'd sit at the table and talk. And then
 5 other times they'd come in and shut the door and do their
 6 changing in there.
 7 Q. How many -- how many videos did you have of
 8 girls changing their clothes down there?
 9 A. Not that -- I mean 20 maybe.
 10 Q. And this was over, you say, a month period?
 11 A. Yeah.
 12 Q. From September to October of 2014?
 13 A. Yeah. A month, month and a half, something
 14 like that, yeah.
 15 Q. Did you ever go in the changing room and
 16 someone had unplugged the wall charger?
 17 A. No.
 18 Q. It was always in the same place where you had
 19 left it?
 20 A. Correct.
 21 Q. And what did you do with those videos?
 22 A. Same thing. I would take and either throw
 23 them away or I would edit them to shorten the video file.
 24 And then I would name it for categorization.
 25 Q. Depending on whether it was something you

1 wanted to keep?
 2 A. Correct.
 3 Q. Did you ever share any of those videos with
 4 anyone?
 5 A. No.
 6 Q. Did you ever post any of those videos on the
 7 Internet?
 8 A. No.
 9 Q. Did anybody ever see those except for you or
 10 the investigators?
 11 A. No.
 12 Q. You never showed them to anybody?
 13 A. No, sir.
 14 Q. Is that -- is that the only device you used at
 15 Anne's Studio?
 16 A. Yes.
 17 Q. And you started videoing there in 2014, about
 18 a month before school let out?
 19 A. Correct.
 20 Q. Or a month before the studio closed for the
 21 summer?
 22 A. Correct.
 23 Q. Did the studio open back up about the time
 24 school got back in session?
 25 A. Yes.

1 Q. Sometime around August of 2014?
 2 A. Yes.
 3 Q. And I think you also -- well, what were your
 4 responsibilities at the dance studio?
 5 A. Just floors, sweeping and mopping.
 6 Q. Changing the trash?
 7 A. No.
 8 Q. Who did that?
 9 A. Jamie did that.
 10 Q. Did you ever -- well, I think you said the
 11 camera was on all the time?
 12 A. Correct.
 13 Q. He never found it?
 14 A. No. I wouldn't doubt that he saw it. I mean,
 15 there was a lot of people that you could tell from the
 16 videos that they saw it. They just didn't pay any
 17 attention to it.
 18 Q. They looked at -- they looked at the wall
 19 adapter or at least in the direction of it?
 20 A. Yeah. There was one person that it appeared
 21 that they -- it caught them off guard, because they're
 22 sitting there looking, and they'd do like that. Then
 23 they'd look down to see, because the cord ran up
 24 underneath the -- that whatever you call it, that little
 25 changing station. And I guess they was trying to see

1 what it was plugged into. Of course, when you looked up
 2 under there, you just saw it was a dead-end cord that
 3 didn't plug up to anything. She never pursued it any
 4 further than that.
 5 Q. You didn't get the impression that anybody
 6 ever examined it?
 7 A. No. I would have known.
 8 Q. You didn't see a photograph of anybody ever
 9 examining it?
 10 A. Right. No. I would have known for sure,
 11 because it would have showed it. The video would
 12 actually show them coming up, reaching and pulling, and
 13 that would end the video. And if they plugged it back
 14 up, then it would start up again, and it would show them.
 15 So, yeah, that never happened.
 16 Q. Did Mr. Starkey ever examine it?
 17 A. No.
 18 Q. Did he ever unplug it?
 19 A. No.
 20 MR. LITTLE: This may be a good time to
 21 stop.
 22 THE VIDEOGRAPHER: We're off the record at
 23 11:47.
 24 (Lunch recess.)
 25 THE VIDEOGRAPHER: We're back on the

1 record at 12:01.
 2 (By Mr. Little)
 3 Q. All right. Have we talked about everything
 4 that you did as far as making videos at Anne's Studio of
 5 Dance?
 6 THE COURT REPORTER: You have to answer
 7 out loud.
 8 A. Yes.
 9 (By Mr. Little)
 10 Q. My understanding, you also made some videos at
 11 Bentley Automotive; is that correct?
 12 A. Yes, a few.
 13 Q. When did you start doing that?
 14 A. That would have probably been within the last
 15 month.
 16 Q. The last month before you were arrested?
 17 A. Before my arrest, yes.
 18 Q. So during September and October of --
 19 A. Yes. It was either the month or the month
 20 before. That was kind of a failure, so I didn't pursue
 21 that.
 22 Q. How long did you attempt to make videos there?
 23 A. Two different days.
 24 Q. Just on two different occasions?
 25 A. Well, three different days. My bad.

1 Q. Okay. And where did you place a camera there?
 2 A. The same. In the trash can.
 3 Q. Did it have a similar setup where it had a
 4 handicapped restroom?
 5 A. It was just -- it was just a universal women's
 6 restroom, one sink, one toilet, no stalls.
 7 Q. No stalls?
 8 A. No stalls.
 9 Q. Just a single restroom where you could lock
 10 the door?
 11 A. Correct.
 12 Q. Okay. And you placed a camera in the trash
 13 can there?
 14 A. Yes.
 15 Q. What type of equipment did you use there?
 16 A. On that one I used a -- this was actually a
 17 wall -- like a hook that you would put on your wall, like
 18 a regular plastic hook that would self-adhesive to the
 19 wall that you'd buy at Lowe's, but it was a camera.
 20 Q. Like you'd hang a coat on?
 21 A. Right. But I also gutted it. I didn't use
 22 the hook part. I just used the actual camera part of it.
 23 Q. And where would you mount that?
 24 A. Wait, wait, wait, wait. No, no, no, no, no.
 25 I was going to use that one. I never could get a good --

1 10 to 12 hours.
 2 Q. Okay. And when would -- would you leave it
 3 there --
 4 A. Yes.
 5 Q. -- while you were not working?
 6 A. Correct.
 7 Q. Where would you leave it?
 8 A. In the trash can.
 9 Q. Behind the trash bag?
 10 A. Yeah. Up underneath the trash -- what I would
 11 do is I would take the trash can. I'd put it in the
 12 bottom of the trash can. Then I put like two bags over
 13 it, because they was kind of clear bags anyway. And then
 14 I would throw like a handful of paper towels on top of it
 15 just to make it look like there was trash in there. That
 16 way no possibility -- the only way you would have seen
 17 the camera was to actually pull the trash bag out, which
 18 nobody would have -- nobody would have ever done. If
 19 they had done it, then, you know, I'd have been busted.
 20 Q. Did Mr. Starkey -- was he responsible for the
 21 trash there at Bentley Automotive?
 22 A. At that point he only cleaned there once a
 23 week.
 24 Q. Would you ever leave the camera on days that
 25 he would be working?

1 I never felt like it was good for anything. So what I
 2 used at the Damson dealership was a camera I had built
 3 out of the -- it was the cigarette lighter, but I had
 4 multiple batteries on it, because I had to leave it there
 5 for an extended amount of time.
 6 Q. Now, let me stop you real quick. We were
 7 talking about Bentley Automotive.
 8 A. Right.
 9 Q. A minute ago you said the Damson dealership.
 10 A. Oh, my bad. Bentley. I called it Damson.
 11 Q. Did you ever install any cameras at the Damson
 12 dealership?
 13 A. No.
 14 Q. Just Bentley Automotive?
 15 A. Right.
 16 Q. And the other two businesses we've talked
 17 about?
 18 A. Right.
 19 Q. All right. So you had -- this is a camera or
 20 a piece of equipment that you had built?
 21 A. I had altered it, and I had added a bunch of
 22 batteries to it so the battery -- because normally these
 23 batteries only last an hour and a half, two hours. So
 24 basically I just took about eight batteries and combined
 25 to make one large battery. That way it would last about

1 A. No.
 2 Q. Is it fair to say you would only leave it on
 3 days where you knew he wouldn't be there?
 4 A. Correct.
 5 Q. And you said -- I think you said you did that
 6 a total of three times?
 7 A. Correct.
 8 Q. Why did you abandon that after three times?
 9 A. Well, the very first time, the very first
 10 person that come in the bathroom threw a soda away, and
 11 it knocked the camera out, out of whack. The second
 12 time --
 13 Q. So you didn't get any images on that?
 14 A. Right. I didn't get anything on that.
 15 The second time, this -- the bathroom was
 16 so small that it was really hard. You didn't know how to
 17 adjust the camera. You just had to guess. So I would
 18 adjust it at a certain angle, and then the next day I'd
 19 come and retrieve the stuff and I'd view it, and it would
 20 be just like the tops of people's heads.
 21 And then the next day I would readjust it
 22 and I'd lower it, and it would be just the bottom of the
 23 toilet. And at that point I was just like -- even if you
 24 could adjust it right, it still wouldn't have -- it would
 25 just have been -- it would have been just really bad

1 video. The camera was up too close to the toilet. So I
 2 just scrapped that idea and never pursued it anymore.
 3 Q. Did you ever get any videos at Bentley
 4 Automotive of anybody's private parts, for lack of a
 5 better word?
 6 A. Not really, no. Just side shots maybe.
 7 Q. Did you ever save any of those videos?
 8 A. I really don't remember if I did or not,
 9 because I wasn't too thrilled about them. If I did save
 10 them, I saved them and never viewed them again.
 11 Q. Did you ever share any of those videos with
 12 anybody?
 13 A. No.
 14 Q. Anybody see them except for you and the
 15 investigators on your criminal case?
 16 A. Nobody else.
 17 Q. Never showed them to anybody?
 18 A. No.
 19 Q. Did you ever -- did you ever film or attempt
 20 to film anybody at any other business that Mr. Starkey
 21 had a contract with?
 22 A. No.
 23 Q. I'm sorry?
 24 A. No.
 25 Q. Did you ever film or attempt to film anybody

1 at any of the residential customers --
 2 A. No.
 3 Q. -- of Mr. Starkey's?
 4 A. No, sir.
 5 Q. So is it -- is it fair to say that the only
 6 places that you ever filmed anybody were your own home,
 7 Anne's studio, Bentley Automotive, and Channel 19?
 8 A. Correct. I might have had a handful of videos
 9 I made with my cellphone walking around, you know, just
 10 kind of in my pocket with the video turned on, random
 11 videos, supermarket type things.
 12 Q. In public places?
 13 A. Yes.
 14 Q. In restrooms?
 15 A. No.
 16 Q. Just in places where anybody goes any time?
 17 A. Right.
 18 Q. And those -- those videos didn't capture
 19 anybody in any kind of state of undress?
 20 A. No, sir.
 21 Q. So it's my understanding that the only videos
 22 that you ever shared with any other person or posted
 23 publicly in any way or distributed to anybody were those
 24 that you filmed at your own home?
 25 A. Yes.

1 Q. And not of any client of James Starkey's?
 2 A. No.
 3 Q. I asked you if you ever discussed any of those
 4 cameras with Mr. Starkey. Did you ever show him any
 5 cameras that you had purchased?
 6 A. No.
 7 Q. As far as you know, did he have any knowledge
 8 that you had purchased any?
 9 A. No, he never knew.
 10 Q. Did you ever show any of those cameras to
 11 anybody else in Madison County?
 12 A. No.
 13 Q. Is it fair to say that the only people that
 14 may have known of your purchase of those cameras were
 15 yourself and whoever sold it to you?
 16 A. Correct.
 17 MR. ARTRIP: Object to the form.
 18 (By Mr. Little)
 19 Q. You never shopped for any of those cameras
 20 locally?
 21 A. No.
 22 Q. All the cameras and equipment that you bought
 23 to make these videos and images you purchased over the
 24 Internet?
 25 A. Correct.

1 Q. Were they all from eBay?
 2 A. Yes.
 3 Q. Did Mr. Starkey ever say anything to you that
 4 indicated he suspected you were filming anybody?
 5 A. No.
 6 Q. Do you know of any way that he could have
 7 learned that you were filming anybody?
 8 A. No. The only way he could have ever found out
 9 was just by sheer accident, that I wasn't paying
 10 attention and left something there out of -- because I
 11 forgot or whatever. But I always paid attention, and I
 12 never forgot. So that would have been the only way he
 13 would have ever found out.
 14 Q. If he had found any of your cameras or
 15 anything like that, in your experience with him do you
 16 think he would have said something to you?
 17 A. These cameras look like -- it was hard to even
 18 tell by the time I wrapped them up with duct tape. They
 19 didn't even really look like a camera. It was hard to --
 20 you could see the lens, but it looked more like just a
 21 little square -- you know, a couple millimeters by a
 22 couple millimeters square where the lens was. The rest
 23 of it was all circuit board and duct tape.
 24 So if he was to ever even find one,
 25 there's a good chance he would have thought, well,

1 somebody from the -- in the control room where they deal
2 with electronics all the time must have just threw this
3 away and somehow it managed -- you know, he might have
4 showed it to me. I don't know. I don't know if he'd
5 have showed it to me, like, What's this? But that never
6 happened, so...

7 Q. He never did that?

8 A. Right.

9 Q. And he never said anything to you that
10 indicated that he suspected anything he may have found
11 may have been a camera?

12 A. Right. He's never -- he never found it.

13 Q. Did any of your responsibilities at Anne's
14 Studio or Bentley or Channel 19 require the use of a
15 camera?

16 A. The only time I've ever used a camera that
17 actually required it was when we stripped and waxed the
18 floors. I took pictures to see where -- you know,
19 exactly where the desk might have been or what was on
20 this wall that we had to move away. And I took basically
21 just a panoramic view of the rooms, and then we pulled
22 everything out, stripped and waxed it. A day later put
23 everything back, and we'd use the camera to basically
24 judge what went where, and that was the only time.

25 Q. Are those things you regularly did at

1 A. No.

2 Q. And you didn't strip the floors at Anne's,
3 Bentley, or Channel 19?

4 A. At Channel 19 we might have stripped and waxed
5 floors there, but they was like just a hallway. Or it's
6 not even a hallway. It was like a back entrance where
7 people come in and out. They used to have a kitchen that
8 we'd have to strip and wax, but then they put that rock
9 floor in and no longer required stripping and waxing.

10 The Bentleys, they have always had tile
11 floors, so we never had any stripping or waxing in there.

12 The Damsons, they did have waxed floors.
13 We had to strip and wax there. But most of our stripping
14 and waxing was just side work that we would get.

15 Q. What about Anne's?

16 A. No. Well, we had a -- they did have one --
17 they had the kitchen, the kitchen area and a couple of
18 offices that were waxed floors. And that was not a major
19 job, though. It would take us an hour to do that.

20 Q. You wouldn't have to use a camera to figure
21 out where --

22 A. No.

23 Q. -- furniture or items had been?

24 A. No.

25 Q. So am I correct that at either Anne's or

1 Bentley's or Anne's or Channel 19?

2 A. That was actually at a day care that we
3 stripped and waxed, because it had like 19 rooms. So it
4 was hard to remember what -- they had so much stuff
5 there, you know. And teachers, if you didn't put it back
6 the way they found it, then they'd come back the next day
7 and put it back the way they found it, and it would scuff
8 up the wax and everything else. So we just -- we was
9 real careful about where we put everything back.

10 Q. And that was the only customer that you
11 stripped and waxed their floors?

12 A. Correct. Well, we did janitorial service for
13 them. They was Huntsville Hospital's -- he had the
14 contract with Huntsville Hospital, which I never helped
15 him out there. They had Huntsville Hospital day care,
16 which I was in charge of the floors there. And then he
17 had another guy that done trash there. Then, of course,
18 he, himself, did trash and bathrooms there as well. But
19 I did -- always did the floors. There was very little
20 thing to vacuum, so it was mostly just sweeping and
21 mopping.

22 Q. Did you ever hide a camera in Huntsville
23 Hospital?

24 A. No.

25 Q. In their day care or anything?

1 Bentley or Channel 19, none of those would require the
2 use of a camera for any business purpose?

3 A. Correct.

4 Q. Is there any reason whatsoever at any of those
5 three businesses -- Anne's, Bentley, or Channel 19 --
6 where it would have been beneficial for any business
7 purpose of yours to have a camera?

8 A. No.

9 Q. Was the filming you did at Bentley's and
10 Anne's and Channel 19 related to any business purpose of
11 Mr. Starkey's?

12 MR. ARTRIP: Object to the form.

13 A. What do you mean?

14 (By Mr. Little)

15 Q. Well, you've explained to me what your
16 responsibilities were at those three businesses.

17 A. Yeah.

18 Q. And my question to you is, when you filmed
19 people at those three businesses, was that related to any
20 business purpose of Mr. Starkey's?

21 A. No.

22 MR. ARTRIP: Same objection.

23 (By Mr. Little)

24 Q. Is it fair to say that that was for your own
25 personal desires?

1 A. My own personal.
 2 Q. Was filming those people of any benefit
 3 whatsoever to Mr. Starkey?
 4 A. No.
 5 Q. Tell me about your arrest. How did that come
 6 about?
 7 A. Well, I -- it was just a regular day. I mean,
 8 I went to bed and woke up the next morning to somebody
 9 pounding on my door. And he was like, he said, he said,
 10 I'm Agent Smith, or whatever his name was, and said -- he
 11 says, Does the name -- I forget his name, whatever, up in
 12 Tennessee -- ring a bell? And I knew right then and
 13 there what this was all about.
 14 Q. You knew the person's name?
 15 A. Yeah, I knew the person's name.
 16 Q. Had you ever met that person before?
 17 A. No.
 18 Q. You just communicated with him online?
 19 A. Right. And he said -- at that point he's
 20 like, he says, Do we need to have a warrant to search
 21 your place or are you going to cooperate? And I'm just
 22 like kind of blindsided here, you know. And he's like,
 23 he says, This will definitely be in your best interest to
 24 cooperate. And he said, he said that, If you don't, it's
 25 going to look bad on you because you didn't cooperate,

1 and it means we're going to have to get a warrant. And
 2 he says, We're going to tear this place apart. We've
 3 already got all the information we already need on you
 4 anyway.
 5 And he, you know, he's like, If you want
 6 to -- if you think -- if you want to stand a chance of
 7 getting out of this a free man again one day, you need to
 8 cooperate. He says, I'll tell the judge blah, blah,
 9 blah.
 10 About that point I started breaking down.
 11 I was like, you know, I told him, I was like, you know, I
 12 said -- I basically just started telling him myself. I
 13 was like, I've got enough on that computer right now to
 14 send me away for the rest of my life easily.
 15 Well, if you cooperate, we guarantee you
 16 that that's not going to happen. He's like, You promise
 17 that you didn't touch anybody or molest anybody or
 18 sexually whatever? I'm like, No, everything was hands
 19 off.
 20 And I basically -- I just -- when he came
 21 in, I just started -- you know, I showed one guy where
 22 the stuff was on the computer. I talked to him while the
 23 other guy was searching my computer. I went and brought
 24 all my cameras out, showed him all my cameras, told him
 25 where he could find the one that I had left at

1 Channel 19.
 2 Which, by the way, for the record was the
 3 first time I ever left it there overnight. I was testing
 4 out that one that I said had the battery life that would
 5 last 12 hours. I had decided to leave it there. That
 6 was the very first time I ever left it there, and that's
 7 where they found it.
 8 Q. Did you still have a camera at Anne's?
 9 A. No. I had that camera in my drawer at the
 10 time.
 11 Q. What date was that?
 12 A. The 7th of October.
 13 Q. 2014?
 14 A. Right.
 15 Q. You were arrested at that time?
 16 A. Yes.
 17 Q. And you've been in custody ever since?
 18 A. Yes.
 19 Q. You were -- it's my understanding you were --
 20 you had charges -- both federal charges and state charges
 21 at one point?
 22 A. Yes. They nolle processed my state charges.
 23 Q. And you were -- you pleaded guilty to the
 24 federal charges?
 25 A. Yes.

1 MR. LITTLE: Do you want me to put that
 2 in?
 3 MR. ARTRIP: Sure.
 4 MR. LITTLE: Thanks.
 5 (Marked for Identification:
 6 Deposition Exhibit 1)
 7 (By Mr. Little)
 8 Q. And what was your -- what was your sentence in
 9 federal court?
 10 A. I got 140 years.
 11 Q. Let me show you -- I want to show you what
 12 I've marked as Defendant's -- or as Exhibit 1. If you
 13 would, just look through that and tell me if that is the
 14 plea agreement that you signed in regard to your federal
 15 charges.
 16 A. Yes, I signed that.
 17 Q. Okay. It's a lengthy document, but I'm going
 18 to show you there is a -- some initials at the bottom of
 19 each page?
 20 A. Yes.
 21 Q. Are those your initials?
 22 A. Yes.
 23 Q. And did you make those initials on here?
 24 A. Yes.
 25 Q. And on the second to the last page, this is

1 page 26 of 27, there's a signature that purports to be
2 yours. Is that your signature?

3 A. Yes.

4 MR. LITTLE: Mr. Nelson, I think that's
5 all the questions I have at this time. I think these
6 other attorneys probably have some as well.

7 MR. HASKINS: Mr. Nelson, my name is Drew
8 Haskins. You and I met before your deposition started.
9 I represent the families of some of the victims from
10 Anne's Dance Studio. Okay?

11 THE WITNESS: Okay.

12 MR. HASKINS: I'm going to try to be as
13 quick with you as possible, but I'm going to have to go
14 back through some of the questions that Mr. Little asked
15 you. Okay?

16 THE WITNESS: Okay.

17 EXAMINATION

18 BY MR. HASKINS:

19 Q. Let me start by asking at the time you were
20 arrested in 2014, you were an employee of Sanitary
21 Systems; is that correct?

22 A. Correct.

23 Q. How were you paid by Sanitary Systems?

24 A. He paid me once a week.

25 Q. Once a week?

1 time. They had a weight room, a workout room, a sauna
2 room, and I basically got those prepared every morning.
3 I policed the grounds. I did some yard -- some of the
4 yard labors, cutting grass, weeding, things of that
5 nature.

6 And then the rest of the time I would
7 basically be going into apartments that were being turned
8 over. They was vacated, and somebody else was about to
9 come rent them, and we had to go in there and steam-clean
10 them, scrub the floors, swab down -- you know, they'd
11 repaint the walls a lot of times. Basically just getting
12 them -- I had to change the slats in the blinds, make
13 sure everything was -- made it look nice and new again.

14 Q. Okay.

15 A. And --

16 Q. So it really was just a general maintenance
17 job for that facility --

18 A. Correct.

19 Q. -- and the premises around it?

20 While you were working for Flagstone, did
21 you undergo any training by that company?

22 A. I mean, other than just -- I don't even know
23 if it's training. They put me with a guy, and they're
24 like, He'll show you what to do. And I would tag along
25 with a guy, and he would show me, This is how I do this.

1 A. Yes.

2 Q. Was that by cash, was it by check --

3 A. Check.

4 Q. -- direct deposit?

5 A. Check.

6 Q. Was that check made directly by James Starkey
7 to you?

8 A. I think it said Sanitary Systems on it, and,
9 of course, he signed his name, but...

10 Q. At the time you were arrested, you were 42
11 years old; is that correct?

12 A. Yes.

13 Q. And it's my understanding you started working
14 for Mr. Starkey at Sanitary Systems around 1994?

15 A. Yes.

16 Q. Would it be safe to say you had been working
17 there about 20 years at the time you were arrested?

18 A. Yes.

19 Q. You mentioned some of your past jobs with
20 Mr. Little, and you said that you worked in maintenance
21 at Flagstone Apartments?

22 A. Correct.

23 Q. Tell me what you did in maintenance there.

24 A. There I took care of the swimming pools. I
25 had -- they had two different swimming pools there at the

1 This is what needs to be done in this situation. So, I
2 mean, yeah, I guess it was training to an extent, yeah.

3 Q. I believe you mentioned that you were fired
4 from that position for public intoxication?

5 A. Correct.

6 Q. And that would have been in 1993?

7 A. Roughly, yes.

8 Q. And that would have been approximately one
9 year before you started at Sanitary Systems?

10 A. Yes.

11 Q. I think you said you were 22 years old when
12 you started at Sanitary Systems. Does that sound about
13 right?

14 A. Right.

15 Q. You mentioned that you also, before going full
16 time to Sanitary Systems, worked for Excel Janitorial?

17 A. Correct.

18 Q. Tell me what your responsibilities were there.

19 A. There I worked -- they have a large building
20 down there. It's like the biggest in Huntsville. It's
21 the Regions Bank. I had done -- I took trash out there.
22 We had a contract with one of the Redstone Federal Credit
23 Unions. I took care of the floors there. I did a little
24 bit of miscellaneous side work as well, a couple windows,
25 couple strip and waxing floors.

1 Q. Okay. So a lot of -- there's a lot of
2 crossover between your responsibilities at various job
3 locations prior to coming to Sanitary Systems?
4 A. Correct.
5 Q. You said you were there at Excel Janitorial
6 approximately six months. And I'm not sure in the time
7 frame of things I exactly followed when that would have
8 been.
9 A. Goodness gracious. When did we work for her?
10 It was back when my oldest daughter was about four years
11 old, because I took her -- I took her to one of my -- I
12 remember I took her to Redstone one day, and a security
13 guard there that got known to me told me I wasn't allowed
14 to do that no more. You had to have clearance to get
15 inside the bank. And, of course, I was like, Well, she's
16 only four years old. What kind of clearance does she
17 need, you know? She might have been five. I don't know.
18 So give or take a year or two.
19 Q. Let me ask you this. Other than at Flagstone
20 and at Excel Janitorial, did you have any other jobs
21 where you were performing in a maintenance or janitorial
22 capacity prior to working at Sanitary Systems?
23 A. No.
24 Q. Okay. At Excel Janitorial, did you undergo
25 any sort of training when you were hired there?

1 A. No. I wasn't really hired. I was more or
2 less subcontracted.
3 Q. And why did you leave that position?
4 A. Well, there they let me go, because I had -- I
5 had kind of done a no-no and broken -- I got into a -- I
6 had gotten into somebody's desk drawer. Got a key for
7 the nextdoor room and got into the room and hacked their
8 computer and got caught.
9 Q. So to make sure I'm clear, the only two jobs
10 you had prior to going to Sanitary Systems where you
11 worked in a maintenance or janitorial capacity were
12 Redstone and Excel Janitorial; is that correct?
13 A. Correct.
14 Q. And you were terminated from both of those
15 positions?
16 A. From Flagstone? Yes, I was terminated from
17 Flagstone.
18 Q. And you were also terminated from Excel
19 Janitorial?
20 A. Correct.
21 Q. Do you know if at any point James Starkey
22 spoke with your only two employers prior to you working
23 at Sanitary Systems where you performed a job similar to
24 that that you had at Sanitary Systems?
25 A. He didn't -- he didn't -- no. He didn't know

1 anybody from Flagstone. Excel Janitorial, the lady that
2 owned that, he subcontracted out to her for quite a while
3 off and on. I don't know. He might still do business
4 with her. I have no idea. I don't know what they talk
5 about.
6 Q. So he may have known someone at that company?
7 MR. LITTLE: Object to the form.
8 A. Yes.
9 (By Mr. Haskins)
10 Q. Did he ever mention to you that he did know
11 somebody there or the reasons for your termination?
12 A. Oh, we never discussed why I was terminated
13 there, but he knew the woman there that owned the
14 company, yes.
15 Q. When you were hired either part time or full
16 time at Sanitary Systems, did Mr. Starkey ever ask you
17 what your prior experience was as a maintenance or
18 janitor?
19 A. No, no. He pretty much trained me in
20 everything that I learned.
21 Q. You mentioned that Mr. Starkey was aware of
22 some of your past arrests?
23 A. Correct.
24 Q. How did he become aware of your charge for
25 possession of marijuana?

1 A. I'm not even sure if he knows about that
2 charge. That was before I was working with him. I don't
3 know if I ever -- I probably never told him that.
4 Q. Okay. And on your prior testimony with
5 Mr. Little, I thought you said he was aware of the
6 incident where you were arrested for both possession and
7 public intox.
8 A. He knew that I was arrested with public
9 intoxication before. I don't know if I ever went into
10 detail about me having a possession charge or not. If I
11 did, it was -- it was like one of them things, a mistake
12 I made when I was 20 years old. And, you know, it's like
13 who doesn't, who doesn't make those mistakes, you know?
14 I just happened to get caught.
15 Q. Okay. Do you recall ever having a
16 conversation with Mr. Starkey about you using marijuana
17 at any point?
18 A. I might have said before that I have done it,
19 but I never told him that I was -- I'm currently doing
20 it. I never went up to him and like, yeah, I scored a
21 bag last night or I'm high right now, nothing like that,
22 no. I might have before said, yeah, I've tried it
23 before, you know.
24 Q. And I believe that you said after you were
25 arrested for the possession and public intoxication, you

1 served a year of probation?

2 A. Correct.

3 Q. And if your arrest was in March of 1994, you
4 would have been serving that year of probation while
5 working at Sanitary Systems, at least in part; is that
6 correct?

7 A. All right. I was working at Flagstone
8 Apartments. Then I got arrested for the public
9 intoxication. Messed up my knee. I was without work
10 completely. Then I either -- I either -- then I got --
11 that's when I got my possession charge again or my
12 possession charge and my public intoxication. I was on
13 probation for the year.

14 And sometime within that year, then, yes,
15 I would have -- it might have been -- it might have been
16 as soon as that year was up. I don't know. I can't
17 remember. But, yes, I did get the job working at Woody
18 Anderson Ford, and right around the same time I got the
19 job working with Jamie.

20 Q. Okay. So you think you would have been
21 serving the probation sometime between 1994 and 1995?

22 A. I would -- it would have been before 1995,
23 because my oldest wasn't -- my oldest was born at the
24 very beginning of 1995, and this happened all -- as a
25 matter of fact, this happened before I was even married.

1 So yes, I would have been off of probation by 1995.

2 Q. Okay. Did you have a probation officer during
3 that time?

4 A. Yeah. I think her name was Melissa.

5 THE COURT REPORTER: Melissa?

6 THE WITNESS: Melissa.

7 A. I went to school with her. I forget her last
8 name.

9 (By Mr. Haskins)

10 Q. She was in Madison County?

11 A. Yes.

12 Q. Was she your probation officer the entire
13 duration of that year?

14 A. Well, that I'm not for sure, because I talked
15 to -- when I went down there a couple of times, I had to
16 talk to somebody else, too. So I'm not for sure if I had
17 somebody, a main person, and I just reported to her
18 sometimes and this other guy sometimes. I don't know.

19 That's one of them things I just really
20 never paid attention to. I just went down there, signed
21 my name up, stood in line. When they called my name, I
22 went in and paid my fee, signed the papers, whatever, and
23 then left.

24 Q. When you were down interacting with the
25 officers in person, at some point did you have to tell

1 them about your current employment status?

2 A. Yes, I did, because they got known to me. I
3 was wearing that cast at the time. And they're like, You
4 know you're supposed to be filling out applications.
5 Because that's one of the things that they had at the
6 time is you had to turn in -- during your probation, you
7 either had to have a job or you had to prove that you
8 were looking for a job.

9 And so I was like, Well, what can I do?
10 I've got a cast on my leg. He's like, Well, that don't
11 stop you from at least going and putting in applications.
12 I'm like, All right, fine. So I just went around from
13 business to business, grabbed a bunch of applications,
14 filled them out and turned them in. I wasn't really
15 looking for a job.

16 Q. Because you had a job at that time?

17 A. No. I was jobless. Shortly after that is
18 when I got the job with -- I guess it was with Jamie, and
19 then -- it was either Jamie and Woody Anderson or Woody
20 Anderson and Jamie. I can't remember which came first.

21 Q. Okay. We can agree that at least in part
22 during your probationary period you were working at
23 Sanitary Systems?

24 A. There's a good chance of it, yes.

25 Q. Do you know if any probation officer ever

1 spoke with either James Starkey or anybody else at
2 Sanitary Systems?

3 A. Not to my knowledge.

4 Q. You said you're not sure if James Starkey knew
5 about your marijuana use, but you said he did know about
6 your problems with alcohol; is that correct?

7 A. Yeah, he knew. I would openly talk about with
8 my alcohol. I'd be like, yeah, tonight I'm going to go
9 home and sip on some martinis. I can't wait to get home.
10 Things like that, you know. And he's like, Oh, you need
11 to lay off that. I'm like, I know, but...

12 Q. Did you ever tell him about your use of
13 amphetamines, the speed you were discussing?

14 A. No.

15 Q. Any other pills that you were taking that he
16 was aware of?

17 A. No.

18 Q. What about your cocaine addiction?

19 A. No, sir.

20 Q. You never discussed that with Mr. Starkey?

21 A. No.

22 Q. You said that it was on nights when you would
23 get drunk that you found yourself uploading videos to the
24 Internet. As you sit here today, did it seem as though
25 times when you were under the influence of a substance

1 you were more inclined to engage in that type of
2 activity?

3 A. Yes.

4 Q. Do you remember your father speaking at your
5 sentencing hearing?

6 A. Yes.

7 Q. One of the things that he told the court was
8 that, and I quote, We, the family, believe recurring
9 addictions were the triggers of the pornographic
10 behavior.

11 Do you agree with that?

12 A. I don't know if I disagree or agree with that.
13 I mean, I think that it didn't help. I mean, it did make
14 me more -- I don't know, what's the word? Gutsy, ballsy,
15 whatever. That's when I would start to explore in the
16 certain realms that I shouldn't be exploring was when I
17 was intoxicated.

18 But the more I did it, the easier it got.
19 And, yeah, I wouldn't have to have alcohol every time
20 about the time it came to be, you know, kind of a habit
21 or whatever, you know. So I wouldn't actually need the
22 alcohol to do it. But then again if I had been a
23 straight person all my life and not been involved with
24 alcohol, I probably wouldn't have gotten involved with
25 the things I got involved with.

1 how to resolve this issue, or were you simply discussing
2 what type of material you were viewing?

3 A. It was just basically he asked me like, So
4 what do you look at? And I'm like, What do you look at?
5 Where do you go? Where do you go to get this and where
6 do you go to get this type thing? That was basically
7 about it. It wasn't no more than us talking maybe 10
8 minutes. And that's probably about the only time I ever
9 met him, and nothing ever became of all that.

10 Q. You said that you met James Starkey by going
11 to church with him?

12 A. Right.

13 Q. And you said you were around 12 years old at
14 the time you first met him?

15 A. Correct.

16 Q. Which would have put your relationship with
17 him in the range of 10 years by the time you started
18 working part time with him?

19 A. Right.

20 Q. Did you ever have to formally apply or submit
21 any formal materials to him or did -- I know you said
22 that you got the part-time job through a friend?

23 A. Yeah.

24 Q. Did that just transition into full time?

25 A. Yeah. It was like one led -- at first it was

1 Q. Okay. So you'd say that the alcohol addiction
2 certainly didn't help?

3 A. Correct.

4 Q. Your father also mentioned that in addition to
5 the drugs and the alcohol that you had prior problems
6 with addictions to tobacco and gambling. Is that true?

7 A. I'm not sure where he got the gambling from.
8 Of course, I mean, I'd deal with tobacco forever. There
9 was a handful of times that I gambled, yeah. I might
10 have mentioned to him before that I've gambled. Online
11 gambled I may have dabbled in once or twice. But I think
12 that was just dad trying to beef up his speech a little
13 bit, I guess. I don't know.

14 Q. Well, and you've told me yourself that it was
15 times when you were intoxicated that you were more
16 inclined to watch or upload child pornography, right?

17 A. Correct.

18 Q. Do you think that you have an addictive
19 personality? Would you agree with that?

20 A. Yeah.

21 Q. And you mentioned that with your roommate at
22 one point you told him about the material you were
23 looking at, and he suggested you speak with his cousin?

24 A. Right.

25 Q. Did you all discuss therapy or counseling or

1 he just basically had me taking over that one position.
2 I think it was like on the weekends or something. Like I
3 said, it wasn't very much at all. I think he just gave
4 me like \$20 or something. It wasn't very much at all.
5 It was like he kind of stepped me up a little bit, and I
6 think he was giving me like basically a hundred dollars a
7 week to do a couple of hours five days a week.

8 I don't recall ever like filling out an
9 application to work. I think I just kind of landed the
10 job, you know, just from who you know type thing. It
11 wasn't like I applied for it.

12 Q. Okay. And so you think that your relationship
13 for those 10 years with him assisted you in getting that
14 position?

15 A. Yes.

16 Q. And you mentioned that some things happened
17 during your job when you were given a second chance to
18 keep your job and stay at Sanitary Systems?

19 A. Yes.

20 Q. Do you know if your friend Shawn -- was it
21 Shawn Campbell that you said helped get you the part-time
22 position?

23 A. Right.

24 Q. Do you know if Shawn had to formally apply?

25 And when I say that, I mean submit any materials such as

1 a resume or have a reference contact Mr. Starkey?

2 A. I have no idea, to be honest with you. I
3 don't know how he ended up with that job.

4 Q. You mentioned at one point that Mr. Starkey on
5 occasion would come by your home or your apartment?

6 A. Right.

7 Q. Outside of working with Mr. Starkey, what was
8 your personal relationship like with him?

9 A. I mean, he was -- he's basically -- he was a
10 lot like another dad to me. He took care of me. We
11 would sit around. We'd cut up. We would talk about
12 music. We would talk about the latest movies coming out.
13 We would -- you know, he would always ask how my girls
14 were doing. And, you know, he'd basically tell me about
15 how him and his wife was doing or whatever.
16 It was just -- it was -- we had -- it was
17 a very close friendship. And he would absolutely -- he
18 would help me out every chance he got. Any time I was --
19 if I needed -- if I was running behind on rent, he might
20 front me a pay check in advance and I just worked it off
21 or something. But he would -- yeah, he just -- we was
22 pretty close.

23 Q. With him being a second father figure in your
24 life, you said that you told him about your alcohol
25 problems, and he gave you advice. What specifically did

1 he tell you?

2 A. He basically just told me that I needed to --
3 lots of times he would tell me, Don't overdo it. Just be
4 careful. Don't overdo it, you know. And then about the
5 time he found out I got diabetes, he'd really get onto me
6 about it. He's like, You got diabetes. You need to
7 think about what you're putting in your body, you know.

8 So he definitely -- he did not approve of
9 it, but he also knew that I was, you know, of age and,
10 you know, an adult human being that can make up their own
11 mind, so...

12 Q. For the assault with your ex-wife, did that
13 occur while you were intoxicated?

14 A. Yes.

15 Q. Did Mr. Starkey know that?

16 A. I don't think he ever -- I don't know if I
17 ever told him about that or not, to be honest with you.
18 I want to say I didn't, but then again I might have. I
19 don't know. I really don't know.

20 Q. Let me ask you this. With him having
21 knowledge of your arrests and these past issues that
22 we've discussed, did his concern ever get to the point
23 where he told you, I think you need help?

24 A. No.

25 Q. Despite him knowing these problems, he never

1 said, Jeremy, I think you need to go to counseling or see
2 a therapist for these problems?

3 A. No. As a matter of fact, when I told you
4 earlier that I couldn't tell if I got the job with him or
5 with Woody Anderson, I'm pretty sure I had the job with
6 Woody Anderson first, because I quit Woody Anderson to go
7 to rehab. And then, of course, I was gone for several
8 weeks, so apparently I didn't -- I obviously didn't quit
9 him as well. So I must have gotten that job I guess when
10 I got back.

11 Q. Did you ever tell him that you went to rehab?

12 A. Probably more than likely I did.

13 Q. While we're on this topic, do you know where
14 Shawn Campbell lives?

15 A. No. Not at this moment I don't know where he
16 lives.

17 Q. Do you know anything about him as you sit here
18 today that could help us track him down?

19 A. No. He worked at the -- he worked at the
20 Bentley dealerships for a while, but he worked as a -- he
21 worked in the -- he basically changed out busted
22 headlights and such. He was a mechanic. But he has not
23 been there for a while. Back when they had the recession
24 and the car companies was going under, they let go of a
25 whole lot of people, and he was one of them. And I

1 pretty much lost contact with him. We went to a couple
2 of races together, but that was many years ago.

3 Q. I told you I'd be jumping around a little bit.
4 But when Mr. Starkey hired you, you said he basically
5 taught you everything you know?

6 A. I mean, a lot of stuff is just kind of
7 self-explanatory, like vacuuming. You know, everybody
8 knows how to vacuum. But maybe window washing, stripping
9 and waxing floors, that stuff he did teach me. Steam
10 cleaning I was taught -- I learned steam cleaning at --
11 when I worked at Flagstone Apartments.

12 Q. Did he ever give you any written materials
13 once you were hired, anything about company policies or
14 written guidelines?

15 A. No.

16 Q. Everything he told you was oral?

17 A. Correct.

18 Q. But it was his responsibility to supervise you
19 as his employee, correct?

20 A. Correct.

21 Q. How often was your performance as an employee
22 at Sanitary Systems evaluated by Mr. Starkey?

23 A. Well, I mean, he was constantly keeping tabs
24 on me, you know, checking my work. So, I mean, it wasn't
25 like I went through a period of evaluation. It was just

1 a continual thing. You know, he'd monitor me one week
2 from the next.

3 Q. Was that a formal process? I mean, when I ask
4 you about performance evaluations, did he write any of
5 this down, to your knowledge?

6 A. Not to my knowledge. I mean, he kept an
7 office there at his house. He kept a lot of records. I
8 have no idea what he did on his off time as far as
9 records and things that he's done. I just -- I never
10 asked, and he never divulged any of that information.

11 Q. You mentioned that there was a married couple
12 that worked for him at one point, correct?

13 A. I guess -- they was either married or they was
14 boyfriend and girlfriend. I want to say they was
15 married. That was a long time ago, and I never met them,
16 so I don't know. I just remember him talking about them.

17 Q. You mentioned a couple other people that were
18 also employed at Sanitary Systems. Do you remember who
19 was actually employed by James Starkey at Sanitary
20 Systems in 2014?

21 A. Okay. He had -- there was one guy. He might
22 still be working for him. I don't know. He was an older
23 black gentleman. And with him was I know another guy
24 would come and help him out some. And also that -- I
25 guess that was about it. I think that that one guy was

1 Q. -- is that correct?

2 One of the things you mentioned with
3 Mr. Little is that there were some clients that required
4 supervision of you as a janitor while you were on their
5 property.

6 Would that supervision only come from
7 James Starkey, or would you also sometimes be accompanied
8 by this third employee?

9 A. Well, the black guy, he -- we worked with --
10 the day care we crossed paths a couple times. Jamie
11 would have to come down a lot of times and let him in the
12 building, because he -- he was just beginning, I guess
13 you could say. He was a new employee. And I think he
14 was pretty much trying to get on full time.

15 And most -- almost all the places that he
16 did clean he went with Jamie from building to building.
17 They rode together. He didn't have a car. Jamie would
18 have to go pick him up and take him to work and then also
19 turn around and take him back home again as well.

20 Q. Okay. Was there ever an occasion where you
21 would have been at work on a site with just this
22 gentleman?

23 A. There was a handful of times, yes.

24 Q. And he would just get dropped off, I'm
25 assuming, by Mr. Starkey --

1 actually -- the black guy I know was an actual -- well, I
2 say I know he was an actual employee. The other guy I
3 think was actually trying to get a job.

4 Q. Do you remember the black gentleman's name?

5 A. At this point, no, I don't.

6 Q. Other than the guy -- the second guy you
7 mentioned who was in the process of trying to get a job
8 at Sanitary Systems, to your knowledge was it just you,
9 the black gentleman, and James Starkey that were working
10 there during the year of 2014?

11 A. Yes.

12 MR. HASKINS: Why don't we take a minute.
13 We'll take a break. We're about to run out of tape.

14 THE VIDEOGRAPHER: Please stand by. This
15 ends media number two of our ongoing deposition. We're
16 off the record at 12:51.

17 (Off the record.)

18 THE VIDEOGRAPHER: This begins media
19 number three of our ongoing deposition. We're back on
20 the record at 12:57.

21 (By Mr. Haskins)

22 Q. Mr. Nelson, right before the break you were
23 telling me about a third gentleman that worked at
24 Sanitary Systems in 2014, the black gentleman --

25 A. Yes.

1 A. Right.

2 Q. -- on site with you?

3 A. Right. I guess you could say in a way I kind
4 of supervised him in one way or another.

5 Q. You mentioned that most always at Sanitary
6 Systems, especially in these last two years, you were
7 smoking marijuana while working?

8 A. Right.

9 Q. Did this gentleman ever see you, to your
10 knowledge, smoke marijuana?

11 A. Not that I know of, no. I pretty much always
12 smoked on the road, and I always rode everywhere by
13 myself, so that's the only time I ever smoked.

14 Q. So you would have only smoked in your vehicle
15 going to or leaving the job site, not typically at the
16 job site?

17 A. Right.

18 Q. Was there ever an occasion you smoked at the
19 job site?

20 A. I'm sure there's probably a handful of times
21 here and there I might have sat out in my car and
22 listened to the radio and taken a drag or two. But, you
23 know, it wasn't like I was out there just blazing up a
24 storm or anything. Just a hit or two, put it away, and
25 go home.

1 Q. Did anybody ever say anything to you about we
2 can smell marijuana on your breath?

3 A. No.

4 Q. Or you've got bloodshot eyes?

5 A. No. I never got -- I never smoked that much.
6 I didn't like getting high. It made me paranoid. So I
7 usually kept just a very moderate buzz.

8 Q. You mentioned that the other gentleman and you
9 often worked at a day care together. Which day care was
10 that?

11 A. The Huntsville Hospital.

12 Q. You gave us a long list of the clients that
13 Sanitary Systems had while you worked there. Tell me, to
14 the best of your knowledge, which of those clients
15 catered their business to children, such as the dance
16 studio or day care. Were there any high schools or
17 preschools that you worked at?

18 A. No, no.

19 Pretty much none of them. I mean, we had
20 a couple churches that the churches might branch off and
21 have, you know, a day care or something. But when we
22 worked, there was nobody there. I mean, maybe an
23 occasional deacon or something. Somebody might -- or the
24 preacher himself might be there, but...

25 Q. But it would have been in a day care part of

1 So I know that he was either about to get
2 sued or he did get sued or something. I don't recall
3 exactly what happened. But I know that we ended up
4 working off the amount of money that we owed the guy to
5 replace the windows. So whether the lawsuit ever went
6 through, I have no idea. I want to say it didn't.

7 Q. So there was an arrangement, to your
8 knowledge, that was worked out with that law firm or the
9 company that owned that building to compensate them --

10 A. Right.

11 Q. -- for the damage that was done?

12 A. Yes.

13 Q. Going back to you being supervised on site by
14 Mr. Starkey, you said there were some clients that
15 required that, some that didn't; is that correct?

16 A. I don't really know if they required me to be
17 supervised, but it was like they would only -- they'd
18 give like one key out to him, and it would be like a do
19 not duplicate key, so he couldn't make me a key. The
20 only way that I could get in to clean was for him to
21 actually be there while I was there for him to unlock the
22 doors.

23 Q. Okay. But then you said there were times when
24 you were given full clearance?

25 A. Right. There was other times where he just --

1 the facility where children, when they were there, would
2 play or be educated?

3 A. Right. Well, the Bible school, so I don't
4 know if that's considered education or not, but...

5 Q. Wasn't there a day care center at the Bentley
6 dealership?

7 A. No.

8 Q. There was not?

9 A. No.

10 Q. Are you aware of any other lawsuits that were
11 filed against Sanitary Systems or Mr. Starkey
12 individually?

13 A. The only one that I know of was we had tried
14 to clean -- it was -- it was a -- I guess it was a
15 lawyer -- a big building full of lawyers or a lawyer
16 owned it all. I don't know what it was. But we used to
17 clean his windows, and at the same time he wanted us to
18 come and clean all his building's windows, which he had a
19 huge building, and it had a lot of windows.

20 And we used a type of acid on the windows
21 to get rid of the mineral deposits. And we did not
22 realize he had a tint on the outside of these windows,
23 and it messed the tint up on a couple of the windows.
24 Apparently his windows come manufactured with this tint,
25 and they're like really expensive.

1 we'd get a contract, and he would say, Here's the keys,
2 here's what needs to be done. He might walk me through
3 the process, you know, tell me what was expected. And he
4 may work with me a time or two, and then he just kind of
5 let me at it, because it's something I've always done,
6 so...

7 Q. Do you recall how that arrangement was set up
8 initially with Anne's Dance Studio?

9 A. That one I was just given a key right off the
10 bat.

11 Q. Okay. So you were given full access to the
12 facility from day one?

13 A. Correct.

14 Q. And so they trusted you, as Mr. Starkey's
15 employee, with full access to the facility the day you
16 all started your contract with them?

17 A. I suppose so. Or they...

18 Q. You mentioned that sometimes you would start
19 at 7:00 p.m., sometimes at 9:00 p.m., but you'd work as
20 late as 4:00 a.m. on occasion?

21 A. Correct.

22 Q. How often did Mr. Starkey stay until 3:00 or
23 4:00 a.m. with you?

24 A. He worked way more than I did, so he worked
25 pretty much seven days a week almost full time every day.

1 So some days he might work 12 hours. He always got
2 started before me and usually always finished up after
3 me.

4 Q. And that goes for the projects where you two
5 were working together; you would leave, let's say Anne's
6 Dance Studio, and Mr. Starkey may still be working there
7 at 4:00 a.m.?

8 A. He could be, yeah.

9 Q. You said that you may have missed some things
10 when working at Channel 19 that was cause for them to
11 say, We're unhappy with these janitorial services?

12 A. I mean, from time to time they would complain.
13 One time that we got that new -- the president or whoever
14 it was that was over Channel 19, they hired him, and he
15 started complaining right off the bat. He was like, I
16 found something in my carpet last night. He called Jamie
17 up, and he would basically make threats, This can't keep
18 happening type thing.

