

# **EXHIBIT G**

**Steed Interview Transcript  
December 21, 2007**

1 Disk 19T – 4 of 4 of  
2 Disk 19 Simpson Willis Mower Steed interviews. This is Robert Steed's (4 of 4).  
3 Present: Ronnie Stevenson, Kerry Williams, Robert (Bob) Steed  
4 Date: unknown  
5  
6 STEVENSON: Yeah, we're used to it. That's...ha...  
7 STEED: You're used to not having a lot of light? Do they not take care of you guys?  
8 STEVENSON: I've-I've worked my share graveyard shifts. So,  
9 STEED: ha ha ha ha  
10 STEVENSON: So, so I, I probably do better in the dark. Haha  
11 STEED: I just read a study. Um, we do, we do a lot of health research here, I just read a study that  
12 it's actually healthier for you to work during the day and sleep during the night.  
13 STEVENSON: I heard that. Just recently they released that on the, they were saying that something about,  
14 what's the, the, I don't know....  
15 STEED: It's melatonin  
16 STEVENSON: ...melatonin that,,  
17 STEED: yeah...  
18 STEVENSON: ...your body naturally produces. If you're a graveyard person, you're,  
19 WILLIAMS: ...my sister-in-law doesn't worry about that cause she works, she's a graveyard nurse  
20 STEED: oh yeah?  
21 WILLIAMS: ...and has been for the last 12 years and  
22 STEED: yeah...  
23 WILLIAMS: works under fluorescent lights.  
24 STEED: Well, I, wasn't going to tell you that the, what the down, what the downside risk is, but if  
25 you've already read it, then you would have seen that they're linking this, this reduction in  
26 melatin - - melanin production to, some cancers.  
27 STEVENSON: ..good..  
28 STEED: So, you guys try not to work at night,  
29 WILLIAMS: ..haha..  
30 STEVENSON: try to get your sleep.  
31 WILLIAMS: I don't know if I can go back to graveyard, ha, I've done em'. I don't know if I could do that.  
32 STEED: Well, I guess people were designed it to work at night.  
33 STEVENSON: I, I know I don't function as well. They should make the switch easy. Course I'm not wanting  
34 to stay. A lot of people stay on that graveyard schedule. I keep it on their days off. Not me.  
35 WILLIAMS: uh-uh  
36 STEPHENSON: ...just do the 26 hour day when I work and then go home and die for 12 hours, so,  
37 STEED: eh, you guys do a good job  
38 WILLIAMS: I think the latest I would stay up is like 11 on my days off. I'm still pretty normal.  
39 STEVENSON: I tried to do that too.  
40 STEED: Yeah. Well, anyway, so now you've had your health lessons for the day and  
41 WILLIAMS: haha  
42 STEVENSON: as I drink my coffee.  
43 STEED: Hahahaha...Well, we can have a talk about that, if you want.  
44 STEVENSON: Everything in moderation...  
45 WILLIAMS: at least my donuts (inaudible – fitting?)  
46 STEVENSON: ...that's my theory.  
47 STEED: Haha, including coffee and moderation.  
48 STEVENSON: ...I make my copy was seriously, half as strong as  
49 STEED: like potent  
50 STEVENSON: ...as my, like my mom comes and stays with me. We had to make two pots. Cause mine's  
51 like tea...  
52 STEED: ...one strong...and one weak...  
53 WILLIAMS: My sister-in-law, the one from Sweden, she likes to chew her coffee.

54 WILLIAMS: ...I mean she likes it that thick...

55 STEED: All right, I'm going to tell you something about coffee and you are gonna really not like me.

56 They did a, they did a study over it, but you, I mean, you know, we're a nutrition company

57 right, so, I'm allowed. Um, they did a study. Actually, they, uh, conducted a study yet at uh,

58 BYU. They uh took cancer cells. They put them in petri dishes and they found that

59 whenever they added uh caffeine. So it wasn't, it wasn't related directly to, so, this really is

60 bad now, right?

61 STEVENSON: So, you poke and...

62 STEED: because now it extends to all this other stuff. But anyway, anytime they, they added

63 caffeine, the, the length of life of the cell was increased three times.

64 STEVENSON: Really?

65 WILLIAMS: Wow

66 STEED: Yeah. And that the, you know, what's interesting about that study is everyone has cancer

67 cells, right? But, but our immune system is, is, is pretty good at keeping them in check until

68 it becomes overwhelmed. And so what happens is you get these overwhelming events, you

69 know, maybe stress or maybe, you know, it can be induced by a lot of things, but obviously

70 the quicker that that killer T-cells can destroy cancer cells, the better off you are.

71 STEVENSON: Right

72 STEED: So you get to a certain point and then all of a sudden you've got, you know, some sort of a

73 tumor, a tumor or some sort of a growth that it's hard for the immune system to defend

74 against. And, so, eh, you want the life of that cancer cell to be as short as possible.

75 STEVENSON: Yeah.

76 STEED: And caffeine extends the life of those cells. I've heard

77 STEVENSON: I've heard sugar does too.

78 STEED: Yeah, sugar is just nasty. It's just nasty. Yeah.

79 WILLIAMS: haha

80 STEVENSON: and (inaudible – toot?) do those antioxidants in vitamin C so much

81 STEED: white death...I know you guys are like okay, enough said.

82 WILLIAMS: (laughter)

83 STEED: So that is so important. There's that power of attorney, by the way,

84 STEVENSON: okay

85 STEED: that works for that document

86 STEVENSON: Do we need a copy of this or does he already have one or?

87 STEED: I don't think you do need a copy, but I just, I, so that, you know, that's a signed

88 document...

89 STEVENSON: Yeah, Chris, Chris was very comfortable with that. Because I, you know, I told him I was

90 coming in and we didn't know if you're going to be here or not.

91 STEED: Yeah, he did see that, so, he was good to go.

92 STEVENSON: Yeah, we're good with that. And evidently, just in talking to different people, there was

93 some mention of a new investment or something that Ken was working on that had come

94 to light just prior to this whole event when he was killed. Do you know anything about

95 that?

96 STEED: a new investment?

97 STEVENSON: A new some, s ome, something that, even Janella said that he made a comment, oh, should

98 I invest a million dollars I don't know if I should or not. And just more of a general

99 statement that he made in passing, but just the timing we're just, again, looking at every

100 avenue, was there something new he was working on or something...

101 STEED: I can tell you about a couple of things that I would have known anecdotally. Uh, he, I just

102 wish he had a source that he'd have spoken more about some of the things he was doing.

103 Um, yeah, there's a couple of things. One is there was a property deal that was going on.

104 and there's two of those. And in fact, David Simpson is the partners, David sitting right out

105 here, I'm meeting with him next. He's the guy that, uh, he is the guy that would have been

106 working with him on that. There was a piece of property that was sold by a, or it's in the  
107 process, Presidio group, P R E S I D E O Presidio, I guess.

108 STEED: Anyway, they sold a piece of property over here in Mapleton and, um, that's, that's one I  
109 know that he was doing, I think he actually had 500,000 in that Dave has got a million in  
110 it. Uh, they were looking to actually buy it and then turn it real fast.

111 STEVENSON um-hmm

112 STEED So that's one. The one, though, that I think I'm, I'm, that I would think is even more peculiar  
113 is he was involved in a deal with a piece of property right over here off of the highway. And  
114 he was going to be purchasing that property from, and this is another one that Dave said,  
115 Dave Simpsons, a realtor that worked closely with Ken on a lot of projects. Have you guys  
116 talked with Dave

117 STEVENSON I don't...I, not to my knowledge, but

118 STEED I know somebody has. He might be a person that you'd want to speak to, uh, concerning  
119 that, but a-apparently I don't know how else it went down, but I do know that when I heard  
120 it, I thought, wow, that's, there's at least some motive there. Ah, there was going to be a  
121 sale of a piece of property and...