19 Then like a week later, it would be like,
20 Yeah, I found a balloon or a partial piece of a balloon
21 over in this corner over here. I think he was just
22 looking for a reason, because all of a sudden he hired a
23 company that was from his church that he knew. So I
24 think it was just him trying to legally break that
25 contract so he -- I mean, he could have been fabricating

1 him for a short period of time, and I was cleaning it
2 regularly. I think I was going in once, maybe twice a
3 week. I don't know.

4 And I decided one day -- something came
5 up, I forgot what it was, and me being young and dumb at
6 the time, thought, well, I can probably -- it's no big
7 deal. It's just a little bit of dog hair. I'll skip it
8 this time and get it the next time or something. I don't
9 know what I was thinking.

10 And apparently that wasn't the story.
11 They called and pretty much cancelled the contract right
12 there. He kind of got all over me. He's like, I don't
13 know what to do, man. He says, I can't -- I don't want
14 to -- I don't want to -- you do a good job for me. I've
15 known you for a long time. I don't want to get rid of
16 you, but I can't have this either type thing, you know.
17 And so I pretty much made an oath to him that that would
18 never happen again, so...

19 Q. You said that the reason you skipped work was
20 voluntary, that you thought that the mess of dog hair or
21 whatever was there at the veterinarian clinic was not
22 enough for you to go that day or that you could handle it
23 your next trip out?

24 A. Right.

25 Q. And did Mr. Starkey ask you about that, why

1 evidence for all I know just to come up with a reason to
2 break that contract so he could hire the other people in.

3 Anyway, he ended up turning around and
4 getting in trouble himself, and he ended up getting
5 fired. They went through several janitorial companies
6 and never did like any of them, but they always liked
7 Jamie, because Jamie's always done a spot-on job for
8 them. So he called him back, and that's how we regot the
9 contract again.

10 Q. When you first lost the contract with
11 Channel 19, you weren't fired or put on suspension with
12 Sanitary Systems at that point, were you?

13 A. No, no. Jamie knew that the guy was just
14 fishing for stuff. The stuff he was complaining on,
15 anybody could have made a mistake and not -- there's a
16 lot of stuff to clean. You got a huge building to clean,
17 you're bound to miss one percent of something every
18 night, you know.

19 Q. You said there was another occasion with a
20 separate client where you didn't show up for work, which
21 caused Mr. Starkey to lose the contract with that client?

22 A. Right.

23 Q. Which client as that?

24 A. Oh, that was one of the -- we had a
25 veterinarian that we did back when I -- I had been with

1 you missed that?

2 A. Yeah, he asked me. And I just basically told
3 him, I said I just didn't go. I said I don't know
4 what --

5 Q. And he did not fire you?

6 THE COURT REPORTER: Wait. I'm sorry.
7 Finish your answer.

8 A. I just told him -- I forgot what excuse I gave
9 him. I gave him whatever excuse it was why I didn't go,
10 and I told him I didn't think it was that big of a deal.
11 And I was doing other stuff for him at the time, too.
12 That, to me, just seemed like that was -- you know, I'd
13 go there, spend 15 minutes of work, 15, 20 minutes,
14 however long it took me to sweep that little place, and
15 that was it.

16 (By Mr. Haskins)

17 Q. And he did not fire you on that occasion,
18 either, even though y'all were caused to lose that
19 client?

20 A. Correct.

21 Q. Were there any complaints, to your knowledge,
22 from the dance studio about your performance?

23 A. No. As far as I know, Ms. Anne always liked
24 our work.

25 Q. And when you say Ms. Anne, you're referring to

1 Anne Brown, the owner of the dance studio?
 2 A. Yes.
 3 Q. Did you have a personal relationship with her?
 4 A. No.
 5 Q. Were there ever any occasions you had the
 6 opportunity to speak with her?
 7 A. Yeah. I talked to her a handful of times.
 8 Q. What would you talk with her about?
 9 A. We talked about changing the light fixtures on
 10 some of the lights. I think there was one point where
 11 the floor was starting to look really really dingy, and
 12 we kind of touched base with her on scrubbing the floors
 13 there. She thought -- we scrubbed them, and I think I
 14 asked her how she liked them or something. And she was
 15 like, Yeah, it looks really really good. Can you all
 16 start doing that from time to time type thing?
 17 Q. Earlier when you were speaking with Mr. Little
 18 about your past conversations with James Starkey, when he
 19 asked you, Did you ever tell him you had a problem with
 20 pornography, you hesitated and said, Not really.
 21 Do you recall one way or another if you
 22 ever mentioned that to him?
 23 A. To be honest with you, I never really thought
 24 of it -- I thought of the regular adult pornography, I
 25 never thought of it as being a problem. I just -- I

1 thought everybody done it, you know. I mean, all my
 2 friends done it. I just figured it was -- you know, if
 3 you didn't do it, I thought you was a better person, you
 4 know.
 5 As far as the illegal stuff, I dared not
 6 talk to anybody about that. And so I really didn't even
 7 like getting off on the subject, to be honest with you.
 8 It's not something I'd just go out and talk to people
 9 about, you know.
 10 Q. What about specifically with respect to adult
 11 pornography; were there ever any occasions that you and
 12 Mr. Starkey, when discussing videos or porn stars, pulled
 13 up a video or a picture on a computer or on a phone?
 14 A. Not that I recall, no.
 15 Q. You also mentioned the newsgroup sites?
 16 A. Right.
 17 Q. Do those display children only, or do they
 18 also have adult pornography?
 19 A. It is majorly adult.
 20 Q. Did Mr. Starkey ever say whether he had a
 21 subscription to one of these newsgroup sites in those
 22 conversations?
 23 A. No. I never talked to him about newsgroups.
 24 If I did, it was something I knew that he would never
 25 understand or care to deal with, so I never -- I never

1 really mentioned it to him. It was just something that
 2 was, to be honest with you, that was something that was
 3 way over his head as far as, you know, the Internet goes.
 4 He wasn't that savvy with the Internet and with
 5 computers.
 6 Q. Mr. Starkey, I'm handing you what's been
 7 marked as Exhibit 1, which is a copy of your plea
 8 agreement. I'm going to ask you to refer to some pages
 9 in this periodically. And when I'm mentioning that, the
 10 page numbers are contained here in the top right corner.
 11 It will say page 1 of 27. Okay?
 12 A. Okay.
 13 Q. If you will flip to page 5. First of all,
 14 this was an agreement that you signed with prosecutors
 15 agreeing to certain facts about the charges that were
 16 filed against you; is that correct?
 17 A. Right.
 18 Q. You told Mr. Little that you began -- that you
 19 believe you began starting looking at child pornography
 20 in 1999 to 2000, I believe is what you said?
 21 A. Something like that, yes.
 22 Q. If you'll look at the bottom of that large
 23 paragraph in the center of the page, that last line says,
 24 The defendant stated that he had been viewing,
 25 downloading, and trading child pornography since the

1 invention of the internet; is that correct?
 2 A. That is correct. But it was also taken out of
 3 context. And that's something I'm hoping to bring up in
 4 my 2255 was that when I made all these statements, I was
 5 half inebriated at the time, because I drank up until
 6 about 5:00 o'clock in the morning, and they're knocking
 7 on my door at 8:00 o'clock in the morning. I might have
 8 been drinking to 6:00. More than likely I was drinking
 9 until 6:00, because usually I didn't get off work until
 10 3:00 or 4:00 anyway.
 11 So I was not in my right mind when I said
 12 all that stuff. And they took a lot of stuff, what I
 13 said, out of context. And if they had included
 14 everything I said in that, I would have went on to say,
 15 Well, somewhere around that time I started dabbling in
 16 it, then I quit, then I dabbled in it, then I quit, then
 17 I dabbled in it again.
 18 Here they make it sound like I've been
 19 doing it since 1995. The Internet has been out since the
 20 1960s, as far as I know, and I wasn't even born then.
 21 Q. And I understand your position that you were
 22 making statements while inebriated.
 23 A. Correct.
 24 Q. But isn't it true you've had the opportunity
 25 to review and sign this plea agreement?

1 A. Yes. And that's another thing is my lawyer,
2 when I tried to tell him, I was like, you know, We've got
3 to take this out. All of this stuff was said before my
4 Miranda rights was even read to me. He said, It doesn't
5 matter when your Miranda rights are read to you, because
6 you wasn't arrested at that point. You said all this
7 stuff before they put you under arrest. They don't have
8 to read your Miranda rights until you're arrested.

9 Well, if you read down here, it says that
10 these were written -- following his verbal and written
11 Miranda rights I said all this stuff, and it wasn't
12 following. It was before, it was prior, and that's
13 something I plan on bringing up.

14 But when I signed all this stuff, I was
15 trying to say, Hey, this is a mistake, this is a mistake,
16 you can't do this. And he's like, Yeah, they can; yeah,
17 they can; yeah, they can. We can't -- I think he was
18 just as quick to send me down the river as the
19 prosecuting attorney.

20 I agreed to a lot of stuff in this thing
21 that I should not have agreed to. And that was one of
22 the worst mistakes I ever made in my life. The biggest
23 mistake I ever made in my life is what got me in here,
24 but...

25 Q. And again I understand your position, but you

1 accurate?

2 A. Yes.

3 Q. Why did you not seek help at this point?

4 A. You mean at the point that I was arrested?

5 Q. At the point -- what I'm saying is when you
6 were arrested, you immediately knew you had done
7 something wrong, correct?

8 A. Yeah. I mean, I knew I was doing wrong before
9 that. And I just...

10 Q. And that's my question for you. You said as
11 early as 1999 or 2000, when you first went through that
12 year and a half span of looking at child pornography for
13 the first time, you suddenly put an end to it --

14 A. Correct.

15 Q. -- because you felt bad about what you were
16 doing?

17 A. Correct.

18 Q. Why at that point in 1999 to 2000 did you not
19 seek help or counseling in some form?

20 A. I just -- I couldn't bring myself to talk to
21 anybody about it, especially -- I mean, I can talk to
22 people, I guess you can say like-minded people on the
23 Internet. But as far as talking to one-on-one person,
24 somebody that would look down on me, I guess you could
25 say, or had the potential of actually going to law

1 agree with me that you had the opportunity to read and
2 sign this?

3 A. Yes.

4 Q. And you did, in fact, sign it?

5 A. Correct.

6 Q. You said in your earlier testimony that when
7 you started looking at child pornography around 1999 to
8 2000, that within a year to a year and a half you stopped
9 because you felt horrible?

10 A. Correct.

11 Q. Do you remember saying that?

12 A. Yes.

13 Q. And if we look up at the top of that paragraph
14 on page 5 here, when you were arrested, you said, I am
15 going to spend the rest of my life in prison, I am a
16 monster.

17 A. Correct.

18 Q. And you went on to say that, in the second to
19 last sentence of that same paragraph, There is enough
20 child pornography on the external hard drive to send him
21 to prison for the rest of his life, which was a statement
22 you made to investigating officers; is that correct?

23 A. Correct.

24 Q. And it sounds to me as though you felt
25 remorseful immediately about your actions. Would that be

1 enforcement themselves, you know, I just -- I just didn't
2 feel comfortable going up and telling somebody, hey, I've
3 got this highly dangerous illegal mental problem.

4 Q. What was different about the cousin of your
5 roommate, Russ? You mentioned to Mr. Little as early as
6 2000 you said I needed to share this with somebody.

7 A. Yeah. Just, you know, I always kind of in the
8 back of my mind I wish I could talk to somebody about
9 this. You know, I wish there was somebody out there that
10 was -- you know, I wasn't just going to go up and just
11 talk.

12 I mean, I hear stories, these guys in
13 here, they're like, yeah, I found so-and-so such-and-such
14 person on the back page or craigslist. And I'm like, How
15 did you even get the nerve up to talk to a complete
16 stranger about this? It's something I never could do.

17 And I just -- and then, like I said, me
18 and Russ one time at that time we had -- I think it was
19 on coke or something. I'm pretty sure it was cocaine or
20 something at the time. Plus I had been drinking as well.
21 And then I just kind of -- I don't know what -- I don't
22 even know what I said to Russ, but I said something along
23 the lines. And he was like, Oh, yeah, you got to talk to
24 my cousin or something. He feels the same way or
25 something. And I'm like, Oh, really?

1 And then at that point a couple days
 2 later -- I didn't even want to talk to his cousin at that
 3 point anymore, but his cousin came over anyway.
 4 Apparently Russ had done went to his cousin and said
 5 something to his cousin, and his cousin was all anxious
 6 to meet me.
 7 So he came over and we talked. I don't
 8 know how long it was, 10, 15, 20 minutes, 30 minutes
 9 maybe. Shared a little of the stories, and then I kind
 10 of pretty much quickly changed topic, you know, and went
 11 on to different stuff. And it was like we just never
 12 talked again after that.
 13 Q. Did that feeling of not feeling comfortable
 14 talking about the specific issue of child pornography,
 15 did that ever change for you before the day you were
 16 arrested? Was there ever a point when you wanted help or
 17 assistance?
 18 A. Yeah, there was a lot of times I wanted help.
 19 You know, I figure -- I just didn't know -- I didn't know
 20 how to go about getting help. I didn't know. I mean,
 21 you know, it's like what do you do? Do you go talk to
 22 just a counselor, a psychiatrist? For one thing I didn't
 23 have the money to go see a psychiatrist. I lived
 24 paycheck to paycheck. And I definitely wasn't going to
 25 go to the authority and say, Hey, I need help with this,

1 because that's crazy. And I really didn't want to -- you
 2 know, my momma already has enough to worry about, and I
 3 didn't need her worrying about this little issue of mine,
 4 and so I just kept it to myself. I didn't -- I really
 5 didn't know where to even begin to look for help.
 6 Q. What about the times that you were caught?
 7 You said that you thought your ex-wife may have caught
 8 you at one point. And you said your dad definitely
 9 caught you.
 10 A. Yeah. Dad, I think he just kind of wanted to
 11 turn a blind eye to it, kind of just hoped it -- you
 12 know, hoped it would go away. He confronted me about it,
 13 but I don't think he really knew how to confront me about
 14 it really. You know, he just basically is like, you
 15 know, that's something you don't need to be dealing with,
 16 you know. He was like, Definitely don't be doing any
 17 kind of thing like that on my computer, you know.
 18 Q. It was his fatherly instinct, you're saying,
 19 to turn a blind eye?
 20 A. I guess. He didn't want to turn me in, if
 21 that's what you're saying, yeah. Also, the images that I
 22 had on his computer, they weren't really technically
 23 hardcore. They was more like nudist-type pictures, which
 24 is kind of, I don't know, can be explained away or
 25 whatever.

1 Q. And they were photographs versus videos?
 2 A. Right.
 3 Q. And they weren't as explicit as far as what
 4 was contained in them?
 5 A. Right. They was just like beach, nudist
 6 colony type stuff.
 7 Q. I apologize if you covered this with
 8 Mr. Little. I may have missed it.
 9 I know you mentioned your ex-wife, Carmen?
 10 A. Yes.
 11 Q. You had another ex-wife that you married in
 12 2011; is that correct?
 13 A. Correct.
 14 Q. And that would be Amy Michelle Nelson?
 15 A. Right.
 16 Q. You mentioned that an ex-wife knew about your
 17 addiction because of what you left on -- you said you
 18 removed it from the desk stop but on the startup
 19 screen --
 20 A. Right.
 21 Q. -- the image showed up.
 22 Which ex-wife was that?
 23 A. That was Carmen. That was my first wife.
 24 Q. And I believe you said that happened -- that
 25 specific occasion with her finding the image on the

1 computer -- around the year 2000; is that correct?
 2 A. Thereabouts, yes.
 3 Q. And also I recall you saying that y'all were
 4 divorced sometime between 1996 and 1997. When she found
 5 this image on the computer, were you already divorced at
 6 that point?
 7 A. Yes.
 8 Q. Were y'all living together?
 9 A. No.
 10 Q. You were using --
 11 A. We was friendly with each other. I would --
 12 she would have me -- you know, she was real good about --
 13 she would -- I would come over and get the girls like
 14 every weekend, especially my oldest one. She was daddy's
 15 girl all the way. She loved to come over on the
 16 weekends, holidays, vacations, everything. And Carmen
 17 was really good about -- in my divorce papers it said I
 18 was only supposed to have them once every other weekend.
 19 She was good about letting them come over every weekend.
 20 And, you know, she would ask me a lot of
 21 times, Can you come over and mow my grass for me? Can
 22 you come over and work on my car for me? Can you come
 23 over and do whatever handyman job for me? And I'd go and
 24 help her out. What can I say? I loved her. I still
 25 love her. But we just couldn't get along together.

1 Q. Was the reason for your divorce with Amy
2 Nelson, was that in any way related to your addictions?

3 A. No, no. At that point I was -- I was pretty
4 much living -- I was going to church regularly before --
5 when we started dating each other. She was kind of the
6 reason that I quit going to church, because she didn't
7 feel comfortable with church. And then I kind of quit
8 going.

9 And we wasn't married that long. We was
10 married -- we dated for five months and was married for
11 five months. And then, no, our divorce was because she
12 was basically a crazy woman. She -- I think she was
13 cheating on me. She was starting all these crazy fights.
14 I mean, she was -- she was -- she was a drama queen.

15 Q. You mentioned that Mr. Starkey had a close
16 personal relationship with you, and you viewed him as a
17 second father figure. Did either one of your ex-wives
18 know him as well as you did?

19 A. Know him as well as I did? No. Both of them
20 knew him, but neither one of them knew him as well as I
21 did, no.

22 Q. Was he around and in the picture as your
23 friend and employer?

24 A. I mean, he would come over -- like I said, he
25 would come over and either drop chemicals off, maybe he

1 But he never -- we never really discussed
2 the whole porn thing. That's just something that he --
3 he was one of the few people I knew that wasn't really
4 into it. He basically stayed in his room 24 hours a day
5 playing video games, or he went to work and then come
6 home and played video games.

7 Q. You mentioned that the other friend from down
8 the road --

9 A. Yes.

10 Q. -- may have been privy to your addictions with
11 porn at that time. What was his name?

12 A. His name was Keith Slowman.

13 THE COURT REPORTER: Spell it, please.

14 THE WITNESS: K-E-I-T-H S-L-O-W-M-A-N.

15 THE COURT REPORTER: Thank you.

16 (By Mr. Haskins)

17 Q. Other than the individual that was in
18 Tennessee and the one that was in Mexico, between your
19 roommates, the friends we've discussed, and your ex-wife,
20 was anyone aware of the fact that you were on the e-mail
21 rings, in the chat rooms, and using the video chatter as
22 you explained with the Russian women?

23 A. No.

24 Q. If you will flip to page 4 on Exhibit 1, you
25 mentioned to Mr. Little that in the e-mail rings you

1 would bring me my paycheck. But usually it was one of
2 them type of things where he'd pull up and he'd call me
3 on the phone, and I'd just run out and grab it, whatever.

4 Every now and then he might come into the
5 house, pet the dogs a little bit. He loved animals. I
6 had three dogs. He just went crazy over them. He would
7 come in from time to time, and he would -- he would
8 always say hi to either Carmen or Amy, and, Hi, Jamie.

9 Q. Are you aware of any conversation that took
10 place between either Carmen or Amy with James Starkey
11 outside your presence?

12 A. None.

13 Q. Do you know if either one of them had a --
14 strictly a personal relationship with him?

15 A. No, no.

16 Q. You mentioned two other individuals that knew
17 of what you characterized as an addiction to adult porn.
18 You said one was a roommate, and one was a friend from
19 down the road that you bought marijuana from. Is that
20 roommate Ross, or is this a different roommate at this
21 point?

22 A. Russ knew a little bit. I also had another
23 roommate as well, Aaron Harris. And he was my roommate
24 off and on for several years. We actually went to school
25 together. I knew him all my life.

1 initially did not share pictures or video but only
2 collected; is that correct?

3 A. The only things I shared was the three -- the
4 three distribution charges that I got. Those are the
5 only three that I personally created that I shared.
6 Everything else was what I got from other people on the
7 Internet.

8 Q. Okay. And at the bottom of page 4 on
9 Exhibit 1, this mentions an e-mail that you're exchanging
10 with the individual out of Nashville, Tennessee, where
11 you say, I am sending you a link to around 6,000 pics?

12 A. Correct.

13 Q. Approximately how many of those 6,000 pics
14 were ones that you had taken yourself?

15 A. None. Those 6,000 -- that link was a link
16 that I received myself.

17 Q. And you forwarded that information along
18 without adding any of your own videos to it?

19 A. Correct.

20 Q. Did that link to 6,000 pictures contain any of
21 the images of the girls that were over at your house,
22 both your daughter --

23 A. No.

24 Q. -- her friends or her cousin?

25 A. No.

1 Q. If you'll flip to page 5, in that first
2 paragraph, if you go to the last sentence, it says,
3 Following his verbal and written Miranda warning and
4 waiver, the defendant provided verbal and written
5 admissions of attempting to produce images of child
6 pornography of numerous children, including children he
7 knew, which are identified as MC number 2, number 3 and
8 number 4. And the sentence goes on to state, And
9 children at a dance studio that he did not know, which is
10 identified as MC number 1; is that correct?

11 A. Correct.

12 Q. So here you were admitting that you were
13 attempting to produce images of child pornography, both
14 of the young girls that were in your home as well as of
15 the children at the dance studio; is that correct?

16 A. I mean, yeah, for my own -- for my personal
17 self, not for trading, if that's...

18 Q. If you'll flip to page 6, that middle
19 paragraph states that cameras were placed in the bathroom
20 and changing rooms of Anne's Dance Studio. Minor
21 children, identified as MC 1, were recorded at Anne's
22 Dance Studio. The defendant stated he had also captured
23 various subjects, including minor children, nude and in
24 various stages of undress, with those hidden cameras.
25 The defendant stated the purpose of producing the videos

1 thousands of years.

2 And he said, If you take this to court,
3 what's going to happen is they're going to bring in --
4 they're going to bring in the jury, they're going to get
5 up there with a big-screen TV, they're going to show all
6 this stuff to the jury, to the judge, they're going to
7 find you guilty within a few minutes, and they're really
8 going to throw the book at you. So he's like, So your
9 best bet is to sign this.

10 And I tried to give myself -- we need to
11 at least change some of this stuff. I was trying to say
12 we need to at least try to change some of this stuff.
13 Some of the stuff it said that I persuaded, enticed,
14 induced, blah, blah, blah, and, and, and. It's like I
15 didn't persuade. I did not entice. I was trying to say
16 we need to change this.

17 He's like, It don't matter. All that
18 counts is in one of these things is -- but he's like, I'm
19 telling you right now that they're not going to change
20 this at all. You either sign this or they're coming at
21 you with full force. So what am I supposed to do?

22 MR. ARTRIP: Object as nonresponsive.
23 Move to strike. Go ahead.

24 (By Mr. Haskins)

25 Q. Going back to one of the things you brought up

1 was for sexual gratification and to use the videos for
2 trading material. Is that correct?

3 A. Yeah. That's one of them things I wish I had
4 read a little closer. My purpose was not to trade those.
5 When I first started, yes, they were. I wanted to have a
6 handful of stuff to trade to get other stuff that usually
7 wasn't shared. But when I initially started doing that,
8 I never felt comfortable carrying through with it. And
9 at that point it was not even occurring in my mind to do
10 anything like that.

11 Q. Again this is a statement of facts that you
12 agreed to with prosecutors and both initialed each page
13 as well as signed the end of this document; is that
14 correct?

15 A. That's correct.

16 Q. And I understand that's something you're now
17 saying you want to take up, but at that time you were
18 able to review this document as well as the specific
19 sections that we just covered; is that accurate?

20 A. Correct. To be -- to be honest with you,
21 though, I had -- the lawyer gave me two alternatives. He
22 said, You either sign this and we take our chances and
23 hopefully you get a somewhat reduced sentence, 25, 30
24 years, or you don't sign it, and they come back at you
25 with an additional 130-some counts, and you're looking at

1 called video chatter, you mentioned that that had Russian
2 girls on it. You would purchase them things, and then
3 you could video chat with them?

4 A. Well, you can video chat with them all you
5 wanted to. What you could do is you can buy what's
6 called gifts. They wasn't nothing but just -- it would
7 be like a rose or a car or whatever. And you'd pay -- it
8 wasn't but -- you paid -- like you put in five dollars
9 into this account, and then each gift would cost you like
10 50 cents or a dollar or something. Then when you saw
11 somebody that you liked or whatever, you could send them
12 something.

13 Now, I'm not for sure exactly how it
14 worked, but somehow they was getting money from these
15 gifts. I don't know. Like I said, I don't know how it
16 works. The Russian Mafia owns this stuff. So apparently
17 I know somewhat how it works, and I do know that, yeah,
18 somehow they was -- the parents themselves were somehow
19 getting some kind of -- some kind of money from this
20 ordeal.

21 Q. Are you aware of whether there were video
22 chatter sites for other ethnicities other than Russian
23 women? And when I ask that, you mentioned that
24 Mr. Starkey told you he liked Asian pornography. Are you
25 aware of whether there was a video chatter site for

1 something such as Asian pornography?

2 A. There probably is. I never -- I never delved
3 into that.

4 Q. Did he ever tell you whether or not he had a
5 video chatter account?

6 A. No, he never did. As far as I know, he
7 likes -- he liked his South American women. That's why
8 his wife is from Peru.

9 Q. Did you ever tell Mr. Starkey about the
10 Russian video chatter site?

11 A. No.

12 Q. If you will flip to page 21, there is a list
13 starting under paragraph 2 of the items which were seized
14 from your apartment; is that correct?

15 A. Correct.

16 Q. And I'm not going to reread each one with
17 specifics such as serial numbers, but going through them
18 generally, item A was an HP desktop computer; is that
19 correct?

20 A. Yes.

21 Q. Item B was one ACER tablet with 160 gigs?

22 A. Correct.

23 Q. Item C was a Seagate 500-gigabyte external
24 computer hard drive; is that correct?

25 A. Correct. Yes.

1 Q. Of the items that we have gone through, were
2 any of these items provided to you by Sanitary Systems or
3 James Starkey?

4 A. Jamie had given me one of those computers to
5 work on. And at that point he just went out and bought
6 two brand-new laptops. I believe it was the Toshiba
7 laptop he had. He wanted me -- something was wrong with
8 it. It was running extremely slow, and he went out and
9 bought these two brand-new laptops.

10 Well, he was asking me if I could get it
11 back up to operational speed so he could resell it. And
12 that was one of them things I just kind of put on the
13 back burner, I just kind of put off to the side and just
14 never really got around to it. I know that I tried to
15 tackle the speed issue once or twice. I never could
16 figure out exactly -- I couldn't tell exactly what in the
17 world was going on.

18 My opinion was that it was basically -- it
19 was he had -- I think he even had the hard drive replaced
20 or something at one point, and it still didn't solve the
21 problem. So I was kind of of the opinion that maybe it
22 was something different. Maybe it was his motherboard
23 or -- you know, I'm not that -- I might be good with
24 electronics, but I'm not that good.

25 And at that point I was just like -- you

1 Q. Item D was an Extreme I Hitachi 500-gigabyte?

2 A. Yes.

3 Q. Item E was an ACER desktop computer with
4 Seagate 250-gigabyte?

5 A. Yes.

6 Q. Item F was a Toshiba laptop computer with
7 attached Seagate 500-gigabyte computer hard drive?

8 A. Yes.

9 Q. Item G was 14 hidden micro cameras including a
10 Canon camera; is that correct?

11 A. Correct.

12 Q. Item H, 10 micro SD cards?

13 A. Correct.

14 Q. Item I, one micro SD adapter with a 2-gig
15 micro SD card?

16 A. Correct.

17 Q. Item J was six thumb drives?

18 A. Correct.

19 Q. Item K was one DVR wireless thumb drive
20 camera?

21 A. Correct.

22 Q. And item L was other miscellaneous computer
23 and digital media belonging to and used by the defendant
24 that was obtained by law enforcement in October of 2014?

25 A. Yes.

1 know, I was telling him, well, we got plenty of options.
2 We can either tear this computer apart and sell it off
3 piece by piece. We can try and resell it. I think I
4 even offered to buy it from him at one point or another.
5 But other than that, the computer was never used for
6 anything other -- as far as when it was in my possession,
7 it was never used for anything.

8 Q. And the item you're referring to is item F on
9 page 22 --

10 A. Correct.

11 Q. -- the Toshiba laptop?

12 And you said that Mr. Starkey asked you to
13 repair that, and you took that home to your apartment?

14 A. Correct.

15 Q. And then that laptop was later seized by the
16 authorities in their investigation?

17 A. Correct.

18 Q. Did Mr. Starkey ever pay for -- you mentioned
19 that before cellphones came out, y'all used pagers?

20 A. Correct.

21 Q. Did he ever help pay for your pager?

22 A. Yeah, he paid for it. He paid for the
23 cellphones.

24 Q. He paid for your cellphones, too, later on
25 when that technology came about?

1 A. Correct.
 2 Q. It sounds like you're saying cellphones
 3 plural. How many were there?
 4 A. Well, over the years different phones.
 5 Q. Did he pay for the service provider on those
 6 cellphones as well?
 7 A. Yes.
 8 Q. Who was that through?
 9 A. Verizon Wireless.
 10 Q. So Mr. Starkey provided you, as an employee at
 11 Sanitary Systems, multiple company phones?
 12 A. Over the period of time, yes. Usually it was
 13 one phone at a time, but yeah.
 14 Q. Were any of those phones the phones that you
 15 referred to earlier as being the one that you set out in
 16 or on top of the trash can?
 17 A. Yes.
 18 Q. Was pornographic material taken with any of
 19 the cellphones provided to you by James Starkey?
 20 A. You're talking about like hidden videos from
 21 Channel 19? There was some, yes.
 22 Q. What about at the Bentley dealership?
 23 A. No.
 24 Q. Any at the dance studio?
 25 A. No.

1 Q. What about the images at your home of your
 2 daughter and her friends as well as her cousin? Were
 3 those taken with any of the cellphones that we're
 4 discussing?
 5 A. No. Not to my knowledge. I had a regular
 6 camera at the house that I used.
 7 Q. If you'll flip to page 7, the last sentence in
 8 that middle paragraph, Mr. Nelson, states, The defendant
 9 stated MC number 4 had caught him attempting to record
 10 her in the shower as well as when he was once placing his
 11 hand on her thighs and taking pictures while she was
 12 asleep; is that correct?
 13 A. Correct.
 14 Q. What device were you using to take pictures
 15 of -- was this your daughter?
 16 A. No.
 17 Q. Who was MC4?
 18 A. That was my cousin.
 19 I was using a Nikon.
 20 Q. This was Caitlin?
 21 A. Yes.
 22 Q. And she was 12 years old at the time?
 23 A. Yes.
 24 Q. To your knowledge, did Caitlin tell your
 25 ex-girlfriend or any other adults about this occasion

1 when she caught you taking pictures of her while she was
 2 asleep?
 3 A. She never told anybody. To my knowledge she
 4 didn't.
 5 Q. What was your girlfriend's name at the time?
 6 A. Marcy.
 7 THE COURT REPORTER: Marcy?
 8 THE WITNESS: Yes.
 9 THE COURT REPORTER: M-A-R-C-Y?
 10 THE WITNESS: I believe either that or
 11 M-A-R-C-I-E. I'm not for sure.
 12 (By Mr. Haskins)
 13 Q. Do you recall her last name?
 14 A. Not right offhand I don't.
 15 Q. Did Marcy --
 16 A. Used to be Summit, but she had a different
 17 married name from when she was married.
 18 Q. Did you ever have any conversations with Marcy
 19 about your addiction to child pornography?
 20 A. No.
 21 Q. To your knowledge, did she ever catch you or
 22 suspect you of looking at child pornography?
 23 A. No.
 24 Q. Did James Starkey know Marcy at the time y'all
 25 were dating, to your knowledge?

1 A. Just in passing.
 2 Q. You mentioned the cigarette lighter cameras
 3 that you used at the news station. You said they were
 4 about six dollars on eBay?
 5 A. Correct.
 6 Q. You said they were pretty cheap. You could
 7 only get about 8 to 10 uses out of them before they would
 8 fizzle out?
 9 A. That was probably an exaggeration. You could
 10 probably use them a little bit more than that. But,
 11 yeah, they were very unreliable. They would -- there was
 12 one or two that I got in that worked for a day. And
 13 there was another one I would get in, and it would work
 14 for several weeks.
 15 Q. Is it safe to say that on average 10 uses
 16 would be appropriate?
 17 A. Oh, yeah.
 18 Q. And you told me -- I believe you said you went
 19 through about 10 of those lighter cameras?
 20 A. Something like that, yeah, 8, 9, 10. I mean,
 21 there was quite a few of them.
 22 Q. Were those motion sensed as well?
 23 A. Yes.
 24 Q. And you said that each held video for about an
 25 hour and a half before the battery died?

1 A. Correct. Well, it would only hold as much
2 video as the SD card would hold. As far as the battery
3 life goes, though, you could only put it on standby for
4 about an hour, hour and a half before it fizzled out, and
5 it would just shut itself off.

6 Q. If you got 10 uses out of 10 different
7 cameras, that would be approximately a hundred uses?

8 A. Correct.

9 Q. And if you're getting an hour to an hour and a
10 half out of each use, you would be looking at over a
11 hundred hours of video?

12 A. You wouldn't get -- they was two to three
13 minutes. They wasn't -- I mean, they could be anywhere
14 between half a minute to three or four minutes. Yeah, so
15 you really wouldn't -- plus not everything you got did I
16 -- you kept. A lot of stuff it would just be shadows.
17 Shadows would trigger it sometimes. Or somebody just
18 flipping a light on would trigger it. So, I mean...

19 Q. You said that there was one particular lady
20 that you ended up obtaining about 7 to 8 videos of?

21 A. Right.

22 Q. Do you recall her name?

23 A. No, not right off the bat I don't.

24 Q. Was she a reporter, or do you know her
25 position?

1 Q. Do you know as you sit here today what the age
2 was that you could start taking dance lessons at Anne's
3 Studio in 2014?

4 A. Do I know what the ages were you can start
5 taking dance? I have no idea. I guess as -- I don't
6 know. As soon as they can walk, I guess. I don't know.

7 Q. Would it surprise you to know it's at age
8 three? Would that sound accurate?

9 A. Yeah, I wouldn't doubt it.

10 Q. If you'll flip with me to page 8, the second
11 full paragraph down states, The defendant told law
12 enforcement that he removed yearbooks from Anne's Dance
13 Studio and had them at his residence.

14 A. Correct.

15 Q. The defendant relinquished those books to law
16 enforcement. One of the yearbooks was located near the
17 defendant's computer and had several pages tabbed by the
18 defendant.

19 A. Correct.

20 Q. Is that statement accurate?

21 A. Yes.

22 Q. And did you, in fact, tab pages of a yearbook
23 from Anne's Dance Studio?

24 A. Yes.

25 Q. How were you deciding which minors you wanted

1 A. No. She worked overnight writing the morning
2 news.

3 Q. Approximately how old was she?

4 A. She was 22, 23.

5 Q. Was she black or white?

6 A. She was white.

7 Q. What color hair?

8 A. Blond.

9 Q. When Mr. Little first asked you about when you
10 started taking videos of children at Anne's Dance Studio,
11 I heard you say the spring of 2013. And then as that
12 questioning went forward --

13 A. No. It would have been '14, 2014.

14 Q. Okay. So you would have started taking videos
15 and pictures in the same year that you were arrested?

16 A. Correct.

17 Q. Did you have a relationship with any of the
18 children at the dance studio?

19 A. No.

20 Q. Did you know any of them personally or by
21 name?

22 A. No. Well, I mean, there's a couple of them I
23 probably knew by name, but it's just because of -- just
24 from various things around the dance studio that would
25 say their names.

1 to target?

2 MR. LITTLE: Object to the form.

3 A. At that point I was just -- I was pretty much
4 just getting everything I could possibly get. The whole
5 tagging of the photo book wasn't because I was trying to
6 look for these particular people. I was trying to put
7 names to faces for some stupid reason. I don't know.
8 Just for labeling purposes, I guess.

9 (By Mr. Haskins)

10 Q. If you were only working as a janitor at the
11 studio at nighttime when there were no children around,
12 why did you need to be able to associate names and faces?

13 A. I don't know what it was about it. I guess it
14 was because when you're out there downloading a bunch of
15 -- when you're finding a bunch of that stuff on the
16 Internet, it's just that it seems like everybody always
17 had a name with it. Now, I could have made up names, but
18 I don't know. It's just a sickness, I guess. I don't
19 know. I don't know what made me want to do that.

20 Q. But there was an interest in you knowing the
21 child's real name that was on a video that you acquired?

22 A. There was a curiosity, yeah. I was...

23 Q. And you would rather identify that child by
24 their real name rather than make up a name?

25 A. I guess, yeah, for some neurotic reason.

1 Q. Did you having knowledge of these children's
2 faces and their names in any way influence when you put
3 cameras out? In other words --

4 THE COURT REPORTER: Could you start --
5 would you start that question over? I think I lost part
6 of it.

7 (By Mr. Haskins)

8 Q. Did your interest in knowing the names and
9 faces of these children in any way influence when you put
10 cameras out at that property?

11 A. No.

12 Q. In other words, was there -- were you
13 specifically targeting these children when they were or
14 were not at the facility?

15 A. No. I didn't know when they showed up, to be
16 honest with you. I mean, I probably could have detected,
17 worked it together, put it together. But I wasn't -- I
18 wasn't trying to make it into a science. I was just...

19 Q. Were there occasions when, after you went and
20 retrieved the SD card and uploaded that information to
21 your computer, that you recognized one of the minor
22 children in the video as being somebody from that
23 yearbook?

24 A. I had -- I had guessed. It was hard to tell,
25 because the video really -- the videos were kind of not

1 A. Well, there are some sites where you can sell.
2 I'm not familiar with everything. But the ones that I
3 dealt with was strictly just trading. You know, just you
4 give -- you know, I'll give you 10 pictures, you give me
5 10 pictures back.

6 But it was usually a lot more than that.
7 A zip package usually had a whole lot. But you never
8 charged each other for it. I'm sure that there are
9 people out there that have done that. But I was -- I was
10 always of the opinion that if you tried to get greedy
11 like that, then it was going to backfire on you some way
12 or another.

13 Q. I know I have not seen any of the images or
14 videos that were recovered from your apartment in this
15 case. And so I'm going to ask you to try to be delicate
16 with this.

17 There were images recovered in your
18 apartment from children at Anne's Dance Studio in which
19 they were depicted in the nude; is that correct?

20 A. Correct.

21 Q. Was there ever an interest on your part in
22 boys, or was it strictly young girls?

23 A. I had a -- I had a slight interest in boys.

24 Q. Did you set up -- when we talked about
25 changing rooms and restrooms, did you set up camera

1 super high quality, and a lot of the times they just
2 looked different than they would in a high-quality,
3 up-close picture, you know. Just -- I mean, there's a
4 difference between having a little grainy video that's
5 really distant and having an up-close facial shot. You
6 could be mistaken of who is who. You could say she's
7 blond headed; you know, she might look like she's 13.
8 This girl here looks like she's 13; she's blond headed.
9 This might be her.

10 MR. ARTRIP: When you get a chance, can we
11 take a break? Whenever you get a chance.

12 MR. HASKINS: Yeah. I'm fine. Why don't
13 we take a break.

14 THE VIDEOGRAPHER: We're off the record at
15 1:58.

16 (Off the record.)

17 THE VIDEOGRAPHER: We're back on the
18 record at 2:02.

19 (By Mr. Haskins)

20 Q. Mr. Nelson, at any point did you sell any of
21 the images or videos that you recorded of children?

22 A. No.

23 Q. To your knowledge, is there a market out there
24 on the Internet for selling them? Or were the sites you
25 were using limited to only trading them?

1 equipment in both the boys and girls restroom?

2 A. At Anne's?

3 Q. Yes.

4 A. Anne's was just -- it was universal. It was
5 both male/female.

6 Q. So there were images that you obtained from
7 your personal cameras that depicted boys in the nude as
8 well as girls?

9 A. Yeah, there was a handful, yes.

10 Q. Is there a shower in that changing room or in
11 that restroom?

12 A. No.

13 Q. So primarily the images you would have
14 obtained of minor boys and girls would have been either
15 of them changing clothes or using the restroom?

16 A. Correct.

17 Q. That's correct?

18 A. Yes.

19 Q. You don't have the benefit of seeing what I'm
20 looking at, but I'll tell you that this is a copy of the
21 transcript from your sentencing hearing. You were
22 present at that hearing with your attorney, correct?

23 A. Correct.

24 Q. You may remember the prosecutor at that time.
25 His name was Mr. Fortune.

1 A. Right.

2 Q. One of the things that Mr. Fortune told the
3 judge at this hearing is with respect to filming minors,
4 I quote, this defendant did not just do this once or
5 twice but over a span of years. Produced images of
6 children in the bathroom, in the shower, and he went a
7 little further. He edited those tapes. He spliced them.
8 He cut them. He added music to them. He named them.
9 And he saved them in different places. He indicated that
10 he uploaded them to trade on the websites. He admitted
11 that one of the child victims that he knows sharing that
12 tape with the other sex offender in Mexico.

13 And again he's saying that you made the
14 efforts to cut and edit and add music to certain videos
15 that were obtained of children and then proceeded to
16 share those on the Internet.

17 As you sit here today, you say that's not
18 true; is that correct?

19 A. That is exactly not true. For one thing I
20 didn't add no music to it. I don't know where he got
21 that from. And him saying that whole thing about me
22 trying to share, I mean, he done everything possible to
23 make me look as bad as possible. He went on to say I had
24 millions and millions of images. What he didn't say was
25 there was only a handful of videos that could be made

1 I started off doing this for the sole purpose of trying
2 to find something that I could trade to other people that
3 had private stuff. And he went on to make it sound like
4 I'm trading all these images from the dance studio, and
5 that's not the case. I didn't do it, nor did I ever plan
6 to do it.

7 Q. One of the things you said was that you
8 weren't out to hurt anybody?

9 A. Right.

10 Q. And you understand that there were victims in
11 this case that were hurt by it?

12 A. Correct.

13 Q. You've told me that you wish, despite not
14 being able to talk with people, that you could have
15 gotten help sooner, that you wish you could have?

16 A. Correct.

17 Q. Do you think that if your boss and other
18 people that employed you at Sanitary Systems had kept a
19 closer eye on you in supervising your work that that
20 could have helped prevent where you're sitting today?

21 MR. LITTLE: Object to the form.

22 A. I mean, if they was looking over my shoulder
23 every single move I made. But that's impossible to do.
24 Nobody -- nobody could do that. If they could sit there
25 and follow you around and watch everything you do, then

1 into millions and millions of images if I so wished to
2 make them. So he was using a lot of stuff out of
3 context.

4 So, yes, I had originally decided to make
5 a handful of videos so, yes, I could trade. And then
6 when I did trade them, I didn't even feel comfortable
7 about it, and I quit. And I had never -- I had never
8 wanted to go back in that direction again.

9 For one thing, anything that I made from
10 the dance studio would have been suicide for me to try to
11 trade, because it would have been too easy to track down
12 where exactly that came from. So that right there was
13 enough to make me not to even want to go there.

14 Another thing is, like I said, I was -- I
15 was -- I was an extremely careful person. And also I
16 was -- even though what I did was horrible, I'm still --
17 I'm still not out to really hurt anybody. You know, even
18 though my actions may have hurt people, it wasn't -- that
19 wasn't my idea.

20 And as far as me editing them, I edited
21 them for my own personal use for saving space on my hard
22 drive, for just basically editing out what I considered
23 boring parts. I never added music to it. I don't know
24 where he got that from. But this whole part, yeah, he's
25 using that out of context where I had admitted to, yeah,

1 they might as well do the job themself. That's the whole
2 purpose of having employees is to do what you can't
3 possibly do.

4 So, I mean, he did check up on me. It's
5 not like he just hired a complete stranger off the
6 streets and gave him full access. He did know me from a
7 long period of time. He does try to get to know the
8 people he does hire. He tries to get to know them. He
9 travels around with them, gets a feel for them, maybe
10 tests the water out, give them a little bit of leniency
11 here, see what they do with it.

12 But I don't care -- I don't care who it
13 was. There's nobody -- I was just -- I was too careful.
14 There's just no way. If I wanted to, I could walk into
15 Lowe's right now and go up to their handicap bathroom and
16 install a hidden camera, and none of the employees there
17 would know. Nobody would know.

18 And the same thing goes here at work. I
19 can go into a bathroom, install it, walk out, nobody
20 would ever know. The only way they'd know is they'd have
21 to actually walked in and caught me. But I wouldn't -- I
22 was careful about how I did it. You know, I made sure
23 that nobody was -- I would be listening if I hear
24 footsteps coming down the hall. You know, I'd keep the
25 doors propped open with a broom so I could hear

1 everything. I would scan the monitors before I even went
2 into the restrooms.

3 As far as the dance studio goes, there was
4 just nobody there, so there was no hiding or sneaking
5 around. I just went and plugged it up and left it, you
6 know, for the whole world to see. Nobody knew what it
7 was. And there was a lot of people who looked at it and
8 didn't know what it was. Anne, herself, must have stared
9 at the thing four or five times and never even thought,
10 Hey, that thing looks awkward. Let me go and inspect it,
11 you know.

12 MR. HASKINS: I think that's all the
13 questions I have.

14 MR. ARTRIP: Mr. Nelson, I don't have very
15 many questions for you. Again my name is Eric Artrip. I
16 represent one of the plaintiffs in the case who has filed
17 a collective action.

18 EXAMINATION

19 BY MR. ARTRIP:

20 Q. Have you ever given any other written or video
21 statements that you can recall?

22 A. No.

23 Q. Okay.

24 A. Oh, the one when they read me my Miranda
25 rights for the second time in the police station, I was

1 you sent out? In other words, do you know for sure that
2 nobody could access those Anne Studio of Dance photos?

3 A. You'd have to be -- one for thing you would
4 pretty much have to -- I don't know if it's possible or
5 not. As far as the flash drives, no. As far as my
6 external hard drive is concerned, yes, it was attached to
7 my computer. Yes, my computer was attached to the
8 Internet. And, yes, there are hackers out there that can
9 access people's computer.

10 The odds of them ever getting it is almost
11 impossible. I mean, for one thing they'd have to know
12 where to look. They'd even have to know that I was even,
13 you know -- I just don't think that hacking is that
14 widespread of a -- you know, I don't think everybody out
15 there is getting hacked. I can understand certain things
16 getting hacked or whatever. But nobody is just going to
17 say, Hey, I'm going to try to find out how to break into
18 his computer and see what all he's got.

19 And then if you do do that, it would take
20 you forever to search through gigs. I mean, I had nearly
21 500 gigs on one computer and I don't know how much was on
22 my other computer. It was almost a whole terabyte. So,
23 I mean, it would take you days and days and days to sit
24 there and search through every single file. I would say
25 that, yes, it is possible, but no, very unlikely.

1 recorded on that one, so...

2 Q. Okay. It looks like in that list of equipment
3 that was there in Exhibit Number 1 that you had a lot of
4 equipment. You had a lot of hard drives and computers
5 and things like that?

6 A. Correct.

7 Q. And then we know you had a number of different
8 images and videos. Did you have anything written down
9 that would show you where the images were? In other
10 words, exactly where they were?

11 A. No.

12 Q. Okay. Do you know where exactly all the
13 images and videos taken from Anne's Studio of Dance were
14 located?

15 A. They was located on my external hard drive.

16 Q. Just one or --

17 A. The little Maxim.

18 Q. You had a couple of them?

19 A. Yeah. I also had some flash drives, some
20 thumb drives as well that I had. My whole thought on
21 that was in case my Maxtor, my Maxtor external hard
22 drive, if it ever crashed, I'd like to be able to at
23 least keep backups, I guess you can say.

24 Q. Sorry about that.

25 Do you know for sure exactly what links

1 Q. Okay. Do you know that they -- but you don't
2 know for sure they haven't been distributed in any way,
3 right? I mean, you don't know that for sure?

4 A. I can't say one hundred percent positive sure,
5 no. But I can't say that nobody ever broke into my house
6 and borrowed my thumb drives, took them to their house,
7 copied them and then snuck them back into my house,
8 either, so...

9 Q. Right. Where is all the hard drives now, all
10 that equipment? Do you know?

11 A. The authorities have everything.

12 Q. Okay. Does anybody have any of these images
13 or pictures that you've taken other than the authorities,
14 as far as you know?

15 A. No, none. And I'm really hoping that the
16 handful of images that I did trade that I created I hope
17 are somehow destroyed and never -- I can't guarantee.
18 They could be all over the place for all I know right
19 now. But I'm really praying that that's not the case.
20 I'm hoping they died where they went.