122 STEVENSON Here in Springfield?

123 STEED Yeah. This, this piece down here, um, and I won't know the details of this. I just know the  
124 general's story cause he, Ken used to, he liked to hit home runs and then tell you about it.

125 STEVENSON uh-huh

126 STEED You know, he didn't, he didn't kind of like to tell you about things that were going on, but  
127 it sounded to me like they had an opportunity to kind of cut a middleman out of a sale and,  
128 uh, and increase their profits on on flipping some land. And you know, at the time, he just  
129 said, well, you know, if they've found a way to kind of get to the wholesaler, you know, it's  
130 one of those things, but it's, it's also one of those events that, uh you know, if, if uh, if you  
131 were going to lose a million or \$2 million dollars on a deal, you know, I don't know how  
132 much motivation a person needs to do something that bad, but, it, the thought crossed my  
133 mind, you know, and I, I had asked, David Simpson, I said, is this a, in your estimation, is  
134 this something that uh, you know, how shady were these guys and one of the guys he told  
135 me about was a guy that uh, that works up at a place called Van Wagons Pawn Shop, who I  
136 have to just thought forever was kind of a greasy guy. I don't think he's capable of doing  
137 something like this, but apparently he's got a lot of skin in the game over here. But uh...

138 STEVENSON What's his name?

139 STEED ...on this piece. His name is uh, let's see, van Wagen...what's his? Norm, Norm van Wagon.  
140 Yeah.

141 STEVENSON And he was involved in the deal?

142 STEED He was involved in his land deal. And supposedly he's one that that stood to lose some  
143 money on it. And it's a big, convoluted deal. Springville went down and put a bunch of  
144 money into this place. And I don't know, I don't know all the details, but I know that was  
145 one of the last things that he was working on.

146 STEVENSON And it was that a million dollar investment? Do you know? On his part?

147 STEED It would be multi, multi-millions.

148 STEVENSON So, it wouldn't just be 1 million.

149 STEED It would be significant. Um, in fact, I think, I mean, they've, in fact they've through David  
150 Simpson, they continue to want to pursue this, you know, because they want, they want  
151 money to buy this land. And I just said, no, I just said, this is, I'm just not interested, you  
152 know. But, I think the purchase price on the land is like 18 million. And there were people  
153 that owned various pieces. And um, these were some of the people that I think stood to, to  
154 lose. But you might talk with David. I wonder if he's...he's just stepped out. I wonder if he's  
155 gone too far. I guess just, you know, it might be interesting to see. Yep, he out, probably  
156 taking a call. Might be interesting to see if, if there's something there. I don't know, you  
157 know? I know people don't like to lose money.

158 STEVENSON Yeah,

159 STEED Yeah, you know.  
160 STEVENSON: So you don't know who he was working with or if he was meeting somebody. You just  
161 don't know anything about that.  
162 STEED: Well, I know you guys don't like theories. Um, I have thought all along that, it could have  
163 easily dealt with, his just absolute tenacity, in regards to getting Dee getting her sentence  
164 commuted. He was working so hard to do that, to get  
165 STEVENSON: To get her released...How long has she been in?  
166 STEED: She went in, in March of this year and she's scheduled for release in April. And, uh, he just  
167 worked tirelessly. I mean, he just, it was just unending, you know, and there were so many  
168 different avenues and, and, you know, one in particular avenue that I've really thought was  
169 worthy of pursuit. And I don't know how much, or if they've even been able to put it  
170 together, but uh, in, I think it was in April just after he went in, he was told that. and I think  
171 I know, you know, the name of David Novak and you guys been able to find David Novak?  
172 STEVENSON: I don't know, like I said, we've been pulled in, after the fact to do some of this leg work that  
173 Chris and Dean have just not had time, you know, following things with any loose ends  
174 they've sent us out.  
175 STEED Okay  
176 STEVENSON So, we haven't been involved in the main gist of the case. So, I'm not, we're kind of at a  
177 disadvantage.  
178 STEED: I think David Novak was a person of extreme interest to them initially. Ex-con guy that runs  
179 a consulting service talks to people about what to expect in prison. He's written books,  
180 hold seminars. But one of the things that he does is he tries various ways and means of  
181 commuting sentences, everything from writing letters for presidential pardons to, activating  
182 uh Senate involvement. Uh, he was working with, Warren Hatch and I know he'd sent him a  
183 letter. But what was interesting about David Novak is he was actually working for both Tom  
184 and Dee, and uh I think potentially that's where the rub is. You know, if, ha, you've gotten  
185 to know the history of this family, it's pretty sordid and uh  
186 STEVENSON It's very interesting.  
187 STEED It's interesting. There's a lot of money involved. Uh, It's, it's sordid, and it's really ugly. And  
188 we used to sit around and talk about the fact that it was possible that, that we could be  
189 dealing with something like this someday. And you kind of say it tongue in cheek, but, um  
190 then it happens. And you think, it makes you wonder why you didn't uh, makes you wonder  
191 why you didn't take more precautions, you know? But anyway, David Novak, and we didn't  
192 know it at the time, was working on behalf of Tom trying to get Tom's sentence commuted  
193 and he was working on behalf of Dee. And he was taking a lot of money from both of them.  
194 STEVENSON Was he trying to get Tom sentence commuted as well?  
195 STEED Yeah.  
196 STEVENSON Were they - their sentences similar?  
197 STEED No, they were, they were sentenced the same day. They were indicted, convicted, and  
198 sentenced all together. But the judge, Judge Kimball, who's the, the, the federal judge up  
199 here. Um, he kind of hit Tom with more of the maximum sentence because he could see  
200 that Tom was the ringleader and, and was the one that had really kind of taken them down  
201 and then he gave Dee uh a relatively light sentence. And we really viewed that as his  
202 acknowledgement that, uh that Dee was more of a battered spouse, which she was, you  
203 know, she was a battered spouse for 30 years as one of those real tragic things. But  
204 anyway, um certainly, certainly David Novak being the go-between would have expressed at  
205 some point Dee's, Dee's plan, you know, and, and the plan was very simple. Ah, anything  
206 that Dee knew or had that would either increase Tom's sentence, uh or would, would,  
207 would hold up in court against Tom Jr. and Derek, uh the Fed's were really interested in  
208 that. Uh, this gal, uh marks marks was it, I'm trying to remember the lead prosecutor, Caryn  
209 mark, Caryn eh, I can't remember. Anyway, she, she was very interested in that information  
210 and the deal was simple.  
211

212 STEED: You bring us information that leads to a conviction, or at least leads to some major  
213 indictments, especially on, on Tom Jr. and Derek. Remember, these are children, these are  
214 children that had just really turned on her. They hated Ken. They had threatened Ken on  
215 several occasions, more so Derek had threatened him physically. And, I know at one point,  
216 one of the ranch hands saw Derek and Ken meet at the ranch and he was really nervous,  
217 and he passed Ken, Ken passed Derrick, wad of cash that was in an envelope, and it was  
218 about this thick. And, I know that when Dee heard that she was really upset. Because she  
219 wanted to know where all her money was, you know? But, anyway, and that's uh why I  
220 know initially there was uh some attention that was paid there. Ken's brother, Rob, first  
221 thing he said is I uh Ken, I know Darick did this, I know Darick did. Cause there had been a  
222 threat just within the last three weeks and other threats and Ken had taken it somewhat  
223 seriously. He had, he put up significant surveillance at the house. He encouraged us to put  
224 surveillance at our house through a company called Wilife, which we did, you know. So he,  
225 he was concerned, you know. I don't think, I think like all of us, it was kind of a tongue in  
226 cheek thing. But, but anyway, our big concern originally was that somehow this plan to  
227 basically provide information to put these guys away, thus reducing D sentence had, had  
228 gotten back to them. And if that's the case, it's, uh that certainly serves as made major  
229 motivations because, you know Tom, Tom's narcissistic. He thinks everybody's wrong. He  
230 thinks he shouldn't be there. Tom should be there. Tom broke the law. Tom tried to hide  
231 this income from offshore. He tried to do it, you know, and he took Dee down with him and  
232 he did conspire. And that's one of the charges he conspired with his attorney, James  
233 Thompson, who also went to prison. That's all true.

234 STEVENSON Yeah

235 STEED You know, I mean, it happened; they got caught; they're doing their time. And it's  
236 unfortunate that Dee was married to him and signing the tax returns. And that's the part  
237 that uh, that throws Dee under the bus, you know?

238 STEVENSON Right.

239 STEED So it's a tragedy all the way around, but that that's one motivation. The other, the other  
240 thing that happened is my brother, Darick, is going through a divorce. And, my mother  
241 became very concerned with Darick and his activities and some of the things that he was  
242 doing. And, and, he's apparently been taking some pretty hard drugs, uh which is really  
243 unfortunate. That's not, that's not the house we were raised in, you know, but he, his kids  
244 were seeing him take this foil packet out of his glove box while driving down the road. And  
245 they saw him, snorting, these powders. And, he would say to them, you know, this, this  
246 makes daddy strong. You know, of course they were mimicking him with some, some  
247 something, they were doing some pixie sticks or something. And, so this all started to  
248 come out. So, Cheris is her name. She went really aggressively against Darick because she  
249 was really worried for the safety of her children as she shouldn't be. And uh, she, she didn't  
250 have the money and Dee, caring about those grandchildren had, really kind of aligned  
251 herself with Cheris and said, listen, I've been a battered wife for 30 years. I will help you.  
252 Even though this is her son, she said, I will help you. And all, we give you the resources  
253 that you need to feel safe and secure, which she did. And, and of course, as things play out,  
254 Derek eventually found out that his own mother was supporting his, his estranged wife.  
255 And he was very upset. And within about 30 days of that happening, Cheirs just completely  
256 went off the radar. I mean, she just disappeared, stopped returning phone calls, fired her  
257 attorneys, just stopped all the progresses. She had a, an effective restraining order in place  
258 that went up in smoke.

259 STEVENSON And how long ago was this? This is...

260 STEED Well, it would have been, it's going back probably three or four months now. This is, and  
261 this is Bart Bailey who is Dee's personal attorney. He has, is probably your best source of  
262 truth regarding that. But uh, we really felt, and Dee really felt that she had either been  
263 threatened beyond all imagination.

264

265 STEED: And of course, now we see possibly what these people are capable of, or, um she was paid  
266 off  
267 STEVENSON So maybe Cheris to somebody that needs to be talked to?  
268 STEED Cherice needs to be talked to.  
269 STEVENSON Do you have phone numbers on her or addresses or anything like that  
270 STEED Uh, I never spoke to Cheris, but uh, Bart Bailey has uh, would have that information.  
271 STEVENSON okay  
272 STEED Yeah. He would have that. And you have Bart's information.  
273 STEVENSON Yeah  
274 WILLIAMS Would Cheris talk to us?  
275 STEED You know, not freely, not freely she would be uh, and it really depends, you know, I mean, I  
276 just really hope and pray that there is no involvement in that way, because that's something  
277 that will continue to be a problem for (inaudible – my dad? - 10:34 - I can't tell).  
278 STEVENSON She's continuing through the divorce with Darick?  
279 STEED Well, we don't know  
280 STEVENSON Because nobody's talking to her, she's still kind of removed herself from  
281 STEED Yeah, we really don't know. We don't know if she's just frightened beyond all possibilities  
282 and it's just kind of hold up. And, but we do know that she's not pursuing Darick anymore,  
283 that we know and something happened. And, and, Ken actually had a letter that was  
284 written in Tom Sr's handwriting, Tom Mower Sr's handwriting that said, we now have Cheris  
285 back in our camp. He never showed me that letter, but uh, he had seen it. And uh, it was  
286 this very, it's very intriguing to me because he had uh, for some reason, Dee and Ken was  
287 both very interested in how Tom was doing and what Tom was doing. And, and, and I don't  
288 know why. I just think that uh, they were really hoping that uh, his sentence would be  
289 extended and that he would, you know, and I think it's a little bit of a vindictive thing. I  
290 don't know. I just know that there's no, there's no love loss there. And yet Tom continues to  
291 just love Dee, just loves her, you know.  
292 STEVENSON: But he's now remarried, correct.  
293 STEED: He's remarried, he's remarried this Russian gal. Um anyway, the other potential source of  
294 truth that those guys would have had regarding our plan would have come from Cheris  
295 potentially because she knew, she knew it all. I mean, we would sit around this in this  
296 attorney's office. And we would talk about,  
297 STEVENSON Trying to get ways of getting Dee's sentence commuted,  
298 STEED: Correct with  
299 STEVENSON: The right information, or whatever through the Feds  
300 STEED: and Cheris was providing a lot of information. She was ju...you know, she was just newly  
301 estranged she'd seen...  
302 STEVENSON: ...on Dee's behalf. And then all of a sudden that stopped and she...  
303 STEED: Correct  
304 STEVENSON ...things change.  
305 STEED we get this, you know, we get this letter or we hear about this letter,  
306 STEVENSON: ...which makes you believe that Tom got to her and shut her down and  
307 STEED Correct.  
308 STEVENSON Okay. I, you know, you're talking to him kind of reading between the lines.  
309 STEED: Yeah,  
310 STEVENSON Okay.  
311 STEED That's exactly. That's exactly it. And, and so that, you know, Ken is at the center point of all  
312 of these activities, you know, he's the one that's running the money. He's the one that's  
313 paying the attorneys. He's the one that's trying to find the dirt. He's the one that's  
314 connecting the pieces. And uh, so my initial thought was indeed that, that somehow Tom  
315 was involved in an effort to try to keep him from pursuing, you know, the sentence he was  
316 pursuing. And uh, but you know, it's, it's pure speculation, you know, until, until something  
317 comes up.