21 Q. But when they go out on the Internet, you
22 can't say who has them and who doesn't have them, right?

23 A. Right.

24 Q. Because they can be shared?

25 A. Right.

1 Q. And you can't really follow them at that
2 point, right?
3 A. Correct.
4 Q. Now, you made these images at Channel 19,
5 Anne's Studio of Dance, and Bentley, and you were
6 there only -- you were at those businesses only because
7 of your affiliation with Sanitary Systems, correct?
8 A. (Witness nods head.)
9 THE COURT REPORTER: Yes?
10 THE WITNESS: Yes.
11 (By Mr. Artrip)
12 Q. I mean, in other words, you didn't have an
13 independent reason to be in the bathrooms at Channel 19
14 or whatever, right?
15 A. Correct.
16 Q. Okay. Did Mr. Starkey ever give you any kind
17 of training, warnings, anything like that when you got
18 that contract back at Anne's about working around
19 children? Did he caution you about how to act if there
20 were children around or anything like that?
21 A. No. I guess he just assumed that we was --
22 for one thing I don't think that he would even think that
23 I was capable of what I was doing. And another thing is
24 we wasn't really around children. We was just in a place
25 that children had been. So I don't see that he would

1 have really had any concern to tell me.
2 Q. Because you were only in there during business
3 hours a couple of times, correct?
4 A. Yeah. It was like maybe two times maybe. One
5 time was like at 9:00 o'clock at night, and that was only
6 because I was in a hurry to get the place done to get on
7 to the next place, and they just happened to still be
8 there. But they was on their way out.
9 Q. Now, just to clarify and I think I know the
10 answer to this. But these cameras that you had, they had
11 motion detectors on them, right?
12 A. Correct.
13 Q. And they were nondiscriminatory? In other
14 words, you weren't sitting there monitoring them in any
15 fashion, right?
16 A. Correct.
17 Q. You weren't only taking pictures of certain
18 people; it was just whoever walked in front of that
19 camera, right?
20 A. Correct.
21 Q. I presume you feel bad about this whole thing.
22 I mean, it certainly comes across in your statements
23 previous that you do. Correct?
24 A. Correct, yes.
25 Q. And you feel bad about including Mr. Starkey

1 in this, I assume?
2 A. Yes.
3 Q. Is that part of the reason why you'd like to
4 walk back from some of these statements that were in your
5 plea agreement?
6 A. No. As a matter of fact, like I said, I'm
7 filing a 2255 right now, and I plan on bringing up all of
8 this in my 2255.
9 Q. There's -- did you have any conversations with
10 Mr. Starkey after you were arrested?
11 A. The very first day I was arrested when I first
12 got to jail, I called him and talked to him I guess for
13 like 15 minutes. And he at that point I don't even think
14 he knew exactly what all was going on. I think he was
15 just starting to figure everything out.
16 And then later on I mailed him a letter
17 and basically just -- you know, an apology letter
18 basically telling him -- I said that he's always been a
19 great person, a father figure, and that I'm really sorry
20 for what I done to him. And just basically asked -- told
21 him, I said, I don't know what depth I've got your
22 business, you know, how much harm I've done your
23 business. You know, I was basically telling him I hoped
24 that he didn't lose everything and that I was sorry. And
25 that was the last time I ever tried to mail him, and I've

1 never received a letter back, so...
2 Q. At some point were you building a home with
3 Mr. Starkey? There was something I read in there that
4 mentioned that you might have been building a home with
5 him or had built a home with him or something like that?
6 A. Oh. We was -- yeah. This old guy, this old
7 gentleman, he was -- the trailer he was living in, the
8 floor was falling out. And he had a shed or a shop, I
9 guess you could say, just a regular shop. It had a
10 concrete floor. We was trying to turn his shop into a
11 liveable -- into an environment where he could live in.
12 Q. The year or time frame when that was, do you
13 recall?
14 A. It was probably in 2013, I guess, the summer
15 of 2013 I think it was.
16 Q. Did you -- you did trade pictures back and
17 forth with a few different people, correct? I mean, you
18 said you were on one of these e-mail rings at one point,
19 right?
20 A. Correct. Yes.
21 Q. Did you give the authorities those -- contact
22 information for those people on those e-mail rings?
23 A. I told them -- well, they asked me -- they
24 said that this guy in Tennessee turned me in so he could
25 get some time off. They're like, Is there anything you

1 can do? Can you turn anybody in? I was like I've got a
2 whole slew of people that I traded with in that short
3 period of time that I did trade that, yes, you can go
4 back and view my e-mail. They're like, No. We want to
5 know names. Do you know anybody personally? I'm like,
6 No, I don't know anybody personally.

7 And they're like, Well, who's these
8 people? I'm like, Well, y'all can figure that out. All
9 I know is what they call themselves, you know, what their
10 e-mail address is. I don't know their personal names. I
11 don't know where they live. Half the time I don't know
12 even what their IP address is. You've got to have a
13 government warrant to find out that type of stuff.

14 So I'm like, If y'all want to go after
15 these guys by examining my e-mail, by all means do it.
16 And I gave them all my e-mail accounts. I'm like,
17 please, I'll help you out with whatever I can if it means
18 that I might be cut a little bit of a break. But they
19 didn't -- they never wanted to pursue that, so...

20 Q. You mentioned that Anne of Anne's Studio had
21 looked at this one camera that you had installed in her
22 studio on multiple occasions?

23 A. Yes.

24 Q. How did -- explain that a little bit further.

25 A. She just basically came in and sat down on the

1 A. Actually I probably stopped trading by the
2 time I started on Anne's Studio.

3 Q. Okay. So those two didn't overlap
4 necessarily?

5 A. Correct.

6 Q. One of the things I saw in your plea agreement
7 was that you were to pay certain restitution to the
8 victims, to the children that are mentioned in the plea
9 agreement. Has that been accomplished?

10 A. Well, I really don't have anything that I can
11 pay. I figured -- I often wondered about that, to be
12 honest with you, because somebody is like, no, you owe
13 restitution. I'm like, well, they're not really taking
14 anything out of what I -- I make, what, \$23 a month here.
15 I don't know how far that'll go to pay any kind of
16 restitution, but...

17 Q. You don't -- now, you know that there's --

18 MR. ARTRIP: Thomas, feel free to object
19 to this and we'll edit it out later.

20 (By Mr. Artrip)

21 Q. You know that there's an insurance policy in
22 place with regard to Sanitary Systems, correct?

23 A. Correct.

24 Q. And you don't, I presume, object to the
25 victims receiving compensation in some fashion, do you?

1 pot and was just kind of looking around and just happened
2 to look straight at the camera and cocked her head and
3 went on like, you know, she might --

4 Q. And you said that happened about four times, I
5 think?

6 A. Well, I don't know. Yeah, three, four times,
7 something like that. It happened several times. I
8 remember I think my lawyer even told me that she had said
9 that, yeah, she had noticed it. She just didn't think
10 anything about it.

11 Q. Who was your lawyer again?

12 A. Michael Waltrip. Or not Michael Waltrip.
13 That's the race car driver. Michael Tewalt.

14 Q. When you mentioned that you -- this short time
15 that you were sharing, you shared those e-mail addresses
16 with the authorities. Were you talking about in 2014?

17 A. Yes.

18 Q. Okay. So you were sharing these images and
19 videos and things like that in 2014, right?

20 A. Yes.

21 Q. Trading them, I guess?

22 A. Yes.

23 Q. And you were creating videos and images in
24 2014 at the same time from Anne's Studio of Dance,
25 correct?

1 A. Well, I've had mixed emotions about that. I
2 mean, it's like aren't they getting enough from me being
3 in here? They got what they wanted. I'm gone, I'm away
4 for life. You know, why should they capitalize off of
5 it?

6 And also it's like they're sitting
7 there -- I mean, yes, I do feel bad about what I did.
8 But then again they're making it sound like I shared
9 these things with the world. And the only people that
10 they should even be embarrassed about is me seeing them.
11 How much damage can me viewing somebody using the
12 bathroom do to somebody? It's not like I sexually
13 assaulted them. I didn't kidnap them. Yeah, I
14 embarrassed them, but -- and I'm serving my life for it.

15 MR. ARTRIP: Give me just one second.
16 (By Mr. Artrip)

17 Q. Just to clarify, no one else was involved in
18 this scheme to put these cameras in there, correct --

19 A. Correct.

20 Q. -- besides you?

21 And as far as you know, no one ever caught
22 you?

23 A. Correct.

24 Q. Oh. What were the -- what were the social
25 media services that you did use? You talked about a few

1 of them, but I was wondering if you used any of the
 2 social media sites to make this happen, this sharing
 3 happen. Like BearShare is one of them I've heard of.
 4 Kick, something called Kick?
 5 A. No.
 6 Q. No?
 7 A. No. The only -- I used IMG SRC basically to
 8 meet people. I had -- pretty much all the pictures I
 9 posted there is just pictures I found off of various
 10 people's Facebook pages. And then I got into -- you
 11 know, I found through the newsgroups and various other
 12 places, message boards, I had built my collection up
 13 enough to actually get back into trading. And once you
 14 got back into trading, within a matter of a week you
 15 could be -- you can accumulate gigs' worth. You can
 16 accumulate two gigs in two hours, and that's a whole lot
 17 of -- a whole lot of stuff, you know.
 18 Q. Right. Have you ever had any conversations
 19 with anyone at Anne's Studio of Dance, whether an
 20 employee of Anne's or a parent of a child at Anne's,
 21 since your arrest?
 22 A. Since I was arrested? No, sir.
 23 Q. Did you take any steps to further conceal the
 24 cameras at Anne's after Anne, you know, noticed this and
 25 took a look at it and tried to figure out what it was?

1 A. No. As far as I knew, if she ever pulled it
 2 out of the wall, she would probably just assume it was --
 3 because it was tricky to get into. And she would just
 4 assume it was something somebody had left and would
 5 either throw it in like a lost and found or just throw it
 6 away.
 7 But, however, I did take great lengths to
 8 wipe down any kind of fingerprints I might have left on
 9 it just in case she was to accidentally pull it out, just
 10 in case she was to find out what it was. Then hopefully
 11 she wouldn't ever be able to prove who left it, because
 12 there was a lot of people in and out of that place.
 13 MR. ARTRIP: Okay, Mr. Nelson. I don't
 14 have any more questions. Thank you.
 15 MR. LITTLE: I've just got a couple of
 16 follow-ups.
 17 RE-EXAMINATION
 18 BY MR. LITTLE:
 19 Q. Mr. Haskins asked you some questions earlier
 20 about the -- I guess the interplay between your alcohol
 21 addiction and this addiction to pornography and whether
 22 you thought your alcohol addiction may have made you more
 23 apt to share stuff on the Internet, that kind of thing.
 24 A. Yes.
 25 Q. Do you remember that line of questions?

1 A. Yes.
 2 Q. Were you drunk at any point when you hid one
 3 of these cameras in Anne's or --
 4 A. No.
 5 Q. -- Bentley Automotive or Channel 19?
 6 A. No, sir.
 7 Q. Did alcoholism have anything to do with you
 8 placing the cameras there?
 9 A. No, sir, not really. I can't blame alcohol
 10 really. I mean, I can try to -- I can try to make it to
 11 where alcohol was the root of all of it, but I can't
 12 point towards alcohol towards the end of my actions, what
 13 I was doing at the end.
 14 Q. Mr. Artrip a minute ago asked you about your
 15 feelings about Mr. Starkey's insurance policy and it
 16 paying for restitution for these victims or for the
 17 victims being compensated through that insurance policy.
 18 Do you understand that for that to take
 19 place there'd have to be a finding that Mr. Starkey and
 20 his business were liable for your actions?
 21 A. Right.
 22 Q. You understand that?
 23 A. (Witness nods head.)
 24 Q. Do you have any feeling of whether Mr. Starkey
 25 was responsible for your actions?

1 A. He was -- he was in no way responsible for my
 2 actions. And as far as I'm concerned, there's no way
 3 that he could have done anything to have stopped me. I
 4 mean, there's very little he could have done. And if I
 5 had noticed he was doing it, I would never have went that
 6 route.
 7 MR. ARTRIP: Object to form.
 8 (By Mr. Little)
 9 Q. You talked earlier about your relationship
 10 with him and the fact that you considered him like a
 11 second father. How do you feel about the way that your
 12 conduct has affected him and his business?
 13 MR. ARTRIP: Object to form.
 14 A. I hate it. I mean, that's something, to be
 15 honest with you, I've -- I don't think I've ever dreamed
 16 about the man in my life until I got arrested. And since
 17 I've been arrested I've had more dreams about him than
 18 anything. And it's because I constantly every day kick
 19 myself in the butt. For one thing for what I did and for
 20 another thing what I did to him. I mean, just destroying
 21 his business like that. That's something he's worked 40
 22 years. Back when I was first born, he was getting his
 23 business started. So he spent a lot of time establishing
 24 himself. And here I come and wrecked it all in just a
 25 matter of a short period of time.

1 (By Mr. Little)

2 Q. Do you feel like that Mr. Starkey is a victim
3 of your conduct as well?

4 A. Yes, I do.

5 MR. ARTRIP: Object to form.

6 MR. LITTLE: That's all I have.

7 MR. HASKINS: I've got a few quick
8 follow-ups.

9 RE-EXAMINATION

10 BY MR. HASKINS:

11 Q. You have told us you feel bad for Mr. Starkey;
12 is that correct?

13 A. Correct.

14 Q. But you just said that the damage to the
15 children who were victims in this case was satisfied by
16 you being here?

17 A. Well, it just seems to me like -- I won't say
18 it satisfied them, but how is money going to satisfy it,
19 either? You know, there's nothing that can make it go
20 away. So them having me here paying for the crime that I
21 committed, I don't see how they should -- why they should
22 feel like they should get rich off of something like
23 that.

24 What about just a regular peeping Tom; if
25 he just looks in a window and sees a woman naked, doesn't

1 worth anything?

2 MR. LITTLE: Object to form.

3 A. I really -- to be honest with you, I feel
4 like, yeah, I think that they should be somehow be
5 compensated, yeah. But, you know, what's -- by whom is a
6 different story. And there's really nothing I can do in
7 here, so it's kind of -- you know, it's kind of -- that's
8 a tough question.

9 And who's to say that these -- I mean, if
10 they come up with a bill for \$600 and say this is how
11 much money we spent at this therapist, then I would say
12 okay, \$600, yeah, okay, that's not a big deal. Maybe let
13 the insurance company pay for it, let, you know, bygones
14 be bygones. Hopefully we can just end it at this.

15 But if they're wanting to go at \$60,000
16 apiece and all claim that they went to some therapeutic
17 place when probably more than likely half of them didn't
18 really go, I mean, then it's like you've got to draw a
19 line somewhere.

20 (By Mr. Haskins)

21 Q. Were you abused as a child?

22 A. Not to my knowledge. I had some things happen
23 to me before I was adopted, but I don't know what they
24 were.

25 Q. It's not your understanding that your mother's

1 record it, but he sees it, does that mean that he should
2 go to jail and pay her all sorts of money and everything
3 else? Maybe it does. I don't know.

4 Q. So that I am clear, do you believe that the
5 children victims in this case should get zero dollars
6 awarded to them for what they've been through?

7 A. I wouldn't say that. I wish -- this is
8 something I know it's not going to matter at all. But
9 this is something I've been trying to work out in my
10 head. And that is how something that I can do to myself
11 to be able to -- I thought about writing books is what I
12 thought about doing. And if I could -- if I could -- and
13 I was thinking to myself if I could ever write a book
14 that sold, then that's what I would do is I would try to
15 start -- and I also thought, you know, if there was some
16 way I could strike -- even if they -- look, I tell you
17 what, instead of sending you to jail, from now on we're
18 going to take half your paycheck until the day you die or
19 whatever. I'd be just fine with that. But to send me to
20 jail and then take somebody else's money for what I did,
21 I don't -- I don't -- I don't buy it.

22 Q. What do you buy? And when I say that, what
23 about the children who have had to go through therapy or
24 counseling as a result of this? Do you think that them
25 and their families paying those costs out of pocket is

1 boyfriend at one point said he was going to kill you and
2 maybe even took some action to say he was going to kill
3 you?

4 A. I've heard -- I've heard rumors. I've heard
5 stories from my other uncles, my dad's brothers, that
6 said that one of my uncles put a guy in the hospital
7 because he walked in the room and caught him doing
8 something to me in the bed. He never elaborated. He
9 just said he basically beat this guy within an inch of
10 his life.

11 But dad's version was totally different.
12 Dad's version was this guy had made a threat to somebody
13 about killing me or something. I don't know. And one of
14 my uncles took him out. So I was 15 months at the time,
15 so I have no idea.

16 Q. You said that the reason you don't think an
17 award of money would be necessary is because you didn't
18 assault anyone in this case. It really was just a video
19 that only you have seen of these children changing and
20 using the restroom. Is that correct?

21 A. Yeah.

22 Q. I'm asking you if you just said that.

23 A. Right.

24 Q. So here's my question for you. In signing a
25 plea agreement with the government after they arrested

1 you, you understood the severity of these charges,
 2 correct?
 3 A. Correct.
 4 Q. And these charges specifically say both the
 5 government and the defendant, Mr. Nelson, agree to these
 6 specific set of facts?
 7 A. Correct.
 8 Q. And these facts say that you not just took
 9 videos of children using the restroom and changing for
 10 your own personal pleasure, but you, in fact, put these
 11 on the Internet and traded them. That's what this
 12 document says, correct?
 13 A. Correct.
 14 Q. Now, I understand you are disputing that, but
 15 you read and signed this document?
 16 A. Correct.
 17 Q. And one of the things the judge told you at
 18 the end of all of this was that one grounds you had for
 19 dismissing this plea agreement was ineffective assistance
 20 of counsel. Do you remember that?
 21 A. Correct.
 22 Q. She said if you are not happy with the job
 23 your attorney has done for you, you need to tell me now.
 24 And you're saying your attorney is the one
 25 that convinced you to sign this, correct?

1 Q. But you initialed every single page
 2 indicating --
 3 A. I read it --
 4 Q. -- that you did read it?
 5 A. I read it to a degree. I read it and skimmed
 6 over. Half the stuff I didn't know what it meant. Half
 7 of it I did. Things like even when I signed my rights
 8 away, for some reason, I don't know why, but he focused
 9 on -- he basically said what this means is that you no
 10 longer can go back and take back your plea of guilty.
 11 Once you plead guilty, that's it. You can't take that
 12 back.
 13 Okay. That's -- you know, that's my plan
 14 anyway is to plead guilty. But little did I know that
 15 right up underneath it, it said that I also waived the
 16 right to appeal sentencing. And if I had really dwelt on
 17 that and if I really knew that I was going to get 140
 18 years and if I -- if I actually had a lawyer that was
 19 looking out for my best interest, he would have went --
 20 he would have -- for one thing he probably would have
 21 tore that thing apart himself. But instead he didn't.
 22 Instead he made it to where I either signed it or I'm
 23 looking at something worse.
 24 I even asked him, I said, Why are all
 25 these people telling me when they come out with a plea

1 A. Correct.
 2 Q. But not once did you bring up to the
 3 government or to the court that you weren't happy with
 4 how your attorney was performing, did you?
 5 A. Well, up until the point of sentencing. And
 6 then after, to be honest with you, by the time I finally
 7 -- I was surrounded by people in jail that didn't know a
 8 thing. By the time I got to prison is when I started
 9 piecing everything together. People looking at my plea
 10 agreement would be like, Why did you sign this? I don't
 11 know.
 12 I didn't even read over it when the lawyer
 13 came and gave it me. He just put it down in front of me.
 14 He says, he said, Do you want to read this or do you --
 15 would you rather me explain it? Well, if I read it, half
 16 of it I wouldn't understand. So I was like, Yeah, please
 17 explain. And so he quickly went over it. He didn't read
 18 it word for word. He just basically said, Well, in this
 19 section, this is what this means. In this section, this
 20 is what this means. And --
 21 Q. Let me get this straight. There are 27 pages
 22 in Defendant's Exhibit 1 that had the potential to put
 23 you behind bars for the rest of your life, and you didn't
 24 read this document?
 25 A. Stupid as it sounds, I did not read it.

1 agreement, don't accept the first one? They'll come back
 2 with something that's a little less severe because they
 3 don't want to take this to court. And he says, Yeah,
 4 that's state. This is federal. Federal don't do that.
 5 So he made it sound like I either signed
 6 this or I'm really screwed. So yeah, I signed it. Even
 7 if I didn't agree to everything, I still signed it,
 8 because I didn't see any other option. I mean, he made
 9 it sound like -- he made it sound like we could probably
 10 take these seven charges, maybe get the max sentence for
 11 them all and have them run concurrent. Or she can give
 12 you the least amount per sentence and stack them, so
 13 you're looking at anywheres between 20 to 35 years.
 14 And I'm like, well, that definitely -- I
 15 can handle that. That seems like that's a sentence worth
 16 my crime. But he's like, If you don't sign it, what's
 17 going to happen is they're going to match it with 130
 18 additional stuff, they're going to take you to court,
 19 they're going to prove you guilty within five minutes,
 20 they're going to throw the book at you because you made
 21 them look at all this stuff.
 22 THE COURT REPORTER: Slow down, please.
 23 THE WITNESS: My bad. I'm getting carried
 24 away.
 25 A. So, yeah, I mean, I signed something I

1 shouldn't have signed.

2 (By Mr. Haskins)

3 Q. And my only other question with respect to the
4 plea agreement is that this is the first time you're
5 raising the issue of having ineffective assistance of
6 counsel during that plea hearing is now, not then,
7 correct?

8 A. Correct.

9 Q. You said earlier that Mr. Starkey, you thought
10 that all he could -- that he couldn't potentially follow
11 you and monitor what you did on your job, correct?

12 A. Correct.

13 Q. His job was your employer and supervisor,
14 though, correct?

15 A. Correct.

16 Q. So since you think he did a sufficient job, I
17 want you to tell the jury as you sit here today with the
18 benefit of hindsight from a 1 to a 10 how would you rank
19 Mr. Starkey's performance as your supervisor?

20 MR. LITTLE: Object to the form.

21 A. Oh, 1 to 10? I thought he was -- I don't
22 think I could have done a better job. I don't think
23 really anybody else could have done a better job. So I
24 would have to give him way up there, a 9 or 10.

25 He's very understanding. He's very

1 thorough. He would walk around and he'd check and make
2 sure you was doing a good job. He got to know his -- he
3 got to know -- he gets to know you. I mean, he's --
4 he's -- I just don't see how anybody could have done
5 anything different. I could have done the same thing
6 anywhere I went to work.

7 MR. HASKINS: That's all I have.

8 MR. LITTLE: Nothing further from me,
9 either.

10 THE VIDEOGRAPHER: Please stand by. This
11 ends media three and today's deposition. We're off the
12 record at 2:42.

13 (Deposition concluded at 2:42 p.m.)
14

15

16

JEREMY JOSEPH NELSON

17

18

19

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24

25

Exhibit B

<p style="text-align: center;">9</p> <p>1 A. Okay.</p> <p>2 Q. The corollary to that being if</p> <p>3 you do answer a question I'll assume</p> <p>4 you understood it; is that fair?</p> <p>5 A. Okay.</p> <p>6 Q. Have you ever given a</p> <p>7 deposition before?</p> <p>8 A. No.</p> <p>9 Q. Okay. I won't bore you with a</p> <p>10 bunch of ground rules which I'm sure</p> <p>11 your lawyer has already told you, but</p> <p>12 we're not here on an endurance contest</p> <p>13 today so if you need to take a break,</p> <p>14 just tell me and we'll go ahead and</p> <p>15 take one. I prefer you not take a</p> <p>16 break while a question is pending, but</p> <p>17 even under those circumstances we may</p> <p>18 be able to accommodate you.</p> <p>19 What is your residence address?</p> <p>20 A. 5005 Maysville Road, New</p> <p>21 Market, Alabama 35761.</p> <p>22 Q. And what is your date of birth?</p> <p>23 A. 10/23/52.</p>	<p style="text-align: center;">11</p> <p>1 Q. Yes, sir. And, again, kind of</p> <p>2 following through here, any arrests or</p> <p>3 convictions in the previous five years?</p> <p>4 A. No.</p> <p>5 Q. What's the last name of your</p> <p>6 family that you have living here in</p> <p>7 north Alabama, specifically Madison</p> <p>8 County?</p> <p>9 A. I don't have any other family</p> <p>10 in Madison County except my wife.</p> <p>11 Q. Okay. And what is her name?</p> <p>12 A. Aida, it's A-I-D-A, middle</p> <p>13 initial C, Starkey.</p> <p>14 Q. Okay. How long have y'all been</p> <p>15 married?</p> <p>16 A. It will be 24 years this coming</p> <p>17 September, I believe.</p> <p>18 Q. Is she from here, Madison</p> <p>19 County?</p> <p>20 A. No.</p> <p>21 Q. Where's she from?</p> <p>22 A. Lima, Peru.</p> <p>23 Q. Okay. How did y'all meet?</p>
<p style="text-align: center;">10</p> <p>1 Q. And the last four digits of</p> <p>2 your Social Security number?</p> <p>3 A. 1992.</p> <p>4 Q. I threw you there; didn't I?</p> <p>5 A. I have to do the whole thing</p> <p>6 to --</p> <p>7 Q. That's right, you've got to do</p> <p>8 the whole thing in your head.</p> <p>9 A. It's amazing how many people</p> <p>10 don't know their cellphone numbers</p> <p>11 because they never call themselves.</p> <p>12 Q. I'm going to ask you a few</p> <p>13 questions that are certainly not meant</p> <p>14 to pry, but this is a jury trial</p> <p>15 that -- it's a jury case that we're</p> <p>16 talking about here and so some of those</p> <p>17 will be geared toward that.</p> <p>18 Are you taking any medications</p> <p>19 today that would prevent you from</p> <p>20 giving a full and complete answer?</p> <p>21 A. No.</p> <p>22 Q. Anything affecting memory?</p> <p>23 A. No. Just old age.</p>	<p style="text-align: center;">12</p> <p>1 A. Just correspondence.</p> <p>2 Q. Have you ever been involved in</p> <p>3 a civil suit before?</p> <p>4 A. No.</p> <p>5 Q. Either as a plaintiff or a</p> <p>6 defendant?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. I surely don't want you</p> <p>9 to say anything about what you've</p> <p>10 spoken with your lawyer about but what</p> <p>11 did you do to prepare for your</p> <p>12 deposition today?</p> <p>13 A. Just reviewed the case and</p> <p>14 reviewed Jeremy Nelson's deposition</p> <p>15 also.</p> <p>16 Q. Okay. Any other documents that</p> <p>17 you can recall looking over in</p> <p>18 preparation today?</p> <p>19 A. Just some of the contracts for</p> <p>20 the places that we provide services</p> <p>21 for.</p> <p>22 Q. Okay. Where are you currently</p> <p>23 employed?</p>

13

1 A. Self-employed, contractor.
 2 Q. For Sanitary Systems?
 3 A. Correct.
 4 Q. Okay. And Sanitary Systems, is
 5 that a corporation?
 6 A. No. A sole proprietorship.
 7 Q. Is there any kind of entity
 8 that does business as Sanitary Systems?
 9 A. I guess it's James Starkey
 10 d/b/a Sanitary Systems.
 11 Q. Okay. Yes, sir. I understand.
 12 In other words, there's not an LLC or
 13 LLP involved?
 14 A. No, sir.
 15 Q. Okay. I'm going to go into
 16 your background just briefly and we'll
 17 start with where you went to high
 18 school?
 19 A. I went to Huntsville High and
 20 Grissom High School.
 21 Q. Where did you graduate from?
 22 A. Grissom High School.
 23 Q. And what year was that?

14

1 A. 1971.
 2 Q. And have you gone to additional
 3 educational institutions?
 4 A. I went to UAH for most of the
 5 first year but I had begun work and it
 6 was just interfering with -- working
 7 too hard to learn anything, to go to
 8 school.
 9 Q. Okay. So you didn't earn a
 10 degree from UAH?
 11 A. No.
 12 Q. But you went there for a year
 13 or so?
 14 A. Right. I went there probably
 15 the first two quarters of the freshman
 16 year and I think I quit at that point
 17 and then I went back and took a course
 18 or two over the next two or three
 19 years, but I never quite even finished
 20 my freshman year.
 21 Q. Yes, sir. When you say you
 22 were working that first year you were
 23 at UAH where were you working?

15

1 A. I was working with this
 2 company.
 3 Q. You had already started
 4 Sanitary Systems?
 5 A. Right.
 6 Q. Okay.
 7 A. Actually it was owned at that
 8 time by my wife's husband, my
 9 brother-in-law. He's an
 10 ex-brother-in-law now.
 11 Q. All right.
 12 A. So I started working there just
 13 as a part-time in the fall of 1971
 14 after graduating from high school that
 15 same year.
 16 Q. All right. Who were you
 17 married to at the time?
 18 A. Jane Martin was her maiden
 19 name.
 20 Q. And when did y'all marry?
 21 A. We married in June of 1973.
 22 Q. All right. And how long were
 23 y'all married?

16

1 A. Somewhere between ten and 11
 2 years.
 3 Q. So about '83 or '84 is when you
 4 divorced?
 5 A. That's correct.
 6 Q. And what was her brother's name
 7 that owned Sanitary Systems?
 8 A. Robert Boyd, B-O-Y-D.
 9 Q. And when did Mr. Boyd start
 10 Sanitary Systems, if you know?
 11 A. I don't know exactly. I would
 12 take a guess at about a year before I
 13 started working with him.
 14 Q. So maybe in that --
 15 A. He had been in business before
 16 and he had gone bankrupt, he owed
 17 several of the banks a lot of money --
 18 it's a long story, but when he came
 19 back to Huntsville he went back and
 20 asked them for their janitorial
 21 contracts and he would pay them back
 22 and they were eager to get some of
 23 their money back so they gave him the

<p style="text-align: center;">17</p> <p>1 contracts back.</p> <p>2 Q. Okay. So you worked for -- you</p> <p>3 began working for Mr. Boyd after you</p> <p>4 left Grissom High School?</p> <p>5 A. Yeah. At the end of that</p> <p>6 summer.</p> <p>7 Q. Okay. And when you started</p> <p>8 with him what was your position?</p> <p>9 A. Just janitorial work, basic</p> <p>10 janitorial work.</p> <p>11 Q. It was him and the owner and he</p> <p>12 also did some of the janitorial work</p> <p>13 himself?</p> <p>14 A. Correct.</p> <p>15 Q. How many employees were there</p> <p>16 besides the two of you?</p> <p>17 A. My sister also worked with us,</p> <p>18 his wife.</p> <p>19 Q. His wife?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And that would have been</p> <p>22 your sister-in-law?</p> <p>23 A. No, my sister. He was the</p>	<p style="text-align: center;">19</p> <p>1 you take over Sanitary Systems?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. And did he sell it to</p> <p>4 you?</p> <p>5 A. Correct.</p> <p>6 Q. How much for if you recall?</p> <p>7 A. \$3,800 -- no, excuse me. It</p> <p>8 was \$5,000.</p> <p>9 Q. \$5,000. Okay.</p> <p>10 A. Yeah. \$5,000, lock, stock and</p> <p>11 barrel, trucks and everything.</p> <p>12 Q. Okay. At the time when you</p> <p>13 bought Sanitary Systems were there</p> <p>14 people working at it besides you, Mr.</p> <p>15 Boyd and your sister, Margaret?</p> <p>16 A. Yes. I think I brought a</p> <p>17 friend of mine on at that time, a</p> <p>18 friend from high school.</p> <p>19 Q. What was his name?</p> <p>20 A. Steve Broadfoot.</p> <p>21 Q. So at the time that you</p> <p>22 purchased Sanitary Systems there were</p> <p>23 four of you working there including Mr.</p>
<p style="text-align: center;">18</p> <p>1 brother-in-law.</p> <p>2 Q. I beg your pardon.</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. And what was your</p> <p>5 sister's name?</p> <p>6 A. Margaret.</p> <p>7 Q. Is she still married to Mr.</p> <p>8 Boyd?</p> <p>9 A. No.</p> <p>10 Q. When did they divorce?</p> <p>11 A. Probably 1975. They had moved</p> <p>12 away at that point, so that's not</p> <p>13 exact.</p> <p>14 Q. Sure. When did he leave</p> <p>15 Huntsville or they leave Huntsville?</p> <p>16 A. Okay. September through -- at</p> <p>17 the end of 1974, I believe. December</p> <p>18 of '74 approximately.</p> <p>19 Q. And within a year they</p> <p>20 divorced --</p> <p>21 A. Right.</p> <p>22 Q. -- it sounds like? Okay. When</p> <p>23 he left in December of 1974 then did</p>	<p style="text-align: center;">20</p> <p>1 Broadfoot?</p> <p>2 A. Correct.</p> <p>3 Q. Yes, sir. How many trucks did</p> <p>4 you have?</p> <p>5 A. I think it was two, a van and a</p> <p>6 pick-up truck.</p> <p>7 Q. And would it be fair to say</p> <p>8 that you've worked with Sanitary</p> <p>9 Systems consistently since you</p> <p>10 purchased it --</p> <p>11 A. That's correct.</p> <p>12 Q. -- in 1975?</p> <p>13 MR. LITTLE: Let him finish his</p> <p>14 question before you answer it.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. LITTLE: It's makes it</p> <p>17 easier for our court reporter.</p> <p>18 THE WITNESS: Okay.</p> <p>19 Q. And let me just ask, over the</p> <p>20 last 42 years, right, you've owned it</p> <p>21 for 42 years?</p> <p>22 A. Yeah, I guess so.</p> <p>23 Q. What's the most employees</p>

<p style="text-align: right;">21</p> <p>1 you've ever had in that 42 year 2 timeframe, how many did y'all get up 3 to? 4 A. Five or six. 5 Q. Okay. Has anybody owned a 6 piece of Sanitary Systems besides you 7 in those 42 years? 8 A. No, sir. 9 Q. Have you ever had anybody 10 dedicated full-time to doing the office 11 administrative work? 12 A. No. No, sir. 13 Q. So all of the employees 14 including yourself at Sanitary Systems 15 have always been engaged in the process 16 of doing the work -- 17 A. That's correct. 18 Q. -- that it's been hired to do? 19 A. That's correct. 20 Q. After you purchased the company 21 in 1975 when Mr. Boyd and your sister 22 left Huntsville did Mr. Broadfoot 23 continue to work with you?</p>	<p style="text-align: right;">23</p> <p>1 A. Sanitary Systems, it's Pleasant 2 Springs Baptist Church, DMS Technology, 3 Pep Boys Auto, Tire & Service stores, 4 Firestone, Town of Gurley, Available 5 Plastics, Elemental Corporation, it 6 sounds big, but it's only three people, 7 Ragland Brothers. 8 Q. Ragland? 9 A. Right. That's -- I think 10 that's all. 11 Q. Okay. Just to clarify, over 12 the last 42 years has Sanitary Systems 13 been anything other than a sole 14 proprietorship? 15 A. No. 16 Q. How do you typically get your 17 clients? 18 A. Calls or word of mouth. 19 Q. Okay. And what services do you 20 provide currently for these eight 21 clients? 22 A. Basic janitorial, floor care, 23 window cleaning.</p>
<p style="text-align: right;">22</p> <p>1 A. Yes, sir. 2 Q. And how long -- when did he 3 leave? 4 A. It's going back so far. I 5 would guess ten or 12 years later. He 6 worked quite a while. 7 Q. All right. Currently how many 8 employees of Sanitary Systems are 9 there? 10 A. It's me and my wife. 11 Q. Tell me your wife's name one 12 more time? 13 A. It's Aida, but it's spelled 14 A-I-D-A. 15 Q. And her last name is Starkey 16 now? 17 A. That's correct. 18 Q. And it has no other employees 19 currently? 20 A. Right. 21 Q. All right. Currently who are 22 the clients or the customers of 23 Sanitary Systems?</p>	<p style="text-align: right;">24</p> <p>1 Q. Obviously you've got a lot of 2 on-the-job experience, but have you 3 ever been to any kind of training on 4 any of the services that you provide to 5 any of your customers? 6 A. No, sir. 7 Q. Have you ever required any kind 8 of training for people that you were 9 hiring in? 10 A. No, sir. 11 Q. Have you provided training to 12 the people that you hired -- 13 A. Yes. 14 Q. -- to help you? What kind of 15 training? 16 A. Just on-the-job training. 17 Q. On-the-job training. Yes, sir, 18 I understand. 19 A. Generally you just walk a 20 person through a facility, tell them 21 what their responsibilities are and 22 show them everything. If it's taking 23 the trash you try to show them where</p>

25

1 all of the trash cans are because
 2 sometimes people put them in different
 3 places, weird places, under their desk
 4 or something like that maybe or in the
 5 corner and just try not to -- you tell
 6 them to try not to miss anything. And
 7 then you walk them through when they're
 8 finished, the next night or whatever,
 9 and see what happened, what got missed,
 10 if anything, so forth like that.
 11 Q. Okay. And I'm not going to
 12 belabor this but very briefly, DMS,
 13 what kind of company is that?
 14 A. It's a government
 15 subcontractor.
 16 Q. Okay. And have you done
 17 government subcontract work over the
 18 years? I presume you have.
 19 A. Yes, sir.
 20 Q. Okay. Have you ever had an
 21 occasion to work with a company whose
 22 employees had some kind of security
 23 clearance?

26

1 A. Sure. Yes, sir.
 2 Q. Okay. Did they provide you any
 3 kind of special instructions on how to
 4 deal with information you might
 5 encounter during your services to them?
 6 A. Normally they are instructed
 7 not to -- there are some areas that we
 8 just did not have access to in those
 9 facilities or they were instructed when
 10 we were there if we were there during
 11 the day -- well, it was -- if we were
 12 there at night they were instructed not
 13 to leave anything out, of course, that
 14 would be sensitive. And if we were
 15 there during the day they were made
 16 aware that we were there and they were
 17 supposed to move all of that stuff
 18 where it wouldn't be sensitive.
 19 Q. Have you ever had a customer
 20 provide you any kind of thoughts as to
 21 what you were supposed to do if you did
 22 encounter sensitive information?
 23 A. Just let a supervisor know.

27

1 Q. Yes, sir. Okay. I presume
 2 neither you or your wife have a
 3 security clearance?
 4 A. No, sir.
 5 Q. Okay. Over the last 42 years
 6 how many people would you say you've
 7 hired in to help you with your
 8 janitorial contracts?
 9 A. Ten or 12.
 10 Q. Okay. Well, that's a lot fewer
 11 than I would have thought. Is the
 12 tenure of your janitorial hires usually
 13 pretty long?
 14 A. For this kind of work I think
 15 it is, yes.
 16 Q. Okay. And where do you usually
 17 find your folks?
 18 A. Just references.
 19 Q. Okay. People saying I know
 20 this guy and he needs a job kind of
 21 thing?
 22 A. Right.
 23 Q. Do you hire both men and women?

28

1 A. Yes.
 2 Q. Do you hire predominantly men
 3 or women?
 4 A. This kind of profession you
 5 probably have more men looking for that
 6 kind of work, but maybe 60/40 percent
 7 men over women, something like that.
 8 Q. Would you characterize your
 9 business more commercial or
 10 residential?
 11 A. More commercial.
 12 Q. I presumed that from your list
 13 of current clients. Do you have any
 14 residential clients at all currently?
 15 A. The residential clients are
 16 just more of a -- since it's not
 17 contract work they just may call at any
 18 point. There's no set schedule, in
 19 other words, like that sort of concept.
 20 Q. And are they usually getting
 21 your contact information from being a
 22 current customer?
 23 A. Right. A lot of our

29

1 residential came from the commercial,
 2 somebody who works there or the owners
 3 or something like that.
 4 Q. Right. I understand.
 5 A. And then their friends, if they
 6 like our work or something they may
 7 refer us to a friend or something.
 8 Q. Okay. Of those ten or 12
 9 people that you've hired as janitors
 10 for Sanitary Systems do you have a
 11 number of those that were men and
 12 number of those that were women?
 13 A. It's probably higher than 60/40
 14 men. It's probably more like 80/20,
 15 going back and thinking about it
 16 deeper.
 17 Q. Yes, sir.
 18 A. What was your question?
 19 Q. Do you have a number as to men
 20 versus women of those ten to 12 people
 21 that you've hired?
 22 A. I'm not sure I understand the
 23 question.

30

1 Q. It's probably a bad one. I
 2 guess what I was asking you, of those
 3 ten to 12 people that you've hired in
 4 the last 42 years how many have been
 5 men?
 6 A. Right. Okay. Probably nine or
 7 ten. There's not been very many women
 8 is --
 9 Q. Okay.
 10 A. There's probably been three or
 11 four women over the entire time.
 12 Q. All right. Did your wife,
 13 Jane, did she -- your ex-wife, Jane,
 14 did she ever work with you?
 15 A. Sometimes, yes.
 16 Q. Okay. Did she have another job
 17 that she did?
 18 A. Sometimes no and then sometimes
 19 yes. Usually that's -- when she
 20 wouldn't have a job is when she would
 21 work with us and then if she got a job
 22 she wouldn't work with us.
 23 Q. And Aida?

31

1 A. Yes, she works with me.
 2 Q. Okay. Has she always worked
 3 with you since you've been married?
 4 A. Not in the very beginning but
 5 pretty much, yes.
 6 Q. Okay. Do you have any
 7 educational requirements for being a
 8 janitor with your company?
 9 A. Not really. I don't recall
 10 anybody not having at least a high
 11 school education.
 12 Q. That would not automatically
 13 disqualify them necessarily though?
 14 A. No. No, sir.
 15 Q. Okay. And you wouldn't make,
 16 in other words, any distinction between
 17 them having a high school education nor
 18 a GED equivalent?
 19 A. Correct.
 20 Q. Okay. Do you have any work
 21 experience requirements for hiring
 22 somebody?
 23 A. Just basically able to do the

32

1 work and reliable.
 2 Q. In other words, you don't have
 3 a requirement that somebody has
 4 previous experience with another
 5 janitorial company or in another
 6 janitorial position?
 7 A. No.
 8 Q. Okay.
 9 A. This work you catch on pretty
 10 quick because it's not too mind
 11 thinking intensive and you can tell
 12 real quick if a person is either going
 13 to be okay or not be okay.
 14 Q. Yes, sir. How long do you
 15 think your average janitor stays
 16 employed with Sanitary Systems? That
 17 may be a tough question over 42 years.
 18 I just wondered if you might have a
 19 guess as to an average?
 20 A. If you averaged it, maybe four
 21 to five years.
 22 Q. And, again, that seems like a
 23 pretty long time for your business?

33

1 A. Uh-huh. (Affirmative.)

2 Q. And do you credit that

3 longevity to your ability to select

4 good people? I guess you do; right?

5 A. I would think so. Because it's

6 a small company you get to know the

7 people --

8 Q. Right.

9 A. -- and their interaction

10 between -- you know, you become more

11 friends as well as being employed

12 together.

13 Q. Sure. And I presume there has

14 been some people that have come to you

15 seeking employment that you have not

16 hired?

17 A. Correct. Because we're just a

18 small company.

19 Q. And were those decisions not to

20 hire people based on the person or just

21 the workload that you had at the time?

22 A. Just the workload.

23 Q. You mentioned that you work

34

1 fairly closely with these people, you

2 feel like you've hired good,

3 responsible people and that's what you

4 credit the longevity of most of them to

5 I suppose?

6 A. Yes, sir.

7 Q. Some businesses have something

8 they call a probationary period where

9 like you hire somebody on and then for

10 a little while they're under the

11 microscope so to speak. Do you have

12 that there at Sanitary Systems?

13 A. It's not like an in writing

14 policy but I think I said before, it's

15 something you can tell pretty quick if

16 somebody is going to be okay or not --

17 Q. Right.

18 A. -- since it's not a real

19 thought processing involved work.

20 Q. You can tell if somebody is

21 going to do the work or not?

22 A. It's more of physical and

23 habitual. You learn where the things

35

1 are that you need to do and how to get

2 them done.

3 Q. Have you had to let some people

4 go --

5 A. Yes, sir.

6 Q. -- because you didn't see them

7 doing what they were supposed to do?

8 A. That or they became unreliable

9 as far as showing up to work. When

10 you're a small company if you need

11 somebody you need them.

12 Q. Right. I know. I've got it.

13 Do you allow the people who work as

14 custodians for you to do other jobs,

15 what some people call moonlighting?

16 A. Right. There's many people who

17 worked full-time in other positions at

18 other places and then just worked

19 part-time for me as well.

20 Q. And there's no prohibition on

21 that I presume?

22 A. No.

23 Q. Okay. You mentioned that most

36

1 of your hires come from references from

2 friends or acquaintances or something

3 like that; is that what you said?

4 A. That's correct.

5 Q. Okay. Do you usually approach

6 them or do they approach you?

7 A. Some of both. I guess usually

8 they approach me, but there has been

9 times that I've asked a person that I

10 knew or got a reference for that I've

11 asked them first.

12 Q. Have you ever posted like for a

13 job opening at your company?

14 A. At one time I did because I had

15 bid a large contract and I was going to

16 need some people immediately if we got

17 it and I interviewed two or three, but

18 we never got the contract in that case

19 so I never went beyond that.

20 Q. How did you go about

21 advertising, through the paper?

22 A. That's been so long ago -- it

23 probably was back when newspapers were

1 still the thing.
 2 Q. Right. Way back in the day?
 3 A. Right.
 4 Q. When you were interviewing
 5 these people did you basically tell
 6 them if we have a situation we'll hire
 7 you kind of thing --
 8 A. That's correct.
 9 Q. -- if we get this contract?
 10 A. (Witness nodding head
 11 indicating in the affirmative.)
 12 Q. What kind of process did you go
 13 through with those people, did they
 14 give you references and things like
 15 that?
 16 A. I believe so, yes.
 17 Q. Okay. Do you run them through
 18 some kind of system? I mean, they have
 19 different things that you can run
 20 people through --
 21 A. Well, I was going -- if we had
 22 gotten the contract I was going to
 23 check real quick because it wouldn't

1 have been an instant, we wouldn't have
 2 had to start like that day or
 3 something, so I --
 4 Q. You knew you were going to have
 5 time?
 6 A. Exactly.
 7 Q. Okay. What did you plan on
 8 doing, if you remember?
 9 A. Just calling their references
 10 -- I interviewed them face-to-face, the
 11 two or three I did, just to get a
 12 little bit of a feel of their
 13 personality and then I was going to
 14 pursue the references beyond that if I
 15 needed to.
 16 Q. Do you have any plans currently
 17 to hire someone to help you and your
 18 wife with these eight contracts?
 19 A. No.
 20 Q. Do you anticipate growing your
 21 business or shrinking it?
 22 A. Probably just status quo, just
 23 stay the same.

1 Q. Just try to stay right at the
 2 same, yes, sir. Would you like to hire
 3 somebody else if you had the business?
 4 A. After what happened I'm a
 5 little scared --
 6 Q. Sure. Okay.
 7 A. -- to be truthful.
 8 Q. I understand that. Who is the
 9 last person that you hired that wasn't
 10 your wife?
 11 A. Probably Jeremy Nelson.
 12 Q. Okay. What about before him?
 13 MR. LITTLE: The last person
 14 that he hired or the last person that
 15 worked for him?
 16 Q. Oh, yeah, that may have been
 17 confusing. I was asking about the last
 18 person you hired. I presumed you hired
 19 somebody after Mr. Nelson?
 20 A. Well, I had taken over part of
 21 another business at one time and I had
 22 just kind of inherited a couple of
 23 employees and so I don't know if you

1 would consider that new hires or not
 2 since they were already with that work.
 3 Q. Right. Okay.
 4 A. But they are now gone, so --
 5 beyond that, again, it's been so long.
 6 Probably way on back because we've been
 7 so small for so long. I don't really
 8 recall, is that an --
 9 Q. That's fine. Sure. I
 10 understand that. You had mentioned
 11 that you had about ten or 12 different
 12 employees over the last 42 years, do
 13 you remember the last one you hired
 14 that was not Jeremy Nelson or did not
 15 come from a company you took over?
 16 A. Probably in the '70s. Yeah,
 17 because Jeremy started working -- a
 18 couple of guys stayed with me like 20
 19 years so there was a huge overlap.
 20 Q. Okay.
 21 A. It would be Steve Broadfoot or
 22 Kevin Miller or Victor Owen.
 23 Q. How did you come to hire Kevin

1 Miller?

2 A. Kevin was -- actually I knew
3 all of those guys in school.

4 Q. Okay.

5 A. And they got -- once we got out
6 of school they just asked me if I
7 needed some help.

8 Q. Is that the same answer for
9 Victor Owen, you knew him through --

10 A. All three of those, Victor,
11 Kevin and --

12 Q. And Broadfoot?

13 A. -- and Steve Broadfoot,
14 correct.

15 Q. Yes, sir.

16 A. Two of them still do janitorial
17 work to this day in other places.

18 Q. Okay. Mr. Miller and Mr. Owen?

19 A. That's correct. Steve is a
20 home remodeler.

21 Q. So it doesn't sound like it's
22 too long of a list. We've got Kevin
23 Miller, Victor Owen, Steve Broadfoot,

1 Jeremy Nelson --

2 A. There was a guy named Donald, I
3 don't remember his last name at this
4 moment. The girls, do you need those
5 also?

6 Q. Sure.

7 A. Sylvia -- I'd have to look at
8 documentation for her last name at this
9 second. And Debbie Moore, M-O-O-R-E.
10 Shawn -- Jeremy's friend, Campbell.
11 There was a girl that worked part-time
12 named Linda and that's been so long ago
13 I do not remember her last name.

14 Q. Okay.

15 A. And there has been a couple of
16 times where there were contract workers
17 as well.

18 Q. Who were the two people that
19 came over from that other company?

20 A. That was Sylvia and Debbie.

21 Q. Okay. I just took a quick few
22 notes. So you knew Mr. Miller, Mr.

23 Owen and Mr. Broadfoot from school --

1 A. That's correct.

2 Q. -- Grissom High, and they had
3 all approached you, I presume, about
4 needing a job?

5 A. Yes, sir.

6 Q. How long did Mr. Miller work
7 with you?

8 A. Probably 20 to 25 years --
9 probably 20 years.

10 Q. All right. What about Mr.
11 Owen?

12 A. Victor was off and on for about
13 the same period, he kept going between
14 restaurants and janitorial.

15 Q. And Mr. Broadfoot?

16 A. Steve was the first to go. He
17 probably was about ten years.

18 Q. All right. Where is he now?

19 A. He's in Franklin, Tennessee.

20 He's a home remodeler. He got his
21 degree in psychology and worked in that
22 for a while.

23 Q. And now he's a home remodeler?

1 A. Yeah.

2 Q. Okay.

3 A. It keeps him from going crazy
4 not working.

5 Q. Mr. Owen and Mr. Miller, they
6 still work janitorial with another
7 company?

8 A. Mr. Miller just retired
9 approximately six months ago, I would
10 think, or I would guess six months.

11 And Victor had retired and now he's
12 started back with a -- it's in
13 Petersburg, Tennessee, some kind of a
14 meat packing place but he's in the
15 janitorial end of that. He's in the
16 cleaning responsibility end of it.