318 STEVENSON: How long was Tom sentence  
319 STEED: Thirty-four months.  
320 STEVENSON Okay.  
321 STEED 34 months. But uh, he went into a drug rehab program and, it's scheduled to be out. I  
322 think...  
323 STEVENSON: Drug rehab for our prescription drugs to illegal drugs?  
324 STEED: Yeah. It's kind of a funny, but they call it the RDAP, the R-DAP, the program. And uh, it's a,  
325 it's a program run through whether the Federal Bureau of Prisons and basically it, it takes  
326 about a year off your sentence.  
327 STEVENSON Really. Did he have a drug problem?  
328 STEED You know, um  
329 STEVENSON Or is this just a way to get a year off your sentence?  
330 STEED It is a way to get a year off your sentence but it does cover things like, well, I mean, it could  
331 cover diet Coke  
332 STEVENSON neh  
333 STEED It's an addiction.  
334 STEVENSON: So, if you had a prescription for Oxycontin, he could say it was addicted to it and use this  
335 for a reduced sentence...  
336 STEED correct. And Tom did, he did have some addictions. He had some addictions to uh  
337 painkillers. I know that he was taking uh, he was taking an entire bottle of Excedrin every  
338 day...  
339 STEVENSON Okay  
340 STEED ...and mini-pens, he was taking just some ridiculous amount of mini-pens and trying to  
341 watch his weight,...  
342 STEVENSON okay  
343 STEED ...you know, and be an old hunk for all these 18 and 19 year old girls.  
344 STEVENSON laughter  
345 WILLIAMS laughter  
346 STEED It's sick. It's the sickest dang thing.  
347 STEVENSON: Is there anything else that has come to your mind that you want on record. Anything else  
348 that, that uh, you can think of?  
349 STEED: Yes, there is one other thing. Uh really don't know if this has any bearing, but it's worth  
350 looking at uh, have you guys looked into a gentleman by the name of Robert Zmelic  
351 STEVENSON: Don't know, but let me, you know, when they get back today, we can...  
352 STEED: Okay  
353 STEVENSON Robert, say it again.  
354 STEED It's a, it's a, it's a Slovak, name it's Zmelic, Z M A E L I C  
355 STEVENSON: Z M E L I C?  
356 STEED: Z M E L I C, I think is how he pronounces it.  
357 STEVENSON And what's the affiliation or?  
358 STEED Zmelic, Zmelic was a good friend of uh Tom Sr's, Tom Jr's, and Darick's even through major  
359 litigation, that we had with Neways. Um, they remained friends. I mean, here's a half of the  
360 company being sued by this guy. And there, you know, behind, behind closed doors being  
361 real chummy. And it was because they had done a lot of things in the Czech Republic that  
362 were illegal and they'd gotten caught a couple of times because Robert Zmelic is a, he's  
363 actually 1992 Decathalon Gold Medalist in Barcelona. He won the gold medal, the  
364 Decathalon incorporates all the different...  
365 STEVENSON What countries is he from?  
366 STEED He's from the, he's from the Czech Republic.  
367 STEVENSON Okay.  
368 STEED Yeah. Slovakia or the Czech. I think he's from the Czech Republic.  
369 STEVENSON Okay

370 STEED: Anyway, one of the, one of the more serious potential crimes that Tom has committed  
371 involves Eastern Europe, and it involves, uh, income tax evasion and relabeling of old  
372 product and just a lot of goofy things like that. And, uh, there is the outside chance that,  
373 uh, there is the outside chance that, you know, Robert could have called. And I have to tell  
374 you, the reason that I was thinking about this the other day is because we, we, we heard  
375 the name, Robert. Robert certainly could be, you know, at fictitious name and most likely is,  
376 but indeed Robert is somebody that, and, and this eye-witness, of course heard Ken say uh,  
377 Robert, I don't want to have any troubles just as he was being shot. So, um, anyway, um...

378 STEVENSON: Does he live here local now or is he still out of the country or do you know?  
379 STEED: He lives in the Czech Republic.  
380 STEVENSON: But he would have a reason to come here if he's friends of Tom junior, senior, and Darick?  
381 STEED: They're all still doing business together. I'm sure. His, his, Robert's good friend is working  
382 here with Tom Jr. and Darick is...

383 STEVENSON What's his name? Robert Zmelic's good friend?  
384 STEED Yes. What is his name? He was married to a gal by the name of Luba...Luba...and let's see.  
385 What is his name? I'm trying to remember his name. Alan will probably know his name. I  
386 can picture his face. Anyway, they continue to be good friends. And uh, the, the tie is that  
387 certainly if Ken was looking to create uh, you know, ways and means of commuting the  
388 sentence, one of the primary issues was related to Robert Zmelic and offshore accounts  
389 and money that had been taken

390 STEVENSON As in getting Robert to give information against Tom?  
391 STEED Uh yes, although, he wouldn't have done it willingly, but it was certainly an area of the  
392 world where there was a lot of funny business going on and...

393 STEVENSON Okay  
394 STEED ...therefore, investigators would be very interested in...

395 STEVENSON Have you had Robert Zmelic?  
396 STEED Yeah, he and I used to be good friends.  
397 STEVENSON Describe him to me. Give me a physical description.  
398 STEED Uh, six foot two, blonde, well-built, blue eyes. And he's a good looking guy. He was a, he  
399 was a world-class athlete, you know?

400 STEVENSON So, muscular guy, then  
401 STEED muscular  
402 STEVENSON He's six-two, then how much would you place his weight?  
403 STEED Two... I guess he's gained weight actually, since he stopped competing actively. So  
404 probably two-thirty.

405 STEVENSON Bout, how old do you have a date of birth or know how old he is?  
406 STEED Let's see. He would be...

407 WILLIAMS We could google him, too.  
408 STEED Oh, yeah. In fact, I Googled him, when I first started thinking about this last week and it was  
409 some information that came up. He comes up first. Do you remember Robert Zmelic's  
410 friend that worked at Neways?

411 ALAN Edward Vosar?  
412 STEED Edward Vosar, was he from Slovakia?  
413 ALAN I don't know for sure.  
414 STEED He was either from Slovak or from Czech Republic. And he's still working here local. Isn't  
415 he?  
416 ALAN Last I heard.  
417 STEVENSON How do you spell Vosar?  
418 STEED V O S A R is it?  
419 ALAN It's A R. I couldn't remember whether it's S or Z. But I think it's S.  
420 STEED I think it's S. And then, do you remember Luba's name. I know it's a real heavy Slovak name  
421 ALAN I think it starts with a Y and it goes on for a long time.  
422 STEVENSON hahaha

423 ALAN other than that?  
424 WILLIAMS Lots of syllables  
425 STEED Luba and Edward are married, so they're both working for Sisel.  
426 STEVENSON Okay.  
427 ALAN Last I heard  
428 STEVENSON And Edward's a friend of Zmelic's.  
429 STEED Yeah. He was his personal trainer.  
430 STEVENSON So, is Zmelic 40, 30, 20?  
431 STEED Zmelic would beeeeeeeee...40  
432 ALAN 'Bout 40. 45  
433 STEED Yeah, I think so.  
434 STEVENSON: Okay. All right. Anything else?  
435 STEED: I think that's about it. Thanks, Alan. I appreciate that. I knew you'd know. So, is he's an  
436 attorney here on staff.  
437 STEVENSON: And so when you heard the name of Robert being mentioned, you did think of this guy just  
438 as a connection or something?  
439 STEED: Yeah. You know, I hate to send you guys off on some wild thing, but, I, you know, I don't  
440 know. I guess it's worth mentioning. I don't know, but uh, certainly if Cheris has not been  
441 spoken to, she should be spoken to.  
442 STEVENSON: Okay. Well, what we'll do is get some information from Bart and try and make contact with  
443 her. She lived here local?  
444 STEED: She was up in the midway. So she's up by Hebron, not too far around the mountain from  
445 you guys there.  
446 STEVENSON: Okay. All right. Well, we will take care of that and we appreciate your time. And should we  
447 talk to David? Is it we're talking to David today?  
448 STEED: Well, you know, you probably should. He is still here. It's that his car? No, but he is still  
449 here. He's wandering around outside. You probably ought to take just a minute with him.  
450 STEVENSON Okay  
451 STEED I gotta get running.  
452 END OF RECORDING

# **EXHIBIT H**

**Transcript of Phone Call  
between Mower and Dolezsar  
November 14, 2007**

Sandy Police Department  
Taped Phone calls from Prison  
Case # 07E013044

November 14, 2007  
4:44.32 PM  
801-362-3941  
From Leslie Mower to Kenny Dolezsar

---

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- 1 KD: Hello
- 2 LM: Hi honey...
- 3 KD: Hey, how are ya?
- 4 LM: Fine. You sound like you're in a tunnel...
- 5 KD: I was downstairs in the pantry and I'm walking back upstairs, cause I  
6 was gonna go pick up something to eat, and now I changed my mind.
- 7 LM: (laughing)
- 8 KD: Now I want to go upstairs, sit down on the couch and talk to you.
- 9 LM: Okay. So how have you been?
- 10 KD: Oh, pretty good. Today we had a really long meeting with Jamie and  
11 Laura and LaDonna and Chree and they came over and it was so fun.
- 12 LM: Was it?
- 13 KD: Cutest girls in the world.
- 14 LM: Oh, they are, they are just darling, all of them.
- 15 KD: They're darling. And they're all just, they just enjoy each other's  
16 company a lot, so we spent...oh gosh, two hours today.
- 17 LM: Was Laura there, too?
- 18 KD: Oh yeah, Laura was there with her short hair. She looks like a boy.

19 LM: Oh no.

20 KD: Oh, I'm just so mad at her cause she cut her hair short.

21 LM: She cut her hair off. Did you find out about the second chance?

22 KD: Yes, I left, I um, they have, they have, it's in front of a vote today, and  
23 they still haven't got the results of the vote, so and I looked every where  
24 to get, ya know, results of the committees recommendation, and there's  
25 nothing on the Internet yet.

26 LM: Mmmmm

27 KD: I e-mailed the link to Bart...

28 LM: Did you read anything about it, did it say anything about sixty..

29 KD: Nope.

30 LM: Cause Betty here said it doesn't.

31 KD: Yeah, I read every where about the second change ad, it had nothing to  
32 do with sixty that I could find any where.

33 LM: Nope, she said that it absolutely did not, so I didn't know, but I've heard  
34 that it did, I just didn't understand.

35 KD: Oh, okay, well then that makes it more clear, cause I read about the  
36 second chance ad, and it wasn't about sixty...

37 LM: No, it's about a lot of other things.

38 KD: Yeah, and um, but now that you said that, maybe I've got to read, ya  
39 know, a different part of it or something, because I, I...

40 LM: It's about people getting out and going and doing, but there were two  
41 parts to it, and I didn't know what the other part was. Everybody is  
42 saying yeah, older people, it didn't specifically say sixty, but first time  
43 offenders, the elderly, and I just wondered.

44 KD: Okay, well then that makes it more clear, cause when I read through the  
45 whole thing, I didn't see the word "sixty" any where. Um, now I'm going  
46 to read, read it again...

47 LM: Elderly, look up elderly on it.

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48 KD: Yeah, I'm going to look up "elderly" or "senior" or something. I just  
49 couldn't find "sixty". So maybe I'm reading it wrong, it means I have to  
50 read it differently, so...

51 LM: No, it's okay. It's just I want to be told by the attorney's when they come  
52 on Friday, I hope that they've read it and can explain it to me.

53 KD: Yes. Well today is what, Wednesday, it's hump day!

54 LM: Yes, it is.

55 KD: Oh my heavens, I just left you.

56 LM: Yes, you did.

57 KD: And it's already half way to the next week. Oh my gosh.

58  
59 LM: And it can't get here soon enough. I'm just sad today.

60 KD: Oh my heavens, are you really?

61 LM: I'm sad.

62 KD: Oh...I'm sad that you're sad. I'm... I know it, I just keep myself so gosh  
63 darn busy today. Um, I didn't leave the house all day today, all I did was  
64 work in the basement with Laura, or sorry, LaDonna, we did all, we got  
65 three more letters from the you, actually two, and one was to somebody  
66 else, I can't remember who it was, um, and so we read all your letters put  
67 them all away and actually you didn't instruct us to do too many things  
68 today. I think there was one thing that you instructed me to do, and  
69 that was ....

70 LM: Well, I tell you everybody that wrote me letters and that means for you to  
71 write them something.

72 KD: Yeah, those the ones that write you, they get return letters, if they don't  
73 write you, they don't.

74 LM: Right. I uh...

75 KD: So you asked me to write, one of the things you asked me to...highlighted  
76 in yellow was go ask JJ and see if Suzanne was living in the basement  
77 and to tell you the truth or something, and so LaDonna was instructed to  
78 go do that today. So...

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79 LM: Didn't I write a letter to JJ?

80 KD: Uh, no. No. It wasn't to JJ.

81 LM: No?

82 KD: You had one...

83 LM: I haven't written for so long, I don't know when you're ever gonna get  
84 another letter.

85 KD: I got a letter today from you, so there ya go, I got one. And then the  
86 other one was a letter that had a bunch of stuff, oh, it was Bob's return  
87 letter, that's what it was. And you had all your replies on it. I  
88 (recording- this call is from a Federal Prison) made me so ill, I couldn't  
89 read the other half of the letter.

90 LM: Oh, it was horrible. I told you it was horrible letter.

91 KD: I'm thinking maybe I'll read the other half tomorrow or something, I don't  
92 know. But you had comments in there.....

93 LM: Horrible...

94 KD: And I was reading it and I was just going...oh my heavens, he didn't do  
95 that. Oh my heavens, he didn't do that.

96 LM: He did...he did. It's over, it's over between us. He made a very, very  
97 serious and horrible mistake.

98 KD: Well, anyway, so that was...we did that this morning. JJ um, was ...

99 LM: But don't you talk to him about me. Don't you discuss anything about  
100 me, cause if he asks how I'm doing...

101 KD: Well I can tell him you're mad at him. I can't say that you're not.

102 LM: No, don't. Please don't! I am asking you not to.

103 KD: Alright, I'll tell him that I have been instructed not to talk to him....

104 LM: About ME! You're welcome to talk to him.

105 KD: Well, yeah, about you. Yeah, okay. Anyway...

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106 LM: Because tell him that was the problem and you have been instructed  
107 that you absolutely cannot discuss or disclose one thing about me or  
108 anything that I say to you.

109 KD: Alright.

110 LM: Because that's what got us all in hot water and so that, therefore, he is  
111 to know nothing of our personal relationship and what we discuss  
112 together as husband and wife. End of story.

113 KD: Good. Um, I talked to Barry today, he came over, he was really happy,  
114 um, he told me the story of Suzanne...

115 LM: Was Suzanne living in his basement?

116 KD: He never told me that part. I mean, it's amazing how I kind of asked the  
117 question a couple of times, and he never answered it. He just kept telling  
118 me that, ya know, he really appreciated it, and Suzanne was his best  
119 friend and oh my heavens...I just couldn't believe all the nice things he  
120 said about her. And so, um, and then he um, uh, well he was just telling  
121 me how everybody in his family cried at the funeral and they were so sad  
122 and they sang songs and I can't even believe that Jamie's kids went to  
123 the funeral, let alone cried at it. I guess they must have known Suzanne  
124 pretty good.

125 LM: Yeah, oh it's just terrible. That whole thing just makes me want to  
126 vomit.

127 KD: The little children said that Suzanne was their second mother.

128 LM: Oh my gosh...

129 KD: Chree... So they must have been living there together, doing I don't  
130 know, whatever girls do.

131 LM: Um huh...

132 KD: It just seems so weird. I'll tell you, if Tom ever moved in with me or us, I  
133 would just, I would die. I would....I can't imagine an ex living with us.