17 Q. Okay. And Mr. Miller, he lives
18 in Tennessee too?

19 A. No. Kevin lives in South
20 Carolina.

21 Q. Oh, okay.

22 A. Victor lives in Tennessee and
23 Steve lives in Tennessee as well.

1 Q. All right. Now, this Donald --
 2 A. Donald was a placement that --
 3 a temporary placement employee and I
 4 took him on full-time after 90 days.
 5 Q. Did the temp company place him
 6 with you?
 7 A. I had called them. I had
 8 gotten -- somebody had told me about
 9 them and they said we've got just the
 10 guy for you and he came over and went
 11 through a 90 day still working for them
 12 as a contractor working for me and I
 13 took him on full-time at that point.
 14 Q. Now, how long did he last with
 15 you?
 16 A. He stayed about two years, two
 17 or three years.
 18 Q. All right.
 19 A. Again, it was a long time ago.
 20 He just got a little unreliable and I
 21 had to let him go.
 22 Q. Okay. Real quick, did you --
 23 did Mr. Owen, Mr. Miller and Mr.

1 Broadfoot all leave voluntarily?
 2 A. That's correct.
 3 Q. And, let's see, Sylvia and
 4 Debbie Moore they came to you from
 5 another company?
 6 A. That's correct. And that
 7 contract came to an end so that was the
 8 reason they are no longer employed.
 9 Q. Kind of laid off, really, I
 10 guess?
 11 A. Right.
 12 Q. Okay.
 13 A. Actually Debbie resigned.
 14 Debbie resigned and Sylvia was laid
 15 off. That's when my wife came back on
 16 full-time, when Debbie resigned, and
 17 took up the slack.
 18 Q. How long did Debbie last with
 19 you?
 20 A. I think it was only about four
 21 months.
 22 Q. Okay. And what about Sylvia?
 23 A. Sylvia was about the -- I think

1 Debbie was -- yeah, I think Debbie
 2 actually resigned about the same time
 3 the contract ran out but I was going to
 4 try to keep her on because I liked her.
 5 They both were about three or four
 6 months.
 7 Q. Okay. But Debbie went ahead
 8 and quit --
 9 A. That's right.
 10 Q. -- and Sylvia you went ahead
 11 and had to lay her off?
 12 A. That's right.
 13 Q. Okay. Are they both still here
 14 in Huntsville?
 15 A. They're both in the Gurley
 16 area. Sylvia lives up on Keel
 17 Mountain or -- well, she did. I'm not
 18 sure now. I haven't had any contact.
 19 Q. Okay. This Shawn Campbell, you
 20 mentioned that -- how did he come to
 21 you again?
 22 A. He was also from church. I
 23 knew his parents and he just asked me

1 for a part-time job and, you know, I
 2 was used to seeing him in church and
 3 felt like he was a good kid and so
 4 forth.
 5 Q. How long did he stay with you?
 6 A. Not so long, four or five
 7 months. He got full-time employment.
 8 Q. What does he do now?
 9 A. I think he's an auto mechanic,
 10 the last I heard. I've not kept in
 11 touch with him.
 12 Q. Here in town?
 13 A. In town or I think he worked
 14 it's Scottsboro. I think he lived in
 15 this area. I think he worked in
 16 Scottsboro, at least for awhile, but I
 17 am not certain.
 18 Q. But he quit.
 19 A. Yes.
 20 Q. He quit when he got a full-time
 21 position?
 22 A. Correct.
 23 Q. Okay. Linda?

1 A. Linda was from a -- like a job
2 rehab place and I do not recall how she
3 came to me. I believe they called and
4 just asked if I had any openings that
5 would train people. She had a minor
6 mental issue, just focussing or
7 something and she had gone -- she had
8 actually been formally trained in
9 janitorial, more so than myself.

10 Q. Through this job rehab place?

11 A. Exactly.

12 Q. Okay. All right. How long did
13 she stay with you?

14 A. I'm going to guess six or eight
15 months. That's so long ago, that's
16 back in the '70s.

17 Q. Oh, this is a long time ago?

18 A. Yes.

19 Q. I got it. Did she quit and go
20 on to different things?

21 A. She didn't come to work one
22 night and we had a little falling out.

23 Q. Okay. So you fired her because

1 she wasn't showing up?

2 A. Exactly.

3 Q. Can you think of anybody else
4 you've employed over the last --

5 A. Well, there has been, like I
6 said, some contract workers. Do you
7 want names?

8 Q. If you know them, yes?

9 A. Okay. Noel, N-O-E-L, Pope
10 P-O-P-E. Noel is now deceased.

11 Q. How long did he last with you?

12 A. Approximately a year.

13 Q. And was he fired, did he quit?

14 A. Undependable. Yes, I --

15 Q. Okay. You had to fire him?

16 A. Right.

17 Q. Okay. I got you.

18 A. There was another one, John
19 Helm, H-E-L-M, and he worked a couple
20 of years and he was -- he moved away.
21 He was an elderly so he actually moved
22 back to Louisiana to be closer his
23 family.

1 Q. Anybody else you can think of?

2 A. In the very beginning there was
3 just a bunch of folks, so there would
4 be several names there if I could
5 recall 40 years ago.

6 Q. Sure. These contract folks
7 though, you call them contract folks
8 because they were hired for a specific
9 contract?

10 A. Well, I call them contract
11 because I paid them direct without -- I
12 let them do their own taxes because
13 usually they were not full-time with
14 me, they had other stuff going on.

15 Q. Oh, kind of part-time 1099
16 workers?

17 A. Exactly. You got it.

18 Q. I got it. All right. Now, I
19 know that Mr. Nelson came to you from
20 church or you knew him from church;
21 right?

22 A. That's correct.

23 Q. And when did you -- when did

1 you first meet him? He was probably
2 small; wasn't he?

3 A. Well, I think he was
4 approximately 12 or 13 years old is
5 what I would guess.

6 Q. Yeah. A young man?

7 A. Right. And because it's not a
8 big city, it's the New Market/Riverton/
9 Buckhorn area, Riverton school and
10 Buckhorn High School area, so they're
11 not big classes so my daughter was a
12 year or two younger than him so I knew
13 him -- they knew each other and so I
14 knew him also because of her. And my
15 son was actually his sister's exact age
16 so they went to the same -- they were
17 in the same grade together.

18 Q. Okay.

19 A. And then his parents only lived
20 approximately a mile and a half from
21 me, still do.

22 Q. And I meant to ask you, you've
23 been married twice?

1 A. Correct.
 2 Q. And you have two children?
 3 A. That's correct.
 4 Q. And they're both by Jane?
 5 A. That's correct also.
 6 Q. A son and a daughter?
 7 A. That's correct.
 8 Q. All right. And what's your
 9 daughter's name?
 10 A. Jamie.
 11 Q. Starkey?
 12 A. Foster.
 13 Q. Foster now --
 14 A. Yes.
 15 Q. -- or was she --
 16 A. No, her married name is Foster.
 17 Q. Yes, sir. Where does she live?
 18 A. She lives in -- we talked about
 19 this yesterday.
 20 THE WITNESS: Is it Pelham and
 21 she goes through Helena to get Hoover
 22 or is it vice versa?
 23 MR. LITTLE: I think if she

1 lives in Helena she would go through
 2 Pelham.
 3 A. Okay. She lives in Helena.
 4 Q. Okay.
 5 A. Right below Birmingham.
 6 Q. And what's your son's?
 7 A. Benji -- Benjamin.
 8 Q. He goes by Benji?
 9 A. That's correct.
 10 Q. And where does he live?
 11 A. Pasadena, California.
 12 Q. What does he do?
 13 A. He does security work for the
 14 college. And he also does -- his
 15 vocation is in pastoral and pastoral
 16 counseling, he does some youth church
 17 work and he preaches every now and
 18 then.
 19 Q. All right. And what does Jamie
 20 do?
 21 A. She works for the City of
 22 Hoover in the fitness center at the
 23 municipal complex.

1 Q. You and Aida don't have any
 2 children?
 3 A. That's correct.
 4 Q. Okay. Does she have children
 5 by previous marriage?
 6 A. No.
 7 Q. So you mentioned that you met
 8 Mr. Nelson through church, what church
 9 was that again?
 10 A. Locust Grove Baptist Church.
 11 Q. And when did you start going
 12 out there?
 13 A. Very soon after we moved out
 14 there, I would say 1974 or '75. Well,
 15 I moved out there in January of '74. I
 16 think by the end of '74 or early '75.
 17 Q. All right. So help me with the
 18 math here. If he's 13 when about did
 19 you meet him?
 20 A. Excuse me?
 21 Q. About when did you meet Mr.
 22 Nelson, if you ran into him when he was
 23 12 or 13? I'm trying to think of how

1 old he is now, that would help.
 2 A. 30 years ago.
 3 Q. Okay. So maybe '87?
 4 A. Maybe. I'm not positive about
 5 it.
 6 Q. That's fine. Okay. Then when
 7 did he start working with you?
 8 A. I'm going to guess about 1994.
 9 Q. When you hired him did he
 10 approach you or did you approach him?
 11 A. I think he approached me
 12 because he was such good friends with
 13 Shawn Campbell and Shawn just said you
 14 ought to ask James if he needs some
 15 more part-time work.
 16 Q. So Shawn had already been
 17 working with you?
 18 A. Right.
 19 Q. How long had he been working
 20 with you?
 21 A. He didn't work for me but I
 22 think about six months.
 23 Q. Yeah, you said four to five

1 months and then he quit, so.
 2 A. Yeah.
 3 Q. All right. Did he kind of take
 4 Shawn's spot?
 5 A. Right, at the very beginning.
 6 At first it was just like one night a
 7 week.
 8 Q. Okay. And was he working
 9 another job?
 10 A. Jeremy was always working
 11 another job. He might have been
 12 working at the typical restaurants at
 13 Madison Square Mall at the time. I
 14 don't really recall, it's been so long.
 15 Q. Did his parents to Locust
 16 Grove?
 17 A. That's correct.
 18 Q. And what are their names?
 19 A. Their names are Don and Betty
 20 Nelson.
 21 Q. I presume you had known them
 22 for many years?
 23 A. Yeah. I don't think they went

1 there when we first started going to
 2 that church, they came in later. I
 3 don't know exactly when it was.
 4 Q. Probably they all started there
 5 around '87 maybe?
 6 A. That sounds about right.
 7 Q. Okay.
 8 A. And they have a lot of
 9 family -- she -- Betty has a lot of
 10 family in the area.
 11 Q. Let me jump around on you just
 12 a little bit, if I may. You said this
 13 Donald, he worked with you two or three
 14 years and then ultimately you just kind
 15 of had to fire because he wasn't
 16 showing up, but how did you find him?
 17 You said you found him through a temp
 18 agency?
 19 A. Correct. I think it's Advanced
 20 R&D is the name of the company.
 21 Q. Okay. I didn't see any other
 22 temp agency employees in here, do you
 23 think that's the only one you had?

1 A. Other than that girl that was
 2 kind of their rehab -- yeah, I believe
 3 it probably was.
 4 Q. Okay. This Shawn Campbell, you
 5 had known him I guess through church,
 6 did you do any kind of, you know,
 7 checking up on him or call references
 8 or anything like that?
 9 A. I just knew him since he was a
 10 little kid.
 11 Q. You knew him since he was --
 12 right. Okay.
 13 A. Uh-huh. (Affirmative.)
 14 Q. Yes, sir. I presume you didn't
 15 do any kind of reference check on these
 16 people that came from this other
 17 company, Sylvia and Debbie Moore?
 18 A. No.
 19 Q. Because they were coming from
 20 this company --
 21 A. Right.
 22 Q. -- and they had a track record
 23 with them, I guess?

1 A. Right.
 2 Q. Okay. This Linda, she came
 3 from the job rehab so you kind of let
 4 the rehab folks do whatever background
 5 needed to be done; correct?
 6 A. She worked with me every night.
 7 She never went off on her own.
 8 Q. What was the reason for that?
 9 A. Just at the time that's just
 10 the way the work fell. I just needed
 11 somebody to be with me in the places
 12 that I was doing.
 13 Q. Did you have bigger places that
 14 you were servicing?
 15 A. We had seven branches of a
 16 savings and loan, when there were
 17 savings and loans, that we had to cover
 18 each night.
 19 Q. Okay. I presume you didn't do
 20 any kind of checking up or references
 21 on Mr. Miller, Mr. Owen and Mr.
 22 Broadfoot; correct?
 23 A. Right.

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1 Q. Because they were all friends
2 of yours in high school?
3 A. That's correct.
4 Q. Have you ever done any kind
5 of -- put any of these people like
6 through a background check for like
7 their criminal background?
8 A. No, sir.
9 Q. But some people you have called
10 references I think you mentioned?
11 A. Some of them came -- referenced
12 from another company, yeah, I believe
13 so.
14 Q. And do you ask people when they
15 fill out an application with you to
16 give you previous work history?
17 A. Yes, sir.
18 Q. And do you ask them to give you
19 personal references too or is it just
20 work references?
21 A. Just work references.
22 Q. Yes, sir. But you have called
23 on some of these people, their work

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1 references; correct?
2 A. Yes. A few of them, but it's
3 been long time ago.
4 Q. Okay. Mr. Pope and Mr. Helm?
5 A. Okay. I knew -- Noel also had
6 worked for that same company the two
7 girls worked for and I knew the couple
8 that had owned that company forever --
9 Q. Right.
10 A. -- you might say, or since the
11 '70s and so, you know, if they said he
12 was a good guy I trusted them.
13 Q. Right.
14 A. And Mr. Helm, I actually dated
15 his daughter and that's how I come --
16 she said dad needs a job.
17 Q. You didn't need any other
18 references?
19 A. No.
20 Q. No other references required?
21 A. No.
22 Q. What was the name of the
23 company that Mr. Pope, Ms. Moore and

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1 Sylvia came --
2 A. Metropolitan Janitorial.
3 Q. And who was that owned for?
4 A. Doris and Blank Peoples.
5 Q. Did they do substantially
6 similar work to you?
7 A. That's exactly right. I got
8 them started in it back in the '70s.
9 Q. Okay.
10 A. And they turned 80 or something
11 and they decided it was time to slow
12 down a little bit and got out of it.
13 Q. So you had known Don and Betty
14 Nelson for a while when you decided to
15 hire Jeremy -- their son, Jeremy
16 Nelson, sometime around 1994; correct?
17 A. Yes, sir.
18 Q. Okay. And you said that -- I
19 believe you said that one or more of
20 your children had gone to school with
21 him?
22 A. Both of them.
23 Q. Both of them?

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1 A. Uh-huh (affirmative.)
2 Q. Do you recall doing any kind of
3 reference check on him?
4 A. I knew that he had worked at
5 the Cafe 302 near the house and -- I
6 just knew he was a worker, he always --
7 you know, he always had a job.
8 Q. Right.
9 A. And it was physical, it wasn't
10 sitting behind a desk or something. He
11 -- because this job is physical. But
12 just the fact that I'd known him so
13 long and known the family and knew him
14 through church and the kids' school it
15 was what I was basing his employment
16 on.
17 Q. Do you recall if you did any
18 kind of criminal background search on
19 him?
20 A. He had told me about the
21 possession charge, which was a
22 misdemeanor and I think it was either
23 -- he got a year probation I recall.

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1 It was either at the very end of that
 2 or going to -- that year was going to
 3 end when he started, right in that same
 4 time period.
 5 Q. Okay. Did any of that cause
 6 you any concern?
 7 A. Well, I figured he had got
 8 caught for a misdemeanor and if he had
 9 served his probation -- there again, I
 10 was basing it on knowing him for so
 11 long and his family and so forth that
 12 -- just give him a chance.
 13 Q. Sure. Did -- do you know if he
 14 was married at the time when you first
 15 hired him?
 16 A. I think -- I think he was.
 17 Q. Okay. What was his wife's
 18 name?
 19 A. Carmen.
 20 Q. Okay. Was she older than him
 21 or younger than him?
 22 A. I believe she's younger. I'm
 23 not for sure certain.

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1 Q. Okay. Did he have children
 2 with Carmen?
 3 A. Yes.
 4 Q. How many children did he have
 5 with Carmen?
 6 A. Two girls.
 7 Q. Do you know what their names
 8 were?
 9 A. Michael and Autumn.
 10 Q. Did they have their children at
 11 the time that you hired him?
 12 A. When I hired him they probably
 13 either already had Michael or were in
 14 the process. She was probably pregnant
 15 right about that timeframe because I
 16 think Autumn is 21 or 22 now.
 17 Q. All right. How old is Michael?
 18 A. Oh, excuse me, that was
 19 Michael, Michael's the oldest.
 20 Q. I beg your pardon. Okay. And
 21 how old is Autumn?
 22 A. I think 20 -- I think 18.
 23 Q. Yes, sir. And what was his

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1 wife's name again?
 2 A. Carmen.
 3 Q. Did Carmen go to church out
 4 there too?
 5 A. I think she went with him
 6 occasionally, but I am not sure.
 7 Q. Okay.
 8 MR. ARTRIP: We've been going
 9 about an hour, do you want to take a
 10 break?
 11 MR. LITTLE: Let's take five
 12 minutes.
 13 (Whereupon, deposition
 14 was recessed from
 15 2:10 p.m. to 2:20 p.m.)
 16 Q. (BY MR. ARTRIP:) Tell me a
 17 little bit about how you came to have
 18 this contract at Ann's Studio of Dance,
 19 did they approach you or did you
 20 approach them?
 21 A. Ann gets her supplies from the
 22 same place I buy supplies from and
 23 either they told her about me and she

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1 called or they told me to call her, I
 2 don't recall exactly which one.
 3 Q. Okay.
 4 A. But it was a reference.
 5 Q. Is it a cleaning supply
 6 distributor?
 7 A. Correct. A janitorial
 8 supplier.
 9 Q. And what is that business
 10 called?
 11 A. Mid-City Supply.
 12 Q. Okay. Was there a particular
 13 woman or man at Mid-City Supply that
 14 may have helped put y'all together?
 15 A. Well, they're also a small
 16 company, the owner and two girls in the
 17 office, and I've been going there a
 18 long time and she had been buying
 19 supplies so it was -- you know, since
 20 she's buying paper towels and so forth
 21 she thought, hey, do you know of
 22 anybody you can refer for janitorial.
 23 Q. You mentioned to me just a few

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1 moments ago there were some times that
 2 you had a job that was big enough that
 3 it required two janitors to be there at
 4 the same time; correct?
 5 A. That's correct.
 6 Q. But most of them don't, is that
 7 fair to say?
 8 A. Right.
 9 Q. Okay. Tell me how that usually
 10 works.
 11 A. Well, it's just a matter of how
 12 large the place is and what all is
 13 involved in the cleaning that
 14 determines those kinds of things.
 15 Q. The services that you provide
 16 for a particular business, do those
 17 services vary from business to
 18 business?
 19 A. A little bit.
 20 Q. Yes, sir.
 21 A. But most of it is the same.
 22 Q. So what would determine if you
 23 need one person or two people at a

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1 particular job?
 2 A. Just how much time was involved
 3 or how the different services
 4 overlapped. Like sometimes you can cut
 5 the time you spend in half by using two
 6 people, but sometimes it doesn't cut it
 7 but a fourth, for example, just because
 8 -- it's hard to understand. Like my
 9 wife and I can go in a place and do it
 10 in an hour and ten minutes together and
 11 I can go in and do it in an hour and a
 12 half or an hour and 40 minutes by
 13 myself just because you do things
 14 different ways and the way they
 15 overlap. She will go through and do
 16 one thing and I'll come through and do
 17 another thing, but if I'm doing it by
 18 myself I'll do two or three things as
 19 I'm going through the first time. Does
 20 that make sense?
 21 Q. It does, yes. Right now with
 22 the contracts that you currently have
 23 do you for the most part do each one of

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1 those eight contracts with your wife?
 2 A. Exactly. Every one, 100
 3 percent.
 4 Q. You do every --
 5 A. 100 percent.
 6 Q. Yes, sir.
 7 A. She doesn't drive.
 8 Q. It's helpful then to have you
 9 with her.
 10 A. So that would prevent her
 11 from -- yeah.
 12 Q. Would you say for the most part
 13 you do most of your jobs in the
 14 evening?
 15 A. That's correct.
 16 Q. Have you ever had a job where
 17 you did most of the work during the
 18 day?
 19 A. No, not most of them. There
 20 has been occasions where part of it was
 21 required during the day.
 22 Q. Yes, sir. Would the
 23 determination about whether you have

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1 somebody with you be determined mostly
 2 by the jobs being performed --
 3 A. That's correct.
 4 Q. -- at a particular location?
 5 A. That's correct.
 6 Q. Okay. Now, you mentioned that
 7 you had this Linda that came from the
 8 job rehab place working with you, was
 9 that so that you could train her as you
 10 went?
 11 A. Well, she had pretty much been
 12 trained by them.
 13 Q. Okay.
 14 A. But then each place is
 15 different so you have to have -- you
 16 know, you do a little bit of training.
 17 Q. Did she ever work on her own?
 18 A. I think her father brought her
 19 to work and she just stayed with me the
 20 whole evening.
 21 Q. Okay. Was that because of her
 22 lack of transportation?
 23 A. Right.

<p style="text-align: center;">73</p> <p>1 Q. Did anybody else that you hired 2 over these last 42 years work 3 exclusively with someone else? 4 A. Probably at times I would -- 5 would be a good answer. 6 Q. Okay. Explain that just a 7 little further, if you will? 8 A. Okay. Like I said, when I 9 first start somebody I would work real 10 close with them. And then it's like in 11 another position if you see somebody 12 doing well at it then you allow them 13 more flexibility and leniency, maybe 14 more responsibilities, and you don't 15 feel like you have to check every 16 single time with every single thing. 17 Q. Okay. 18 A. And, like I said, you can cover 19 more ground efficiently by spreading 20 out than always staying together. 21 Q. Okay. So would it be fair to 22 say then that you worked with people 23 until you knew their work habits and</p>	<p style="text-align: center;">75</p> <p>1 exactly sure. 2 Q. Okay. Do you have a business 3 e-mail that you conduct your business 4 over? 5 A. Not really, no. 6 Q. Okay. Is it mostly by phone? 7 A. Exactly. 8 Q. All right. And what is your 9 cellphone number that you use? 10 A. 256-541-9064. 11 Q. And what's your service that 12 you use? 13 A. Verizon. 14 Q. And is that where most of your 15 agreements to come out and do 16 janitorial work would be conducted, 17 over the phone? 18 A. That's correct. 19 Q. All right. Do you have a 20 standard contract that you use for 21 everybody? 22 A. I just have guidelines, but 23 each one -- I let them show me the</p>
<p style="text-align: center;">74</p> <p>1 things like that? 2 A. Exactly. 3 Q. And then you would work with 4 them only then if the job was big 5 enough to require two janitors? 6 A. That's correct. 7 Q. So when did this person from 8 Mid-City Supply recommend you call 9 Ann's Studio of Dance or Ann's Studio 10 called you? 11 A. I'm not exactly sure. I 12 think -- do you have the documentation 13 on that? 14 MR. LITTLE: I don't, no. 15 A. It was before the fall session 16 began of 2013 I believe, because they 17 were shut down for a couple of months 18 during the summer with the -- they kind 19 of operate under the same school 20 calender as the schools. 21 Q. So fall or '13? 22 A. I think so. It was either the 23 fall of '13 or the fall of '12, I'm not</p>	<p style="text-align: center;">76</p> <p>1 facility and then tailor it to their 2 needs. 3 Q. Okay. Do you confirm with an 4 e-mail or anything like that or you 5 really -- 6 A. Not really, no. 7 Q. -- don't do that? Okay. Do 8 you ever do that, ever communicate by 9 e-mail with your clients? 10 A. Sometimes. 11 Q. What e-mail address do you use 12 when you do that? 13 A. Lesliemoround@yahoo.com. 14 Q. Lesliemoround? 15 A. It's a musical term. 16 Q. Are you a musician? 17 A. (Witness nodding head 18 indicating in the affirmative.) 19 Q. What do you play? 20 A. Keyboards and bass guitar. 21 Q. Okay. When you made this 22 decision to reach out to Ann's or when 23 Ann's called you would the next step</p>

<p style="text-align: right;">77</p> <p>1 have been that you went out to the 2 actual facility? 3 A. That's correct. 4 Q. And somebody would have showed 5 you around and what they wanted? 6 A. That's correct. 7 Q. And who did that? 8 A. I believe it was Ann. 9 Q. Okay. 10 A. It was either Ann or her 11 daughter, but I believe it was Ann. 12 Q. Okay. And when you went out 13 there to meet Ann and so she could show 14 you around and show you what she needed 15 done what did she tell you? 16 A. She just said they had used a 17 lot of different janitorial services 18 and they had not been happy. 19 Q. And did she mention what kind 20 of problems they had had in the past? 21 A. They just weren't doing a good 22 job. 23 Q. Okay. What kind of services</p>	<p style="text-align: right;">79</p> <p>1 certain. 2 Q. She asked that no one be 3 present from Sanitary Systems -- 4 A. Well, she just said for -- 5 Q. -- after school until 9:00? 6 A. Right. They just said for your 7 convenience it's better if you wait 8 until the place was shut down. But 9 there again, I would have to verify the 10 hours. 11 Q. Okay. Did she provide you any 12 kind of special instructions with 13 regard to interacting with the 14 students? 15 A. We just didn't -- we didn't -- 16 it wasn't required for us to interact 17 with the students because they were 18 basically supposed to be gone. There 19 wasn't a need for us to go during -- we 20 couldn't get anything done if they were 21 there is what I'm trying to say. 22 Q. Right. Had you ever done a 23 dance studio before?</p>
<p style="text-align: right;">78</p> <p>1 did she ask you to perform for them? 2 A. Okay. It's taking the trash, 3 sweeping the hard surface floors, wet 4 mopping the hard surface floors, 5 cleaning the restrooms, vacuuming the 6 very little bit of carpet because they 7 didn't have a lot, and cleaning the 8 mirrors in the studios, which was a big 9 deal. 10 Q. Sure. I've never been in the 11 facility but I'm assuming there are a 12 lot of mirrors in there? 13 A. One wall -- at least one wall 14 of each of the classrooms is solid 15 mirrors and the students do a lot of 16 this hands-on on the mirrors thing when 17 they're dancing and so forth so, yeah, 18 it's pretty bad. 19 Q. Do you know what their hours of 20 operations were at the time that you 21 took the contract over? 22 A. Afternoons after school was out 23 until I think 9:00, but I'm not</p>	<p style="text-align: right;">80</p> <p>1 A. I don't think so, no, sir. 2 Q. Had you ever done a contract 3 for a school? 4 A. We had done floors at schools. 5 I don't think we did a nightly 6 janitorial at schools. 7 Q. What schools had you done work 8 at previously? 9 A. Well, we did some floors for 10 Whitesburg Junior High School at one 11 point. We did some floors for some of 12 the daycares around town. They've 13 changed names so many times because 14 they're, you know, bought and sold. 15 Q. Sure. 16 A. We have a contract for Locust 17 Grove Church and they have a daycare, 18 you know, there. 19 Q. It's kind of a broad question 20 but at any of these facilities where 21 children were present did any of those 22 contracts provide you special 23 instructions --</p>

<p style="text-align: right;">81</p> <p>1 A. No, sir.</p> <p>2 Q. -- on how to deal with the</p> <p>3 children? No?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. Did any of them provide</p> <p>6 you any kind of admonition or tell you</p> <p>7 you should not or cannot do this with</p> <p>8 the children or specifically with the</p> <p>9 children?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. The same question for</p> <p>12 Ann's, did she give you any kind of</p> <p>13 admonition about you could not interact</p> <p>14 with the children or should not</p> <p>15 interact with the children in any way?</p> <p>16 A. I do not recall that, no, sir.</p> <p>17 Q. Okay.</p> <p>18 A. It's just basically for our own</p> <p>19 interest, it doesn't facilitate our</p> <p>20 work to go when there's a lot of people</p> <p>21 there.</p> <p>22 Q. Oh, I get it.</p> <p>23 A. Yeah. So we would wait</p>	<p style="text-align: right;">83</p> <p>1 A. No, sir.</p> <p>2 Q. Did she, as you recall, have</p> <p>3 any other requirements for the</p> <p>4 janitorial staff that she would have</p> <p>5 entering her building?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. In other words, she</p> <p>8 didn't require or make it known to you</p> <p>9 that she only wanted people with clean</p> <p>10 criminal backgrounds to come into her</p> <p>11 facility?</p> <p>12 A. No.</p> <p>13 Q. Okay. When you went out there</p> <p>14 to Ann's did anybody go with you?</p> <p>15 A. From Ann's?</p> <p>16 Q. No, from Sanitary Systems.</p> <p>17 MR. LITTLE: At the initial</p> <p>18 meeting?</p> <p>19 Q. At the initial meeting, yes.</p> <p>20 A. No, sir.</p> <p>21 Q. Good clarification. Right.</p> <p>22 Do you remember how long it</p> <p>23 lasted?</p>
<p style="text-align: right;">82</p> <p>1 specifically -- it's like the TV</p> <p>2 station, I always said there's really</p> <p>3 not much point in starting to clean</p> <p>4 until after the 10:00 news is over</p> <p>5 because there's going to be people --</p> <p>6 Q. Right.</p> <p>7 A. -- that are in our way and</p> <p>8 we're going to be in their way. So we</p> <p>9 pretty much try to avoid -- we try to</p> <p>10 avoid our customers basically.</p> <p>11 Q. I understand. Did she, she</p> <p>12 being Ann Brown or her daughter, did</p> <p>13 she give you any other kind of caution</p> <p>14 or any other special instructions about</p> <p>15 this being a dance studio?</p> <p>16 A. No, sir.</p> <p>17 Q. I presume not, but I just</p> <p>18 wanted to make sure I kind of covered</p> <p>19 that base.</p> <p>20 Did she, being Ann or her</p> <p>21 daughter, ever insist that the people</p> <p>22 coming into the facility have criminal</p> <p>23 background checks?</p>	<p style="text-align: right;">84</p> <p>1 A. The first meeting we had?</p> <p>2 Q. Right.</p> <p>3 A. I don't know. 30 minutes, 45</p> <p>4 minutes at the most.</p> <p>5 Q. Not an hour?</p> <p>6 A. I don't think so.</p> <p>7 Q. All right. Did you begin</p> <p>8 immediately or did you provide her with</p> <p>9 kind of quote to do the job that --</p> <p>10 A. Okay. I --</p> <p>11 Q. -- she was asking you to do?</p> <p>12 A. -- gave her a quote and she</p> <p>13 said it was a little higher than she</p> <p>14 wanted and so we renegotiated down a</p> <p>15 little bit. And then I think we -- if</p> <p>16 I recall we went in and did an initial</p> <p>17 cleaning because they were getting</p> <p>18 ready to start up the fall session.</p> <p>19 Q. Yes. And you probably charged</p> <p>20 a little bit extra for that initial</p> <p>21 cleaning; didn't you?</p> <p>22 A. I don't -- I'm not sure.</p> <p>23 Q. At the time that you took this</p>

<p style="text-align: right;">85</p> <p>1 contract over with Ann's who was 2 working with Sanitary Systems? 3 A. Jeremy and myself I think was 4 all. 5 Q. You were married to Aida -- 6 A. Yeah, my wife was already -- 7 exactly, she was working too then. 8 Q. Well, you were married to Aida, 9 was she working with you? 10 A. She was working some. 11 Q. Okay. Did she have another job 12 that she was also doing? 13 A. No. 14 Q. So the three of you were 15 basically the only employees of 16 Sanitary Systems? 17 A. That's correct. 18 Q. Okay. Incidentally, did you 19 pay yourself on an hourly basis -- 20 A. No, sir. 21 Q. -- or a contract basis or how 22 did you pay yourself? 23 A. A small business you just kind</p>	<p style="text-align: right;">87</p> <p>1 Q. And where are those at? 2 A. North Alabama Bank. 3 Q. Yeah, okay. And are your 4 Sanitary Systems accounts also at -- 5 A. Sanitary Systems is also with 6 North Alabama Bank. 7 Q. -- NAB? Yes, sir. But they're 8 not the same account? 9 A. No. 10 Q. You do have a Mr. Starkey 11 account and a Sanitary Systems account? 12 A. That's correct. 13 Q. Yes, sir. Do you have checking 14 accounts any other place for your 15 business? 16 A. I have one at Regions Bank 17 also. 18 Q. Okay. Do you -- it's kind of a 19 funny question, some people have an 20 account that they just kind of -- that 21 they don't really use. Is the one at 22 Regions the one y'all really use or is 23 the one at North Alabama Bank the one</p>
<p style="text-align: right;">86</p> <p>1 of live out of the account I guess you 2 would say. I don't know how to explain 3 it. No, I did not get a set paycheck 4 each week or each month or anything, 5 no. 6 Q. Okay. 7 A. Does that answer your question? 8 Q. It does. I mean, I understand. 9 Who was your accountant? 10 A. Well, I did my own books for a 11 long time. Right now I have an 12 accountant that does my taxes. 13 Q. And what is his or her name? 14 A. Carolyn Quillin, Quillin 15 Financial Services. 16 Q. And where is she? 17 A. She's on Meridian Street. 18 Q. Okay. How long has she been 19 doing your taxes? 20 A. Three or four years. 21 Q. All right. You and your wife 22 have personal checking accounts? 23 A. That's correct.</p>	<p style="text-align: right;">88</p> <p>1 y'all use? 2 A. Approximately 50/50. 3 Q. Oh, you use them both? 4 A. Yes. 5 Q. Okay. What are most of your 6 vendors, you mentioned Midland was a 7 janitorial supply -- 8 A. Mid-City. 9 Q. I beg your pardon, Mid-City. 10 A. Mid-City Supply. 11 Q. What other vendors do you do 12 normally use? 13 A. We buy a lot of stuff at 14 Wal-Mart. Imagine that. 15 Q. I guess so. Do you have trucks 16 or vans right now? 17 A. Yes, sir. 18 Q. Do they have Sanitary Systems 19 on the side? 20 A. No, sir. 21 Q. Do you also use those vehicles 22 as your personal vehicle? 23 A. Occasionally.</p>

1 Q. Was it your thought when you
2 took over this contract over there at
3 Ann's that you and your wife would be
4 working that account or would Mr.
5 Nelson be working that account?
6 A. Mr. Nelson and myself.
7 Q. Okay. And do you pay him on an
8 hourly basis?
9 A. It's a salary.
10 Q. Strike that. Did you pay him
11 on an hourly basis or a salary basis?
12 A. Well, it was roughly figured on
13 a per hour, but it was a salary. I
14 mean, he did not punch a clock at the
15 beginning and the end of each night.
16 You know, we just figured this is
17 approximately eight -- it takes about
18 eight hours to do and you're going to
19 make this much and if it took a little
20 less time or a little more time that
21 was flexible.
22 Q. Okay. And about how much did
23 that figure out to an hour?

1 A. I think his gross was \$515 a
2 week, so if you divide 40 into that --
3 Q. Okay.
4 A. -- that's 12 --
5 Q. At the time you took over this
6 contract with Ann's who were the other
7 contracts that you had?
8 A. Pretty much those same ones I
9 read to you.
10 Q. Well, you had Bentley Cadillac,
11 I believe?
12 A. Oh, yeah, excuse me. We had
13 the Bentley dealerships and --
14 Q. How many dealerships were
15 involved there; do you know?
16 A. It was three buildings
17 together, it's all one dealership, but
18 they just -- Cadillac is in a separate
19 building from GMC and Buick.
20 Q. They're all down there on Bob
21 Wallace though; right?
22 A. Drake.
23 Q. I beg your pardon. Drake?

1 A. That's correct.
2 Q. You had the three Bentley
3 buildings, you had Ann's --
4 A. WHNT-TV.
5 Q. WHNT. Anybody else?
6 A. No.
7 Q. Well, you had those other ones
8 and you said --
9 A. Right. But he wasn't involved
10 in cleaning them because those were
11 mostly smaller, some of them only once
12 a week.
13 Q. This thing at DMS, were you
14 doing that at the time you were doing
15 Ann's?
16 A. I've been doing DMS probably 25
17 years.
18 Q. Yes, sir. And was that a once
19 a week job?
20 A. That's a once a week job.
21 Q. Okay. And I'll just read them
22 off real quick, but you had Pep Boys?
23 A. Correct.

1 Q. You had Firestone?
2 A. Correct.
3 Q. You had the Town of Gurley?
4 A. Yes.
5 Q. You had Available Plastics?
6 A. Yes. Now, a lot of those are
7 only once a week, some of them twice a
8 month and they're like 30 or 45 minute
9 jobs and so those would be the ones
10 that I would take care of by myself or
11 my wife and I would take care of them.
12 Q. All right. Elemental
13 Corporation?
14 A. Oh, gosh, I've had that more
15 than 30 years.
16 Q. Okay. And Ragland Brothers?
17 A. Yes. We were doing Ragland
18 Brothers, correct.
19 Q. Okay.
20 A. But a lot of them Jeremy never
21 even went to.
22 Q. Sure. And I wasn't necessarily
23 asking who did what, I was just kind of

<p style="text-align: center;">93</p> <p>1 interested at the time that you took 2 this over with Ann's you had the eight 3 that you have now it sounds like -- you 4 had Pleasant Springs too; correct? 5 A. Correct. 6 Q. So you had the eight that you 7 currently have plus you had Bentley, 8 Ann's and WHNT? 9 A. That's correct. 10 Q. Anything else? Any others? 11 A. I think that was it, I'm pretty 12 sure. 13 Q. All right. Did you have a 14 contract with Ann's to do the 15 janitorial service every night or was 16 it once a week or -- 17 A. It was four nights a week. 18 Q. Four nights a week. 19 A. They were currently closed 20 Friday, Saturday and Sunday. 21 Q. All right. So you would come 22 in Monday evening, Tuesday, Wednesday 23 and Thursday evenings?</p>	<p style="text-align: center;">95</p> <p>1 A. No. 2 Q. You would just arrive and you 3 would do your tasks and he would arrive 4 and do his tasks? 5 A. That's correct. 6 Q. And sometimes you would 7 overlap? 8 A. Correct. 9 Q. Okay. I understand. 10 Incidentally, have you ever had any of 11 your customers, this issue aside, 12 complain about one of your janitors? 13 A. Other than missing something or 14 not doing something right involving the 15 work, no. 16 Q. Okay. Have you ever had a 17 complaint, in other words, involving an 18 allegation of something gone missing? 19 A. Well, I was going to clarify 20 that. One time the Bentley dealerships 21 called and said they thought Jeremy had 22 been in the desk and they said nothing 23 was missing but it was just moved</p>
<p style="text-align: center;">94</p> <p>1 A. That's correct. 2 Q. Was Mr. Nelson assigned to that 3 contract exclusively or did you 4 sometimes do it too? 5 A. We both did it, but we did it 6 independently of each other. We did 7 not go together. 8 Q. Okay. Did you do it on 9 alternating nights or was there -- 10 A. We were both there each night. 11 We both had different assignments to do 12 different things at the place. 13 Q. Oh, okay. Would you sometimes 14 overlap there? 15 A. Occasionally, maybe once a week 16 or once every two weeks we would 17 actually cross paths in the same place, 18 right. 19 Q. Okay. There at Ann's; right? 20 A. Right. 21 Q. Let me -- I'm sorry I'm kind of 22 dense here, but would you make it a 23 point to arrive together?</p>	<p style="text-align: center;">96</p> <p>1 around. I confronted him and he said 2 he was looking for either headache 3 medicine or a coin for the vending 4 machine and he didn't find it and let 5 it alone. And I put him on a two day 6 probation from that place and I talked 7 to Mr. Bentley again and he said -- I 8 said, what can I do and he said I'm 9 going to let you use your own judgment. 10 He said nothing was missing but, you 11 know, we don't want him in our desks. 12 Q. Right. 13 A. So I made him very aware that 14 that wasn't something that we were 15 going to allow. 16 Q. When did you get the contract 17 with Bentley? 18 A. I guess it's been -- probably 19 about 2005, but we had worked there 20 once before for a few years also. 21 Q. Back in the '90s? 22 A. Probably, yes, sir. 23 Q. All right. And you said you</p>

<p style="text-align: right;">97</p> <p>1 got the contract with Ann's in '13, I 2 believe?</p> <p>3 A. It was either '13 or '12.</p> <p>4 Q. Yes, sir.</p> <p>5 A. I'd have to verify it.</p> <p>6 Q. Did you send invoices out to 7 your customers on a monthly or annual 8 basis or what do you do there?</p> <p>9 A. Monthly.</p> <p>10 Q. Okay.</p> <p>11 A. Monthly invoices.</p> <p>12 Q. And do you have some kind of 13 computer program that tracks those --</p> <p>14 A. No, sir.</p> <p>15 Q. -- like Quick Books or anything 16 like that?</p> <p>17 A. (Witness indicating.)</p> <p>18 Q. It's all up there. All right. 19 Yes, sir. What about WHNT, when did 20 you start working with them?</p> <p>21 A. In the '70s, probably 1975.</p> <p>22 Q. Did all three, Bentleys, Ann's 23 and WHNT, did all three of those</p>	<p style="text-align: right;">99</p> <p>1 here and we'll think about it and I'll 2 call you?</p> <p>3 A. Yeah. It's been a long break.</p> <p>4 Q. Yes, I understand. What about 5 WHNT?</p> <p>6 A. Okay. The TV station, they 7 called the same day he was arrested and 8 I still did not know what all was going 9 on, the complete depth of all of this 10 and I thought, well, maybe they have a 11 stringer down at the police department 12 and they saw that he was arrested and 13 they knew him so they were just going 14 to put me off a day and sort everything 15 out and I didn't realize the 16 ramifications of anything at that 17 point.</p> <p>18 Q. Sure. Who called you from 19 WHNT, if you can remember?</p> <p>20 A. The comptroller.</p> <p>21 Q. Man, woman?</p> <p>22 A. Woman.</p> <p>23 Q. Okay. And what did she say?</p>
<p style="text-align: right;">98</p> <p>1 contracts end about the same time?</p> <p>2 A. Exactly.</p> <p>3 Q. I would assume they did.</p> <p>4 A. All within three days of each 5 other.</p> <p>6 Q. And when was that?</p> <p>7 A. October of 2014.</p> <p>8 Q. And was that because of the 9 news reports?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. How did the -- how were 12 you notified by the Bentleys that they 13 would be ending their contract with 14 you?</p> <p>15 A. Trey Bentley called me the day 16 after Jeremy Nelson was arrested and he 17 first talked about putting me on a two 18 or three day -- us just not doing it 19 for two or three days and let him think 20 it over, but it never -- nothing else 21 came of it. That was the end of it.</p> <p>22 Q. Okay. So that initial phone 23 call was, hey, let's talk a breather</p>	<p style="text-align: right;">100</p> <p>1 A. I said, well, you know, he 2 won't be with me tonight and she said, 3 yeah, I know he won't, he's in jail. 4 And she said don't come in tonight. 5 And I said, okay. And then the next 6 night they called and informed me and 7 said they had to let us go. But, oddly 8 enough, I did the dealerships the night 9 of the arrest of Jeremy. I went and 10 did all of that because I didn't know 11 -- they had not called yet and I didn't 12 know what was involved so I just went 13 ahead and did business as usual there. 14 And Ann's was on break, Ann's was on 15 fall break, so I didn't have to go 16 there. She called the next day I 17 think.</p> <p>18 Q. When did you first learn that 19 he had been arrested?</p> <p>20 A. Whatever day -- October the 21 6th, 4th of 2014. I have to --</p> <p>22 Q. How did you learn?</p> <p>23 A. Okay. The investigators had</p>

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1 come out looking for him. And they
 2 went to my house first, but I did not
 3 interact with them at all because they
 4 came early in the day and we were still
 5 sleeping.
 6 Q. Okay.
 7 A. So I --
 8 Q. Did you come to the door even?
 9 A. They came to the door, but
 10 there again --
 11 Q. No. Did you come to the door?
 12 A. No.
 13 Q. They beat on the door and y'all
 14 were still asleep?
 15 A. Right.
 16 Q. Okay.
 17 A. Because we run a little fan to
 18 make noise so that we can sleep over
 19 the noise outside and that kind of
 20 stuff. My understanding is they went
 21 from my house to his father's house
 22 because he used that as his permanent
 23 address because he was a single guy and

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1 he moved every two or three years to a
 2 different place. And then they went to
 3 his house and found him and so whenever
 4 we got up there was several voicemails
 5 on my cellphone from the investigator,
 6 whose name I don't recall, and he said
 7 call me back. So I called him back and
 8 he said this is so and so investigator.
 9 He said, we've got -- we've arrested
 10 one of your employees. And at that
 11 time I had Jeremy and I had Sylvia and
 12 I had Debbie. And I responded, which
 13 one was arrested and they said Jeremy
 14 Nelson. And I said what was the
 15 charges and he said child pornography.
 16 And so that was the first I had heard
 17 of that. And I still didn't know the
 18 depth of it. I didn't know anything
 19 about the cameras or the places or
 20 anything else at that point. So, like
 21 I said, Ann's was on break, I got the
 22 call from the TV station and they said
 23 not to go that night and I went on to

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1 the dealerships and just did everything
 2 myself there like I normally would
 3 except I did his job and my job both
 4 since he wasn't there. And it wasn't
 5 until the next day that I started --
 6 well, the investigator said we've got
 7 his keys to the buildings and we've got
 8 his entry magnetic card and so forth
 9 and he said if you'll meet us later
 10 this evening -- this was the same day
 11 he was arrested.
 12 Q. Yes, sir.
 13 A. -- and we'll give you that
 14 stuff. And so I said okay. But he
 15 didn't explain to me at that point
 16 about the cameras and I guess it was
 17 still under investigation. So I met
 18 him -- he said what time are you coming
 19 in tonight and I told him and we met at
 20 the parking lot of one of the places
 21 and gave me the keys and the badges and
 22 that was just -- that was it for that
 23 day.

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1 Q. Yeah. Did you ask him what was
 2 going on?
 3 A. Well, he just said the child
 4 pornography and, you know, I knew that
 5 was a serious thing, so.
 6 Q. Yeah. Okay. Where was Jeremy
 7 living at the time?
 8 A. On -- it's in the Riverton
 9 community. I think it's called A.
 10 Smith Road. It's named after one of
 11 his uncles or his grandfather or
 12 something, A. Smith.
 13 Q. Did he have a little house out
 14 there?
 15 A. It was a house, correct. He
 16 rented a house from his aunt.
 17 Q. Okay. How long had he been
 18 living there?
 19 A. I'm not exactly sure. I think
 20 it was between two and three years.
 21 Q. Okay. When you had taken over
 22 this contract with Ann's what was
 23 required to get you into the building

<p style="text-align: right;">105</p> <p>1 or what was --</p> <p>2 A. Just a regular key.</p> <p>3 Q. Did they have any kind of</p> <p>4 security code or anything like that?</p> <p>5 A. No. If they had an alarm</p> <p>6 system they weren't using it.</p> <p>7 Q. All right. You mentioned</p> <p>8 before that you would go there to Ann's</p> <p>9 and do your jobs and he would go to</p> <p>10 Ann's and do his jobs, was that the</p> <p>11 same thing at the Bentley dealership?</p> <p>12 A. Bentley he had been there -- he</p> <p>13 had been with me so long and it was a</p> <p>14 time dealership -- or a time consuming</p> <p>15 job because it's a big dealership and</p> <p>16 so we had gotten to where he was going</p> <p>17 it -- I think he -- because it was a</p> <p>18 six night a week account, I think he</p> <p>19 was doing it five nights a week by</p> <p>20 himself and I would go once a week and</p> <p>21 work either with or independently of</p> <p>22 him.</p> <p>23 Q. He didn't have an</p>	<p style="text-align: right;">107</p> <p>1 think they worked together for two</p> <p>2 solid weeks.</p> <p>3 Q. All right.</p> <p>4 A. And there again, she doesn't</p> <p>5 drive so he had to come out and pick</p> <p>6 her up and they worked together all</p> <p>7 night and he brought her back home.</p> <p>8 Q. You gave me your residence</p> <p>9 address but I don't remember exactly</p> <p>10 where it is, is it here in Huntsville?</p> <p>11 A. It's in the New Market mail</p> <p>12 area.</p> <p>13 Q. New Market. Okay. So how far</p> <p>14 away did you live from the house that</p> <p>15 Mr. Nelson was renting?</p> <p>16 A. Approximately two and a half to</p> <p>17 three miles.</p> <p>18 Q. Oh, okay. Not very far?</p> <p>19 A. Right. And his father is kind</p> <p>20 of in the middle.</p> <p>21 Q. Okay. Did you still go to</p> <p>22 church with his mother and father?</p> <p>23 A. They had left and gone to a</p>
<p style="text-align: right;">106</p> <p>1 independent -- he didn't have a job</p> <p>2 other than Sanitary Systems at this</p> <p>3 time; did he?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Did he have a written</p> <p>6 schedule that you gave him or was this</p> <p>7 just kind of just worked out</p> <p>8 independently between the two of you</p> <p>9 verbally?</p> <p>10 A. Just worked -- just worked out</p> <p>11 independently because it was</p> <p>12 just involving those places at this</p> <p>13 time. It wasn't --</p> <p>14 Q. Okay.</p> <p>15 A. -- jumping and doing the little</p> <p>16 places out and around, it was those</p> <p>17 three places that were a little close</p> <p>18 to each other and time consuming.</p> <p>19 Q. Okay. Did your wife ever</p> <p>20 accompany him?</p> <p>21 A. They worked together for two</p> <p>22 weeks when I had had a surgery back --</p> <p>23 I think it's been 13 years ago. I</p>	<p style="text-align: right;">108</p> <p>1 different church at that time.</p> <p>2 Q. Okay. Did you still see them</p> <p>3 socially at all?</p> <p>4 A. On occasion we would brush past</p> <p>5 if Jeremy was over there. I might</p> <p>6 drive by to give him his paycheck or</p> <p>7 something if he was at his dad's. And</p> <p>8 his dad would -- was catching squirrels</p> <p>9 and I said, well, you can bring them to</p> <p>10 my house and let them go because we</p> <p>11 like squirrels and so he would come by</p> <p>12 and leave squirrels. We didn't usually</p> <p>13 see him, but we were -- you know, we</p> <p>14 were friends but we weren't</p> <p>15 buddy-buddies. You understand what I'm</p> <p>16 saying?</p> <p>17 Q. He got divorced from Carmen at</p> <p>18 some point?</p> <p>19 A. Yeah, they divorced pretty</p> <p>20 early.</p> <p>21 Q. Do you remember how many years</p> <p>22 they were married?</p> <p>23 A. I'm going to think it was less</p>

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1 than two years, less than two years.
 2 Q. Okay.
 3 A. Or approximately two years.
 4 Q. So did they have both of their
 5 children while they were married?
 6 A. I think they had the second one
 7 after they were --
 8 Q. Divorced?
 9 A. -- divorced because they --
 10 Q. Or at least separated?
 11 A. They were separated and they
 12 were trying to get back together and
 13 they evidently did for a short period
 14 of time.
 15 Q. And then he had -- didn't he
 16 live with somebody after he divorced
 17 his wife?
 18 A. Uh-huh. (Affirmative.)
 19 Q. What was her name?
 20 A. He married a girl named Amy
 21 Goins --
 22 Q. Oh, that's right. He married
 23 her.

110

1 A. -- whose father was -- worked
 2 for the sheriff's department. And then
 3 he was -- he lived with another girl
 4 named Marcie and I do not recall her
 5 last name.
 6 Q. How long was he married to Amy?
 7 A. Two to three months.
 8 Q. Did she have children?
 9 A. I do not recall.
 10 Q. What about Marcie, did she --
 11 A. Marcie had a daughter.
 12 Q. Had a daughter, okay. And did
 13 he live with Marcie?
 14 A. Yes. Marcie lived with him in
 15 that house.
 16 Q. In that house that was pretty
 17 close to where you were?
 18 A. That's correct.
 19 Q. Okay. You mentioned that you
 20 had Jeremy, Sylvia and Debbie working
 21 with you in October of 2014 when you
 22 found out about all of this --
 23 A. That's correct.

111

1 Q. -- business with him. How long
 2 after October of 2014 did Sylvia
 3 continue to work with you?
 4 A. I think until January of 2015.
 5 Q. All right. So a couple more
 6 months?
 7 A. That's correct.
 8 Q. What about Debbie?
 9 A. Debbie also -- no, excuse me,
 10 that was Debbie.
 11 Q. Okay.
 12 A. Sylvia overlapped into -- I
 13 want to say that I think she was gone
 14 by December of that year because the
 15 contract ran out on that where she was
 16 working.
 17 Q. And did you say you couldn't
 18 remember Sylvia's last name?
 19 A. That's correct. I should, but
 20 I can't.
 21 Q. You mentioned that Amy had a
 22 daughter, do you know what that
 23 daughter's name is?

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1 A. No, Marcie is the one with the
 2 daughter.
 3 Q. I beg your pardon. What was
 4 her name?
 5 A. I don't recall.
 6 Q. Okay. Did you socialize with
 7 Jeremy and Amy at all?
 8 A. No.
 9 Q. You didn't really go to dinner
 10 or anything like that?
 11 A. Oh, no.
 12 Q. Okay. What about Marcie?
 13 A. No.
 14 Q. Okay. What about he and his
 15 wife?
 16 A. No.
 17 Q. Did they not go to church over
 18 there with you all at all?
 19 A. I think she may have gone a few
 20 times. I don't recall.
 21 Q. All right. What about Amy, did
 22 she ever go out there to Locust Baptist
 23 with him?

113

1 A. No. I think he had changed
2 churches at that point too.

3 Q. Okay. Where was he going, do
4 you know?

5 A. It was a church on Highway 72
6 and I don't recall the name of it.

7 Q. When you met the investigator
8 so he could give you back the keys and
9 pass codes and all this, the pass -- I
10 don't know what you call them, where
11 did he do that?

12 A. At the parking lot of the TOC
13 building on Governor's Drive.

14 Q. Did you have a contract out
15 there?

16 A. Yeah. We do the ENTs on the
17 first floor, Ear, Nose and Throat.

18 Q. Oh.

19 A. That's with Metropolitan, it's
20 not with Sanitary Systems.

21 Q. What do you mean?

22 A. That's the other company that I
23 took over that the other girls used to

114

1 work at.

2 Q. Oh, Debbie and Sylvia?

3 A. Uh-huh. (Affirmative.)

4 Q. Okay. So when I asked you what
5 contracts Sanitary Systems had, you --
6 there's actually you have more
7 contracts, it's just --

8 A. Not Sanitary.

9 Q. -- through a different company?

10 A. That's correct.

11 Q. It's just through another
12 company?

13 A. That's correct.

14 Q. Okay. And that company is
15 called Metropolitan?

16 A. That's correct.

17 Q. Metropolitan Sanitary --

18 A. Janitorial.

19 Q. Janitorial. Okay. Is that
20 operated as a corporation, an LLC --

21 A. No. It's a sole
22 proprietorship.

23 Q. Okay. Did you buy that from

115

1 somebody?

2 A. That's correct. I brought it
3 from the couple I mentioned earlier.

4 Q. Yes, sir.

5 A. The older couple.

6 Q. Okay. I guess I had gotten
7 that confused or just didn't
8 understand. When did you buy that one
9 again?

10 A. January of 2014, if I recall.

11 Q. So if Sylvia lasted until
12 January of 2015 she actually worked for
13 you about a year or so?

14 A. That's correct.

15 Q. And then if Debbie lasted until
16 December of '14 --

17 A. Actually you've got them
18 switched around.

19 Q. Do I have them mixed up?

20 A. Yes, sir.

21 Q. Okay. Sylvia lasted until
22 December --

23 A. That's correct.

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1 Q. -- of '14? And Debbie lasted
2 until January of '15?

3 A. Yes, sir, that sounds right.

4 Q. All right. Metropolitan
5 Janitorial, is that the company with
6 the accounts over at Regions?

7 A. Yes.

8 Q. All right. So you have your
9 Sanitary Systems accounts at North
10 Alabama Bank and your Metropolitan
11 Janitorial over there at Regions?

12 A. That's correct.

13 Q. Okay. And your personal stuff
14 is at North Alabama Bank?

15 A. That's correct.

16 Q. When you took over Metropolitan
17 Janitorial in January of 2014 how much
18 did you pay for it?

19 A. \$90,000.

20 Q. Okay. And how many contracts
21 came with that?

22 A. It's approximately five or six.

23 Q. And you mentioned the ENTs?

<p style="text-align: right;">117</p> <p>1 A. Uh-huh. (Affirmative.)</p> <p>2 Q. And what's the name of the</p> <p>3 ENTs?</p> <p>4 A. North Alabama ENT.</p> <p>5 Q. Yes, sir. And who else?</p> <p>6 A. Huntsville Hospital.</p> <p>7 Q. All right.</p> <p>8 A. Lincare.</p> <p>9 Q. L-Y-N-N?</p> <p>10 A. L-I-N-C-A-R-E.</p> <p>11 Q. Where is that?</p> <p>12 A. They've got two offices in</p> <p>13 Huntsville, we do one of them, and it's</p> <p>14 at -- off of the boardwalk on</p> <p>15 University Drive. Across from the</p> <p>16 Chili's shopping center --</p> <p>17 Q. Oh, yeah.</p> <p>18 A. -- there's a boardwalk that</p> <p>19 goes back and then it hits a street</p> <p>20 this way that's called University</p> <p>21 Square, I believe.</p> <p>22 Q. Okay. And who else?</p> <p>23 A. Let's see, Madison County</p>	<p style="text-align: right;">119</p> <p>1 A. No. We do some of their</p> <p>2 contracts. They have several companies</p> <p>3 that contract.</p> <p>4 Q. Okay. It seemed like a pretty</p> <p>5 big job for you and your wife.</p> <p>6 A. They've got a lot of employers</p> <p>7 doing the cleaning and those types of</p> <p>8 services.</p> <p>9 Q. I would imagine they do.</p> <p>10 A. I don't want to do something</p> <p>11 like that at this age, no way.</p> <p>12 Q. So when you purchased it for</p> <p>13 \$90,000 in January of '14 it looks like</p> <p>14 it has four contracts that it had. Do</p> <p>15 you maintain those contracts?</p> <p>16 A. That's correct.</p> <p>17 Q. Have you added any?</p> <p>18 A. I don't think so, no.</p> <p>19 Q. Have you lost any of them?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. Well, we lost a portion of the</p> <p>23 hospital, that's why -- when the girls</p>
<p style="text-align: right;">118</p> <p>1 Medical Society.</p> <p>2 Q. Anybody else?</p> <p>3 A. I think that's all.</p> <p>4 Q. All right. Who all works for</p> <p>5 Metropolitan Janitorial.</p> <p>6 A. My wife and myself.</p> <p>7 Q. Okay. So you guys have your</p> <p>8 eight accounts that you service as</p> <p>9 Sanitary Systems?</p> <p>10 A. That's correct.</p> <p>11 Q. And then you have one, two,</p> <p>12 three, four accounts that you service</p> <p>13 as Metropolitan Janitorial?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. When you mentioned five</p> <p>16 or six accounts -- contracts, there's</p> <p>17 actually only four?</p> <p>18 A. That's because some of them</p> <p>19 have two locations, the ENT has another</p> <p>20 location but it's still the same</p> <p>21 company.</p> <p>22 Q. Okay. And you and your wife do</p> <p>23 Huntsville Hospital's janitorial?</p>	<p style="text-align: right;">120</p> <p>1 disappeared it was like two separate --</p> <p>2 it's hard to explain. It's like two</p> <p>3 separate contracts. One was through</p> <p>4 their physicians network they call it,</p> <p>5 I think, and that's the one we lost.</p> <p>6 The other is just for Huntsville</p> <p>7 Hospital. So my point of contact was</p> <p>8 with two different people and they're</p> <p>9 all one contract.</p> <p>10 Q. And one of them went away?</p> <p>11 A. That's correct.</p> <p>12 Q. And that's -- so when Debbie</p> <p>13 left in January of '15 that was the end</p> <p>14 of that point of contract?</p> <p>15 A. December 31, '14 was the actual</p> <p>16 end.</p> <p>17 Q. Okay. All right. At the time</p> <p>18 that you hired Jeremy Nelson did you</p> <p>19 interview anybody else for that</p> <p>20 position?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. You needed somebody and</p> <p>23 you knew he needed a job and that was</p>

<p style="text-align: right;">121</p> <p>1 basically it?</p> <p>2 A. Right.</p> <p>3 Q. All right. Were you his only</p> <p>4 supervisor while he worked for Sanitary</p> <p>5 Systems?</p> <p>6 A. That is correct, I guess,</p> <p>7 except for those two weeks he worked</p> <p>8 with my wife.</p> <p>9 Q. Okay. Did he ever work with</p> <p>10 Metropolitan?</p> <p>11 A. He worked a little bit at one</p> <p>12 time with Metropolitan.</p> <p>13 Q. Do you remember which one?</p> <p>14 A. It was at Huntsville Hospital</p> <p>15 Child Development Center.</p> <p>16 Q. Okay. Is that the one that you</p> <p>17 maintained?</p> <p>18 A. That's correct.</p> <p>19 Q. Did he work with any other</p> <p>20 Metropolitan Janitorial client?</p> <p>21 A. He and Sylvia would cross paths</p> <p>22 occasionally but they both went</p> <p>23 independently.</p>	<p style="text-align: right;">123</p> <p>1 don't distinguish about where they're</p> <p>2 working?</p> <p>3 A. That's correct.</p> <p>4 Q. They do?</p> <p>5 A. They did.</p> <p>6 Q. They did?</p> <p>7 A. I don't have any employees now.</p> <p>8 Q. Right.</p> <p>9 A. Jeremy was probably the only</p> <p>10 one that worked a little bit with both</p> <p>11 and he worked -- because he worked</p> <p>12 predominately for Sanitary Systems but</p> <p>13 at one point he was doing like an</p> <p>14 hour's worth for Metropolitan too, but</p> <p>15 the girls never lapsed over to Sanitary</p> <p>16 Systems, they were strictly</p> <p>17 Metropolitan.</p> <p>18 Q. Did you maintain separate stock</p> <p>19 for Metropolitan as far as cleaning</p> <p>20 supplies?</p> <p>21 A. No.</p> <p>22 Q. Okay. Those products that you</p> <p>23 might use to clean the facilities were</p>
<p style="text-align: right;">122</p> <p>1 Q. Okay. Does Metropolitan have</p> <p>2 it's accounting work done at Quinlan</p> <p>3 too?</p> <p>4 A. Quillin.</p> <p>5 Q. I mean, pardon me, Quillin?</p> <p>6 A. That's correct.</p> <p>7 Q. All right. Does it maintain a</p> <p>8 separate set of books?</p> <p>9 A. Yes and no.</p> <p>10 Q. All right.</p> <p>11 A. They -- yes, separate checking</p> <p>12 accounts so, yes, everything has to be</p> <p>13 done separately.</p> <p>14 Q. Okay. Well, I guess --</p> <p>15 A. Everything is done separate and</p> <p>16 then at the end you add it together, if</p> <p>17 you know what I mean, for our taxable</p> <p>18 income.</p> <p>19 Q. Sure.</p> <p>20 A. But, yes, the books are</p> <p>21 separate?</p> <p>22 Q. Do people who work for Sanitary</p> <p>23 also do work for Metropolitan and you</p>	<p style="text-align: right;">124</p> <p>1 used in both?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. When is the next</p> <p>4 time you had a meeting with the</p> <p>5 investigators after they had --</p> <p>6 A. We never had a meeting.</p> <p>7 Q. You never had another meeting?</p> <p>8 A. Never had a meeting. It was</p> <p>9 one set of keys he didn't have with him</p> <p>10 that night and I met him the next day</p> <p>11 and he gave me those keys. But we</p> <p>12 never had a sit-down or back and forth.</p> <p>13 Q. Okay. You never had any kind</p> <p>14 of emails or telephone correspondence</p> <p>15 after that evening?</p> <p>16 A. No, sir.</p> <p>17 Q. So they arrested him, took his</p> <p>18 keys and his pass cards, gave those to</p> <p>19 you and that was it?</p> <p>20 A. That was it. He told me when</p> <p>21 he called that day -- when we first</p> <p>22 talked and when I found out what was</p> <p>23 going on he said that -- and I said</p>

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1 what was the charge and he said child
 2 pornography, he said that -- we began
 3 to talk to Jeremy -- and one thing I'll
 4 say about Jeremy, he's honest. And he
 5 said once Jeremy realized that he was
 6 caught he became comfortable with us
 7 and he began to tell everything and so
 8 forth like that. And he said he's
 9 going to be -- he's incarcerated right
 10 now and is going to be incarcerated and
 11 I need you to get these items for you
 12 to go to work tonight.
 13 Q. Okay.
 14 A. And that was really the extent
 15 of it.
 16 Q. Did he -- he or anybody from
 17 the prosecution -- and I'll just kind
 18 of generally say the prosecution
 19 because you know there was Federal
 20 folks and there was State folks after
 21 him too.
 22 A. Correct.
 23 Q. Did anybody from either one of

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1 those two ever have any further contact
 2 with you?
 3 A. No, sir.
 4 Q. Nobody from the Madison County
 5 Sheriff's Department or DA's office
 6 called you?
 7 A. No, sir.
 8 Q. Nobody from out here at the
 9 Children's Advocacy Center or anything?
 10 A. No. That's where I met him the
 11 second night because they were
 12 interviewing his children and they had
 13 to do it -- I believe they had to do it
 14 there because it was children and I
 15 think the youngest one and so when he
 16 called me that next day he was -- he
 17 said I'm going to be there if want to
 18 come by and get your keys, but we
 19 didn't go inside and sit down or
 20 anything. It was just hand over the
 21 keys in the parking lot and that was
 22 it.
 23 Q. This would have been the

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1 investigator?
 2 A. Correct.
 3 Q. Okay. I thought you met the
 4 investigator at TOC?
 5 A. No, that was the night before
 6 when he gave -- okay, when he called me
 7 the first day he said Jeremy has become
 8 comfortable with us and he's told us
 9 everything and we want to meet you to
 10 get you these keys and badges, but
 11 there was one set of keys they didn't
 12 get --
 13 Q. Oh, okay.
 14 A. -- they didn't give me that
 15 night.
 16 Q. And they gave them to you the
 17 next day?
 18 A. Exactly.
 19 Q. Okay.
 20 A. And that's where we met was
 21 down here at the Child Advocacy Center
 22 because they had been interviewing his
 23 daughter -- daughter or daughters.

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1 Q. Okay. And when you say
 2 daughters, would that have been
 3 Marcie's daughter?
 4 A. No. That was his -- Autumn and
 5 Michael, or just Autumn because she was
 6 still -- she was the youngest. I never
 7 heard anything about Marcie's daughter
 8 at all.
 9 Q. Okay. Did you ever go over to
 10 his house when Marcie was there?
 11 A. Yes.
 12 Q. Okay. Do you remember meeting
 13 his daughter?
 14 A. Oh, I knew his daughters well.
 15 Q. No, Marcie's daughter?
 16 A. Yeah, Marcie was there. Yes,
 17 sir.
 18 Q. Oh, okay. How many daughters
 19 did she have?
 20 A. She just had the one.
 21 Q. Okay. She just had one
 22 daughter; right?
 23 A. That's correct.

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1 Q. I couldn't remember. Do you
2 remember what her name was?

3 A. No, I don't remember her name.

4 Q. Did she go to school at --
5 where did she go to school?

6 A. I don't know, because Marcie
7 had lived inside of Huntsville so I
8 don't know if she transferred. I
9 really don't know.

10 Q. Yeah. That house where he
11 lived if Marcie's daughter had
12 residence there where would she have
13 been zoned for, Buckhorn?

14 A. Well, it would have been
15 Riverton, Buckhorn, correct.

16 Q. Okay. When you saw this
17 investigator at the NCAC, I'll just say
18 that for the National Children's
19 Advocacy Center, was it the same
20 investigator you had met the night
21 before at TOC?

22 A. That's correct.

23 Q. And it was a man, do you

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1 remember what he looked like?

2 A. I was kind of in a fog then.

3 Q. Sure. Was he a white guy,
4 black guy --

5 A. White guy. I want to say he
6 was follically challenged like I am,
7 but I don't really recall. I mean, I
8 might, if I saw him again.

9 Q. That's okay. Facial hair or
10 no?

11 A. I don't think so.

12 Q. Okay. Did he give you his name
13 that you recall?

14 A. Yes. I mean, I had his name
15 from the day before but it's just I
16 don't recall it.

17 Q. Sure. Did he give you a card
18 or anything like that?

19 A. I don't recall that he did.

20 Q. Did he ask you anything at any
21 point about what contracts you --

22 A. Right. That's what I'm saying.
23 He did when we talked the first day.

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1 He asked me what places Jeremy was
2 cleaning.

3 Q. Okay. Did you mention to him
4 that he had been at the Huntsville
5 Hospital?

6 A. Right.

7 Q. You did?

8 A. Yes.

9 Q. So you had told him Huntsville
10 Hospital, Ann's, Bentley and where
11 else?

12 A. And the TV station.

13 Q. And WHNT?

14 A. Right.

15 Q. Okay. Was that the only four
16 places he was working --

17 A. That's correct.

18 Q. -- routinely?

19 A. That's correct.

20 Q. Would he occasionally fill in
21 at other spots?

22 A. Not at that time, no.

23 Q. Okay.

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1 A. The other places, like I say,
2 were so big and time consuming and he
3 may have gone once or twice, like if we
4 were stripping the floors or something
5 like that, because you need two people
6 to do that.

7 Q. Before you got his keys back
8 did Jeremy contact you?

9 A. I think he called that
10 afternoon from jail, it was either
11 before that -- no, I'm pretty sure it
12 was before I got the keys back. And he
13 just said -- of course, by then I knew
14 he had been arrested and the charges
15 and he said, well, I've really messed
16 up this time. And there again, I
17 didn't know anything -- I didn't know I
18 was going to lose any contracts, I
19 didn't know anything about these
20 cameras or the extent of everything.

21 Q. Right.

22 A. And I'm like, man, I feel bad
23 for you, you know, you should have

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1 known better and like that. And he
 2 said he didn't -- you know, he didn't
 3 know -- I think in Jeremy's mind he
 4 didn't know it was going to affect me.
 5 I'm just guessing, and I don't know for
 6 sure but, you know, he didn't say
 7 anything like, well, you're getting
 8 ready to lose your contracts. He just
 9 made contact was really about it.

10 Q. Did you, at least on that day
 11 or the day after, those first couple of
 12 days, did you have any contact with his
 13 parents?

14 A. I don't recall. Over the
 15 period of that week I probably did talk
 16 to them a couple of times. I don't
 17 know if it was the next day or two or
 18 three days after, I really don't
 19 recall.

20 Q. Do you remember if you reached
 21 out to them or if they reached out to
 22 you?

23 A. Probably a little bit of both.

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1 Q. Okay. How long -- and I know
 2 this has been a while. How long do you
 3 think that conversation between you and
 4 he had -- how long was that
 5 conversation you first had, less than
 6 ten minutes?

7 A. It probably would have been 30
 8 minutes.

9 Q. Oh, okay.

10 MR. LITTLE: Conversation with
 11 who, Jeremy?

12 MR. ARTRIP: Yeah.

13 A. It was probably not more than
 14 30 minutes.

15 Q. Okay.

16 A. Oh, no, excuse me, I thought
 17 you were talking about me and his
 18 father.

19 Q. Yeah, that's --

20 A. No, the one with Jeremy was
 21 less than ten minutes when he called me
 22 from the jail.

23 Q. Okay. Anything that was said

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1 during that conversation with Jeremy
 2 that you can remember, the initial
 3 call?

4 A. No.

5 Q. When is the next time you spoke
 6 with him?

7 A. I never spoke to him again.

8 Q. Never have?

9 A. Never have.

10 Q. So after that October of 2014
 11 you haven't spoken to him since?

12 A. No.

13 Q. Have you, emailed back and
 14 forth?

15 A. No.

16 Q. How about written
 17 correspondence?

18 A. He wrote me one letter only and
 19 that was, you know, way after he was
 20 incarcerated, maybe a month or two
 21 after.

22 Q. He was still here in Alabama at
 23 that time, I assume?

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1 A. Yes, sir.

2 Q. And he stayed here in Alabama
 3 for a while, I believe --

4 A. I think so.

5 Q. -- before he got shipped out
 6 west. Did you keep the letter?

7 A. I don't know. I would have to
 8 look, but I may have just with all of
 9 the craziness destroyed it.

10 Q. All right. What kind of
 11 communication have you had with his
 12 parents since this whole thing
 13 happened? I know you said you had a
 14 few calls with them there in the first
 15 week or so?

16 A. Just trying to sort everything
 17 out with what all happened and, you
 18 know, because they lost -- they lost
 19 complete contact with him too, other
 20 than visiting him.

21 Q. Sure. This thing that he had
 22 set up in this bathroom at Ann's, was
 23 that on the first floor or the second

<p style="text-align: right;">137</p> <p>1 floor or the third floor?</p> <p>2 A. Okay. There was a restroom and</p> <p>3 a changing room on the first floor,</p> <p>4 there was another restroom like half a</p> <p>5 floor up because there were steps that</p> <p>6 curved, it had the landing and curved</p> <p>7 and went up, so depending on where they</p> <p>8 were I don't -- if they weren't in any</p> <p>9 of the studios themselves it would</p> <p>10 either have had to have been on the</p> <p>11 first floor or that kind of a half</p> <p>12 floor up.</p> <p>13 Q. What was, generally speaking,</p> <p>14 your division of duties with him as far</p> <p>15 as janitorial services out there at</p> <p>16 Ann's?</p> <p>17 A. Okay. He was responsible for</p> <p>18 the floors because that's mostly what</p> <p>19 they had, dust mopping the floors and</p> <p>20 damp mopping the floors. I was doing</p> <p>21 the restrooms and -- they didn't have</p> <p>22 much trash. They had the trash in each</p> <p>23 of the studio rooms themselves because</p>	<p style="text-align: right;">139</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Do you remember seeing</p> <p>3 this thing that he had -- he had</p> <p>4 plugged it in and it had a cord coming</p> <p>5 out of it or something like that?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. It's not unusual to see that</p> <p>9 kind of stuff in a facility these days</p> <p>10 there are so many people with all these</p> <p>11 devices so you don't -- you see</p> <p>12 something but you don't register it and</p> <p>13 you don't question it because it's</p> <p>14 something that's there now in society.</p> <p>15 I've got one of the tire stores I do</p> <p>16 and there's always a little charger</p> <p>17 when I need to plug my buffer in. It's</p> <p>18 there every time I'm there, you know,</p> <p>19 so I don't question it. It's right</p> <p>20 there by the work case.</p> <p>21 Q. In those bathrooms there wasn't</p> <p>22 anything you needed to plug in -- or</p> <p>23 maybe there was, maybe a vacuum</p>
<p style="text-align: right;">138</p> <p>1 they would take soft drinks and stuff</p> <p>2 in there, snacks, and then the --</p> <p>3 Q. Chip bags, gum wrappers, that</p> <p>4 kind of thing?</p> <p>5 A. Right. And the office area was</p> <p>6 just two offices and then the counter</p> <p>7 in the reception area, but there's not</p> <p>8 a whole lot of trash.</p> <p>9 Q. Okay. Was he responsible at</p> <p>10 all, do you remember, for those</p> <p>11 mirrors?</p> <p>12 A. No, I did the mirrors.</p> <p>13 Q. Okay. That was a pretty big</p> <p>14 job and I thought you might have stuck</p> <p>15 him with it.</p> <p>16 A. Well, floors -- there's a lot</p> <p>17 of floors too now, a lot of area.</p> <p>18 Q. Right. Did he -- so what were</p> <p>19 you supposed to do in the bathrooms,</p> <p>20 was that just kind of general routine</p> <p>21 maintenance to the bathrooms and wiping</p> <p>22 down the commodes and the sinks and</p> <p>23 that kind of thing?</p>	<p style="text-align: right;">140</p> <p>1 cleaner?</p> <p>2 A. No, not in the bathrooms.</p> <p>3 Q. Not in the bathrooms, okay. No</p> <p>4 kind of buffer or anything like that</p> <p>5 you'd need to plug in?</p> <p>6 A. No.</p> <p>7 Q. It's all kind of mopped by</p> <p>8 hand, I guess?</p> <p>9 A. Right.</p> <p>10 Q. Okay. Out there at Bentley's</p> <p>11 were you -- did you have any</p> <p>12 responsibility out there at the Bentley</p> <p>13 building?</p> <p>14 A. I did, yes.</p> <p>15 Q. And what was your divisional</p> <p>16 duties out there?</p> <p>17 A. Once I week I did the restrooms</p> <p>18 and the dusting and the trash once a</p> <p>19 week.</p> <p>20 Q. Okay.</p> <p>21 A. But it was always on a Monday</p> <p>22 night.</p> <p>23 Q. And were they closed on Sunday?</p>

1 A. Correct.

2 Q. Okay. So Monday nights you
3 would do it and then the rest --

4 Tuesday through Saturday nights --

5 A. He still did the floors on
6 Monday nights also. I did those things
7 on Mondays and the rest of -- the other
8 five days a week he did everything by
9 himself.

10 Q. Okay.

11 A. And he had been with me when we
12 took the contract back over so he was
13 very familiar with the facility.

14 Q. Did you ever give him any kind
15 of instruction with regard to
16 maintaining the privacy of the clients
17 or anything like that? I mean, you had
18 some sensitive contracts that you were
19 working on?

20 A. I don't think Jeremy ever
21 worked in any of those facilities that
22 had sensitive -- by classified, that
23 was back in the '70s, maybe early '80s,

1 and I don't think he ever worked any of
2 those places. Even DMS, which is a
3 tiny little office I don't think he
4 ever worked there but maybe those two
5 weeks I was off for surgery.

6 Q. Did you ever give him any kind
7 of admonition about maintaining
8 confidentiality of the documents that
9 you saw and things like that?

10 A. Well, I made sure he knew we
11 weren't supposed to steal anything or
12 be messing with anybody's stuff.

13 Q. Sure. I just -- he might have
14 ran into some things working at the
15 town of Gurley, for instance?

16 A. He never worked at the town of
17 Gurley.

18 Q. Okay. Even while you had your
19 surgery he didn't work out there?

20 A. Yeah. We didn't have that
21 contract when I had my surgery because
22 that was a long time ago.

23 Q. I got you.

1 A. That was a relatively new
2 contract.

3 Q. Besides telling him don't steal
4 did you ever give him any kind of
5 instruction on, hey, listen, if you see
6 something you've got to maintain
7 confidentiality on it and things like
8 that?

9 A. Well, I mean, I told him that
10 if somebody has got it on their desk
11 it's because they need it there and
12 they want it there and it's not for the
13 world to know about, you know.

14 Q. Don't throw anything away?

15 A. Correct. Err on the side of --
16 I always said it's better to get called
17 and say, hey, you didn't throw away
18 something you were supposed to than to
19 throw it away and then say, hey, where
20 is it.

21 Q. Yeah.

22 A. So if it's questionable, you
23 know, leave it alone and they can

1 always throw it away the next day.

2 Q. I may have asked you this and
3 forgive me if I have, but did you ever
4 receive any complaints about anybody
5 besides the one thing you told me about
6 Jeremy?

7 A. I mean, occasionally something
8 about the work if you miss a trash can
9 or don't do something right or
10 something involved with the work --

11 Q. Something not involving the
12 work?

13 A. No, sir.

14 Q. Okay. So Jeremy was the only
15 person that you ever had any kind of
16 complaints about was with this desk?

17 A. Right.

18 Q. Okay. You gave him a couple of
19 days off -- isn't that what you said,
20 you gave him a couple of days off --

21 A. Right.

22 Q. -- after that happened?

23 A. Correct.

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1 Q. Okay. Just to be clear, you've
2 never met any of the parents that are
3 involved in this lawsuit have you?
4 A. No, sir.
5 Q. Okay.
6 A. Not to my knowledge.
7 Q. And you're not aware of any of
8 the children involved or anything like
9 that; correct?
10 A. No, sir.
11 Q. Have you ever had any of the
12 parents out there at Ann's confront you
13 or any of your folks in any way?
14 A. No, sir.
15 Q. The same question for anybody
16 that was an employee of Bentley's?
17 A. No, sir.
18 Q. Okay. Besides the one matter
19 we have discussed with Jeremy out there
20 at Bentley's was there ever any other
21 complaints about him other than the
22 work?
23 A. No, sir.

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1 MR. ARTRIP: I think I'm at a
2 pretty good stopping point so let's
3 take a break.
4 (Whereupon, deposition
5 was recessed from
6 3:22 p.m. to 3:31 p.m.)
7
8 EXAMINATION BY MR. HASKINS:
9 Q. All right. Mr. Starkey, my
10 name is Drew Haskins and you and I met
11 up before this deposition started.
12 Along with Eric, I represent some of
13 the families in this case who had
14 children at Ann's Studio back in 2014;
15 okay?
16 A. Okay.
17 Q. I'm going to ask you some of
18 the questions that Mr. Artrip asked you
19 and try not to re-plow everything he
20 said, but if there is some overlap I
21 apologize in advance.
22 A. Okay.
23 Q. You said that while Mr. Nelson

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1 was in prison he wrote you a letter?
2 A. That's correct.
3 Q. And you said you may still have
4 it. If you do and you're able to find
5 that can you provide a copy of that to
6 your attorney?
7 A. Sure.
8 Q. In the meantime can you tell me
9 what the contents of that letter were?
10 A. More or less just apologizing
11 for what he caused us, apologizing for
12 what he had done and just saying he was
13 sorry for the effect that it had on us.
14 Q. I believe you said earlier to
15 Mr. Artrip that one thing about Jeremy
16 is that he's honest?
17 A. Correct.
18 Q. Is that something you believe?
19 A. I think so.
20 Q. Now, you mentioned that you've
21 had the chance to review Mr. Nelson's
22 deposition; is that correct?
23 A. I've reviewed it. I won't say

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1 I've studied it word for word, but I've
2 looked over it pretty good.
3 Q. And I'm not going to hold you
4 to this with the understanding you have
5 not studied it, but was there anything
6 that jumped out to you that he said
7 where you said, that is not true, that
8 did not happen; is there anything that
9 comes to mind?
10 A. The only thing I -- and I
11 mentioned it yesterday.
12 MR. LITTLE: Don't tell him
13 anything we talked about.
14 Q. I don't want to know any
15 conversations you've had with your
16 attorney.
17 A. No, sir.
18 Q. In your review of the
19 deposition did everything he testified
20 to at least appear accurate in your
21 mind?
22 A. Yes, sir.
23 Q. There was nothing that jumped

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1 out to you, Mr. Starkey, where you said
 2 I absolutely did not do that, or I know
 3 what Mr. Nelson said on this page to be
 4 untrue?
 5 A. No, sir.
 6 MR. LITTLE: Well, there was
 7 one discrepancy that you mentioned.
 8 THE WITNESS: Well, I thought
 9 you said not to talk about it?
 10 MR. LITTLE: Well, no I just --
 11 you started talking -- I'm not telling
 12 you not to answer a question. I'm
 13 telling you not to reveal anything that
 14 you and I talked about.
 15 THE WITNESS: About the other
 16 couple?
 17 MR. LITTLE: Yeah.
 18 A. He said something in there
 19 about that couple that at one point he
 20 thought they had like broken into
 21 something and that wasn't the case,
 22 they had just -- did a terrible job and
 23 they fired them.

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1 Q. He said they tried to break
 2 into a safe --
 3 A. Yeah.
 4 Q. -- on one of your clients'
 5 properties --
 6 A. Yeah.
 7 Q. -- and you're saying that
 8 didn't happen?
 9 A. No, that didn't happen. He
 10 just got -- he got that mixed up with
 11 something and I don't know what.
 12 Q. Okay. Other than that,
 13 anything else --
 14 A. No, sir.
 15 Q. -- that jumps out?
 16 A. No, sir.
 17 Q. Okay. You mentioned, and I
 18 believe that you have an actual
 19 employment application at Sanitary
 20 Systems, or you did back in 2014?
 21 A. If I did it would have just
 22 been a form, you know, like you could
 23 buy an application form. Are you

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1 talking about for a job application?
 2 Q. Yes, sir.
 3 A. Right. Most of the time it was
 4 just word of mouth references,
 5 interviewed, let's start.
 6 Q. Okay. And I just want to make
 7 sure I'm clear. Is there an employment
 8 form that you maintained or had back in
 9 let's say prior to 2014?
 10 A. At one time when I was looking
 11 at that big contract that I referred to
 12 earlier, possibly then. Other than
 13 that, no.
 14 Q. Is that a contract you would
 15 still have a copy of or have maintained
 16 a copy of?
 17 MR. LITTLE: A contract or an
 18 application?
 19 Q. The application to work for
 20 Sanitary Systems?
 21 A. It's possible I might have
 22 those one or two from that time period
 23 for those two people, but that would be

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1 the only ones that I might still have.
 2 Q. Okay.
 3 A. And that would have been -- if
 4 I've purged my records, it would be way
 5 more than the seven years ago that the
 6 Federal government requires you to keep
 7 so I may not even have those.
 8 Q. Sure. That's fair. Do you
 9 recall the contents of that
 10 application?
 11 A. Just personal history and work
 12 references and maybe the time period of
 13 work references.
 14 Q. The two primary things would be
 15 where you've worked in the past --
 16 A. Correct.
 17 Q. -- as well as any references
 18 that that potential employee could
 19 provide you with?
 20 A. That's correct.
 21 Q. Anything else that was
 22 important for you to know at that time
 23 when hiring people to work for you?

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1 A. No, sir. In this kind of work
2 as long as you're just able-bodied and
3 willing to go to work.

4 Q. You mentioned that one thing
5 you did know of Jeremy Nelson before he
6 came to you was that he had previously
7 worked at Cafe 302?

8 A. Correct.

9 Q. Was that the only thing you
10 knew about Mr. Nelson's employment
11 history before he came to sanitary
12 systems?

13 A. Probably that he worked at the
14 little restaurants in Madison Square
15 Mall.

16 Q. Okay. So the only background
17 you knew about Mr. Nelson was that he
18 had worked at one or more restaurants?

19 A. That's correct.

20 Q. And did you know that he worked
21 at Cafe 302 when said he was 16 to 18
22 years old?

23 A. That sounds right.

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1 Q. Okay. And when he came to work
2 for you in 1994 he was 22 years old?

3 A. That sounds right.

4 Q. Do you know when he worked in
5 the Mall?

6 A. Not exactly, no, sir.

7 Q. Do you know if that was before
8 or after Cafe 302?

9 A. I'm pretty sure it was
10 afterwards.

11 Q. Did you know that Jeremy Nelson
12 had been fired from two companies where
13 he was performing janitorial services
14 before he came to work for you at
15 Sanitary Systems?

16 A. I think I knew about one of
17 them.

18 Q. You knew about that when you
19 hired him or you came to find out about
20 that after you had hired him?

21 A. I don't recall.

22 Q. Which one did you know?

23 A. Excel Janitorial.

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1 Q. Okay. What did you know about
2 those circumstances?

3 A. He was just working part-time
4 there and I think that -- if I remember
5 correctly, they just didn't need him
6 anymore to do those duties or she may
7 have lost the contract. I mean, she
8 eventually did so it may have been at
9 that point.

10 Q. After Excel Janitorial were you
11 aware that in 1993 Mr. Nelson was fired
12 from Flagstone Apartments?

13 A. Yes.

14 Q. At what point did you become
15 aware of that?

16 A. I think he told me pretty much
17 after it happened.

18 Q. And that would have been a year
19 prior to him coming to work for you at
20 Sanitary Systems?

21 A. (Witness nodding head
22 indicating in the affirmative.)

23 Q. Is that correct?

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1 A. That sounds right, yes.

2 Q. So it's your recollection that
3 you became aware of him being fired
4 from Flagstone prior to him coming to
5 work for you at Sanitary Systems?

6 A. I believe so, yes.

7 Q. And he told you that as a
8 friend or a mentor and not as an
9 employer at that time?

10 A. That's correct.

11 Q. What was your understanding of
12 the circumstances as to why he was
13 fired from Flagstone?

14 A. He told me he had hurt his leg,
15 and if I recall correctly he had
16 actually stayed in one of the
17 apartments that night or something like
18 that and maybe he had been drinking
19 also.

20 Q. Okay. And after reviewing his
21 deposition did you see that he was
22 fired from Flagstone for a public
23 intoxication charge in 1993?

1 A. I think so, yes, sir.

2 Q. And did you become aware of
3 that charge and his termination from
4 Flagstone prior to him working for you
5 in 1994?

6 A. I can't be certain, but I think
7 so.

8 Q. Did that in any way impact your
9 decision to hire him at Sanitary
10 Systems?

11 A. Not really because I didn't --
12 you know, he said he really had hurt
13 his leg.

14 Q. Did the public intoxication in
15 your mind have anything to do with his
16 hurt leg?

17 A. I think he said that's why he
18 was drinking so much was because his
19 leg hurt so bad.

20 Q. Okay. So was that information
21 important to you in determining whether
22 or not to hire Mr. Nelson?

23 A. Well, I told him he couldn't be

1 drinking on the job if he went to work
2 for me.

3 Q. Okay. But it did not impact
4 ultimately your decision as to hire him
5 in 1994; correct?

6 A. That is correct.

7 Q. And what was that reasoning? I
8 think you said you were willing to give
9 him a chance?

10 A. Well, just after knowing him as
11 long as I had and knowing the family.

12 Q. In addition to the two prior
13 janitorial positions from which he was
14 fired, what was your knowledge of his
15 history with drugs?

16 A. Other than the misdemeanor
17 charge, that was really all I knew.

18 Q. The misdemeanor charge you're
19 referring to was the possession of
20 marijuana?

21 A. That's correct.

22 Q. And he said that that occurred
23 right around the time he began working

1 for you, maybe a little beforehand?

2 A. Yeah, I think his probation was
3 either over or almost over when we
4 started the employment process.

5 Q. So in addition to him being
6 terminated from those positions and you
7 having knowledge that he was on
8 probation due to the possession of
9 marijuana did that additional charge
10 raise any concern in your mind as to
11 whether or not to hire him?

12 A. Well, I knew I was going to be
13 working with him so I thought I would
14 give him a chance and I verbally warned
15 him that that wasn't going to be
16 accepted behavior.

17 Q. So we -- and just so I'm clear,
18 you were going to give him a chance
19 from the 1993 public intox first;
20 correct?

21 A. Correct.

22 Q. And then you were also going to
23 give him another chance after you had

1 learned that he had been charged with
2 the possession of marijuana?

3 A. Correct.

4 Q. And you still were going to
5 give him a chance despite the fact that
6 he had been serving or was in the
7 process of serving a year probation for
8 that possession?

9 A. That's correct. Because I knew
10 he was going to see the probation
11 officer regularly on that.

12 Q. And so you agreed -- before you
13 hired him you had agreed to give him
14 multiple chances?

15 A. Correct.

16 Q. What was the standard in place
17 in 1994 at Sanitary Systems for hiring
18 employees that were currently on or had
19 just finished serving probation?

20 A. There was no standard.

21 Q. As far as his abuse of alcohol,
22 other than the public intoxication were
23 you aware of his abuse of alcohol prior

<p style="text-align: right;">161</p> <p>1 to him working for you at Sanitary 2 Systems in 1994? 3 A. Not at that time, no. 4 Q. After he came to work for you 5 in 1994 did you become aware he was 6 having abuse of alcohol problems? 7 A. I knew he drank some, yes. And 8 I told him -- I said, well, if it 9 interferes with your work in any way 10 we'll have to confront that. But he 11 never missed work and he never went to 12 work inebriated, noticeably drinking or 13 anything. 14 Q. How closely were you monitoring 15 him on a daily basis to see if he was 16 inebriated? 17 A. I worked right there with him 18 for a long time. 19 Q. I thought you said earlier 20 to Mr. Artrip that there were many 21 occasions when you all would not even 22 cross paths -- 23 A. That was --</p>	<p style="text-align: right;">163</p> <p>1 questions. 2 A. I'm sorry. 3 Q. In fact, he says he believes he 4 smoked almost every day that he came to 5 work for you? 6 A. I don't recall reading that 7 exact thing, no. 8 Q. And you said you were closely 9 working with him at the beginning of 10 his employment with Sanitary Systems 11 did you ever suspect him of having 12 smoked marijuana before coming to work? 13 A. No, sir. 14 Q. And you said you were aware 15 after he began working for you that his 16 problems with alcohol increased? 17 A. He went through phases, yeah. 18 But he would pretty much tell me that 19 he was drinking at night when he came 20 home from work. 21 Q. And he said in his deposition 22 with respect to alcohol that you were 23 constantly getting on to him telling</p>
<p style="text-align: right;">162</p> <p>1 Q. -- you and Jeremy? 2 A. That was towards the end of the 3 employment. 4 Q. Okay. So when he first started 5 working you had a very close eye on 6 him? 7 A. Yes. 8 Q. And there was no indication, at 9 least to you, that he was inebriated at 10 the time or during the time he was 11 working for you? 12 A. That is correct. 13 Q. Did you become aware of, at any 14 point while Mr. Nelson was working for 15 you, that he was, in fact, smoking 16 marijuana almost every day -- 17 A. No, sir. 18 Q. -- before coming to his job? 19 A. No, sir. 20 Q. Did you see where he said that 21 in his deposition? 22 A. I think so, yes. 23 MR. LITTLE: Let him finish his</p>	<p style="text-align: right;">164</p> <p>1 him, you need to quit, you need to 2 quit. He, being you, would always tell 3 me, being Mr. Nelson, I need to quit or 4 I need to cut back. Do you recall -- 5 A. Yes, sir. 6 Q. -- those conversations? 7 A. Yes, sir. 8 Q. And so it was enough of a 9 problem in your mind that you needed to 10 confront him about his drinking? 11 A. It was his own personal 12 problem. It wasn't affecting the work. 13 He still went to work and he was okay 14 when he went to work and he performed 15 his duties. I just figured for his own 16 health it would be better if he cut 17 back or quit. 18 Q. So you were giving him advice 19 as a friend or a mentor, not as an 20 employer? 21 A. Yes. 22 Q. Were you ever aware of his 23 history or use of over-the-counter</p>

1 speed or cocaine?
 2 A. He told me he had done it like
 3 when he was in college at Jacksonville
 4 State or something.
 5 Q. And he told you that prior to
 6 coming to work for you in 1994?
 7 A. Right.
 8 Q. After he completed his year of
 9 probation for the possession of
 10 marijuana did you ask him if he had
 11 stopped smoking marijuana?
 12 A. I don't recall.
 13 Q. Would that have been
 14 information that was important for you
 15 to know at that time?
 16 A. Yes.
 17 Q. Okay. And you don't recall if
 18 you asked him?
 19 A. I don't recall -- I don't
 20 recall a conversation, no.
 21 Q. Would you think it was
 22 important at that point to drug test
 23 him based off all of the events we've

1 just discussed?
 2 A. If I didn't see any lack of
 3 performance in the work and his
 4 attendance I didn't think that it
 5 would, no.
 6 Q. As long as he was adequately
 7 doing his job and he was showing up for
 8 his job that was all you were concerned
 9 about?
 10 A. Yes.
 11 Q. As far as his criminal record,
 12 just to be clear, before he came to
 13 work for you in 1994 you were aware
 14 that he had been arrested for public
 15 intoxication; correct?
 16 A. That sounds right, yes, sir.
 17 Q. Before he came to work for you
 18 in 1994 you were aware that he had been
 19 arrested for possession of marijuana
 20 for which he served one year probation;
 21 is that correct?
 22 A. Correct.
 23 Q. Were you also aware before he

1 came to work for you in 1994 of his
 2 assault charge?
 3 A. No, sir.
 4 Q. Did you become aware of his
 5 assault charge throughout the course of
 6 his employment with you at Sanitary
 7 Systems?
 8 A. Yes, sir, but it was so long --
 9 the timespan was so long that it would
 10 have been -- I think he had been gone
 11 for a long time. The investigator told
 12 me even if I had done a background
 13 check on him nothing would have shown
 14 up.
 15 Q. Why is that?
 16 A. I don't know. That's what the
 17 investigator told me.
 18 Q. Do you think he was talking
 19 about the assault charge or was this
 20 after Mr. Nelson had been arrested for
 21 child pornography?
 22 A. It was after he had been
 23 arrested. But I said something about

1 maybe I should have done a background
 2 and he said there was nothing on his
 3 record that would have showed up.
 4 That's just the statement the
 5 investigator made to me.
 6 Q. Okay. Before he came to work
 7 for you in 1994 were you aware that Mr.
 8 Nelson had been arrested twice for
 9 failure to appear at court?
 10 A. No, sir.
 11 Q. And I just want to ask you
 12 about something Mr. Nelson said in his
 13 deposition.
 14 Your attorney asked Mr. Nelson:
 15 To your knowledge what did he know
 16 about the arrests you had? He being
 17 you -- or did Mr. Starkey to your
 18 knowledge know about the arrests you
 19 had to which Mr. Nelson responded yes.
 20 Mr. Little asked: All of them?
 21 He responded: He knew about
 22 some of them, at least.
 23 And Mr. Little said: Which

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1 ones do you think he knew about?
 2 And Mr. Nelson responded: I
 3 knew that he knew about the one where I
 4 was -- the assault charge because that
 5 was when I was at Woody Anderson Ford
 6 and working for him.
 7 Do you recall that?
 8 A. I don't recall knowing about it
 9 when it happened, no. I knew it later.
 10 Q. Okay. As you sit here today
 11 many years later do you have any
 12 dispute over the fact that Mr. Nelson
 13 was saying he told you this at the
 14 time?
 15 A. I just really don't recall.
 16 Q. Okay. So it's possible that he
 17 did?
 18 A. Yes.
 19 Q. Mr. Nelson goes on to say: And
 20 he -- being you -- knew about the
 21 possession and the public intoxication.
 22 We've discussed those; correct?
 23 A. Correct.

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1 Q. And he knew about the two
 2 failure to appear in court.
 3 And as you sit here today you
 4 can't tell me one way or another
 5 whether you knew about those failures
 6 to appear?
 7 A. Not at that time. There was
 8 one later on is the only one I recall.
 9 Q. Okay.
 10 A. For a failure to appear for a
 11 speeding ticket, I believe.
 12 Q. At any point based off the
 13 items we have just discussed did you
 14 ever recommend that Mr. Nelson seek
 15 treatment or therapy?
 16 A. Probably not because he was
 17 just going to work every night and
 18 getting the job done.
 19 Q. And this applies both with your
 20 relationship that you had with Mr.
 21 Nelson outside of his status as your
 22 employee at Sanitary Systems?
 23 A. Correct.