134 LM: No. that is the sickest thing I've ever heard in my whole entire life. That,  
135 that is ridiculous.

136 KD: And then, or even having...

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137 LM: Have you heard anything about him?

138 KD: Yes, I have some reports to tell you on Friday and it's...

139 LM: Good or bad?

140 KD: Bad for ya know, it's...

141 LM: But bad for him?

142 KD: Yeah. Um, so I'm actually meeting with my friend tomorrow at 7:00 a.m.,  
143 go figure that out.

144 LM: Oooh, I love it.

145 KD: 7 a.m. in the morning. So I have to get up ...

146 LM: Talk about Derrick and Tommy as well, cause evidently they've been  
147 talking to him.

148 KD: Okay. Well I will. At 7 a.m. so..

149 LM: See what they have to say.

151 KD: Okay, I will, I'll try to broaden the stroke and try to include a lot more of  
the people and see what happens.

152 LM: Okay.

153 KD: So yeah, 7 a.m. tomorrow morning ...

154 LM: Well he knows now, nothing will leak out, nothing is being said, nothing  
155 is...

156 KD: Yeah, exactly. So tomorrow morning at 7 a.m., so tomorrow night I  
157 should know more.

158 LM: Jamie is working at Trivani?

159 KD: Yeah.

160 LM: K.

161 KD: Yes, and um, (inaudible) I loaded her up with so much work, I don't  
know how she can even get it all done, in fact, I have given her in

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163           incredibly big job of building the business plan and she says she's gonna  
164           do it, so there ya go. I was really thrilled. She is, she asked me what  
165           C chapters are in a business plan and I told her, ya know, what I expected  
              in a business plan and ....

167   LM: Well, show her the one I sent home that uh, (inaudible) yeah...

168   KD: Oh...

169   LM: Yeah that... yeah, give her that (Recording - this call is from a Federal  
170           Prison) as an outline, make a copy of it and then give her that as an  
171           outline.

172   KD: Yeah, but I want a proformance statement and I want a...

173   LM: Well use that as a guideline, cause that's pretty good.

174   KD: Yeah, it's pretty good, it's a concise one, I would rather have it more  
175           expanded.

176   LM: Oh yeah, it's very concise, it's just, it's just a 20 minute-er.

177   KD: Yeah, well...so I did that and uh, and I've uh, I went to go see Wi-life  
178           C today, and Wi-life sold the company last night to a company named  
              Logitech...

180   LM: Right.

181   KD: So that is good for us. So the reason why it's good for us is because...

182   LM: Well do you want to leave everything in there, or do you want to take it  
183           out or what do you want to do?

184   KD: Oh, I need to take it out because I ran out of money and I need, ironically  
185           enough, I was down to my last ...I don't know, 300 or something, and I  
186           was wondering how I was gonna pay the next bill on the ranch, and so  
187           this came into perfect timing.

188   LM: Well can't you, what do you mean you ran out of money? What about  
189           the money in First Security and what about...

190   KD: Well I kind of promised you I wasn't gonna take anymore out of there, so  
191           I don't take anymore out, I just spend the money that I have.

192   LM: Take money, use the money out of First Security, or uh, yeah, not First

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193 Security, um, whatever...

194 KD: Chase

195 LM: And take the money out of that other bank down in ...Central.

196 KD: Okay. Well..

197 LM: Use all that, for heaven sakes. What do you mean you promised me you  
198 weren't going to use that. That is what you have to live on and to pay all  
199 the bills.

200 KD: Well..

201 LM: That is your money to live on, Ken.

202 KD: Alright.

203 LM: I never told you that. I would never tell you that.

204 KD: You never did...told me, I said I promised you I wouldn't go into the  
205 securities unless I needed them.

206 LM: No, you get in there.

207 KD: Okay. Well anyway, the real, the reason why is because the cabin is, I  
208 instructed everyone to build the cabin and so that is..

209 LM: Yeah, this is for us, that money is ours and this is for us. No, you get in  
210 there, you take what you need. Spend it, spend it.

211 KD: Alright, I will. And so I took care of that today and while I sold some  
212 money, sold some shares, so I sold all my shares in Wi-life, your shares,  
213 too... I mean...

214 LM: And how much, how much would it be...

215 KD: It's going to come out to almost three...

216 LM: Okay. well that will be good. That will help out, but then, ya know, you  
217 need to dip and dip it, when and if and when you need to, it doesn't  
218 matter.

219 KD: Three should last us at least another six or seven months as long as, ya  
know, I mean, I can't ...

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221 LM: Oh, heck no. Whatever, whatever you need.

222 KD: Well, at least three or four anyway.

223 LM: I am not going to scrimp. I am not, I don't have to.

224 KD: I have instructed everyone to double their efforts on the ranch because I  
225 want it done by December now, so I've got to..

226 LM: Why is that?

227 KD: Cause....um....

228 LM: Well it should be, it should be, they've really taken their time and  
229 especially because I've been gone.

230 KD: Well no, they haven't taken their time, um, the...

231 LM: Well, I mean, half my people are working up on top of the ranch.

232 KD: Well, that's true, but...

233 LM: If they had their efforts just on mine, it would be different.

234 KD: Well, they're not the same company, but I suppose they ...

235 LM: Roundy..

236 KD: Not Roundy, Roundy is not working there.

237 LM: Who?

238 KD: Roundy is only working...

239 LM: Who is working up on top?

240 KD: I don't know, but it's not Roundy.

241 LM: You are the one that told me.

242 KD: No, Roundy was asked to put a bid on, and he didn't put a bid on. He  
243 ended up bidding on Mackey's house, and he's building Mackey's house.

244 LM: Oh, you're right. That's right.

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245 KD: Yes

246 LM: That's right...that's right. Pardon me.

247 KD: And that's why he's splitting his employees into two, because half of  
248 them are at Mackey's house..

249 LM: Right, I knew that they were some where working. Yeah, and that  
250 makes me sick about Mackey's, I wish that he hadn't have done that.

251 KD: Yeah, well he did. Now Mackey is in financial trouble and now he built  
252 too big of a house and oh gosh...

253 LM: Isn't that the way it goes. Isn't that absolutely the way it goes. I would  
254 hate to be a contractor.

255 KD: Yeah, I know.

256 LM: And have that always going on. Have you heard any more about..

257 KD: Oh, Hi JJ.

258 LM: Golden Gate?

260 KD: No, I haven't. I called Bart today and he never called me back, but ya  
261 know what, I should try calling him again tonight. But...

261 LM: Tell JJ I love him.

262 KD: JJ, mom loves you. Love her, too.

263 LM: Ask him if he's going alright?

264 KD: Are you doing alright, Jim? Are you hungry? Okay. Are you going out  
265 tonight? Are you going out tonight? Well, okay. He seems to be fine, I  
266 mean, he's a happy kid, Jim are you a happy kid? Yeah, we're happy.

267 LM: Is he gonna play with Posh?

268 KD: He's playing with Posh right now. He's patting him and Posh is sitting on  
269 the couch, on top of the couch, he's giving Posh a big kiss on the nose.  
270 So there ya go.

271 LM: Oh...

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272 KD: He loves Posh.

273 LM: Oh...oh...does Posh love him?

274 KD: Yeah, Posh loves everybody. Gosh, I mean, everyone is jealous of Posh,  
275 cause I put him through the trick routine, they come over and I go "trick,  
276 trick, trick, trick, trick, trick" and everybody goes...gosh, he's smart, he's  
277 so smart, I don't even like my own dog anymore.

278 LM: Laughing

279 KD: Laughing

280 LM: Chree loves Posh.

281 KD: Chree was here for like five hours today, I just kicked her out literally 20  
282 minutes ago. And Chree comes to me ...I'm too afraid to buy a Bichon,  
283 because I'm afraid he would never be as good as Posh.

284 LM: Isn't Posh just cute. So how's my mother?

285 KD: Your mother um, is mad at me today. Um, she can't find a light switch.  
286 She called up Jamie and LaDonna and then she called me and she says  
287 please send an electrician because I can't find the switch. And I said  
288 there's got to be a light switch there, ya know, I'll send down Jamie. So  
289 Jamie went down to look for the light switch and she can't find it, so now  
290 she wants me to hire an electrician and I said no, there's a light switch  
291 there.

292 LM: You go find it then.

293 KD: I'm going to. I'm going to go find it.

294 LM: You go find it. You eat first and then you go find it. I've got beeps going.

295 KD: Oh, okay.

296 LM: But I'm sad, I may call you again tonight, cause I like talking to ya, I'm  
297 sad.

298 KD: Well, you got lots of minutes this month (inaudible).

299 LM: I do. I do.

300 KD: Okay.

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301 LM: I love you.

302 KD: I love you, Dee Dee.

303 LM: I miss you.

304 KD: I miss you. We'll see you in two days.

305 LM: Three.

306 KD: Three days, sorry. Bye-Bye

307 End of Call

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# **EXHIBIT I**

**Transcript of Phone Call  
between Mower and Bailey**

**about November 7, 2007  
(date upon information and belief)**

1 DISK 50a Leslie Mower Prison Call (Disk 50a 5 of 5)  
2 DATE:  
3 Present on call: Dee and Bart  
4  
5 RECORDING: Please enter your pack number at the tone the call is being processed you have a prepaid call, you will not be charged for this call,  
6 this call is from  
7 DEE: Leslie Mower  
8 RECORDING: An inmate in a federal prison hang up to decline the call or to accept the dial five now, if you wish to block any future calls of this  
9 nature Hey you.  
10 BART: How are you?  
11 DEE: How are you?  
12 BART: Well, actually, I'm doing really well today.  
13 DEE: Good. I'm glad I understand you kind of had a meeting yesterday.  
14 BART: Had a very interesting meeting yesterday. Very good. Very good.  
15 DEE: I I tried to explain to Ken, he doesn't quite get over my, my purpose. So I kept trying to reiterate, reiterate, it doesn't matter. They  
16 need me more than I need them. And I don't care about the name or anything else, that they're going to be that way. Because they  
17 don't really have anything that I want. I have a lot that they want. And I feel in the interim, they could possibly help me. Who  
18 knows? Anyway, I wanted him to get over that message to you, because I thought that he and Bobby were really kind of putting  
19 the pressure on you to to get things resolved. And no, that is not what I wanted. I mean, I just want you to do what you know to do.  
20 Your instincts are perfect. They are  
21 BART: perfect. But I I really come frustrated by Mr. Hunt, who in addition to being the attorney for Golden Gate is also the attorney for  
22 Deseret News. And, and then he is unable to make any decisions. It's the guy in San Francisco that's making the decision. So he's  
23 chose to deal with him. And we've really had three meetings with him. But each time he's promised us stuff, and each time it  
24 doesn't happen, and then all sudden, it's my fault, because it didn't happen.  
25 DEE: On you. When we  
26 BART: finally came to thing, he says, Look, you've got to do this, or we're gonna sue you. And I said, Well, you keep promising that if we  
27 will sign this thing, saying that D and Bobby and Barry, are out from underneath us to your covenant that you're working  
28 arrangement with us one, you won't tell us in advance what that arrangement will be. And to in your amended complaint, the one  
29 you didn't ever give me a copy of. You've got a paragraph there that says the court is supposed to give a declaratory judgment  
30 declared during the kindness to your covenant valid against all parties that signed it. And that includes three people who don't  
31 have to come back under that thing. And so I got this really terse thing from Bernie tried to go behind my back and work in writing  
32 with my partner Bill. When Bob called and said, Well, we've got a meeting scheduled with Chris. I said, Well, I'm not adverse to  
33 meeting with Chris Sherman sons and emails and you can't meet with Chris, he is a principal that I represent. And I'm forgetting  
34 you and Jennings to go to this meeting. I'm thinking, the rule of litigation, you can't meet with the other party if they're  
35 represented by counsel, Chris as an attorney, and technically, he's the attorney who, in theory, at least is hiring Mr. Shannon. So  
36 we may have been pressed to his credit couldn't have been nicer. But the big news is Chris came to the meeting and said, I have  
37 authority to make decisions. Let's call it a proven he's never had that before. Wow. And he has agreed to type up little thing here in  
38 the next couple of days about how they will not come back and apply this thing against the three of you. He has agreed to allow us  
39 access to the witnesses we want to talk to. We in turn have agreed that Barry and Bob are willing to talk to them to let them know  
40 what they actually knew about Tom competing. Good isn't going to be really helpful there but but it helps, Chris because what he  
41 knows is if we get sucked into this lawsuit, we have to defend ourselves. Often what that means is we have to attack the credibility  
42 of Chris. Because their whole case at the moment is based upon Chris's affidavit saying, Hey, I didn't know he was competing,  
43 DEE: oh my gosh.  
44 BART: And furthermore, it says, Eric Larsen would never have signed the document if he'd known Tom was competing Well, they've never  
45 been able to get Eric to sign such a thing. So, your statement that you and the other two are absolutely necessary to their case? is  
46 true, except we've told them we can't lie for him. That's that's the Juggernog. And I know Ken was frustrated when he talked to  
47 me.  
48 DEE: He never tells me that he everything's always positive that comes out.  
49 BART: And then you interrupted him right in the middle of conversation. And he called back and Oh, really, I didn't, just as polite and he  
50 always, I don't mean to suggest, but he feels all right. I was wrong.