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1 Q. Did you as a friend or a mentor
 2 ever tell him he needed to get help or
 3 seek therapy?
 4 A. I just told him he needed to
 5 quit.
 6 Q. At that point due to the fact
 7 that you were telling him as a friend
 8 or a mentor that he needs to quit did
 9 any of these items raise enough concern
 10 for you to consider terminating Jeremy
 11 Nelson at that point?
 12 A. No.
 13 Q. Why not?
 14 A. Because he was going to work
 15 and getting the job done and seemed to
 16 be okay. He only drank when he got
 17 home from work. And I think he also
 18 said in there that he didn't -- some
 19 nights he didn't drink to excess, you
 20 know, it wasn't a daily thing that he
 21 drank, or at least overly drank.
 22 Q. Did you know Mr. Nelson's
 23 brother, Jake?

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1 A. A little, yes.
 2 Q. What was your relationship like
 3 with him?
 4 A. Just in passing because he was
 5 there.
 6 Q. Did you know Mr. Nelson's
 7 sister Christine?
 8 A. Yes.
 9 Q. What was your relationship like
 10 with Christine?
 11 A. Well, I knew her a little bit
 12 better because she was my son's age and
 13 at one point they were both involved in
 14 Bible drill competitions. I think one
 15 year I actually drove the van to the
 16 competition in Montgomery with both of
 17 them and the rest of the team in the
 18 van.
 19 Q. Did you ever have any
 20 conversation with either Jake or
 21 Christine about any of the issues we've
 22 discussed with Mr. Nelson?
 23 A. I don't think so, no, sir.

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1 Q. And I believe you said earlier
2 you did know both Mr. Nelson's
3 daughters, Michael and Autumn?

4 A. That's correct.

5 Q. And I understand that they
6 would have been younger but at any
7 point do you recall having a
8 conversation with either Michael or
9 Autumn about Mr. Nelson's problems?

10 A. No, sir.

11 Q. At any point during his
12 employment with you did you become
13 aware of the fact that Mr. Nelson was
14 taking photographs of his own daughters
15 naked?

16 A. No, sir.

17 Q. And do you recall reading that
18 in his deposition?

19 A. Yes, sir.

20 Q. Did you have any conversations
21 with Mr. Nelson's ex-wife, Carmen,
22 which he married around 1994, about the
23 problems that we've discussed?

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1 A. No, sir.

2 Q. Did you have any conversations
3 with his ex-girlfriend, and you knew
4 her name was Marcie and her last name
5 was Summit, did you have any
6 conversations with Marcie Summit about
7 any of the issues we've discussed?

8 A. No.

9 Q. Did you have any conversations
10 with Mr. Nelson's ex-wife, Amy Goins,
11 about any of the issues we've
12 discussed?

13 A. No, sir.

14 Q. Approximately how many times
15 would you say that you went over to
16 Jeremy Nelson's home or apartment
17 throughout the course of his employment
18 with you?

19 A. Approximately once a month.

20 Q. For the 20 years he worked for
21 you?

22 A. I would think that sounds about
23 right.

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1 Q. I have to ask you this question
2 and I don't mean any disrespect to you
3 by this. He mentioned in his
4 deposition some conversations that two
5 of y'all had about pornography. Do you
6 recall reading that?

7 A. Yes, sir.

8 Q. And I need to ask you, Mr.
9 Starkey, did those conversations take
10 place?

11 A. Yes, sir.

12 Q. Okay. He said that he recalled
13 approximately five to six conversations
14 with you about pornography, would you
15 say that's accurate?

16 A. That sounds right.

17 Q. Can you tell me what those
18 conversations entailed?

19 A. Usually it involved just like
20 -- like one girl's name that he would
21 come across or I had heard about or
22 something like that and he would say,
23 well, have you ever heard of this girl

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1 or something like that, and we would
2 just talk about that a little.

3 Q. Do you recall when that was,
4 was that back earlier on in his
5 employment with Sanitary Systems?

6 A. No. That would have been
7 within the last -- it's been almost
8 three years now, so probably five years
9 ago from now.

10 Q. Maybe around 2012?

11 A. Yeah, that sounds about right.

12 Q. Based off of your conversations
13 with him did you ever believe he had a
14 problem with pornography?

15 A. No, sir.

16 Q. Did you ever ask him if he had
17 a problem?

18 A. Not point blank, no, sir.

19 Q. I believe you told Mr. Artrip
20 that you first met Mr. Nelson when he
21 was around 12 or 13 through church; is
22 that correct?

23 A. Yes, sir.

<p style="text-align: right;">177</p> <p>1 Q. He referred to you in his 2 deposition as a second dad, did you see 3 that? 4 A. I guess, yes. 5 Q. Do you agree with his 6 characterization of your relationship? 7 A. Yes, sir. 8 Q. You were very close with him 9 outside of his status as your employee? 10 A. Yes, sir. 11 Q. And that applied both before he 12 started working for you in 1994 as well 13 as after he started working for you? 14 A. Not so much in the -- not so 15 much before, no. 16 Q. What was your relationship with 17 him like during that approximate ten 18 year window before he started working 19 for you and when you first hired him? 20 A. Just in passing at church 21 because he was still, you know, a young 22 teenager in that age group. 23 Q. You had a closer relationship</p>	<p style="text-align: right;">179</p> <p>1 second and third chances that we've 2 discussed? 3 A. Yes, sir. 4 Q. And then you said your 5 relationship only became stronger with 6 him after he began working for you? 7 A. Right. 8 Q. So would you agree that you 9 became potentially more lenient with 10 him even at that point? 11 A. Well, there wasn't anything -- 12 prior to that there wasn't really 13 anything that involved, you know, 14 decisions and all that kind of stuff 15 and so, yes, I guess so. 16 Q. Did you think that his decision 17 to be publicly intoxicated twice, that 18 that would in any way impact his 19 decisionmaking as an employee of yours? 20 A. No, sir, because I thought he 21 was past all that. 22 Q. Okay. But then you learned 23 after he started working for you that</p>
<p style="text-align: right;">178</p> <p>1 with Shawn Campbell? 2 A. Not really that close, no. 3 Just that he had grown up -- I used to 4 keep the nursery in church and he was a 5 little kid when I first started keeping 6 the nursery and I knew his parents, his 7 mother and that kind of thing. 8 Q. Do you believe that your 9 relationship with Mr. Nelson on a 10 personal level, although it was not as 11 close before he started working for 12 you, do you believe that personal 13 relationship impacted your decision to 14 hire him? 15 A. There wasn't that much of a 16 personal relationship prior to that 17 other than he had just known my kids 18 and I knew of him being in church, but 19 sure. Sure. Yes. 20 Q. Do you believe that your 21 knowledge of him as being someone that 22 you knew through church impacted your 23 decision to give him the multiple</p>	<p style="text-align: right;">180</p> <p>1 he was still deciding to go home and 2 abuse alcohol; is that correct? 3 A. He was drinking at home only. 4 He wasn't driving under the influence 5 or working under the influence, he was 6 drinking at home after he had worked. 7 Q. And then at some point while he 8 was working for you you became aware of 9 his decision to assault his wife; is 10 that correct? 11 A. I found out that he had 12 assaulted her in the past, yes. 13 Q. And that decision did not 14 impact your opinion as to whether or 15 not it was suitable for you -- 16 A. I don't recall knowing about it 17 when it first happened. I recall 18 learning about it later and it was in 19 the past at that point. 20 Q. Did the fact that a year or 21 three years or five years had lapsed 22 since he assaulted his wife change your 23 opinion as to whether or not he was</p>

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1 guilty?

2 A. No.

3 Q. And you're saying that due to

4 the time between when it happened and

5 when you found out about it you decided

6 it was a nonissue at that time?

7 MR. LITTLE: Object to the

8 form.

9 A. I decided to let him keep

10 working for me.

11 Q. Did you see in his deposition

12 where Mr. Nelson said you gave him

13 money for personal reasons?

14 A. I gave him like an advance on

15 his paycheck if he was having a

16 personal issue, yes.

17 Q. Okay. There was never a time

18 outside of his paycheck where you gave

19 him money for personal reasons?

20 A. I don't recall that, no, sir.

21 I think what he meant to say was if he

22 had a personal issue he would ask for

23 an advance of his pay.

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1 Q. You said that at Sanitary

2 Systems on-the-job training was

3 provided, or I believe that was what

4 you said; is that correct?

5 A. Correct.

6 Q. Tell me what that means?

7 A. Okay. It basically means in

8 the janitorial aspect that you just

9 walk a person through the facility,

10 show them where everything is and

11 what's required of them.

12 Q. I believe you mentioned to Mr.

13 Artrip that Sanitary Systems while it

14 was in existence had hired

15 approximately ten to 12 people total;

16 is that correct?

17 A. That sounds right, yes, sir.

18 Q. Let's say that 12 people have

19 worked there total for purposes of this

20 question; okay? You would include

21 yourself as one of those 12; is that

22 correct?

23 A. I don't think so.

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1 Q. You would not. Isn't it true

2 that both your daughter and your wife

3 would be a part of those 12?

4 A. I forgot about my daughter.

5 No, I think there's been probably 12

6 people besides myself and my wife.

7 Q. But your daughter did work

8 there at some point?

9 A. Very sporadically, but -- she

10 has done it before, yes.

11 Q. And I'm assuming that neither

12 your wife nor your daughter needed

13 references for you; is that correct?

14 A. Correct.

15 Q. And then you mentioned three

16 friends that you went to school with,

17 Steve, Kevin and Victor; is that

18 correct?

19 A. Correct.

20 Q. And did you do any background

21 checks on any of those three?

22 A. No, sir.

23 Q. Did you need any references for

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1 any of those three?

2 A. Kevin had done janitorial work

3 before and at that age, I mean, I'm

4 talking they were 21 or 22 years old at

5 the most, so no.

6 Q. And then in addition to the

7 three friends from school, two friends

8 from church being Shawn and Jeremy; is

9 that correct?

10 A. Yes, sir.

11 Q. And neither one of those had

12 any references for you at the time you

13 hired them; is that correct?

14 A. That's correct.

15 Q. So out of the individuals we've

16 discussed earlier, did you have a

17 personal relationship with Linda before

18 she came to work for you?

19 A. No, sir.

20 Q. Did you have a personal

21 relationship with Debbie before she

22 came to work for you?

23 A. No, sir.

<p style="text-align: right;">185</p> <p>1 Q. Did you have a personal 2 relationship with Sylvia before she 3 came to work for you? 4 A. No, sir. 5 Q. Did you have a personal 6 relationship with Donald before he came 7 to work for you? 8 A. (Witness shaking head 9 indicating in the negative.) 10 Q. Do you or someone within the 11 Sanitary Systems company maintain a 12 list of the references that are 13 provided for your applicants? 14 A. No, sir. Anything I had would 15 be gone at this point because there 16 hasn't been any employees. 17 Q. So based off what you told Mr. 18 Artrip, I want to make sure I'm clear, 19 there is no requirement that someone 20 seeking employment at Sanitary Systems 21 have past experience as a janitor? 22 A. No. 23 Q. You said, I believe, three to</p>	<p style="text-align: right;">187</p> <p>1 A. Before. 2 Q. Okay. But you would agree with 3 me that 2013 to 2014 would be a good 4 timeframe or an accurate timeframe as 5 to when you hired an accountant? 6 A. Yes. 7 Q. So for approximately 19 to 20 8 years prior to hiring an accountant 9 while Mr. Nelson was an employee at 10 your company you were serving as both 11 the owner of the company and the 12 bookkeeper? 13 A. Yes. I still do the books. I 14 just use them for tax services. 15 Q. What documents is it standard 16 for Sanitary Systems to maintain? And 17 when I ask that let me give you some 18 examples. Did you all have any 19 policies that you were expected to 20 follow with respect to your work at 21 each of these clients' residences? 22 A. No, sir. 23 Q. Were there any guidelines that</p>
<p style="text-align: right;">186</p> <p>1 four years ago you hired an accountant 2 at the company; is that correct? 3 A. (Witness nodding head 4 indicating in the affirmative.) 5 Q. Is that a yes? 6 A. Well, she's -- it's a tax 7 service that I use. She's not an 8 employee of mine, no. 9 Q. Okay. Got it. And from which 10 tax service? 11 A. Quillin. 12 Q. Prior to hiring an accountant 13 outside of your company you said that 14 you were doing the accounting? 15 A. I was doing the books, yes. 16 Q. And three to four years ago 17 would put us at approximately 2013 to 18 2014; is that correct? 19 A. Yes. 20 Q. Can you be any more specific? 21 Do you remember if it was before or 22 after Mr. Nelson was arrested that you 23 hired the accountant at Quillin?</p>	<p style="text-align: right;">188</p> <p>1 Sanitary Systems provided to its 2 employees about either working for 3 these clients or behavior as an 4 employee for Sanitary Systems? 5 A. No, sir. 6 Q. Did you -- other than this 7 on-the-job training where you walked 8 them through the site was there any 9 training given either verbally or 10 written to any of the employees that 11 you hired at Sanitary Systems? 12 A. Verbally there might have been, 13 you know, how to use a certain product 14 or how to do a certain task or what to 15 use to do a certain task. 16 Q. Other than with respect to the 17 employees, what about your purchase 18 orders and the invoices, you said you 19 get a lot of your products from 20 Mid-City Supply; is that correct? 21 A. That's correct. 22 Q. Is it standard for Sanitary 23 Systems to maintain purchase orders and</p>

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1 invoices for those supplies?
 2 A. They give me an invoice when I
 3 buy something.
 4 Q. Do you maintain those
 5 documents?
 6 A. Uh-huh. (Affirmative.)
 7 Q. Is that something that you keep
 8 as a record in your business?
 9 A. Yes.
 10 Q. And then while you were serving
 11 as the bookkeeper there are obviously
 12 accounting documents, balance sheets,
 13 things of that nature that would be
 14 necessary for you to maintain for tax
 15 purposes?
 16 A. Correct.
 17 Q. You mentioned to Mr. Artrip
 18 that reliability was key in your
 19 decision to both hire and maintain
 20 employees; correct?
 21 A. Correct.
 22 Q. And as part of that reliability
 23 you said people have to show up; is

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1 that correct?
 2 A. That's correct.
 3 Q. Have you ever fired any of
 4 those 11 to 12 employees for not
 5 showing up?
 6 A. Sylvia -- well, the contract
 7 was ending, but she had become
 8 undependable also. And Donald had
 9 become undependable.
 10 Q. When you say Sylvia and Donald
 11 became undependable, was there an
 12 occasion where each of those employees
 13 did not show up to perform their
 14 responsibilities as your employee?
 15 A. Yes.
 16 Q. Did you fire them both on that
 17 first occasion or did you give them
 18 second chances?
 19 A. Sylvia I gave a second chance.
 20 Donald kind of like lied to me about it
 21 so I didn't give him a second chance.
 22 Q. What happened with Donald?
 23 A. It was a small church that we

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1 only did once a month except he didn't
 2 and he didn't bother to tell me that he
 3 didn't until I got the phone call.
 4 Q. And you said because you failed
 5 to tell me that you're not doing your
 6 job and just given the fact that you're
 7 not showing up to perform your job I am
 8 terminating you?
 9 A. That's correct.
 10 Q. So no second chance was given
 11 to Donald under those circumstances; is
 12 that correct?
 13 A. Correct.
 14 Q. And with Sylvia, tell me what
 15 happened with her?
 16 A. Sylvia would just wait until
 17 the last minute to call in. And when I
 18 say last minute, I mean like way late
 19 in the night.
 20 Q. How many times did that happen,
 21 her calling at the last minute to say
 22 she could not be there before you
 23 terminated her?

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1 A. Three or four times.
 2 Q. Do you recall Mr. Nelson saying
 3 that News Channel 9 specifically
 4 complained about him missing things
 5 while he was working as a janitor at
 6 the station?
 7 A. I don't recall that.
 8 Q. As you sit here today do you
 9 recall that happening?
 10 A. No, sir.
 11 Q. Mr. Nelson said that whoever
 12 your client contact was started
 13 complaining and said they found
 14 something in their carpet?
 15 A. Okay. I remember that. He --
 16 they had gotten a new general
 17 manager -- we're getting into politics
 18 here. They had gotten a new general
 19 manager who sometimes you just feel
 20 like they want you gone. And that's
 21 the situation we were in there and we
 22 felt like they were being a little bit
 23 untruthful about some of the things

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1 they said because I was in that
 2 facility every night also and I didn't
 3 see the same thing that they were
 4 saying and so they changed services at
 5 that point. And it wasn't too long ago
 6 that that -- or it wasn't too long
 7 after that they also got rid of the
 8 manager who was making the complaints
 9 about us because it was owned by I
 10 believe it was the New York Times at
 11 the time.

12 Q. Are you aware of whether or not
 13 the complaints that News Channel 9 made
 14 about Mr. Nelson's performance as a
 15 janitor whether or not those complaints
 16 were valid?

17 A. No. I do not know.

18 Q. Is your opinion as you sit here
 19 today that politics came into play with
 20 this decision to make complaints to you
 21 about your services?

22 A. That's correct.

23 Q. What gives you that opinion?

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1 A. Because of the thing I just
 2 mentioned. We had been there a long
 3 time already and all of a sudden the
 4 new general manager shows up and all of
 5 a sudden the complaints started and
 6 then not long after that the general
 7 manager was also gone. And it --

8 Q. And I'm just trying to -- all I
 9 want to understand is if y'all had been
 10 there for a long time why would a new
 11 manager suddenly come in and decide to
 12 get rid of a company that's been giving
 13 services to the station for many years?

14 A. I can't answer the question.
 15 But he got rid of a lot of people and a
 16 lot of people quit because of him.

17 Q. Okay.

18 A. There have been occasions where
 19 we worked for folks for a long time and
 20 they hire a new office manager and for
 21 some reason she's got a friend that's
 22 in the janitorial business, they're
 23 going to find things wrong all of a

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1 sudden.

2 Q. Okay. And I understand --

3 A. That's just the nature of this
 4 business.

5 Q. -- there is politics. Let me
 6 ask you this then with respect to your
 7 employees being reliable, was there
 8 ever an occasion where you recall
 9 Jeremy Nelson not showing up for work?

10 A. No, sir.

11 Q. If he had not shown up for work
 12 would that have been grounds at this
 13 point for termination?

14 MR. LITTLE: At what point?

15 Q. At the time that he did not
 16 show up to work.

17 A. (Witness nodding head
 18 indicating in the affirmative.)

19 Q. You would agree with me that
 20 based off your company standards if he
 21 did not show up for work that would
 22 have been grounds for termination?

23 A. Unless he physically couldn't

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1 call or something but, yes.

2 Q. Sure. Short of him having a
 3 sickness or physical ailment that
 4 prevented him from putting you on
 5 notice that he could not show up him
 6 just not showing up period to do a job
 7 was unacceptable in your mind?

8 A. Exactly.

9 Q. And I just want to make sure
 10 I'm clear, when you all first got the
 11 contract with Ann's did you stay
 12 with -- stay on the premises working in
 13 a separate area most nights that Mr.
 14 Nelson was there?

15 A. In the beginning, yes.

16 Q. And at what point did that
 17 change?

18 A. I can't exactly say.

19 Q. Did it change because he was
 20 picking up your responsibilities?

21 A. No, no, no. We both went there
 22 and still did each of our
 23 responsibility. Part of it was because

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1 of my scheduling because I had taken
2 over the company and so my scheduling
3 put me in different places at different
4 times.
5 Q. Mr. Nelson said that as part of
6 being an employee at Sanitary Systems
7 that you purchased his cellphone and
8 paid for his service through Verizon;
9 is that correct?
10 A. That's correct.
11 Q. Why was it necessary for one of
12 your janitors at Sanitary Systems to
13 have a company phone?
14 A. So we could talk -- find each
15 other all the time and stay in contact
16 about any problems or a truck broke
17 down or something like that.
18 Q. How often did you monitor
19 either the actual usage of the phone as
20 well as the data usage for each of the
21 employees?
22 A. He would pay me back if he went
23 over his plan and I knew he liked to do

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1 the games and the videos, You Tube and
2 stream videos and stuff like that, so I
3 just --
4 Q. And Mr. Nelson frequently went
5 over his data limit monthly?
6 A. He went over a few times, yeah.
7 Q. And that could have also been
8 attributed to internet usage?
9 A. Possibly, yes.
10 Q. And in reading his deposition
11 did it come to your attention that he
12 was, in fact, using his company
13 cellphone to take photographs at Ann's
14 Dance Studio?
15 A. I think I remember seeing that,
16 yes, sir.
17 Q. Did you at any point have a
18 policy in place at Sanitary Systems to
19 monitor the individual usage of your
20 employees' cellphones?
21 A. No.
22 Q. There was never a time?
23 A. He was the only employee that

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1 had -- the only employee we had at that
2 time except for the two girls who came
3 in at the end and they didn't -- they
4 weren't on the plan.
5 Q. And he was the first -- or it
6 sounds like he may have been the only
7 employee you ever purchased a cellphone
8 for?
9 A. That's correct.
10 Q. Okay. He mentioned, Mr.
11 Starkey, in his deposition that at one
12 point he was working on a company
13 computer or laptop at his personal
14 residence. Do you recall reading that?
15 A. Yes. It was our laptop.
16 Q. Can you tell me the
17 circumstances surrounding that?
18 A. Yeah. Jeremy was good with
19 computers and I wasn't and it had
20 gotten real slow or whatever computers
21 do, it had viruses or whatever, and
22 sometimes he was able to fix them, so
23 that's why he had it, but it was a

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1 hopeless case.
2 Q. Do you recall the model or
3 brand, anything, any details about the
4 laptop?
5 A. Toshiba probably. I don't
6 know, no. I don't know the model
7 numbers or whatever.
8 Q. Was it customary for you to
9 purchase Toshiba or why does that brand
10 in particular come to mind?
11 A. That's what we've got right
12 now, so I just thought maybe it was a
13 Toshiba.
14 Q. And it was a laptop and not a
15 desktop; is that correct?
16 A. I think so, yes.
17 Q. Is it standard for you at
18 Sanitary Systems to maintain a list of
19 all your inventory?
20 A. No.
21 Q. Was the Toshiba laptop
22 initially located at the business or at
23 your personal home?

<p style="text-align: right;">201</p> <p>1 A. The same. They're one and the 2 same.</p> <p>3 Q. Okay. But it was used for 4 business purposes?</p> <p>5 A. It was used probably to buy 6 things online sometimes for the 7 business, but mostly personal use.</p> <p>8 Q. When you say buy things online 9 would that include entering into 10 contracts with a company providing 11 supplies or what would you have been 12 purchasing?</p> <p>13 A. I might have purchased a 14 machine or something from Powr-Flite 15 that's in Dallas, Texas or something 16 like that. I bought a buffer off of 17 eBay one time, that type of thing.</p> <p>18 Q. Cleaning machines?</p> <p>19 A. Exactly.</p> <p>20 Q. Is it your understanding that 21 the company laptop was seized as part 22 of the investigation?</p> <p>23 A. I had forgotten it, but yes.</p>	<p style="text-align: right;">203</p> <p>1 A. Yes.</p> <p>2 Q. Did you have an active business 3 licence in 2014?</p> <p>4 A. As far as I remember, yes, sir.</p> <p>5 Q. Has it been your company's 6 practice to always maintain an 7 up-to-date business license?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you pay a license fee 10 throughout the course of Sanitary 11 Systems' existence to the Chamber of 12 Commerce to Madison County?</p> <p>13 A. No.</p> <p>14 Q. Okay. Who did you maintain a 15 license with, do you recall, the State 16 and the County?</p> <p>17 A. It's a -- I would have to look. 18 I think it's a County license. It's a 19 contractor's license is what it's 20 called.</p> <p>21 Q. You mentioned that prior to Mr. 22 Nelson coming to work for you you knew 23 his parents?</p>
<p style="text-align: right;">202</p> <p>1 Q. You still have not gotten that 2 back?</p> <p>3 A. Oh, no. It -- I mean, it was 4 fried. It was fried when he gave it to 5 me. He wasn't able to do anything with 6 it.</p> <p>7 Q. It may say still be in that 8 condition.</p> <p>9 A. Probably worse.</p> <p>10 Q. Other than the conversations 11 that you told Mr. Artrip about where 12 you were speaking with an investigator 13 once Mr. Nelson was arrested, were 14 there any other government agencies 15 that reached out to you?</p> <p>16 A. No, sir.</p> <p>17 Q. I take it there was never a 18 fine imposed on your business in this 19 case?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you currently maintain a 22 business license with Madison County in 23 the State of Alabama?</p>	<p style="text-align: right;">204</p> <p>1 A. Correct.</p> <p>2 Q. Did you maintain a relationship 3 in any way with his parents after you 4 hired him?</p> <p>5 A. We still saw each other at 6 church and, you know, occasionally just 7 see them in passing, but.</p> <p>8 Q. Do you still see them or speak 9 with them on a regular basis?</p> <p>10 A. No, not on a regular basis. I 11 never spoke with them on a regular 12 basis other than just seeing them at 13 church.</p> <p>14 Q. Do you recall the last time you 15 saw them?</p> <p>16 A. It's been months ago.</p> <p>17 Q. But you've had conversation or 18 interaction with them since their son 19 was arrested --</p> <p>20 A. A very --</p> <p>21 Q. -- and incarcerated?</p> <p>22 A. A very few times, yeah.</p> <p>23 Q. Have they had conversations</p>

1 with you about what they think caused
2 this problem?

3 A. No. Don just made the remark
4 that if he had known -- he told me that
5 he had told Jeremy if I had known -- if
6 you had just of told me that you had a
7 problem I would have tried to get you
8 help is what he said.

9 Q. And will you remind me of the
10 name of the church you go to?

11 A. Locust Grove Baptist Church.

12 Q. Have there been any other
13 churches you've been affiliated with in
14 the last ten years?

15 A. No, sir.

16 Q. Do you hold any positions
17 within that church?

18 A. No, sir.

19 Q. Are there any civic or social
20 organizations in Madison County that
21 you're a part of?

22 A. No, sir.

23 MR. HASKINS: I think that's

1 all of the questions I have of you.
2 Thank you.

3

4 RE-EXAMINATION BY MR. ARTRIP:

5 Q. Mr. Starkey, I have a few
6 documents that I was going to go over
7 with you that I forgot to before Mr.
8 Haskins had some questions for you.
9 The first one I'm going to mark as
10 Plaintiff's Exhibit 1. Mr. Starkey, I
11 will represent to you this is some
12 interrogatory responses or responses to
13 some written questions that we had sent
14 over. I'm sure you will recall these.
15 If you would, flip to the sixth page of
16 this thing and I'll ask you if you
17 could identify is that a copy of your
18 signature there on that page?

19 (Whereupon, Plaintiff's
20 Exhibit 1 was marked
21 for identification.)

22 A. Uh-huh. (Affirmative.)

23 Q. Correct?

1 MR. LITTLE: You have to answer
2 out loud.

3 A. Yes, sir.

4 Q. Have you had an opportunity to
5 review these any time recently?

6 A. I have not looked at anything
7 recently except for Jeremy's
8 deposition.

9 Q. Okay. Take just a moment, if
10 you will, and just look over your
11 responses and tell me --

12 A. Prior to the signature?

13 Q. Yeah.

14 A. Okay.

15 Q. Yes, sir. In the pages
16 proceeding there just kind of look over
17 those and tell me if there's anything
18 that you would like to change?

19 A. Okay.

20 Q. I doubt there is, but if there
21 is I would like to know.

22 MR. LITTLE: Take all the time
23 you need.

1 Q. Yeah. Yeah. We're not in any
2 hurry, so.

3 A. I don't see anything.

4 Q. Okay. On the pages after your
5 signature there, I think it's on the
6 sixth or seventh page, you will notice
7 that there is some requests for
8 production of documents. In other
9 words, we've asked that certain
10 documents be produced. Have you ever
11 seen those before? I'm sure your
12 lawyer asked you for the documents
13 requested, I was just wondering if you
14 had actually seen the actual requests?

15 A. There was never any --

16 MR. LITTLE: Listen to his
17 question.

18 A. Okay.

19 Q. Yeah, it's just a very limited
20 question. Have you seen those? Did
21 you take an opportunity to go look for
22 the documents that are requested?

23 A. Well, they're nonexistent.

<p style="text-align: right;">209</p> <p>1 Q. Okay.</p> <p>2 A. Okay.</p> <p>3 Q. So you looked or you knew that</p> <p>4 they didn't exist; correct?</p> <p>5 A. Right.</p> <p>6 Q. Okay. Now in response to those</p> <p>7 requests there is a few documents that</p> <p>8 have been produced to us and I want to</p> <p>9 go through those briefly; all right?</p> <p>10 A. Okay.</p> <p>11 Q. I'm going to go through these</p> <p>12 one after the other so --</p> <p>13 MR. LITTLE: Sure. That's</p> <p>14 fine.</p> <p>15 Q. What I'm going to do is mark</p> <p>16 these with exhibit stickers and then</p> <p>17 ask you generally to take a look at it</p> <p>18 and identify it for me or tell me what</p> <p>19 it is; okay?</p> <p>20 A. Okay. That's a W-2.</p> <p>21 Q. That's Exhibit Number 2 and</p> <p>22 it's a W-2 for Mr. Nelson?</p> <p>23 (Whereupon, Plaintiff's</p>	<p style="text-align: right;">211</p> <p>1 that is?</p> <p>2 (Whereupon, Plaintiff's</p> <p>3 Exhibit 5 was marked</p> <p>4 for identification.)</p> <p>5 A. That's the State unemployment</p> <p>6 quarterly report.</p> <p>7 Q. Okay. It looks like there has</p> <p>8 been a name redacted there and another</p> <p>9 amount off to the right just below Mr.</p> <p>10 Nelson, was that another employee?</p> <p>11 A. I -- I think so.</p> <p>12 Q. Okay. I assumed it was, but --</p> <p>13 A. Yeah.</p> <p>14 MR. LITTLE: Just for the</p> <p>15 record, I made that redaction --</p> <p>16 MR. ARTRIP: Sure.</p> <p>17 MR. LITTLE: -- and it was</p> <p>18 another employee.</p> <p>19 A. That's what I assumed.</p> <p>20 Q. That's what I assumed too.</p> <p>21 Plaintiff's Exhibit Number 6?</p> <p>22 (Whereupon, Plaintiff's</p> <p>23 Exhibit 6 was marked</p>
<p style="text-align: right;">210</p> <p>1 Exhibit 2 was marked</p> <p>2 for identification.)</p> <p>3 A. Correct, 2014.</p> <p>4 Q. Okay. Here is Plaintiff's</p> <p>5 Exhibit Number 3, what is that?</p> <p>6 (Whereupon, Plaintiff's</p> <p>7 Exhibit 3 was marked</p> <p>8 for identification.)</p> <p>9 A. That is from a quarterly report</p> <p>10 of wages.</p> <p>11 Q. Okay. And is that for Jeremy</p> <p>12 Nelson as well?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Yes, sir. Identify for</p> <p>15 us, if you will, Number 4?</p> <p>16 (Whereupon, Plaintiff's</p> <p>17 Exhibit 4 was marked</p> <p>18 for identification.)</p> <p>19 A. Okay. This is a wage printout,</p> <p>20 I guess week to week, for Jeremy</p> <p>21 Nelson.</p> <p>22 Q. Okay. And here is Plaintiff's</p> <p>23 Exhibit Number 5, can you tell me what</p>	<p style="text-align: right;">212</p> <p>1 for identification.)</p> <p>2 A. This is also a quarterly</p> <p>3 report.</p> <p>4 Q. For Jeremy Nelson?</p> <p>5 A. For Jeremy Nelson.</p> <p>6 Q. And that, again, has another</p> <p>7 employee maybe redacted?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. Plaintiff's Exhibit 7?</p> <p>10 (Whereupon, Plaintiff's</p> <p>11 Exhibit 7 was marked</p> <p>12 for identification.)</p> <p>13 A. This is a wage report on Jeremy</p> <p>14 Nelson. I'm not sure exactly what --</p> <p>15 yeah, it's just a breakdown weekly and</p> <p>16 then it shows the year-to-date and so</p> <p>17 forth of his salary.</p> <p>18 Q. Okay. I'm going to show you a</p> <p>19 document I've collectively marked as</p> <p>20 Plaintiff's Exhibit 8. The reason I've</p> <p>21 done that is because it does seem to be</p> <p>22 these are pages of one, two, three and</p> <p>23 four of something. If you would, just</p>

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1 identify that for us?
 2 (Whereupon, Plaintiff's
 3 Exhibit 8 was marked
 4 for identification.)
 5 A. It's just a spread of Jeremy
 6 Nelson's salaries done by the
 7 accountant for tax purposes.
 8 Q. Okay. Now, I noticed on almost
 9 all of these exhibits they say Publix
 10 at the top, is that where you faxed
 11 them from?
 12 A. That's correct.
 13 Q. You faxed them to your lawyer
 14 from Publix?
 15 A. Uh-huh. (Affirmative.)
 16 Q. Again, for clarity's sake,
 17 that's what I assumed you had done.
 18 Now, Mr. Starkey, one thing
 19 that we don't have here in Plaintiff's
 20 Exhibits 1 through 8 though, and I'll
 21 represent to you this is all the
 22 documents we've received as production
 23 in response to our request for

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1 production of documents which has been
 2 marked as Plaintiff's Exhibit 1, but in
 3 Plaintiff's 2 through 8 what we don't
 4 see are any kind of employment
 5 policies, is that because you don't
 6 have any written employment policies?
 7 A. That's correct.
 8 Q. Okay. We don't have an
 9 application from Jeremy Nelson, is that
 10 because it doesn't exist?
 11 A. That's correct.
 12 Q. We don't have any kind of email
 13 correspondence between you and anybody
 14 regarding the events which occurred in
 15 the months prior to October of 2014, is
 16 that because there are no emails?
 17 A. That's correct. Do you mean as
 18 far as my company to other -- to
 19 customers?
 20 Q. Yes, sir.
 21 A. Right. No, there wasn't any.
 22 Q. Okay. And we don't see any
 23 email correspondence from any of your

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1 customers to you?
 2 A. That's correct.
 3 Q. Okay. So, again, all of that
 4 was accomplished over the phone?
 5 A. That's correct.
 6 Q. We don't even see a personnel
 7 file on Jeremy Nelson, is that because
 8 you didn't maintain one?
 9 A. That's correct.
 10 Q. Okay. Obviously you had an
 11 obligation to make sure that the --
 12 that you hired good, responsible people
 13 because you're putting them into some
 14 extent certain areas of a person's
 15 business; correct?
 16 A. Correct.
 17 Q. So in hindsight kind of knowing
 18 what you know now do you wish you
 19 hadn't hired Jeremy Nelson?
 20 A. Well, Jeremy, as far as
 21 employment, he never failed to perform
 22 what was asked of him and he was a
 23 reliable employee. I mean, you can

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1 always look back with 20/20 hindsight
 2 and if you knew something was going to
 3 happen and say that. I mean, he has
 4 served 20 something years and did a
 5 good job.
 6 Q. Yeah. But certainly if you had
 7 found out about what he was doing you
 8 would have fired him?
 9 A. Oh, absolutely.
 10 Q. Okay. And so if you knew or
 11 had a suspicion of this activity you
 12 would have fired him?
 13 A. That's correct.
 14 Q. And so, you know, again, I
 15 understand we're talking about
 16 hindsight here, but would you have to
 17 say you regret the decision to give him
 18 these kind of second and third chances?
 19 MR. LITTLE: Object to the
 20 form.
 21 A. Well, ultimately, yes. But
 22 without knowing, you know, what the
 23 person's mind is going to do.

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<p>1 Q. Yeah. Yeah.</p> <p>2 A. Anything that affected the</p> <p>3 employment and services that the</p> <p>4 company was providing, yes, I would not</p> <p>5 have done it.</p> <p>6 Q. Right. Did you ever take any</p> <p>7 efforts to shield him from certain</p> <p>8 positions?</p> <p>9 A. There was never anything that</p> <p>10 was questionable that I would need to</p> <p>11 do that, no.</p> <p>12 Q. Okay. In other words, you</p> <p>13 never decided that Jeremy shouldn't be</p> <p>14 put in this position for whatever</p> <p>15 reason?</p> <p>16 A. Correct.</p> <p>17 Q. Did you think when you took</p> <p>18 over this contract with Ann's that that</p> <p>19 was -- did it give you any pause that</p> <p>20 maybe certain additional scrutiny was</p> <p>21 needed or there were certain</p> <p>22 precautions that were going to be</p> <p>23 necessary because of the situation that</p>	<p>1 course of a year maybe.</p> <p>2 Q. Okay. It was rare, but it</p> <p>3 happened?</p> <p>4 A. It was rare, but it wasn't out</p> <p>5 of the question. And then there was a</p> <p>6 couple of times when they would let a</p> <p>7 student employee, she took dance there</p> <p>8 but she was mid-teens, late teens, and</p> <p>9 she would -- they even had student</p> <p>10 instructors and she might have been</p> <p>11 running the desk while we did the</p> <p>12 floors on a day that they were closed</p> <p>13 or something like that. But as far as</p> <p>14 the actual dance students there to do</p> <p>15 dance, no.</p> <p>16 Q. Okay.</p> <p>17 A. But, like I said, if they</p> <p>18 stayed late one night there might be an</p> <p>19 occasion where there would be one or</p> <p>20 two.</p> <p>21 Q. I know you mentioned Mr. Nelson</p> <p>22 testifying and then you had mentioned</p> <p>23 earlier that you had been over to his</p>
218	220
<p>1 the company would now be in relative to</p> <p>2 the students?</p> <p>3 MR. LITTLE: Object to the</p> <p>4 form.</p> <p>5 A. No --</p> <p>6 MR. LITTLE: Go ahead. You can</p> <p>7 answer.</p> <p>8 A. No, sir.</p> <p>9 Q. Okay. You had already been</p> <p>10 working in situations around small</p> <p>11 children or at least where children</p> <p>12 were in the building; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And Jeremy had already been</p> <p>15 working in those positions too;</p> <p>16 correct?</p> <p>17 A. Well, like I said, usually when</p> <p>18 we did daycares it was after hours</p> <p>19 because we were doing the floors.</p> <p>20 Q. All right. Was there times</p> <p>21 when you were in there at Ann's when</p> <p>22 there was students in there?</p> <p>23 A. Two or three times over the</p>	<p>1 house that he was renting at the time</p> <p>2 that these events occurred with he and</p> <p>3 his then girlfriend I think, Marcie, do</p> <p>4 you remember approximately how many</p> <p>5 times you had been over there?</p> <p>6 A. Five or six times.</p> <p>7 Q. Over a period of a year?</p> <p>8 A. I guess she lived with him</p> <p>9 about a year, I'm not certain.</p> <p>10 Q. Would these -- obviously these</p> <p>11 were all social visits; correct?</p> <p>12 A. Well, maybe dropping off a</p> <p>13 paycheck or dropping off some supplies</p> <p>14 or something like that.</p> <p>15 Q. Okay.</p> <p>16 A. There was usually business</p> <p>17 related.</p> <p>18 Q. There was some business reason</p> <p>19 for you to be there?</p> <p>20 A. Exactly. Most of the time,</p> <p>21 yeah. I mean, we did a few things like</p> <p>22 I might help him in his yard and then</p> <p>23 he might come help me in my yard,</p>

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1 something like that.
 2 Q. Sure.
 3 A. Different cases, but usually it
 4 was something -- business would be in
 5 there somewhere too.
 6 Q. Did you ever know of him going
 7 to school or receiving any kind of
 8 training with computers or anything
 9 like that?
 10 A. No, I think he was self-taught.
 11 Q. Okay. And, again, you know
 12 what happened, you know what the claims
 13 are of the parents of these children.
 14 As I understand it you were never asked
 15 to acknowledge any kind of
 16 responsibility with the investigators
 17 from either the Federal government or
 18 the State government; correct?
 19 A. That's correct.
 20 Q. And you never did --
 21 A. Correct.
 22 Q. -- certainly. As we sit here
 23 today do you have any feeling of

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1 responsibility for what happened?
 2 MR. LITTLE: Object to the
 3 form. You can answer.
 4 A. Not for the responsibility,
 5 because it was something he did that
 6 wasn't related to work when he did it.
 7 Q. Okay.
 8 A. And I in no way told him --
 9 like I said, he knew better than to
 10 mess with people's things and I would
 11 have thought he knew better to not mess
 12 with people themselves.
 13 MR. ARTRIP: I don't think I
 14 have anything else.
 15 MR. HASKINS: I have just a
 16 brief few follow-up questions.
 17
 18 RE-EXAMINATION BY MR. HASKINS:
 19 Q. What did you say Mr. Nelson's
 20 father's name was?
 21 A. Don.
 22 Q. And you've known Don over 20
 23 years?

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1 A. Correct.
 2 Q. Do you know Don to be an honest
 3 man?
 4 A. Yes.
 5 Q. At Jeremy's sentencing hearing
 6 I'll represent to you that Don Nelson
 7 spoke to the court about the problems
 8 his son has had over the years. Have
 9 you had a chance to read this
 10 transcript?
 11 A. I think so, yes.
 12 Q. Let me ask you, Don Nelson
 13 talks about the fact that Jeremy had
 14 been suffering from issues with
 15 addiction his entire life and he says
 16 we have watched him deal with the
 17 addictions of drugs, tobacco, gambling
 18 and alcohol. And you were familiar
 19 with the drugs and the alcohol, but did
 20 you have any knowledge of Mr. Nelson's
 21 addictions to tobacco or gambling?
 22 MR. LITTLE: Object to the
 23 form.

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1 A. Well, I knew he used to smoked.
 2 Q. What about gambling?
 3 A. No, sir.
 4 Q. And then Don Nelson goes on to
 5 say about his son, he has got the heart
 6 for people when he's not addicted. Do
 7 you agree with that statement?
 8 A. Yes, sir.
 9 Q. Something else Don Nelson said
 10 is that we, the family, believe that
 11 recurring addictions were the triggers
 12 of the pornographic behavior. Would
 13 you agree with that?
 14 A. Ultimately, yes.
 15 MR. HASKINS: I think that's
 16 all the questions I have for you.
 17 Thank you.
 18 MR. ARTRIP: I don't have
 19 anything else.
 20 MR. LITTLE: That's it.
 21
 22 FURTHER THE DEPONENT SAITH NOT
 23 (DEPOSITION CONCLUDED AT 4:41 P.M.)

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 JEFFERSON COUNTY)

4
5 I, Mark D. Muir, Court
6 Reporter, AL-CCR#28, do hereby certify
7 that I recorded by means of stenotype
8 the foregoing proceedings at the time
9 and place stated in the caption hereof.
10 That later, under my supervision, the
11 proceedings were transcribed by means
12 of computer-aided transcription, and
13 the foregoing represents a full, true,
14 and correct transcript of the
15 proceedings on said occasion.

16 I further certify that I am
17 neither of counsel nor of kin to any
18 parties nor in anywise financially
19 interested in the outcome of this case.

20 I further certify that I am
21 duly licensed by the Alabama Board of
22 Court Reporting as a Certified Court
23 Reporter as evidenced by the ACCR
number following my name found below.

24 So certified on March 28, 2017.

25



26

27 -----
28 Mark D. Muir, AL-CCR#28
29 Freelance Court Reporter
30 2204 Lakeshore Drive, Suite 119
31 Birmingham, Alabama 35209
32 (205) 802-8818

33

34 AL-CCR License expiration: 9/30/2017.

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) **Case No.**
)
JEREMY JOSEPH NELSON)

FILED
FEB 18 2015
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

PLEA AGREEMENT

The Government and Jeremy Joseph Nelson, the defendant, hereby acknowledge the following plea agreement in this case:

PLEA

The defendant agrees to (i) plead guilty to all counts in the Indictment filed in the above numbered and captioned matter, **COUNT ONE, COUNT TWO, COUNT THREE, COUNT FOUR, COUNT FIVE, COUNT SIX, and COUNT SEVEN**; (ii) consent to an order of forfeiture as described below, and (iii) pay restitution, if applicable. In exchange, the United States Attorney, acting on behalf of the Government and through the undersigned Assistant United States Attorney, agrees not to file additional charges for attempted production of child pornography, receipt of child pornography, or possession of child pornography for images created by the defendant at a dance studio in Huntsville, Alabama before October 7, 2014, which could be more than approximately 130 additional criminal counts, and to recommend the disposition specified below at the time of sentencing,

Defendant's Initials JN

subject to the conditions in paragraphs VII and VIII.

TERMS OF THE AGREEMENT

I. MAXIMUM PUNISHMENT

The Parties understand that the maximum statutory punishment that may be imposed for the crime of Sexual Exploitation of Children, in violation of Title 18, United States Code, Section 2251(a), as charged in COUNT ONE, COUNT TWO, COUNT THREE, and COUNT FOUR, is:

- a. Imprisonment for not more than 30 years, but a statutory minimum of 15 years; but if the defendant has certain enumerated prior convictions related to sex offenses and/or child exploitation offenses, imprisonment for not less than 25 years and not more than 50 years, per count;
- b. A fine of not more than \$250,000.00, per count, or,
- c. Both (a and b), per count;
- d. Supervised release of not less than 5 years, up to Life; and,
- e. Special Assessment Fee of \$100, per count.

The Parties understand that the maximum statutory punishment that may be imposed for the crime of Possessing or Accessing With Intent to View Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B), as charged in COUNT FIVE and COUNT SIX, is:

Defendant's Initials JN

- a. Imprisonment for not more than 20 years; but if the defendant has certain enumerated prior convictions related to sex offenses and/or child exploitation offenses, imprisonment for not less than 10 years and not more than 20 years, per count;
- b. A fine of not more than \$250,000.00, per count, or,
- c. Both (a and b), per count;
- d. Supervised release of not less than 5 years, up to Life; and,
- e. Special Assessment Fee of \$100, per count.

The Parties understand that the maximum statutory punishment that may be imposed for the crime of Distribution of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2), as charged in COUNT SEVEN, is:

- a. Imprisonment for not more than 20 years, but a statutory minimum of 5 years; but if the defendant has certain enumerated prior convictions related to sex offenses and/or child exploitation offenses, imprisonment for not less than 15 years and not more than 40 years;
- b. A fine of not more than \$250,000.00, or,
- c. Both (a and b);
- d. Supervised release of not less than 5 years, up to Life; and,
- e. Special Assessment Fee of \$100.

Defendant's Initials JN

II. FACTUAL BASIS FOR PLEA

The United States would be prepared to prove the following facts beyond a reasonable doubt at the trial of this case:

The defendant is a native and citizen of the United States, born in or about March of 1972, social security number ending in 9111. In or about January of 2014, the Department of Homeland Security Investigations and the Alabama Bureau of Investigations identified images of child pornography being shared between a target in Nashville, TN and the defendant in Huntsville, Alabama. The defendant used a gmail Email account to share images of child pornography. For example, the defendant, using Email account “dirtybird1972@gmail.com” sent the following email “This is Dirtybird73 from “Website A.” Nice post you had last night. I would like to trade with you if you are interested. I am wondering if you have more of the three pics you posted. Actually I am interested in more than just those but that is all I am going to ask about this time. In the mean time here is a link for you to around 6000 pics.” On January 23, 2014, the defendant sent an email using the gmail Email account containing two (2) videos containing child pornography including the following video:

One attached file named “rona fuck from behind.MPG” was a video approximately 19 seconds in length that depicts an adult male penetrating a young prepubescent female, approximately eight (8) to ten (10) years of age, with his penis from behind the

Defendant's Initials JN

1998), his cousin, MC#3 (DOB in 1999), his former girlfriend's daughter, MC#4 (DOB in 2003) and a few of their underage friends at his current residence in various stages of undress in the bathroom including while getting in and out of the shower. The defendant stated his purpose for videoing these girls in the bathroom was to attempt to record them nude and was for sexual gratification.

Then, the defendant advised that he had also placed hidden cameras in three businesses located in Huntsville, AL while performing his duties as a janitor. The defendant stated he had placed hidden cameras in an employee bathroom of WHNT channel 19 news located near the kitchen area, in the customer bathroom at the Bentley Cadillac car dealership and in the bathroom and changing rooms of Anne's Dance Studio (Minor Children MC#1 were recorded at ASD). The defendant stated he had also captured various subjects, including minor children, nude and in various stages of undress with those hidden cameras. The defendant stated the purpose of producing the videos was for sexual gratification and to use the videos for trading material.

The defendant pointed out numerous covert video cameras at his desk that he possessed and used within his residence and at the businesses. The defendant advised that some cameras he had built and others he had ordered over the internet. Some of the cameras were "pinhole" cameras with USB connections and battery packs connected that he would hide within trashcans to covertly record subjects.

Defendant's Initials JN

female. The adult males face is not visible in the video. The prepubescent females face is visible.

On or about October 7, 2014, law enforcement contacted the defendant in Huntsville, Alabama within Madison County and the Northern District of Alabama. The defendant was interviewed by law enforcement. Following his verbal and written Miranda Warning and Waiver, the defendant provided verbal and written admissions of attempting to produce images of child pornography of numerous children, including children he knew (MC#2, MC#3, & MC#4) and children at a dance studio that he did not know (MC#1).

The defendant specifically said, "I am going to spend the rest of my life in prison, I am a monster." The defendant remembered sending child pornography images and videos to a subject named Mark that he believed was in Tennessee. The defendant said that there was an extensive amount of child pornography located on the external hard drive currently connected to his desktop which was a Maxtor external hard drive. The defendant stated there was enough child pornography on the external hard drive to send him to prison for the rest of his life. The defendant stated he had been viewing, downloading, and trading child pornography since the invention of the internet.

Furthermore, the defendant stated that he had over a period of several years been using hidden cameras to surreptitiously record his daughters, MC#2 (DOB in

Defendant's Initials SN

was currently a camera recording inside the employee bathroom of the WHNT 19 news station. Law enforcement later recovered the camera from the WHNT bathroom with the cooperation and assistance of employees of WHNT 19 news.

The defendant then gave a written statement acknowledging he possessed an extensive collection of child pornography and that he was guilty of everything including producing videos of his own daughters and their friends changing in the bathroom with the use of hidden cameras. The defendant advised he used a covert camera that appeared to be a wall charger to record videos in the bathroom's and changing rooms at Anne's Dance Studio (ASD).

The defendant told law enforcement that he removed "yearbooks" from Anne's Dance Studio and had them at his residence. The defendant relinquished those books law enforcement. One of the yearbooks was located near the defendant's computer and had several pages tabbed by the defendant.

A preliminary review of the images located on the defendant's computer media seized from defendant indicated that there were images of child pornography produced and possessed. The images of child pornography produced and possessed by the defendant are of a real child engaged in sexually explicit conduct, including but not limited to, sexual intercourse, masturbation, and the lascivious exhibition of the genitals and pubic area of a person.

Defendant's Initials SN

The defendant advised some had motion sensors to ensure recording was only occurring when someone was in the viewing area. The defendant said that he had downloaded an application over the internet to his Samsung work phone that was also a motion activated recorder and that on some occasions he just placed his phone inside a trashcan for capturing video of subjects that were undressing.

The defendant stated he had a digital clock that contained a covert camera that he had used in his bathroom to record his daughters and their underage friends undressing and getting into the shower. The defendant advised he placed the clock camera on the window sill. The defendant stated the clock camera stopped working and he disposed of it. The defendant stated he also used the USB cameras in his bathroom by placing them in the corners of the room below the window to record his daughters and their underage friends undressing. The defendant stated stated MC#4 had caught him attempting to record her in the shower as well as when he once was placing his hand on her thighs and taking pictures while she was asleep.

Law enforcement collected numerous cameras, micro SD cards, thumb drives, CDs, and computers from the defendant's residence. The defendant gave verbal and written consent to search the items relinquished by him to the investigators. The defendant also gave verbal and written consent to search the contents of his several of his email accounts. The defendant then stated that there

Defendant's Initials SN

District of Alabama, and elsewhere, the defendant, Jeremy Joseph Nelson, did knowingly distribute, possess, and access with intent to view child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor and a minor who had not attained 12 years of age, that has been mailed, and shipped and transported using a means and facility of interstate and foreign commerce, to wit: the internet, and that was produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Sections 2252A(a)(2), (a)(5)(B), and (b)(2).

Law enforcement agents seized and searched various computer media, located in the defendant's residence and former places of employment, including but not limited to the following: 1) one HP Desk Top Computer with attached Samsung 1TB computer hard drive with serial number S2QPJ9KB601485; 2) one ACER tablet with attached Western Digital 160GB computer hard drive with serial number WXC1A4087821; 3) one Seagate 500GB external computer hard drive with serial number 6QG22E1A; 4) one Extreme 1 Hitachi 500GB external computer hard drive with serial number 120515J2150050ESUV5C; 5) one ACER Desktop computer with attached Seagate 250GB computer hard drive with serial number 6RY6V34V; 6) one Toshiba Laptop computer with attached Seagate 500GB computer hard drive with serial number S2WSBCT1; 7) fourteen

Defendant's Initials JN

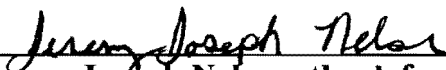
Between and including on or about the 1st day of January 2012 and continuing through on or about the 7th day of October 2014, a more specific time being unable to be determined by law enforcement at this time, in Madison County, within the Northern District of Alabama, the defendant, Jeremy Joseph Nelson, did attempt to and did use, persuade, induce, entice, and coerce a minor, to wit: at least MC#1, MC#2, MC#3, MC#4, & MC#5, to engage in sexually explicit conduct, to wit: actual and simulated sexual intercourse, masturbation, and the lascivious exhibition of the genitals and pubic area of the minor children and the defendant, for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, to wit: the internet, that said visual depiction was produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, and that said visual depiction has actually been transported and transmitted using a means and facility of interstate and foreign commerce, to wit: the internet, in violation of Title 18, United States Code, Sections 2251(a) and (e).

Between on or about the 1st day of January 2014, until on or about the 7th day of October 2014, a more specific time being unable to be determined by law enforcement at this time, in or around Madison County, within the Northern

Defendant's Initials JN

hidden/micro cameras, including a Canon camera with serial number 042062231802; 8) ten Micro SD cards; 9) one Micro SD Adapter with a 2GB Micro SD Card with serial number MMAGR02GUECA-MA; 10) six thumb drives; 11) one DVR wireless thumb drive camera; and, 12) other miscellaneous computer and digital media belonging to and used by the defendant that was obtained by law enforcement in October 2014, used to commit and to promote the commission of violations of 18 U.S.C. §§ 2251 and 2252A seized by law enforcement from the defendant's residence and/or former place of employment.

The defendant hereby stipulates that the facts stated above are substantially correct and that the Court can use these facts in calculating the defendant's sentence. The defendant further acknowledges that these facts do not constitute all of the evidence of each and every act that the defendant and/or any co-conspirators may have committed.



Jeremy Joseph Nelson, the defendant

III. RECOMMENDED SENTENCE

Subject to the limitations in paragraph VIII regarding subsequent conduct and pursuant to Rule 11(c)(1)(B), Fed.R.Crim.P., the government will recommend the following disposition:

- (a) The government will recommend a two (2) level reduction in the

Defendant's Initials JN

defendant's adjusted offense level, based upon the defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for the defendant's criminal conduct. The government agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one (1) level decrease in recognition of the defendant's prompt acceptance of personal responsibility for the defendant's conduct. The government may oppose *any* adjustment for acceptance of responsibility if the defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about the defendant's involvement in the offense; (d) is untruthful with the Court, the Government, or the United States Probation Officer; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw the plea of guilty for any reason other than those expressly enumerated in the Limited Waiver of Right to Appeal and Post-Conviction Relief section of this plea agreement;

(b) That the defendant be remanded to the custody of the Bureau of Prisons and incarcerated for a term within the advisory Guidelines range as calculated by the Court at the time of sentencing, after both parties have had full right of allocution. The defendant specifically preserves his right to request a sentence lower than the sentence recommended by the government;

Defendant's Initials SN

(c) That following the said term of imprisonment, the defendant be placed on supervised release for a period up to Life, subject to the standard conditions of supervised release as set forth in U.S.S.G § 5D1.3, and to the following special condition(s):

1. That the defendant be required to register as a sex offender for the full term of the defendant's supervised release, or for the full term provided for under the law of the jurisdiction the defendant chooses as the defendant's domicile, whichever is longer.
2. That the defendant, with the exception of the defendant's own biological children, if any, not have contact with any child under the age of 18, without the presence of an adult and approved in advance by the Probation Officer; this includes prohibiting the defendant from having any contact with any child by telephone or the internet. The defendant shall immediately report any unauthorized contact with minor-aged children to the Probation Officer;
3. That the defendant complete a sex offender evaluation, which may include periodic psychological, physiological, polygraph, plethysmography testing at the direction of the Probation Officer;
4. That the defendant participate and successfully complete an approved state-certified sex offender treatment program, including

Defendant's Initials SN

compliance with all lifestyle restrictions and treatment requirements of the program. The defendant shall allow reciprocal release of information between the Probation Officer and the treatment provider. The defendant shall contribute to the cost of treatment according to the defendant's ability to pay.

5. That the defendant shall initially register with the state sex offender registration agency in Alabama according to Alabama state law, and shall also register with the state sex offender registration agency according to the law of any state in which the defendant resides, is employed, or is attending school. The defendant shall comply with all requirements of federal and state sex offender registration laws, including the requirement to update his registration information. Defendant shall provide proof of registration to the Probation Officer within 72 hours of release from imprisonment; and

6. That the defendant be prohibited from using any computer, or any other device, with internet access, unless approved in advance by the Probation Officer, or required for employment. If approved by the Probation Officer, or required for employment, the defendant must allow the Probation Officer or designee to conduct random inspections, including retrieval and copying of data from any

Defendant's Initials JN

computer, and any personal computing device that the defendant possesses or has access to, including any internal or external peripherals. This may require temporary removal of the equipment for a more thorough inspection. The defendant shall not possess or use any data encryption technique or program. According to the defendant's ability to pay, the defendant shall purchase and use such hardware and software systems that monitor the defendant's computer usage, if directed by the Probation Officer.

(d) That the defendant be required to pay a fine in accordance with the sentencing guidelines, said amount due and owing as of the date sentence is pronounced, with any outstanding balance to be paid in full by the expiration of the term of supervised release;

(e) That the defendant pay a special assessment fee of \$700, said amount due and owing as of the date sentence is pronounced; and,

(f) Should the government learn that the defendant has sexually abused or assaulted any minor, including photographing any minor engaging in sexually explicit conduct and/or the lascivious exhibition of the genitals or pubic area (not previously identified by HSI Special Agents or not previously disclosed and identified by the defendant in post-arrest consensual interviews), or committed any other crime of violence or if any previously unidentified victim should come

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forward prior to the defendant's sentencing, this agreement will be considered null and void.

IV. WAIVER OF RIGHT TO APPEAL AND POST-CONVICTION RELIEF

In consideration of the recommended disposition of this case, I, Jeremy Joseph Nelson, hereby waive and give up my right to appeal my conviction and/or sentence in this case, as well as any fines, restitution, and forfeiture orders that the Court might impose. Further, I waive and give up the right to challenge my conviction and/or sentence, any fines, restitution, forfeiture orders imposed or the manner in which my conviction and/or sentence, any fines, restitution, and forfeiture orders were determined in any post-conviction proceeding, including, but not limited to, a motion brought under 28 U.S.C. § 2255.


The defendant reserves the right to contest in an appeal or post-conviction proceeding any or all of the following:

- (a) Any sentence imposed in excess of the applicable statutory maximum sentence(s);**
- (b) Any sentence imposed in excess of the guideline sentencing range determined by the Court at the time sentence is imposed;**
and,
- (c) Ineffective assistance of counsel.**

Defendant's Initials JN

The defendant acknowledges that before giving up these rights, the defendant discussed the Federal Sentencing Guidelines and their application to the defendant's case with the defendant's attorney, who explained them to the defendant's satisfaction. The defendant further acknowledges and understands that the government retains its right to appeal where authorized by statute.

I, Jeremy Joseph Nelson, hereby place my signature on the line directly below to signify that I fully understand the foregoing paragraphs, and that I am knowingly and voluntarily entering into this waiver.



Jeremy Joseph Nelson, the defendant

V. UNITED STATES SENTENCING GUIDELINES

Defendant's counsel has explained to the defendant, that in light of the United States Supreme Court's decision in United States v. Booker, the federal sentencing guidelines are advisory in nature. Sentencing is in the Court's discretion and is no longer required to be within the guideline range. The defendant agrees that, pursuant to this agreement, the Court may use facts it finds by a preponderance of the evidence to reach an advisory guideline range, and defendant explicitly waives any right to have those facts found by a jury beyond a reasonable doubt.

Defendant's Initials JN

VI. AGREEMENT NOT BINDING ON COURT

The defendant fully and completely understands and agrees that it is the Court's duty to impose sentence upon the defendant and that any sentence recommended by the government is **NOT BINDING UPON THE COURT**, and that the Court is not required to accept the government's recommendation.

Further, the defendant understands that if the Court does not accept the government's recommendation, the defendant does not have the right to withdraw the guilty plea.

VII. VOIDING OF AGREEMENT

The defendant understands that should the defendant move the Court to accept the defendant's plea of guilty in accordance with, or pursuant to, the provisions of North Carolina v. Alford, 400 U.S. 25 (1970), or tender a plea of *nolo contendere* to the charges, this agreement will become NULL and VOID. In that event, the Government will not be bound by any of the terms, conditions, or recommendations, express or implied, which are contained herein.

VIII. SUBSEQUENT CONDUCT

The defendant understands that should the defendant violate any condition of pretrial release or violate any federal, state, or local law, or should the defendant say or do something that is inconsistent with acceptance of responsibility, the United States will no longer be bound by its obligation to

Defendant's Initials JN

make the recommendations set forth in paragraph III of the Agreement, but instead, may make any recommendation deemed appropriate by the United States Attorney in her sole discretion.

IX. OTHER DISTRICTS AND JURISDICTIONS

The defendant understands and agrees that this agreement **DOES NOT BIND** any other United States Attorney in any other district, or any other state or local authority.

X. COLLECTION OF FINANCIAL OBLIGATION

In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the defendant agrees to fully disclose all assets in which the defendant has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, nominee or other third party. The defendant also will promptly submit a completed financial statement to the United States Attorney's Office, in a form that it provides and as it directs. The defendant also agrees that the defendant's financial statement and disclosures will be complete, accurate, and truthful. Finally, the defendant expressly authorizes the United States Attorney's Office to obtain a credit report on the defendant in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

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XI. AGREEMENT REGARDING RELEVANT CONDUCT AND RESTITUTION

As part of the defendant's plea agreement, the defendant admits to the above facts associated with the charges and relevant conduct for any other acts. The defendant understands and agrees that the relevant conduct contained in the factual basis will be used by the Court to determine the defendant's range of punishment under the advisory sentencing guidelines. The defendant admits that all of the crimes listed in the factual basis are part of the same acts, scheme, and course of conduct. This agreement is not meant, however, to prohibit the United States Probation Office or the Court from considering any other acts and factors which may constitute or relate to relevant conduct. Additionally, if this agreement contains any provisions providing for the dismissal of any counts, the defendant agrees to pay any appropriate restitution to each of the separate and proximate victims related to those counts should there be any.

XII. TAX, FORFEITURE AND OTHER CIVIL/ADMINISTRATIVE PROCEEDINGS

Unless otherwise specified herein, the defendant, **Jeremy Joseph Nelson**, understands and acknowledges that this agreement does not apply to or in any way limit any pending or prospective proceedings related to defendant's tax liabilities, if any, or to any pending or prospective forfeiture or other civil or administrative proceedings.

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1. The defendant agrees to identify all assets over which the defendant exercises or exercised control, directly or indirectly, within the past five years, or in which the defendant has or had during that time any financial interest. The defendant agrees to take all steps as requested by the Government to obtain from any other parties by any lawful means any records of assets owned at any time by the defendant. The defendant agrees to undergo any polygraph examination the Government may choose to administer concerning such assets and to provide and/or consent to the release of the defendant's tax returns for the previous five years. The defendant agrees to forfeit to the Government all of the defendant's interests in any asset of a value of more than \$1,000 that, within the last five years, the defendant owned, or in which the defendant maintained an interest, the ownership of which the defendant fails to disclose to the United States in accordance with this agreement.

2. The defendant agrees to forfeit all interests in any asset used, in any way, to facilitate the offense to which he has pleaded guilty in this case, including but not limited to the following specific property:

(a) one HP Desk Top Computer with attached Samsung 1TB computer hard drive with serial number S2QPJ9KB601485;

(b) one ACER tablet with attached Western Digital 160GB computer hard drive with serial number WXC1A4087821;

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(c) one Seagate 500GB external computer hard drive with serial number 6QG22E1A;

(d) one Extreme 1 Hitachi 500GB external computer hard drive with serial number 120515J2150050ESUV5C;

(e) one ACER Desktop computer with attached Seagate 250GB computer hard drive with serial number 6RY6V34V;

(f) one Toshiba Laptop computer with attached Seagate 500GB computer hard drive with serial number S2WSBCT1;

(g) fourteen hidden/micro cameras, including a Canon camera with serial number 042062231802;

(h) ten Micro SD cards;

(i) one Micro SD Adapter with a 2GB Micro SD Card with serial number MMAGR02GUECA-MA;

(j) six thumb drives;

(k) one DVR wireless thumb drive camera; and,

(l) other miscellaneous computer and digital media belonging to and used by the defendant that was obtained by law enforcement in October 2014

used to commit and to promote the commission of violations of 18 U.S.C. §§ 2251 and 2252A seized by law enforcement from the defendant's residence and/or former place of employment.

Defendant's Initials SN

3. The defendant agrees to consent to the immediate entry of orders of forfeiture for this property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. The defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

4. The defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The defendant agrees to take all steps as requested by the Government to pass clear title to forfeitable assets to the Government, and to testify truthfully in any judicial forfeiture proceeding. The defendant acknowledges that all property covered by this agreement is subject to forfeiture as proceeds of illegal conduct.

Non-Abatement of Criminal Forfeiture

The defendant agrees that the forfeiture provisions of this plea agreement are intended to, and will, survive him, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement. The

Defendant's Initials JW

forfeitability of any particular property pursuant to this agreement shall be determined as if the defendant had survived, and that determination shall be binding upon the defendant's heirs, successors, and assigns until the agreed forfeiture, including any agreed money judgment amount, is collected in full. To the extent that forfeiture pursuant to this agreement requires the defendant to disgorge wrongfully obtained criminal proceeds for the benefit of the defendant's victims, the defendant agrees that the forfeiture is primarily remedial in nature.

Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense(s) to which defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including any attorney or the district court, can predict to a certainty the effect of conviction on immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that plea may entail, even if the consequence is automatic removal from the United States.

XIII. SEX OFFENDER REGISTRATION

Defendant understands that by pleading guilty, defendant will be required to register as a sex offender upon his release from prison as a condition of supervised

Defendant's Initials JN

release pursuant to 18 U.S.C. § 3583(d) and this Plea Agreement. Defendant also understands that, independent of supervised release, he will be subject to federal and state sex offender registration requirements, and that those requirements may apply throughout his life. The defendant understands that he shall keep his registration current, shall notify the state sex offender registration agency or agencies of any changes to defendant's name, place of residence, employment, or student status, or other relevant information. Defendant shall comply with requirements to periodically verify in person his sex offender registration information. Defendant understands that he will be subject to possible federal and state penalties for failure to comply with any such sex offender registration requirements. If he resides in Alabama following release from prison, he will be subject to the registration requirements of Alabama Code § 13A-11-200, et seq. and other relevant Alabama law. Defendant further understands that, under 18 U.S.C. § 4042(c), notice will be provided to certain law enforcement agencies upon his release from confinement following conviction.

XIV. DEFENDANT'S UNDERSTANDING

I have read and understand the provisions of this agreement consisting of **twenty-seven (27)** pages. I have discussed the case and my constitutional and other rights with my lawyer. I am satisfied with my lawyer's representation in this case. I understand that by pleading guilty, I will be waiving and giving up my right

Defendant's Initials JS

to continue to plead not guilty, to a trial by jury, to the assistance of counsel at that trial, to confront, cross-examine, or compel the attendance of witnesses, to present evidence in my behalf, to maintain my privilege against self-incrimination, and to the presumption of innocence. I agree to enter my plea as indicated above on the terms and conditions set forth herein.

NO OTHER PROMISES OR REPRESENTATIONS HAVE BEEN MADE TO ME BY THE PROSECUTOR, OR BY ANYONE ELSE, NOR HAVE ANY THREATS BEEN MADE OR FORCE USED TO INDUCE ME TO PLEAD GUILTY.

I further state that I have not had any drugs, medication, or alcohol within the past 48 hours except as stated here:

I understand that this Plea Agreement will take effect and will be binding as to the Parties **only** after all necessary signatures have been affixed hereto.

I have personally and voluntarily placed my initials on every page of this Agreement and have signed the signature line below to indicate that I have read, understand, and approve all of the provisions of this Agreement, both individually and as a total binding agreement.

1-26-15
DATE

Jeremy Joseph Nelson
Jeremy Joseph Nelson,
The defendant


Defendant's Initials JN

XV. COUNSEL'S ACKNOWLEDGMENT

I have discussed this case with my client, **Jeremy Joseph Nelson**, in detail and have advised my client of all of my client's rights and all possible defenses. My client has conveyed to me that my client understands this Agreement and consents to all its terms. I believe the plea and disposition set forth herein are appropriate under the facts of this case and are in accord with my best judgment. I concur in the entry of the plea on the terms and conditions set forth herein.

1-26-15

DATE


MICHAEL TEWALT
Defendant's Counsel**XVI. GOVERNMENT'S ACKNOWLEDGMENT**

I have reviewed this matter and this Agreement and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

1/30/15

DATE

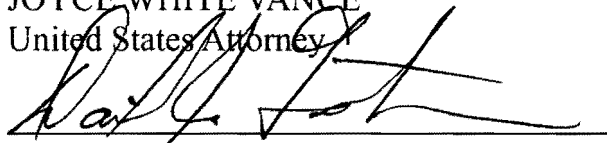
JOYCE WHITE VANCE
United States Attorney
DANIEL J. FORTUNE
Assistant United States AttorneyDefendant's Initials JN

Exhibit D

1

1 IN THE CIRCUIT COURT OF
 2 MADISON COUNTY, ALABAMA
 3
 4 JANE DOE, as mother)
 5 and next friend of)
 6 MARY DOE, a minor, and)
 7 ALL OTHER MINOR)
 8 CHILDREN, similarly)
 9 situated,)
 10 Plaintiffs,) CIVIL ACTION NO.
 11 vs.) CV 16-900433
 12 JEREMY JOSEPH NELSON;))
 13 JAMES STARKEY,))
 14 individually, and as))
 15 owner of SANITARY))
 16 SYSTEMS,))
 17 Defendants.))
 18
 19
 20 DEPOSITION OF
 21 STATE INVESTIGATOR
 22 THOMAS A. WHITTEN
 23

3

1 AGREED that it shall not be necessary
 2 for any objections to be made by
 3 counsel to any questions, except as to
 4 form or leading questions, and that
 5 counsel for the parties may make
 6 objections and assign grounds at the
 7 time of the trial, or at the time said
 8 deposition is offered in evidence, or
 9 prior thereto.
 10 IT IS FURTHER STIPULATED AND
 11 AGREED that notice of filing of the
 12 deposition by the Commissioner is
 13 waived.
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23

2

1 STIPULATIONS
 2
 3 IT IS STIPULATED AND AGREED, by
 4 and between the parties through their
 5 respective counsel, that the deposition
 6 of State Investigator THOMAS A. WHITTEN
 7 may be taken before Kristie Deavours
 8 Muir, Alabama CCR#32, Notary Public,
 9 State at Large, at the law offices of
 10 Smith, Spires, Peddy, Hamilton &
 11 Coleman, 2015 Second Avenue North,
 12 Suite 200, Birmingham, Alabama, 35203,
 13 on March 6, 2018, beginning at
 14 approximately 10:05 a.m.
 15 IT IS FURTHER STIPULATED AND
 16 AGREED that the reading of and
 17 signature to the deposition by the
 18 witness is waived, the deposition to
 19 have the same force and effect as if
 20 full compliance had been had with all
 21 laws and rules of Court relating to the
 22 taking of depositions.
 23 IT IS FURTHER STIPULATED AND

4

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5

1 A P P E A R A N C E S

2

3 BEFORE:

4 Kristie Deavours Muir, AL CCR#32

5 Commissioner, Notary Public

6

7 FOR THE PLAINTIFF:

8 Mr. Drew E. Haskins

9 HENINGER, GARRISON, DAVIS

10 2224 1st Avenue North

11 Birmingham, Alabama 35203

12

13 FOR THE PLAINTIFF (via telephone):

14 Mr. Eric James Artrip

15 MASTANDO & ARTRIP

16 301 Washington Street N.W., Suite 302

17 Huntsville, Alabama 35801

18

19 FOR THE DEFENDANT:

20 Mr. Thomas M. Little

21 SMITH, SPIRES, PEDDY, HAMILTON & COLEMAN

22 2015 Second Avenue North, Suite 200

23 Birmingham, Alabama 35203

6

1 I, Kristie Deavours Muir,

2 Alabama CCR#32, Notary Public, State at

3 Large, a Court Reporter of Birmingham,

4 Alabama, acting as Commissioner,

5 certify that on this date, as provided

6 by Rule 30 of the Alabama Rules of

7 Civil Procedure, and the foregoing

8 stipulation of counsel, there came

9 before me at the law offices of Smith,

10 Spires, Peddy, Hamilton & Coleman, 2015

11 Second Avenue North, Suite 200,

12 Birmingham, Alabama, 35203, on

13 March 6, 2018 at or about 10:05 a.m.,

14 State Investigator THOMAS A. WHITTEN,

15 witness in the above cause, for oral

16 examination, whereupon the following

17 proceedings were had:

18

19 THE COURT REPORTER: Usual

20 stipulations?

21 MR. HASKINS: Yes.

22 MR. LITTLE: Yes.

23

7

1 THOMAS A. WHITTEN,

2 having first been duly sworn, was

3 examined and testified as follows:

4

5 EXAMINATION BY MR. LITTLE:

6 Q. Are you Corporal Thomas

7 Whitten?

8 A. Yes, sir.

9 Q. State your full name, if you

10 would.

11 A. Thomas Aaron Whitten.

12 Q. Are you currently employed by

13 ALEA?

14 A. Yes, I am.

15 Q. Tell me a little bit about your

16 employment history, if you would.

17 A. I started with the Alabama

18 Department of Public Safety August of

19 1977. I worked three years and I quit

20 for a year and went to work for Calera

21 PD and then I came back, traffic

22 homicide investigator,

23 reconstructionist, commercial vehicle

8

1 reconstructionist. And about 2006 I

2 transferred to ABI major crimes in

3 Birmingham. Worked there about a

4 year --

5 Q. What was that year? I

6 apologize.

7 A. 2006.

8 Q. 2006?

9 A. Yeah. In 2007 I was

10 transferred to the cybercrime unit out

11 of Montgomery but stationed up here in

12 Birmingham.

13 Q. And are you with the cybercrime

14 unit presently?

15 A. No, I worked with the

16 cybercrime unit up until February 2016

17 when I went back to highway patrol.

18 Q. And you were with the

19 cybercrime unit during the course of

20 the investigation of Jeremy Nelson in

21 late 2014?

22 A. Yes, sir, I was.

23 Q. What was your -- I guess what

<p style="text-align: right;">9</p> <p>1 was your position at that time?</p> <p>2 A. I was a corporal with Alabama</p> <p>3 Bureau of Investigations before it</p> <p>4 became ALEA so I was a supervisor over</p> <p>5 the cybercrime unit in the northern</p> <p>6 half of the state.</p> <p>7 Q. And for those on the jury not</p> <p>8 familiar with the cybercrime unit, what</p> <p>9 does that encompass?</p> <p>10 A. It's child exploitation</p> <p>11 investigation unit. We conduct</p> <p>12 investigations involving internet-based</p> <p>13 crimes against children. And I was</p> <p>14 also a computer forensics examiner for</p> <p>15 the State of Alabama.</p> <p>16 Q. I introduced myself to you</p> <p>17 earlier, but I represent James Starkey</p> <p>18 who was Mr. Nelson's employer at the</p> <p>19 time, and I think you may have spoken</p> <p>20 with him, I know someone from ALEA did?</p> <p>21 A. Uh-uh (in the negative).</p> <p>22 Q. So your experience</p> <p>23 investigating crimes involving child</p>	<p style="text-align: right;">11</p> <p>1 asked for assistance on a search</p> <p>2 warrant up in north Alabama. I don't</p> <p>3 remember the city. I don't have access</p> <p>4 to my case files so I can't tell you --</p> <p>5 Q. I think I can help you with</p> <p>6 that.</p> <p>7 A. -- the dates and all of that</p> <p>8 without looking at my case file.</p> <p>9 (Whereupon, Defendant's</p> <p>10 Exhibit 1 was marked</p> <p>11 for identification.)</p> <p>12 Q. Let me show you what's marked</p> <p>13 as Defendant's Exhibit 1, and I'll</p> <p>14 represent to you that is what we got in</p> <p>15 response to our subpoena to ALEA in</p> <p>16 this matter.</p> <p>17 A. It's Agent Salser's case file.</p> <p>18 Q. This is Agent Salser's case</p> <p>19 file?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What would your case file</p> <p>22 include that is not included in that</p> <p>23 document?</p>
<p style="text-align: right;">10</p> <p>1 pornography started in 2007 when you</p> <p>2 went to the cybercrime unit?</p> <p>3 A. Yes, sir.</p> <p>4 Q. How many -- do you have any</p> <p>5 idea how many cases you investigated</p> <p>6 during that period when you were with</p> <p>7 them from '07 to 2015?</p> <p>8 A. Hundreds. For several years I</p> <p>9 was up here by myself and so I was</p> <p>10 covering the entire northern half of</p> <p>11 the state until Agent Salser came on</p> <p>12 board.</p> <p>13 Q. Is Agent Salser still with the</p> <p>14 cybercrime unit?</p> <p>15 A. As far as I know he is.</p> <p>16 Q. And we're supposed to talk to</p> <p>17 him later on today. Are you familiar</p> <p>18 with the criminal investigation of</p> <p>19 Jeremy Joseph Nelson?</p> <p>20 A. Yes, sir, I am.</p> <p>21 Q. And what led you to become</p> <p>22 involved in that investigation?</p> <p>23 A. Immigration customs enforcement</p>	<p style="text-align: right;">12</p> <p>1 A. Only I would have done extra</p> <p>2 since I was a supervisor, I would have</p> <p>3 done an assist report and just stated</p> <p>4 what all I performed.</p> <p>5 Q. An assist report?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What would that encompass?</p> <p>8 A. What I did on the</p> <p>9 investigation.</p> <p>10 Q. Do you have any independent</p> <p>11 memory of what you did?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Tell me what you did that would</p> <p>14 not be included in that document?</p> <p>15 A. I assisted ICE during the knock</p> <p>16 and talk. I think it was a knock and</p> <p>17 talk, I don't think it was a search</p> <p>18 warrant. And when they made entry they</p> <p>19 asked me to -- he gave permission to</p> <p>20 search, from what I can recall, and I</p> <p>21 began to search for electronic media</p> <p>22 devices such as computers, laptops,</p> <p>23 cellphones. That's when we came across</p>

<p style="text-align: right;">13</p> <p>1 several homemade video cameras, small 2 video cameras installed with SD cards 3 installed into them or made out of 4 thumb drives. 5 Q. As I recall the knock and talk 6 took place on October 7th of 2014? 7 A. That's best of my knowledge, 8 yes, sir. 9 Q. Do you know when your office 10 would have become involved in relation 11 to that date? 12 A. No, sir, I don't remember 13 exactly when. It would have been 14 within a few days of that so we could 15 coordinate the search warrant and 16 travel up there and, you know, 17 information pertaining to us staying up 18 there and assisting. 19 Q. ALEA didn't have any 20 involvement in, I guess, what lead up 21 to that search warrant? 22 A. I think we did. From what I 23 can see from Salser's report we had a</p>	<p style="text-align: right;">15</p> <p>1 had received the same cyber tip, so you 2 know, we -- I guess they contacted us 3 and asked if we were involved. So it 4 was the same cyber tip that ICE had. 5 (Whereupon, Defendant's 6 Exhibit 2 was marked 7 for identification.) 8 Q. Let me show you what I'm going 9 to mark as Defendant's Exhibit 2 and 10 I'll represent to you that those are 11 documents that we received in 12 connection with a FOIA request made to 13 the Department of Homeland Security, 14 much of it's redacted. 15 A. There's not much there. 16 Q. The final ten pages or so are 17 not, and if you'll look at page 384, I 18 think they're numbered on the bottom 19 and there's some on the back. I 20 apologize for that as well. Feel free 21 to take that clip off if it makes it 22 easier. 23 A. Okay.</p>
<p style="text-align: right;">14</p> <p>1 cyber tip from the National Center of 2 Missing and Exploited Children. I was 3 just reading that. Let me see if I can 4 find it, if that's -- if this is the 5 right case file. Yes, it says here he 6 received a cyber tip number 2324716 for 7 NCMEC concerning a report from Google 8 involving dissemination of child 9 pornography. 10 Q. What date did that came in? 11 A. He doesn't have it there and 12 let me see if he's got it here. 13 MR. LITTLE: Kristie, NCMEC is 14 N-C-M-E-C. 15 THE COURT REPORTER: Thank you. 16 MR. LITTLE: You're welcome. 17 A. Let me see here what he's got. 18 We got involved October 7th. 19 Q. Okay. 20 A. But I'm trying to see when we 21 received the NCMEC report and I don't 22 see it in here. And I think he would 23 have -- well, here it is. Yeah, ICE</p>	<p style="text-align: right;">16</p> <p>1 Q. On that page -- it may start on 2 the previous page I think there's 3 summary of -- 4 A. A Gmail account. 5 Q. Yeah, the investigative things 6 that ICE did prior to executing the 7 search warrant, in fact I think that is 8 an exhibit to an application for a 9 search warrant? 10 A. Correct. 11 Q. Was ALEA involved in any of 12 those matters? 13 A. No, sir. 14 Q. Are you aware of anything that 15 ALEA did in terms of the investigation 16 before the October 7th knock and talk? 17 A. No, sir, I'm not. 18 Q. What other -- were there any 19 other agencies besides your cybercrime 20 unit and ICE that were involved in that 21 investigation? 22 A. No, sir, that's all I recall, 23 just those two.</p>

<p style="text-align: right;">17</p> <p>1 Q. Were you present for the 2 October 7th knock and talk? 3 A. Yes, sir, I was. 4 Q. Who else was there? 5 A. Agent Suzanne Prevatte, Bobby 6 Smith -- Agent Bobby Smith with ICE 7 and -- 8 Q. Both of them were with ICE? 9 A. Yes, sir, and Agent Salser with 10 us. 11 Q. Have you worked with Agents 12 Prevatte and Smith before? 13 A. Yes, sir, I have, numerous 14 occasions. 15 Q. Is it typical for ICE and the 16 cybercrime unit to coordinate on 17 investigations like this? 18 A. Yes, sir, it is. 19 Q. That document that you're 20 reading now in Defendant's Exhibit 2, 21 on page 384 of that document -- I 22 apologize, you were looking at the 23 wrong thing.</p>	<p style="text-align: right;">19</p> <p>1 was in the house talking to him and I 2 think Agent Salser went in and myself 3 and Suzanne waited outside. I 4 understand Bobby Ray got a consent from 5 him and asked me to come in and conduct 6 a forensic preview of his computers. 7 Q. When you say Bobby Ray is that 8 Agent Smith? 9 A. Yes, Agent Smith. Yeah. 10 Sorry. 11 Q. No, it's fine. I just wanted 12 to make sure we're talking about the 13 same person. 14 A. Yeah, I'm surprised I don't 15 throw my hair back like he does. I 16 guess y'all know Bobby. 17 Q. Not yet. We're trying to get 18 to know him but so far the Federal 19 government is throwing up a roadblock 20 to us. 21 So after you got -- after Agent 22 Smith got consent to search the 23 premises from Mr. Nelson, what happened</p>
<p style="text-align: right;">18</p> <p>1 A. Okay. Yes, sir. 2 Q. On page 384 of that document it 3 discusses child pornography allegedly 4 being transmitted from Nelson's Gmail 5 account to a subject in Tennessee? 6 A. Yes, sir. 7 Q. Containing two videos and three 8 images? 9 A. Yes, sir. 10 Q. Do you have any knowledge of 11 what those images that were transmitted 12 to the subject in Tennessee contained? 13 A. No, sir, I'm not. 14 Q. You're not aware -- are you 15 aware that any of those images were 16 from the three businesses that 17 Mr. Nelson stated he had cameras placed 18 in? 19 A. No, sir, I'm not. 20 Q. Take me through that October 21 7th knock and talk and just -- 22 A. We knocked on the door that 23 morning. He was at home and Bobby Ray</p>	<p style="text-align: right;">20</p> <p>1 after that? 2 A. I conducted a forensic preview 3 and found child pornography on -- I 4 want to say a laptop. And then I 5 started noticing thumb drives but 6 things were attached to them and they 7 appeared to be little micro cameras. 8 Q. When you say a forensic preview 9 what would be involved in that? 10 A. That means I use computer 11 software designed to look at the 12 computers without altering any data. 13 Allows me to preview what's on the 14 computer. 15 Q. Do you know what software that 16 is? 17 A. I don't remember off the top of 18 my head what I was using that day. 19 Q. So basically that software, if 20 I understand it, would search his 21 laptop, is it specifically looking for 22 child pornography? 23 A. Yes, sir. Yes, sir, it is or,</p>

<p style="text-align: right;">21</p> <p>1 you know, any -- any known images, but 2 also any images that aren't known it'll 3 with tag based off the file name. 4 Q. And have any idea approximately 5 how many images you found during that 6 preview? 7 A. No, sir, I don't. But I know 8 it was a lot and we just kind of 9 stopped and waited for a search warrant 10 to do the examination then. 11 Q. And who applied for that search 12 warrant? 13 A. I don't recall. We didn't -- I 14 didn't. It may have been ICE that did 15 it but if I remember correctly, it was 16 Special Agent Robert Thompson that came 17 in the next day and we were up in 18 Huntsville at the Child Advocacy Center 19 where we did the examinations on the 20 computers. 21 Q. Robert Thompson is down in 22 Montgomery? 23 A. Yes, sir.</p>	<p style="text-align: right;">23</p> <p>1 Q. Is that something that ALEA 2 would have maintained? 3 A. Yes, sir. 4 Q. Do you know if that index or 5 that examination report was -- would 6 have been also shared with ICE? 7 A. Yes, sir, it would have. 8 Q. What other documents -- what 9 other investigative documents would 10 have been shared with ICE? 11 A. That would have been it, the 12 computer forensics report, my assist 13 report and Salser's case file probably 14 would have been given to them also. 15 Q. We discussed a little while ago 16 in Defendant's Exhibit 2, the majority 17 of that document has been redacted, do 18 you have any knowledge of what would be 19 contained in those redacted pages? 20 A. No, sir. 21 Q. So just so I know, the 22 documents that would have been shared 23 with ICE -- the ALEA documents that</p>
<p style="text-align: right;">22</p> <p>1 Q. What is his position? 2 A. He's a special agent also. 3 He's a senior special agent now and he 4 was special agent then and he was a 5 computer forensic examiner same as I 6 was. 7 Q. Is he the agent that executed 8 the search warrant and searched the -- 9 I guess his computer equipment that was 10 found and seized? 11 A. Yes, sir, he would have been. 12 Yes, sir. 13 Q. Is there any type of a list or 14 an index that would have been compiled 15 of the material that was found on his 16 equipment? 17 A. Yes, Special Agent Robert 18 Thompson should have done that with the 19 computer forensics examination report. 20 Q. And I think you said that 21 document is referred to as a computer 22 forensic examination report? 23 A. Yes, sir.</p>	<p style="text-align: right;">24</p> <p>1 would have been shared with ICE would 2 have contained -- or would consist of 3 the computer forensics examination 4 report, ALEA's case file and then your 5 report and Agent Salser's report? 6 A. Yes, sir. 7 Q. Anything else that you can 8 think of? 9 A. No, sir. Well, I would assume 10 probably any notes we took during the 11 interview of the children and the 12 interview of the news stations. I 13 don't recall who would have maintained 14 them, whether Salser would have or I 15 would have. I don't have access to my 16 case files anymore, so. 17 Q. Would that case file be in 18 Montgomery? 19 A. It should be. 20 Q. And would Agent Thompson be the 21 custodian of the computer forensics 22 examination report? 23 A. Yes, sir, he should be.</p>

<p style="text-align: right;">25</p> <p>1 Q. Anything else -- was anything 2 else done during the knock and talk? 3 A. No, sir, not between us. ICE 4 continued to interview him and got a 5 statement from him. 6 Q. And you didn't participate in 7 the interview of Mr. Nelson? 8 A. I was in there when he was 9 talking. He told us about the hidden 10 cameras at the news station and the 11 dance studio. And I think he admitted 12 to videotaping his daughter and one of 13 her friends, something like that. 14 Q. Right. Where did that 15 interview take place in his house? 16 A. In his bedroom. 17 Q. And I think you said that 18 interview was conducted by Agents Smith 19 and Prevatte? 20 A. Agent Smith. 21 Q. Agent smith? 22 A. I think the guy wanted to talk 23 to Agent Smith by himself, because I</p>	<p style="text-align: right;">27</p> <p>1 go any further, Mr. Nelson told you, I 2 believe according to the investigative 3 report, that there was a -- I'll call 4 it an active camera that was at Channel 5 19, a business in Huntsville? 6 A. Yes, sir. 7 Q. Who went to Channel 19? 8 A. I know I was there and I 9 believe Salser went with me, or it may 10 have been Thompson. I think it was 11 Thompson but I'm not a hundred percent 12 sure. 13 Q. And from the investigative 14 report -- let's see, was that on the 15 same date? 16 A. Yes, sir, October 7th. 17 Q. And tell me about that visit if 18 you would? 19 A. That was myself and Agent 20 Prevatte. We made contact with Channel 21 19 News and attempted to locate the 22 active hidden camera that he stated he 23 still had hidden. During the</p>
<p style="text-align: right;">26</p> <p>1 know a couple of times we tried to come 2 in and -- before the examination and he 3 kind of put his hand up for us to back 4 off. 5 Q. Agent Smith did? 6 A. Yeah. He had a good rapport 7 with him I guess. 8 Q. And it appeared to me from 9 the -- from both ALEA's investigative 10 report and from ICE's investigative 11 report that Mr. Nelson was cooperative? 12 A. Yes, sir, he was cooperative. 13 Q. All right. Let me show you, I 14 recently went down to Montgomery and 15 met with Agent Thompson and he laid out 16 all the cameras and other equipment 17 that was seized and I photographed it. 18 And I apologize some of these 19 photographs are a little blurry. If 20 you would, let's go through those and 21 pick out what we need to. 22 A. Yep. 23 Q. First of all, I guess before I</p>	<p style="text-align: right;">28</p> <p>1 discussion the agents were able to 2 corroborate with Nelson's statements 3 and locate a small hidden camera in the 4 bottom of a small garbage can under the 5 garbage bag with a little hole drilled 6 in the side of the little bitty garbage 7 can, pointing at the stall. 8 (Whereupon, Defendant's 9 Exhibit 3 was marked 10 for identification.) 11 Q. Maybe we ought to do this this 12 way. What I've marked as Defendant's 13 Exhibit 3 is a series of photographs 14 depicting what appears to be -- 15 (A discussion was held 16 off the record at 10:29 a.m.) 17 Q. That is a series of eight 18 photographs that depict a trash can, is 19 that the trash can that was found at 20 Channel 19? 21 A. Yes, sir. 22 Q. It appears to be -- it's got a 23 section of it that was broken out, was</p>

1 it like that when you found it?
 2 A. I believe so, but I'm not --
 3 don't quote me on that, but I mean you
 4 have to, but I don't remember off the
 5 top of my head. But I do remember the
 6 hole in it.
 7 Q. And what was the hole for?
 8 A. A pinhole camera with a thumb
 9 drive attached to it.
 10 Q. How was that, I guess, placed
 11 in there?
 12 A. I don't remember off the top of
 13 my head. I know it was sitting down
 14 there, it may have been taped to the
 15 side of it but it was in there to the
 16 point that it was pointing out and
 17 slightly at an angle.
 18 Q. The lens on the camera was
 19 lined up with that hole?
 20 A. Yes, sir.
 21 Q. And it was somehow attached to
 22 the -- or the camera itself was somehow
 23 attached to the inside of that trash

1 can?
 2 A. Yes, sir, if I best call. Yes,
 3 sir.
 4 Q. And it's my understanding that
 5 there was a trash bag that was down in
 6 the trash can --
 7 A. Yes, sir.
 8 Q. -- that covered the camera?
 9 A. Yes, sir.
 10 Q. Is that the way you remember
 11 finding it?
 12 A. Yes, sir, I do remember the
 13 trash bag being in it.
 14 Q. These photographs that I took
 15 were just different cameras that were
 16 seized from his residence I guess and
 17 Channel 19?
 18 A. Yes, sir.
 19 Q. Do you -- are you able to look
 20 through these and tell me what camera
 21 was found in there?
 22 A. Maybe.
 23 (Witness reviewing documents.)

1 A. That may have been it right
 2 there because of the batteries. It had
 3 to run by itself. He would home make
 4 these and attach lithium batteries to
 5 them.
 6 Q. When we took his deposition we
 7 talked about that process of making
 8 these cameras and attaching batteries
 9 to them.
 10 A. That may be the same one.
 11 Q. I think it is.
 12 A. Yeah.
 13 (Whereupon, Defendant's
 14 Exhibit 4 was marked
 15 for identification.)
 16 Q. All right. Let me show you
 17 what I'll mark as Defendant's Exhibit
 18 4. This is a series of five
 19 photographs depicting a camera --
 20 homemade camera that had several
 21 batteries attached to it. And is it
 22 your testimony that you believe that it
 23 was that camera that was found in the

1 trash can at Channel 19?
 2 A. Yes, sir, best of my knowledge.
 3 Q. Sure. Is that the only, I
 4 guess, active camera that he had placed
 5 in one of these businesses at the time
 6 of his interview?
 7 A. Yes, sir, I believe so.
 8 Q. He described -- I'll represent
 9 to you that he described during his
 10 deposition that one of the cameras that
 11 he used at the --
 12 A. Was the plug.
 13 Q. -- dance studio was a --
 14 A. Charger type.
 15 Q. Was supposed to look like a
 16 charger, do you recall him saying that?
 17 A. Yes, sir, I do. I recall
 18 during interviewing some of the
 19 parents, they recall seeing that in the
 20 changing room.
 21 (Whereupon, Defendant's
 22 Exhibit 5 was marked
 23 for identification.)

1 Q. Let me show you what I'll mark
2 as Defendant's Exhibit 5 and ask you if
3 those depict a camera that is I guess
4 disguised as a charger -- I mean a
5 phone charger or some kind of adapter
6 of some sort?

7 A. Yes, sir, that's it.

8 Q. Is it your understanding that
9 those pictures depict what was hidden
10 in the dance studio?

11 A. According to him and what other
12 parents saw, that he would plug it in
13 the wall and leave it overnight. It
14 had a little pinhole camera hole in the
15 front of it, actually you can see it.

16 Q. Right. In that double square?

17 A. Double square, yes, sir.

18 Q. But that camera was not found
19 at the dance studio?

20 A. No, sir, it was not.

21 Q. It was at his home?

22 A. Yes, sir. We actually went
23 that evening and searched the dance

1 studio to make sure there was
2 nothing -- no active cameras.

3 Q. And you didn't find any?

4 A. No, sir.

5 Q. One of the other -- or the
6 other business that was identified by
7 Mr. Nelson was Bentley Cadillac?

8 A. Yes, sir.

9 Q. Did you investigate that as
10 well?

11 A. I believe we did. Well,
12 actually I know we did. The question
13 is whether I did or not but I think I
14 was there on that one. We didn't find
15 anything, no active cameras.

16 (Whereupon, Defendant's
17 Exhibit 6 was marked
18 for identification.)

19 Q. I'm just going to mark the
20 remainder of these photographs that I
21 took down in Montgomery as Defendant's
22 Exhibit 6. If you would, just look
23 through those, and we can pull out any

1 that we need to, but tell me if you
2 recall or if you know or have any idea
3 of his use of any of those cameras, if
4 he pointed out -- do you recall him
5 pointing out that I used this camera
6 for such-and-such a use?

7 A. No, sir, I don't recall off the
8 top of my head. I remember he -- I
9 recall him saying something about the
10 hanger but I don't remember what it was
11 reference to.

12 Q. Just pull that out, if you
13 would.

14 (Witness Complies.)

15 (Whereupon, Defendant's
16 Exhibit 7 was marked
17 for identification.)

18 Q. I'm going to mark that as
19 Defendant's Exhibit 7, it's a series of
20 four photographs, and does that -- do
21 those photographs that are in
22 Defendant's Exhibit 7, do they show a
23 camera that's disguised as a clothes

1 hanger?

2 A. Yes, sir, it does.

3 Q. But you don't remember where he
4 said he used that?

5 A. Not off the top of my head I
6 don't. That may have been in his home,
7 used it when he videotaped his
8 daughters or daughter. But I don't
9 recall exactly what he said.

10 That may have been another one
11 he used in a trash can somewhere, if I
12 recall correctly that one -- those two
13 right there, because it's got a pinhole
14 camera also with batteries attached to
15 it.

16 (Whereupon, Defendant's
17 Exhibit 8 was marked
18 for identification.)

19 Q. Let's mark those two as
20 Defendant's Exhibit 8.

21 A. Same thing with those, that
22 would have been in a trash can
23 somewhere where he had drilled a hole

1 in it also. This is --
 2 (Whereupon, Defendant's
 3 Exhibit 9 was marked
 4 for identification.)
 5 Q. Before you move on to that one,
 6 we'll mark these as Defendant's Exhibit
 7 9, but you don't know where he used
 8 this?
 9 A. No, sir. All of these if I
 10 remember correctly, that goes with
 11 Exhibit Number --
 12 Q. 4?
 13 A. -- 4. Where is that clothes
 14 hanger one we had? Did you hand it to
 15 me?
 16 Q. I think I did. It's right
 17 there. As I recall there were several
 18 of those that looked like that?
 19 A. Yeah, I want to make sure it's
 20 not the same one. Actually I think it
 21 is. Yes, that's the same one.
 22 Q. Okay. Pull that one out if you
 23 would.

1 A. That one, that one and that
 2 one, those three should go with that,
 3 Exhibit Number 7.
 4 Q. All right. So 7, Defendant's
 5 Exhibit 7, now has seven photographs
 6 and that's the camera disguised as a
 7 hanger.
 8 All right. So Defendant's
 9 Exhibit 6 is just the remainder of
 10 these photographs and you testified
 11 that these were items seized from
 12 Mr. Nelson's house but you're not able
 13 to identify them or tell me what they
 14 were used for?
 15 A. I can't verify where they -- I
 16 know what they were used for.
 17 Q. Sure.
 18 A. But can't verify where he had
 19 placed them, correct.
 20 Q. Okay. So I think you had
 21 identified the -- thank you.
 22 You identified 5 as the camera
 23 he used in the dance studio?

1 A. Yes, sir.
 2 Q. 4 as possibly the camera he
 3 used at Channel 19?
 4 A. Yes, sir.
 5 Q. Are you and I guess 7
 6 possibly at --
 7 A. At his home.
 8 Q. -- Bentley -- or do you know
 9 what he used at Bentley Cadillac?
 10 A. If I remember correctly it was
 11 a trash can, the same way he did at the
 12 dance studio, something that nobody
 13 would obviously see or pay attention
 14 to.
 15 Q. Okay.
 16 A. And I don't remember if we ever
 17 recovered any video showing that he was
 18 at the Cadillac place.
 19 Q. Tell me if you would, I'm
 20 assuming you're familiar with documents
 21 like the computer forensics examination
 22 report?
 23 A. Yes, sir.

1 Q. What information would be on
 2 that typically?
 3 A. The GUID, the global unique
 4 identifying -- global unique identifier
 5 related to the media that you're
 6 searching.
 7 Q. What is that?
 8 A. It's just a unique number like
 9 a serial number that never changes with
 10 that computer or that piece of
 11 hardware.
 12 Q. So if you --
 13 A. I say never changes, never
 14 changes at the time we got it.
 15 Q. And that would be associated
 16 with the hardware that was used to
 17 create it or store it?
 18 A. Stored it and uploaded it or
 19 whatever he did to it. You know, these
 20 thumb drive ones would have a GUID. As
 21 long as it's got a memory card attached
 22 to it, it's going to have a GUID, some
 23 type of unique identifier as long as we

<p style="text-align: right;">41</p> <p>1 don't alter data on it. Once you alter 2 data it's a different, there's not one 3 number off, it would be completely 4 different.</p> <p>5 Q. So that would be included on 6 there and that would tell you what 7 device was used to produce the image?</p> <p>8 A. The GUID doesn't tell you what 9 device. There's no rhyme or reason to 10 the numbers and letters. It's just a 11 sequence of numbers and letter, 12 thirty-two or sixty-four characters 13 depending on what model you're using -- 14 software you're using to identify that 15 piece of computer. But it'll describe 16 what he's looking at, if it's got a 17 serial number, it'll give a serial 18 number. Then it will give a global 19 unique identifier. Then he should list 20 the date and time he did the exam. If 21 it's a laptop or a computer it'll tell 22 you who owns the computer if they put 23 that information in there, the date and</p>	<p style="text-align: right;">43</p> <p>1 Q. And that's G-U-I-D?</p> <p>2 A. G-U-I-D, global unique 3 identifier. Or it could have a hash 4 value associated with it, such as he 5 hashed the entire -- it's an eight 6 gigabyte memory card, you'll just do a 7 hash value on that memory card. Same 8 thing as a GUID basically.</p> <p>9 Q. It would be something --</p> <p>10 A. Unique to that device.</p> <p>11 Q. Okay. All right. So it would 12 be broken down by device?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And would it provide a 15 description of what was found?</p> <p>16 A. Yes, sir. It gives you the 17 file name, the path, date and time it 18 was created, last time it was viewed, 19 if it was deleted, modified, the 20 location. That's probably about all 21 he'll have on it. And then the hash 22 value of course, and then the file name 23 and the file path.</p>
<p style="text-align: right;">42</p> <p>1 time the operation system was first 2 created, last time it was opened or 3 shut down, file system, it'll tell the 4 entire file system.</p> <p>5 And then he can go through and 6 pick files that he wants to pull out to 7 show as evidence like the videos and 8 give them a unique hash value which is 9 a mathematical equation they come up 10 with to -- basically an algorithm 11 designed to identify the picture. So 12 as long as nothing's changed in that 13 picture inside the hard drive or 14 whatever storage device he's using, 15 it'll always have the same hash value. 16 And that's how we identify known images 17 of child pornography. If you change 18 one pixel that hash value's no good 19 anymore, it changes.</p> <p>20 Q. So to make sure I understand 21 you, each device that was searched by 22 Agent Thompson would have its own GUID?</p> <p>23 A. Own unique number.</p>	<p style="text-align: right;">44</p> <p>1 Q. That report would not contain 2 the actual image, would it?</p> <p>3 A. Sometimes they do. You know, 4 I -- when I did it, I made two separate 5 copies. I made a clean copy that goes 6 to the US attorney's office, the 7 State's attorney's office or the 8 defense. And then I had my copy that 9 contained everything, pictures and all.</p> <p>10 Q. So if I asked ALEA to produce 11 the computer forensics examination 12 report you wouldn't expect what I got 13 to contain images?</p> <p>14 A. No, sir, it would not. And it 15 would probably be thicker than this 16 right here. And they'd probably give 17 it to you on a disk or a thumb drive 18 because that one -- we're talking about 19 thousands of pictures and videos.</p> <p>20 Q. Sure. Did that report to your 21 knowledge contain any information about 22 what device produced that image?</p> <p>23 A. Not necessarily. You know,</p>

<p style="text-align: right;">45</p> <p>1 like the one you saw in here that's got 2 the -- this one that's got the thumb -- 3 memory card attached to it.</p> <p>4 Q. Just for the record, you're 5 looking at Defendant's --</p> <p>6 A. Exhibit Number 8.</p> <p>7 Q. The first picture in 8 Defendant's 8.</p> <p>9 A. You know, we would take that 10 off of there. I'm pretty sure that 11 that's not the memory card that's 12 inside of it. It's probably just got 13 it as a spare.</p> <p>14 Q. Okay.</p> <p>15 A. We would identify that and 16 associate that with that piece of the 17 card -- of the camera. And then he 18 would obviously connect to it and then 19 download it to a computer. So you 20 should theoretically be able to tell 21 it -- this was attached to the 22 computer. Depends on how long ago he 23 did it.</p>	<p style="text-align: right;">47</p> <p>1 devices that are -- with the exception 2 of some of the cellphones and some of 3 the larger camera that were 4 photographed, but the devices that are 5 in Defendant's 9, 8, 7, 5, and 4, and I 6 guess some of the devices that are in 7 6, are those meant to be covert?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And I apologize, I know I'm 10 jumping around a little.</p> <p>11 A. Some -- some are homemade, some 12 are store bought.</p> <p>13 Q. And I think from the 14 investigative report that ALEA compiled 15 it looked like he purchased some of 16 those devices or I guess maybe all of 17 those devices on eBay?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Is that something he admitted 20 to?</p> <p>21 A. Yes, sir, I remember that.</p> <p>22 Q. Going back to your 23 investigative report, and I think this</p>
<p style="text-align: right;">46</p> <p>1 Q. Okay.</p> <p>2 A. You know, because when stuff's 3 attached and detached, you know, that 4 information is saved, but eventually 5 it's overwritten, just like a deleted 6 file would be overwritten.</p> <p>7 Q. Do you know if Agent Thompson 8 made any effort to identify where any 9 of the images that he found were taken?</p> <p>10 A. We all did. We were able to 11 verify looking at the videos that the 12 dance studio, you could go in there and 13 look the same direction --</p> <p>14 Q. The dance studio and Channel 15 19?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Or his house?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And I think you said you're not 20 aware of any images that you identified 21 as coming from Bentley Cadillac?</p> <p>22 A. No, sir, not that I recall.</p> <p>23 Q. Fair to say that all of these</p>	<p style="text-align: right;">48</p> <p>1 is Defendant's 1.</p> <p>2 A. There it is, yeah.</p> <p>3 Q. And I've put a Bates stamp 4 number on the bottom of these, I'm 5 looking at 16.</p> <p>6 A. Yes, sir.</p> <p>7 Q. This is in your 8 investigation --</p> <p>9 MR. LITTLE: And Drew, I don't 10 think you have my Bates stamp version 11 because I just made it this morning.</p> <p>12 Q. But it looks like about halfway 13 down the page you talk about -- or 14 maybe a third of the way down on the 15 page, you talk about your interview 16 with Channel 19.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Who are the people that you 19 spoke to, Ms. Vickers and Mr. Pylant?</p> <p>20 A. I don't remember their exact 21 position, maybe the studio -- one of 22 them is probably the owner and one of 23 them was the main, what do you call it,</p>

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1 manager or supervisor. They're all top
2 people there.

3 Q. Tell me about that interview
4 other than what's contained in that
5 paragraph?

6 A. We went in and talked with
7 Ms. Vickers and explained to her what
8 was going on. She gave us consent to
9 search the bathroom. We went and
10 verified the bathroom looked like what
11 the videos do that I was able to find
12 that day, because I think we went the
13 same day -- yes, we did. At that
14 time -- well, she did finally locate a
15 hidden camera there too -- yeah, we
16 did. That's right. That's right.

17 Q. And according to this paragraph
18 on page 16 it looks like it was in a
19 women's restroom --

20 A. Women's restroom.

21 Q. -- in employee area?

22 A. Yes, that he would have access
23 to when he went in and cleaned them

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1 late at night or later in the evening.

2 Q. And I apologize, I interrupted
3 you.

4 A. At some point, I don't remember
5 what day we went -- we went back and
6 talked with all of the employees. We
7 felt like we needed to let them know.
8 And then one of the women that was on
9 the video we found no longer worked
10 there. We made contact with her and
11 interviewed her.

12 Q. And how did -- I guess how did
13 you go about identifying the women that
14 were in the videos, did you talk to the
15 management there?

16 A. I think Ms. Vickers was able to
17 identify her off of a screen shot of
18 her not doing anything, just of her
19 face area so she could identify who it
20 was.

21 Q. Did you -- when you visited
22 Channel 19 did you take any photographs
23 of the area?

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1 A. I don't remember if I did or if
2 Suzanne did.

3 Q. Do you think photographs were
4 taken in that location of the women's
5 bathroom?

6 A. I'm pretty sure they would have
7 been. I don't know why it wouldn't be,
8 unless we were just so busy trying to
9 get everything done and identify these
10 children. But I would think we would
11 have taken a picture of that, where it
12 was sitting at the time. And that be
13 in my -- if I took the pictures they'd
14 be in my case file.

15 Q. Okay. And if Agent Prevatte
16 took the pictures it would be in the
17 DHS case file?

18 A. It would be in this redacted
19 report you have here.

20 Q. Would the same be true at Ann's
21 Dance Studio?

22 A. Yes, sir.

23 Q. And do you know who visited

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1 Ann's Dance Studio?

2 A. Myself and Agent Salser and
3 Bobby Smith.

4 Q. Any idea who took photos there?

5 A. I don't remember, it's been so
6 long ago.

7 Q. Sure.

8 A. Let me see if it says in the
9 report. No, it doesn't say.
10 (Whereupon, Defendant's
11 Exhibit 10 was marked
12 for identification.)

13 Q. And I've got a -- let me go
14 ahead and mark this as well.
15 Defendant's Exhibit 10, this is
16 contained -- there's a redacted version
17 that's contained in the DHS documents.
18 This was actually attached to a
19 pleading in Mr. Nelson's Federal
20 criminal case but it's the same
21 document. I believe that is the DHS
22 investigative report.

23 A. Yes, sir.

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1 Q. If you would, look through
2 there and let me know if that refreshes
3 your memory as to any of these topics
4 as well?

5 A. Okay. He used a digital clock
6 for the house.

7 Q. And let me stop you right
8 there.

9 A. Sorry. If you want to go back
10 to the hanger.

11 Q. Sure. You just mentioned
12 something and I think I recall that
13 Mr. Nelson used a camera that was
14 hidden in a digital clock in the
15 bathroom in his house?

16 A. To videotape his daughter. And
17 I believe he would have used a hanger
18 too. But he didn't state that but --
19 according to what I'm reading here.

20 Q. I'll represent to you that
21 he -- he testified -- we went to Tucson
22 where he's incarcerated and took his
23 deposition. He testified that he had

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1 any number of devices that he would use
2 for a while. They'd stop working and
3 he'd throw them away. But he'd have --
4 he had cameras that he had purchased
5 that were hidden it lighters and thumb
6 drives and all manner of I guess
7 surreptitious devices, so.

8 A. It says here that Prevatte took
9 the photograph. I'm sorry.

10 Q. At?

11 A. The news station. So that
12 would have been in the redacted report.

13 Q. In the DHS file?

14 A. Yeah. Okay. This says that I
15 began conducting the forensic
16 examination of materials stored by
17 Nelson but I think I handed that over
18 to Robert Thompson. So it says me but
19 I think we kind of did it together but
20 he took over the majority of it,
21 because I was coordinating interviewing
22 the children and the parents and trying
23 to figure out who's who.

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1 Q. Sure. All right. So -- and I
2 apologize for jumping around a little
3 bit, but I think you said you and Agent
4 Prevatte went to the -- who -- sorry.
5 Strike that.

6 You talked about your initial
7 interview at Channel 19 where you
8 discovered that equipment and then a
9 subsequent visit when you went back and
10 talked to employees?

11 A. I know I was there but I don't
12 remember who else was there. There was
13 at least one other agent. It could --
14 I don't think it was ICE. I think it
15 was one of our agents and it may have
16 been Robert Thompson with me or it
17 could have been Donald Salsler. I don't
18 remember off the top of my head. I
19 just know that we spoke with everybody
20 to let them know what had occurred and
21 what they can expect.

22 Q. What could they expect, what
23 did you tell them?

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1 A. That they could have been
2 videoed using the bathroom. And if I
3 remember correctly, we had even the men
4 there because, you know, we didn't know
5 what all he was videotaping, so.

6 Q. And you found -- on his system
7 you did find videos that appear to be
8 taken at that location?

9 A. Yes, sir, we did.

10 Q. Do you think you talked to all
11 of the employees that you found images
12 of?

13 A. From what I best remember. It
14 was mainly one.

15 Q. It was mainly one employee?

16 A. One female employee that he was
17 infatuated with.

18 Q. Okay.

19 A. And I don't remember her name
20 off the tope of my head.

21 Q. But you did speak with her?

22 A. She no longer works there but
23 we made contact with her and she came

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1 in and we conducted an interview with
2 her.

3 Q. She was still in the Huntsville
4 area?

5 A. Yes, sir.

6 THE WITNESS: Do you mind if we
7 take a break?

8 MR. LITTLE: Sure. Absolutely.

9 (A recess was taken at 11:00 a.m.)
10 (On the record at 11:03 a.m.)

11 Q. (By Mr. Little:) All right.
12 The initial visit to Channel 19 and the
13 subsequent visit to Channel 19, is that
14 the only contact y'all had with the
15 employees there, and your followup
16 visit?

17 A. I think I talked to Ms. Vickers
18 on the phone and told her we had
19 identified her too as one that was
20 videoed.

21 Q. But I think it was your
22 testimony that you feel like you
23 identified and spoke to all the

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1 employees at Channel 19 that were
2 depicted on the images that were found?

3 A. That I could recall, yes.

4 Q. Tell me about the -- your
5 interview with Ann's Studio, I think
6 you said you and --

7 A. Agent Salser.

8 Q. -- Agent Salser went there?

9 A. Yeah. We spoke with --

10 Q. What page are you looking on?

11 A. Page 16 also.

12 Q. And this is Defendant's Exhibit
13 1.

14 A. Yeah. Let's see, where was it.
15 We made contact with the owner of dance
16 studio, Ann's Dance Studio, Ms. Leigh
17 Bender, and she gave permission for Ms.
18 Stanley, who was there to let us in, to
19 give us permission to search the place
20 and gave us a list of contact
21 information with all of the children's
22 names on it that had been associated
23 with the dance studio.

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1 Q. Is that something that also
2 would have been maintained by ALEA,
3 that list?

4 A. Or ICE, it could have been --
5 Salser could have had it but we
6 probably handed that stuff over to ICE
7 because they were the ones that were I
8 guess the main agency involved in this,
9 we were just the assisting agency.
10 Actually, let's see.

11 Q. Would y'all have gotten a
12 similar list from Channel 19?

13 A. No, sir.

14 Q. And I think you testified
15 earlier your search of that business
16 did not locate any cameras?

17 A. No, sir, we did not.

18 Q. What's involved in that search,
19 is there anything -- is it just a
20 visual search?

21 A. Yeah, it's just a visual
22 search, we walk through and look
23 anyplace we think he may have hidden a

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1 camera, even on the TVs and hidden
2 behind the TVs, in the bathroom, the
3 garbage cans, plug outlets, to make
4 sure the outlet -- because you can buy
5 those now too that's got little hidden
6 cameras in them. And we searched
7 anywhere we could and especially based
8 off my preview, I could see that it's
9 mainly the girls' bathroom/changing
10 room where those were taken.

11 Q. I think he testified -- as I
12 recall correctly during his deposition,
13 Mr. Nelson testified that he videoed
14 or -- filmed or videoed in two
15 locations at that studio, there was an
16 upstairs changing room --

17 A. Yeah.

18 Q. -- and a downstairs bathroom?

19 A. Right. I remember the bathroom
20 but I don't remember the changing room.

21 Q. Did you see images from both
22 those -- you say --

23 A. I'm sure I did. I don't

<p style="text-align: right;">61</p> <p>1 remember the upstairs one but I'm 2 pretty sure if it was on the -- I saw 3 probably most of the videos, sadly 4 enough.</p> <p>5 Q. Were y'all able to identify all 6 of the children that were depicted in 7 those videos?</p> <p>8 A. From the best of my knowledge 9 we did or ICE did.</p> <p>10 Q. And do you recall how many 11 children were depicted?</p> <p>12 A. Too many to count. No, I don't 13 recall off the top of my head. I would 14 say in the hundred -- more than a 15 hundred maybe. I just know it was a 16 lot. I think when Special Agent 17 Thompson went through the videos ICE 18 would look at them and we had pictures 19 of the kids and try to identify them. 20 And I think Robert Thompson is one who 21 identified most of the children.</p> <p>22 Q. You say you had pictures of the 23 kids, were those from the yearbooks</p>	<p style="text-align: right;">63</p> <p>1 trying to get the children's name we 2 got a lot -- we got a hard time getting 3 it from the owner, she wouldn't 4 initially supply us that information, 5 even though she knew what it was about. 6 She finally decided -- I mean it was 7 probably an hour later, a little bit 8 longer before she finally decided to 9 give it to us. And she obviously let 10 us in but she didn't -- and I guess for 11 privacy reasons she didn't want to give 12 it up. We could have gotten a search 13 warrant or a subpoena for the 14 information.</p> <p>15 Q. The list of the children's 16 names?</p> <p>17 A. Yeah.</p> <p>18 Q. Was she -- after that time was 19 she cooperative?</p> <p>20 A. I want to say no, that we got a 21 little bit of, you know, flack from 22 her, you know, because I think she was 23 afraid of being sued because of what</p>
<p style="text-align: right;">62</p> <p>1 that were seized or from the parents?</p> <p>2 A. From their parents. We did 3 have a meeting with all the parents.</p> <p>4 Q. Tell me about that meeting, 5 what would have been discussed?</p> <p>6 A. I don't remember what day it 7 was. It may have been the next day or 8 the next. We spent two or three, four 9 days up there going through the 10 evidence and try to coordinate getting 11 the parents there. And we would hold a 12 conference and explain to them why we 13 were there and what they could expect 14 and we requested pictures of the kids 15 to try to verify who they were.</p> <p>16 Thompson may have used a 17 yearbook to identify some of them. I 18 do remember something about a yearbook. 19 The dance studio yearbook.</p> <p>20 Q. Right. And those were seized 21 from Mr. Nelson's?</p> <p>22 A. Yes, sir. And I do remember 23 when we did the search of the -- or</p>	<p style="text-align: right;">64</p> <p>1 happened, so.</p> <p>2 Q. Also on page 16 -- well, before 3 I go there, do you -- I think you 4 said -- well, I can't remember what you 5 said. Do you recall going to Bentley 6 Cadillac and talking to those people?</p> <p>7 A. I don't recall going there. I 8 don't know if I did or somebody else 9 did. I don't see anything on here that 10 says anything, does it? Child Advocacy 11 Center, Channel 19, Ann's Studio. I 12 don't see nothing on there that says we 13 went there. I'm sure somebody would 14 have. Anyway no, I don't recall.</p> <p>15 Q. Okay. Also on page 16 it says 16 on 10/7 agents made contact with 17 Nelson's employer. It says Joe 18 Starkey, his name is James.</p> <p>19 A. Yeah.</p> <p>20 Q. Do you know if you were one of 21 those agents?</p> <p>22 A. No, sir, I was not.</p> <p>23 Q. Do you recall ever speaking to</p>

<p style="text-align: right;">65</p> <p>1 Mr. Starkey?</p> <p>2 A. No, sir, I don't.</p> <p>3 Q. Do you know who those agents</p> <p>4 were?</p> <p>5 A. It would have been either Bobby</p> <p>6 Ray Smith or Donald Salser, that would</p> <p>7 have spoke with him. Salser was new to</p> <p>8 the unit so I think he got ahold of</p> <p>9 Mr. Starkey when we were searching the</p> <p>10 dance studio. So I would have been the</p> <p>11 one searching while he was talking.</p> <p>12 Q. Do you know anything about --</p> <p>13 other than what is on this page, do you</p> <p>14 know anything about his interview with</p> <p>15 Mr. Starkey?</p> <p>16 A. No, sir.</p> <p>17 Q. Was Mr. Starkey ever considered</p> <p>18 to be a suspect?</p> <p>19 A. No, sir.</p> <p>20 Q. In your review of the evidence</p> <p>21 did you see anything that would have</p> <p>22 indicated that he should have known</p> <p>23 about Mr. Nelson's activities?</p>	<p style="text-align: right;">67</p> <p>1 A. No, sir.</p> <p>2 Q. Apart from -- all right. Well,</p> <p>3 there's a mention of Sergeant -- or</p> <p>4 Special Agent Salser's contact with</p> <p>5 Donald Nelson, Jeremy Nelson's father,</p> <p>6 at the bottom of page 16, the last</p> <p>7 paragraph.</p> <p>8 A. The seat covers, Donald Nelson,</p> <p>9 yeah.</p> <p>10 Q. Did you participate in that</p> <p>11 interview?</p> <p>12 A. No, sir, I did not.</p> <p>13 Q. Did you ever talk to Donald</p> <p>14 Nelson?</p> <p>15 A. No, sir, I don't remember</p> <p>16 talking to a Donald Nelson.</p> <p>17 Q. All right. So apart from the</p> <p>18 people at Channel 19, obviously Jeremy</p> <p>19 Nelson, Donald Nelson, the people at</p> <p>20 the dance studio, parents of the dance</p> <p>21 studio children, were there any other</p> <p>22 interviews conducted as part of this</p> <p>23 investigation?</p>
<p style="text-align: right;">66</p> <p>1 A. No, sir. If the parents didn't</p> <p>2 know there's no way he would have</p> <p>3 known.</p> <p>4 Q. As what --</p> <p>5 A. The cameras were hidden.</p> <p>6 Q. What parents?</p> <p>7 A. The parents of the kids. They</p> <p>8 were in the changing rooms sometimes</p> <p>9 with the kids too so we got them on</p> <p>10 video also. And the only thing we ever</p> <p>11 saw was -- or got from the parents was</p> <p>12 they remember seeing a charger in the</p> <p>13 wall and that was the only odd thing</p> <p>14 they ever saw.</p> <p>15 Q. Did they --</p> <p>16 A. Touch it, move it?</p> <p>17 Q. Did they pay any attention to</p> <p>18 it?</p> <p>19 A. No, they just thought it was</p> <p>20 odd. They're not thinking that it</p> <p>21 could be a hidden camera.</p> <p>22 Q. They didn't suspect that it was</p> <p>23 a camera?</p>	<p style="text-align: right;">68</p> <p>1 A. We interviewed a niece or</p> <p>2 something that belonged to Mr. --</p> <p>3 your -- the suspect in this and that</p> <p>4 may have been why Donald Salser spoke</p> <p>5 with Donald Nelson. And we did</p> <p>6 interview her.</p> <p>7 Q. Parents?</p> <p>8 A. I interviewed her if I remember</p> <p>9 right, so.</p> <p>10 Q. Let me see.</p> <p>11 A. Where was that, I know I saw</p> <p>12 it.</p> <p>13 Q. I remember seeing it too.</p> <p>14 A. There was a granddaughter and I</p> <p>15 remember seeing that video because we</p> <p>16 recognized the seat covers in the</p> <p>17 pickup truck. Yeah. Yeah, Courtney</p> <p>18 Nelson. Let's see, the parents of</p> <p>19 victim number 5, Jake Nelson, Courtney</p> <p>20 Nelson. It was the parents of victim</p> <p>21 number five which was the granddaughter</p> <p>22 to Mr. Donald Nelson.</p> <p>23 Q. Yeah, and if you go back to</p>

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1 page 12 I think there's a little bit
2 more detail about that.

3 A. Their daughter, yeah, it would
4 have been his niece, yes. Victim
5 number 5.

6 Q. And did the video that y'all
7 saw on that show that he actually
8 assaulted his niece?

9 A. Yes, sir, if I remember
10 correctly it showed him touching her.

11 Q. And y'all talked to his parents
12 and Don Nelson who was the girl's
13 grandfather?

14 A. Right, to verify the truck, the
15 seat covers. He verified that the seat
16 covers were his so that was his truck
17 that Mr. Nelson had borrowed.

18 Q. So are you aware of any other
19 interviews conducted?

20 A. I'm trying to remember. I know
21 we didn't interview any of the kids. I
22 interviewed the niece and the daughter.
23 If I remember right we interviewed his

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1 daughter.

2 Q. You say the kids, the kids from
3 the dance studio?

4 A. Right. There was no need
5 interviewing them because he didn't
6 make any physical contact with them.
7 It was all voyeurism.

8 Q. You say you did or did not
9 interview --

10 A. Did not.

11 Q. -- his daughters?

12 A. I think we did his daughters,
13 one of them at least if I recall
14 correctly, because I know we did the
15 niece. I remember interviewing her
16 specifically. I remember interviewing
17 the girl from Channel 19.

18 Q. According to the report on page
19 12 she was mentally handicapped, the
20 niece.

21 A. Uh-uh (in the negative). Not
22 that I recall.

23 Q. Well, I'm looking at the second

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1 paragraph which is just one sentence
2 long on page 12.

3 A. Page 12. Mentally handicapped
4 niece. No, I don't remember that.

5 Q. Okay.

6 A. So maybe it wasn't her I
7 interviewed, maybe it was somebody
8 else. I remember interviewing another
9 young girl that he had taken pictures
10 of. Now whether it was -- I guess it
11 wasn't her.

12 Q. There was some mention in the
13 report about --

14 A. Maybe a friend of the
15 daughter's.

16 Q. -- Nelson's girlfriend had a
17 daughter?

18 A. That may have been who -- yep,
19 that's who it was.

20 Q. And you think you interviewed
21 her?

22 A. Interviewed her, yes. Yeah, I
23 do remember her being mentally

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1 handicapped but I don't remember if we
2 talked to her or not. And she may not
3 have been able to talk to us.

4 Q. All right. So the forensic
5 examination of the equipment that was
6 seized from Mr. Nelson's house, was
7 that all done by ALEA?

8 A. Yes, sir.

9 Q. That equipment wasn't turned
10 over to ICE so they could do their own
11 forensic examination?

12 A. No, ICE would have had to taken
13 it all to Atlanta to have it done. We
14 were doing it on site to try to
15 identify as many kids as we could. We
16 actually brought our portable forensic
17 stuff up there.

18 Q. To Huntsville?

19 A. Uh-huh (in the affirmative).

20 Q. Was there any analysis
21 performed on the IP addresses, forgive
22 me if I'm getting this terminology
23 wrong because I'm not a technical

<p style="text-align: right;">73</p> <p>1 person, but was there any analysis that 2 was done on Mr. Nelson's Google 3 accounts or anything like that? 4 A. We sent a subpoena to verify 5 the IP address associated with the 6 registration and the use of that Google 7 account and it came back to 8 Mr. Nelson's residence if I remember 9 correctly. 10 Q. Was any determination ever made 11 of whether the images that were taken 12 at the dance studio or Bentley Cadillac 13 or Channel 19 were distributed to any 14 other people? 15 A. We should have sent a report to 16 the National Center for Missing and 17 Exploited Children with those videos so 18 they can upload it and save it to their 19 files and put a hash number with it to 20 see if they've ever hit the internet. 21 And it would be a child identification 22 report -- child victim -- CV, child 23 victim identification report or</p>	<p style="text-align: right;">75</p> <p>1 A. NCMEC. 2 Q. -- NCMEC? 3 A. Yes, sir, they would have. 4 Q. What would that be? 5 A. Child victim -- child victim 6 identification report. That was -- 7 what we send to them is a request to do 8 the checking and then they send us the 9 child victim identification report to 10 see if there's any of those images have 11 been found anywhere else. 12 Q. And that would tell you if he 13 posted any of those images on the 14 internet? 15 A. Yes, sir. 16 Q. Would it tell you if he -- 17 A. It would have come back as an 18 identified file but not a known victim. 19 Q. Is there any way to determine 20 whether he shared those images with 21 another private person out there? 22 A. Theoretically that could be 23 done, but whether it was or not, I</p>
<p style="text-align: right;">74</p> <p>1 something like that. And that would 2 have come from the National Center of 3 Missing and Exploited Children. 4 Whether ICE did it or Robert Thompson 5 did it, I don't know. One of those two 6 would have done it. 7 Q. And what would be -- are you 8 familiar with those type of reports? 9 A. Yes, sir. You'll have a hash 10 value associated with it. I don't 11 remember which version they use. You 12 actually send the video itself, they 13 store them up on their servers. The 14 agency that located the child, the 15 child was located, what date and time 16 and telephone number to contact them if 17 they ever do come across the videos, if 18 any other agencies come across the 19 videos. If that makes sense. 20 Q. It does, thank you. Would you 21 have received anything or would ALEA 22 have received anything in response 23 from --</p>	<p style="text-align: right;">76</p> <p>1 don't -- Robert Thompson would have 2 done that. He'd be the one to have to 3 answer that question. 4 Q. Okay. 5 A. Based off the number of videos 6 we found it'd -- it would have probably 7 taken months and months to figure out 8 if he ever uploaded any of these images 9 and videos. 10 Q. Is that something that the -- 11 A. That we -- that we would have 12 found using his stuff. That's why we 13 sent this stuff to NCMEC. 14 Q. And is that something they 15 would have undertaken, NCMEC? 16 A. NCMEC automatically does it off 17 of the hash values. They'll run it 18 against their system to see if these 19 pictures have ever been sent anywhere 20 else just in case. And I don't recall 21 if we ever got a report back or not. 22 Q. Okay. 23 A. I think Robert would have told</p>

1 me if we had a hit but he never -- I
2 never heard anything. But then again,
3 he could have sent it directly to ICE
4 and I never saw it.

5 Q. If he had sent it directly to
6 ICE, then ICE would have been the
7 person who received that from NCMEC?

8 A. No -- well, yeah, he could have
9 said hey, send this to ICE, not me.

10 That's always a possibility. But we're
11 doing the examination for ICE.

12 Q. And your experience is that if
13 they had gotten a hit would they share
14 that information with ALEA?

15 A. I would think so.

16 Q. I'll represent to you that
17 during his deposition Mr. Nelson
18 testified that the videos that he had
19 sent to I guess the subject in
20 Tennessee that had brought about this
21 investigation --

22 A. Right.

23 Q. -- were images taken at his own

1 home.

2 A. Okay.

3 Q. I don't remember if they were
4 of his daughter --

5 A. That sounds correct if I
6 remember right.

7 Q. -- or his daughter's friends or
8 somebody like that, but he testified
9 that he never shared or uploaded any of
10 the images that were taken at Ann's
11 Studio, at Bentley Cadillac or at --

12 A. Channel 19.

13 Q. -- Channel 19 with anybody or
14 posted them on the internet, are you
15 aware of any evidence that would
16 dispute that?

17 A. No, sir, I'm not. You know,
18 based off what child pornography he was
19 fixated on, the images he took at the
20 studio don't match that so I don't
21 think he -- in my opinion would not
22 have shared them with anybody because
23 they're just kids taking -- it's what

1 we call soft porn. He likes the
2 hardcore, PTHC, pre-teen hardcore. He
3 likes that stuff.

4 Q. He likes -- I guess for a lack
5 of a better description, he likes to
6 view images of children --

7 A. Being molested.

8 Q. -- being molested?

9 A. Yes.

10 Q. And I'm assuming you found
11 quite a bit of that on his system?

12 A. We found that too, yes. I
13 think our main focus at that time was,
14 you know, identifying the kids from the
15 studio.

16 Q. From the things he had produced
17 himself?

18 A. Right, that was our biggest
19 concern. The other stuff you can get
20 off the internet anytime.

21 Q. I guess the hardcore images
22 that you were describing a minute ago,
23 was there any investigation done on

1 where he obtained those?

2 A. There's so many ways of getting
3 it, he could have a file sharing
4 program or he could have gotten it via
5 e-mail from somebody else like the guy
6 in Tennessee. Most of these guys
7 share, so if he sent the guy in
8 Tennessee something I'm pretty sure the
9 guy from Tennessee sent him something.
10 But I think our the primary concern was
11 the production of these kids up here.

12 Q. That's understandable. The
13 images, if I'm reading this correctly,
14 and I'll show it to you again, page 15
15 of Defendant's Exhibit 1 at the bottom
16 of that page.

17 MR. LITTLE: Drew, this is the
18 second page of this narrative.

19 MR. HASKINS: Got you.

20 Q. At the bottom of that page it
21 talk about files that he kept on his
22 computer?

23 A. Yes, sir.

<p style="text-align: right;">81</p> <p>1 Q. He had these -- the images that 2 he produced himself he had them broken 3 up into folders, one was titled dance, 4 one was titled Cadillac, and then the 5 videos that he had gotten at his house 6 he put into a folder called JOL? 7 A. No, JOL is named after the 8 female at Channel 19. The folder done 9 at the house is named done at the 10 house. 11 Q. Okay. 12 A. But it was put under a folder 13 called JOL. 14 Q. I see. 15 A. But JOL also contained the 16 female from Channel 19 that he had an 17 infatuation with. 18 Q. And that was the one that 19 didn't work there anymore -- 20 A. Right. 21 Q. -- that you made contact with? 22 A. Right. Correct. 23 Q. As part of your investigation</p>	<p style="text-align: right;">83</p> <p>1 would have alerted or should have 2 alerted an employer that he was or may 3 become involved in child pornography? 4 MR. HASKINS: Object to the 5 form. 6 A. No, sir. 7 Q. Based on your experience 8 investigating these types of crimes and 9 activities, do the perpetrators 10 typically go to great lengths to 11 conceal their activities? 12 A. Yes, sir, they do. They're 13 very secretive because they're ashamed 14 of it. Of course, he fits the profile, 15 older white male, single. I say 16 single, not married, had kids but 17 doesn't keep the kids. So he meets the 18 profile. And there's no way an 19 employer would have known ahead of 20 time. 21 Q. In your experience is it common 22 that people associated with these 23 perpetrators, their families, their</p>
<p style="text-align: right;">82</p> <p>1 did you do, or did ALEA do any 2 investigation into Mr. Nelson's 3 criminal history? 4 A. I'm sure we did. 5 Q. Is that something that would be 6 contained in your file? 7 A. Should be. 8 Q. Was there anything -- 9 A. There was nothing that pointed 10 out that he was involved in anything 11 like this, no prior sex offenses. 12 Q. There was nothing related to 13 child pornography? 14 A. No, sir. 15 Q. Nothing related to pornography 16 in general? 17 A. No, sir, or sexual assault or 18 rape or anything like that. 19 Q. No, harassment or anything like 20 that? 21 A. No, sir. 22 Q. In your opinion was there 23 anything in his criminal history that</p>	<p style="text-align: right;">84</p> <p>1 employers, don't know anything about 2 their activities? 3 A. No, sir. I don't know of any 4 I've done where the other spouse or 5 family friends had any idea that they 6 were doing this. 7 Q. So people like spouses and 8 other family members it's usually a 9 shock to them? 10 A. Yes, sir, it is. 11 Q. You said -- 12 A. Such a shock that they don't 13 believe that they're doing it. 14 Q. They don't believe that their 15 family members would do something like 16 that? 17 A. Yeah. 18 Q. You said Mr. Nelson fits that 19 typical mold? 20 A. Profile. 21 Q. That typical profile. Did he 22 go to any lengths to conceal his 23 activities?</p>

1 A. Oh, yes, sir. Yeah, I mean
2 when you hide them under folders, under
3 folders. That's just in case someone
4 got on their computer they wouldn't
5 know to go look. That's typical what
6 these guys do. And they organize them,
7 so just like his are very well
8 organized. He's got them named so he
9 knows exactly where to go to. He took
10 a lot of effort in making these
11 homemade cameras.

12 Q. Do you know of any other -- we
13 talked about some of the things, some
14 of the documentation that ALEA would
15 have generated and shared with ICE, we
16 talked about the computer forensics
17 examination report --

18 A. Correct.

19 Q. -- the investigative files. Do
20 you know of any other documentation
21 that ALEA would have turned over to
22 ICE?

23 A. You know, based off what I

1 know, we should have given everything
2 over to them especially if it's going
3 to trial, including my assist report,
4 any photographs, any case files, any
5 handwritten notes, anything like that
6 should have been turned over to them.
7 And it may be at that time our chain of
8 command said no, we're not, so.

9 Q. But in your typical
10 investigation, this document that was
11 contained in Defendant's Exhibit 1
12 would have been turned over in its
13 entirety?

14 A. Should have.

15 Q. As well as your report?

16 A. If they requested it, yes, sir.

17 Q. And I think you said this was
18 Agent Salser's report?

19 A. Correct. Mine would have just
20 been an assist report. It may have
21 been two pages long, just stating hey,
22 I helped with this, this, this and
23 that. But I would say that probably

1 the biggest report would have been that
2 computer forensics examination report.

3 Q. You saw a reference in
4 Defendant's Exhibit 10 that Agent
5 Prevatte had photographed the area of
6 Channel 19?

7 A. Bentley Cadillac, wasn't it --
8 yes, yes. No, you're right. Yeah, the
9 trash can in the bathroom, that's
10 correct.

11 Q. Do you recall seeing any
12 notation about who would have
13 photographed the dance studio?

14 A. Uh-uh (in the negative).

15 Q. I think it was your testimony
16 that that --

17 A. It could have been.

18 Q. -- typically would have been
19 done?

20 A. Oh, yeah. Yeah.

21 Q. Would that have been
22 transmitted to ICE?

23 A. It should have.

1 Q. This document, Defendant's
2 Exhibit 1, the investigative file, is
3 that something that ALEA typically
4 keeps in its normal course of business
5 in investigating these types of crimes?

6 A. Yes, sir, I would keep a hard
7 copy and a digital copy. And I believe
8 all of these are saved on a server but
9 they also keep a hard copy.

10 Q. Did ALEA have any involvement
11 in the determination to nolle pros
12 Nelson's State crimes after he was
13 convicted in Federal Court?

14 A. I wouldn't think so.

15 Q. That would have been a
16 prosecutorial decision?

17 A. Yes, sir.

18 MR. LITTLE: All right, sir. I
19 think that's all I have for you. I
20 suspect these other lawyers have some
21 questions.
22

23 EXAMINATION BY MR. HASKINS:

<p style="text-align: right;">89</p> <p>1 Q. Corporal Whitten, my name is 2 Drew Haskins. 3 A. Yes, sir. 4 Q. You and I met before your 5 deposition. And along with Eric Artrip 6 on the phone, we represent the families 7 of the students whose images and videos 8 were taken at Ann's Dance Studio. 9 A. Okay. 10 Q. You said you were able to 11 verify that both images and videos were 12 taken from the dance studio; correct? 13 A. Correct, I was. 14 Q. And throughout what you 15 discussed with Mr. Little you said that 16 you actually went through a lot of 17 those videos, you described it as too 18 many to count; correct? 19 A. Yes, sir. 20 Q. In the Department of Homeland 21 Security's investigation they were able 22 to confirm that from the devices that 23 were looked at and inspected from</p>	<p style="text-align: right;">91</p> <p>1 disseminate videos that he had taken 2 from Ann's Dance Studio, would you have 3 any reason to dispute that? 4 A. No, sir, I wouldn't. 5 Q. In his plea agreement on page 6 6 Mr. Nelson states in the fact section 7 that he took videos in the bathroom and 8 changing rooms of Ann's Dance Studio. 9 The defendant said he also captured 10 various subjects, including minor 11 children nude and in various stages of 12 undress with those hidden cameras. The 13 defendant said the stated purpose of 14 producing these videos were for sexual 15 gratification and to use the videos for 16 trading material. 17 A. Uh-huh (in the affirmative). 18 Q. Do you have any reason to 19 dispute that? 20 A. No, sir. 21 Q. And you mentioned to Mr. Little 22 that oftentimes predators such as this 23 will, I believe you said trade or share</p>
<p style="text-align: right;">90</p> <p>1 Mr. Nelson's home that there were in 2 excess of 400 videos of child 3 pornography that were believed to have 4 been taken by Mr. Nelson, the majority 5 of which were believed to have been 6 taken and produced at Ann's Dance 7 Studio? 8 A. Sounds correct. 9 Q. Do you have any reason to 10 dispute that? 11 A. No, sir, not at all. 12 Q. Mr. Nelson did tell us in his 13 deposition that he did not produce or 14 disseminate the videos from Ann's Dance 15 Studio over the internet or through 16 e-mail. 17 A. Correct. 18 Q. However, prior to his 19 deposition he entered into a plea 20 agreement which was contrary to what he 21 told us in his deposition. If he pled 22 guilty to in addition to telling 23 investigators that he did in fact</p>	<p style="text-align: right;">92</p> <p>1 the materials online? 2 A. Yeah. 3 Q. Is that consistent with what 4 Mr. Nelson has pled guilty to on page 6 5 of his plea agreement as far as 6 acquiring these videos to use them for 7 purposes of trading videos? 8 A. Oh, yes, sir. 9 Q. I believe on page 15 of what 10 was identified as Defendant's Exhibit 11 1. 12 A. Yes, sir. 13 Q. Corporal, the fifth paragraph 14 up from the bottom states that 15 Mr. Nelson was taking videos of 16 children ranging from first grade 17 through high school and older women as 18 well; is that correct? 19 A. Yes, sir. 20 Q. He stated his goal was to video 21 the young girls. He stated that the 22 age of preference to video is 11, 12, 23 13 and 14; is that correct?</p>

1 A. Correct.
2 Q. And that paragraph goes on to
3 state that Mr. Nelson had traded child
4 pornography over the internet using a
5 program called WeTransfer; is that
6 correct?

7 A. Yes, sir.

8 Q. Are you familiar with that
9 program?

10 A. I've not heard of that one.

11 Q. And then it states he's able
12 through WeTransfer to upload a large
13 data file and transfer it to whoever
14 you want; is that correct?

15 A. That makes sense.

16 Q. And he states that WeTransfer
17 is beneficial because you're able to
18 move several gigs at a time; is that
19 correct?

20 A. Yes, sir.

21 Q. And the next paragraph
22 mentioned a website that he was also
23 using either to view or upload images

1 called img.src.net. Are you familiar
2 with that site?

3 A. No, sir. Some of this could be
4 dark net stuff that we hadn't got
5 involved in at the time.

6 Q. Okay. And then at the bottom
7 paragraph, as you discussed with Mr.
8 Little, in the second sentence
9 Mr. Nelson said that his main folder
10 was titled dance; is that correct?

11 A. Correct.

12 Q. So again, if he's admitted to
13 disseminating either through e-mail or
14 through what you called the dark web
15 either images or videos of child
16 pornography taken from Ann's Dance
17 Studio, as you sit here today do you
18 have any reason to dispute that fact?

19 A. No, sir.

20 Q. Throughout your investigation
21 were you ever informed that the laptop,
22 the Toshiba laptop recovered from
23 Mr. Nelson's apartment which held 500

1 gigs of data was actually his
2 employer's laptop?

3 A. No, sir, I don't recall that.

4 Q. In addition to that, the
5 cellphone that you and Mr. Little
6 mentioned, were you aware that that was
7 a company phone that he was using?

8 A. I don't recall. It could be.
9 Because I know Mr. Nelson didn't make
10 much money.

11 MR. HASKINS: Okay. I believe
12 that's all I have for you. Thank you.

13 MR. LITTLE: Eric, do you have
14 anything?

15 MR. ARTRIP: No, that covered
16 it. Thanks.

17

18 RE-EXAMINATION BY MR. LITTLE:

19 Q. All right. Let me ask you just
20 a couple of followups. We were talking
21 about the plea agreement where
22 Mr. Nelson agreed that his purpose in
23 producing the videos was for sexual

1 gratification?

2 A. Right.

3 Q. And to use the videos for
4 trading material. Do you know of any
5 evidence to suggest that he actually
6 used those videos for trading material?

7 A. No, sir, I don't. No, sir.

8 Q. When you talked about the
9 WeTransfer application that he used to
10 transfer data, are you aware that any
11 of the images that he took at these
12 three businesses were actually
13 transferred using that application?

14 A. No, sir, I'm not.

15 Q. Also, talked about a website
16 called img.src.net?

17 A. Uh-huh (in the affirmative).

18 Q. Which he -- which Mr. Nelson
19 described as a place out of Russia, are
20 you aware of any evidence to suggest
21 that he uploaded any images taken in
22 any of these three businesses to that
23 website?

1 A. No, sir.

2 MR. LITTLE: Okay. That's all

3 I have. Thank you.

4 MR. HASKINS: Thank you.

5

6

7 (DEPOSITION CONCLUDED AT 11:41 A.M.)

8

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10 FURTHER THE DEPONENT SAITH NOT

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C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Kristie Deavours Muir, Court Reporter, AL-CCR#32, do hereby certify that I recorded by means of stenotype the foregoing proceedings at the time and place stated in the caption hereof. That later, under my supervision, the proceedings were transcribed by means of computer-aided transcription, and the foregoing represents a full, true, and correct transcript of the proceedings on said occasion.

I further certify that I am neither of counsel nor of kin to any parties nor in anywise financially interested in the outcome of this case.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.

So certified on March 6, 2018.

Kristie Deavours Muir

Kristie Deavours Muir, AL-CCR#32
Freelance Court Reporter
2204 Lakeshore Drive
Suite 119
Birmingham, Alabama 35209

AL-CCR License expiration: 9/30/2018.

Exhibit E

AFFIDAVIT OF JAMES STARKEY

Comes now James Starkey, after first being duly sworn, and deposes and says the following.

My name is James Starkey. I am over the age of nineteen years and reside in Madison County, Alabama. I have personal knowledge of the matters set forth herein.

I am the sole proprietor of Sanitary Systems, which provides basic janitorial services to commercial clients. In approximately 1994, I hired Jeremy Joseph Nelson. I had been familiar with Nelson and his family through attending Locust Grove Baptist Church.

At the time I hired him, he told me about at least one past criminal arrest, for misdemeanor possession of marijuana. I did not obtain a criminal background check before hiring Nelson, nor have I prior to hiring any employees. No past or present clients of Sanitary Systems have required or asked me to obtain criminal background checks of my employees.

During 2013 and 2014, Sanitary Systems had contracts with several clients, including Ann's Studio of Dance, WHNT Channel 19 and Bentley Automotive. Nelson was assigned janitorial duties at each of these businesses, including sweeping, mopping and vacuuming floors, cleaning bathrooms, and emptying trash cans. None of his duties at these businesses required the use of a camera for any business purpose.

Ann's Studio of Dance, WHNT Channel 19 and Bentley Automotive were serviced at night, after regular business hours. Ann's Studio of Dance and Bentley Automotive were typically empty at the time they were serviced. WHNT would typically have a small crew present. Children were not present at any client of Sanitary Systems at the time they were serviced.

During 2013 and 2014, Nelson primarily serviced these businesses alone. I would often cross paths with Nelson during the night hours, but we typically did not work together.

Nelson never discussed his purchase of cameras or camera equipment with me. I was not made aware that he had purchased surveillance cameras until after his arrest on October 7, 2014. I never found any type of camera at any client's business. I never had any knowledge or suspicion that Nelson had used or was using surveillance cameras to record any person, whether dressed or undressed until after his arrest on October 7, 2014.

I purchased a cellular phone for Nelson, in order to communicate with him at work. I never inspected the phone or monitored its usage. I had no knowledge or suspicion that he had used it to record images of other people until after his arrest on October 7, 2014.

Nelson never told me that he had ever viewed pornography of any kind in which children were depicted. I was not aware that he viewed or possessed child pornography until after his arrest on October 7, 2014.

No client, employee or other person ever made any complaint or allegation of any type of sexual misconduct, criminal or otherwise, to me regarding Nelson. I only learned that Nelson had been filming women and children after his arrest on October 7, 2014.

James Starkey
James Starkey

STATE OF ALABAMA
MADISON COUNTY

I, Sharon L. Clevenger a Notary Public for the above county and state, hereby certify that James Starkey, whose name is signed to the foregoing instrument, and who is known to me, acknowledged that he executed the same voluntarily on this the 25th day of October, 2018.



Sharon L. Clevenger
Notary Public

My Commission
Expires 01/28/2020