51 DEE: See, I just had the foresight to call him right at that time,  
52 BART: Do you think is best and and I wish you luck with, please let me know how it turns out.  
53 DEE: Well, and that's what I told him. I said, Bart, and I have a meeting of the minds we understand each other very, very well. And I will  
54 tell you right now, I will go without anything, if I have to. But these big boys are not going to come down and beat the crap out of  
55 us for nothing. We've done nothing. I'm sick and tired of taking the backseat, and being blamed and being pointed fingers out for  
56 something I didn't do. Let him live. He knows exactly how far to go. And everything's fine. Yes, it was hard for you to go in and  
57 speak with Chris. Because you know what? You know, Chris is one of the major reasons I'm here as well.  
58 BART: But Chris himself, as lucky said, You guys just have to understand. I really didn't understand. You said I have a whole new vision of  
59 Richard Hill and Douglas they are now than I used to know.  
60 DEE: Yeah, I bet they do.  
61 BART: I hear the beeping thing. And I don't know how much more time that means.  
62 DEE: We can talk until we hang up.  
63 BART: We are coming to see you a week from Friday. I haven't arranged that yet. But we're coming to do it. Okay. And we've sent you the  
64 list of 54 witnesses that came back to us, the prison wouldn't accept it. We sent it under a different cover. You should get it today or  
65 tomorrow. But as soon as we can get why those people were going to testify in your behalf. A brief has been prepared. I'm hesitant  
66 to talk over this phone at the moment. But a major player has. He's got a lot of pressure where he's at. And evidently he's now  
67 willing to work with us.  
68 DEE: Yes.  
69 BART: We want to seize this moment, we think we can have a brief filed in two weeks, the government would have about 20 days to  
70 respond. Real pressure would be to see if we could get a hearing somehow before Christmas. That it's possible. For the moment.  
71 It's still possible.  
72 DEE: I'm so excited about that. I I don't know whether it's true. I don't know whether he'll do it really do it well enough or not that. And I  
73 don't have my hopes up or anything like that. But I am. I'm I'm I'm interested in what I mean, I'm, I don't dare get my hopes up  
74 because I don't want them to be  
75 BART: No, and I'm more hesitatnt to tell you, but ...  
76 DEE: I'm kind of watching. I'm more guarded. I wasn't very guarded before, because I really thought we were gonna get in there. I think  
77 I could have taken the fact that we lost the appeal over not even getting in front of them to ask exactly right. Yeah, exactly. Right.  
78 That was all and you know, and I did I took that I didn't mean to I didn't want to, but I was just devastated. But But on this. I know  
79 this is something that's never been done probably. And yeah. And there's probably a lot of we  
80 BART: have a situation where an attorney has fallen on his own sword or Leastwise. We don't know one personally. We don't know the  
81 case, which was egregious as yourselves. I mean, so many witnesses who could have said something and when no one has to  
82 prove you innocent, they just have to put up reasonable doubt. signatures on hers is reasonable doubt.  
83 DEE: I think that that is what makes me look so bad if I went in and open that stupid account, but see all of that was thought out very  
84 very well. to malign me also put me in harm's way so that it was the two of us not just him. You know that I know that now. I didn't  
85 know it at the time.  
86 BART: Uh, we are anxious and Chris has promised us that (glitch) dismissed Nibley. Yeah, they should be rolled over immediately. They  
87 were dismissed him from the case. They got an affidavit from him and 82 exhibits, all been filed under a sealed order from his  
88 attorney. But since he's no longer a party to the action that can be sealed. Chris and Shannon have actually filed a motion to get  
89 that seal removed. They promised us when they do that we will get those documents. They claim approved. Tom was competing  
90 back in 2004. And I said 'that tags very much with information we have shown he was scamming the government back then and  
91 earlier.'  
92 DEE: Yes.  
93 BART: And we're very anxious to get that and Chris believes that we might be able to get that within the next couple of weeks.  
94 DEE: Wouldn't that be wonderful?  
95 BART: And yesterday he even offered to pay the expense of Mr. Doherty to bring him over from Russia to allow our investigators to  
96 interview  
97 DEE: that wonderful, so you let him know that you have got contact with him. I bet he was all over that.  
98 BART: Yeah, he he he knows we've talked, he knows we want to talk. He also knows he really doesn't want to get into a lawsuit with Bob.  
99 Because I pointed out the fact that he might believe that we're local yokels.  
100 RECORDING: This call it from a federal prison we used to be

101 DEE: Well, you know what, Bob's pretty sophisticated. And I would put bob up against just about anybody I really trust and believe in  
102 Bob I, I was very angry with him for doing what he did to the girls and, and then he came around and he said to Ken, "I don't  
103 understand what mom's problem is, if dah-dah-dah-dah-dah" and he said "it doesn't matter. They work for her. And they were  
104 hers. And she's taking care of them. Like she takes care of a lot of people Bob and you just want to cut their heads off. Can't do that.  
105 Because I do told her I want to start this business. And if you would support me, we'll give everybody a job. And then you go in  
106 there and slice their their heads off. You can't you can't do that, Bob." So anyway, I haven't  
107 BART: Written the letter. But I did go to four hours of this kickoff thing. Saturday morning. I sat with JJ le Donna. Jamie in the back next  
108 to the door. Oh, I really was impressed by what I saw. Bob is a stand up guy. He's not only been trained, but he's intuitive with this.  
109 Oh, he's he has your skill set the ability to come into a room and befriend everybody. And we all leave thinking, Boy, he's a great  
110 guy. And I'm glad he's my friend. And we're not even sure he knows our name. But we still like even Chris pair. I thought that  
111 good job. He has got some pretty stellar technology  
112 DEE: to death. Barry Oh, yeah. Oh, yeah.  
113 BART: He did his little dog and pony show and I sit back and kind of gasp and that's really works. There's no reason that this Trivani thing  
114 can't rule the world and  
115 DEE: oh my gosh, I'd say so  
116 BART: It can. It really can.  
117 DEE: Yeah, the boys have been there Good boys. They're good boys. And they they've taken a lot from from all of us. They've learned  
118 they've been trained. Yeah, I put Bob up against anyone very,  
119 BART: Very complimentary review at least a dozen times. But for sure in big, big capital letters about six times only once, but the word  
120 Mower never come out and the word Neways was never used.  
121 DEE:  
122 Very good. Very good. Well, I'm so glad you stopped by JJ he's a little sweetheart and  
123 BART: JJ. I don't know who it was new fashion consultant as but he looked like he belonged on gentleman's quarterly. He was dressed to  
124 the nines as her was looked like he just come out of fashion magazine. And they got him up on stage and stood in right there next  
125 to Bob and and Bob let him let everyone know he's part of the business and he's always wanted to be part of the business and  
126 grateful for his help. And JJ is just stood there and did his modest smile.  
127 DEE: JJ is a sweetheart and a lot of people know him I'm what I'm really excited about is going back in and rebuilding uh Japan. That  
128 will be that will be my, my thing. I can't wait.  
129 BART: I think we're good. There was another generation there that I didn't realize was involved. Your grandson Skylar  
130 DEE: Isn't he precious?  
131 BART: He was standing up there standing tall I thought  
132 DEE: Jeez, that kid is really in the last few years as senior in high school this year on believable will be going on his mission and he's  
133 ready BART: that kid working with crowds with the big guy. He was He was shaking hands and introducing himself to people  
134 and finding out who they were and where they were from. I just sit back and thought, dang, I didn't have that much courage when  
135 I was at it.  
136 DEE: That's so cute.  
137 DEE: Boy, I'm looking forward to seeing and I did call it for that reason, but you already answered all my questions for the call and that  
138 was received those names and I know that you guys wanted them.  
139 BART: We sent it UPS. I should have been smart enough ups and evidently the federal system won't receive anything unless it's in US  
140 Mail. us now. So notwithstanding it said legal mail notwithstanding the fact that was overnight Express, they just refuse to accept  
141 it.  
142 DEE: I know.  
143 BART: So we overnighted by US Mail. Let's see today's Wednesday.  
144  
145 END OF AUDIO RECORDING  
146 Initial transcription by <https://otter.ai>.

# **EXHIBIT J**

**Primeau Forensics Expert Report  
February 24, 2015**

# PRIMEAU FORENSICS

IDENTIFY | CLARIFY | TESTIFY

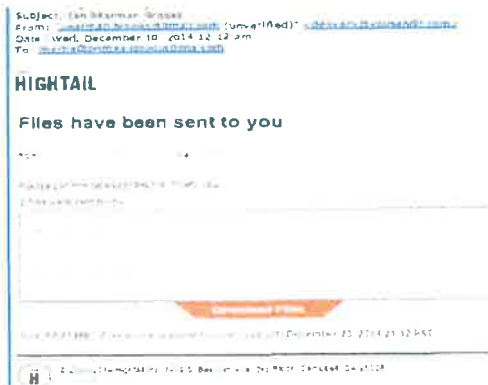
February 24, 2015

Ian Pearman-Brooks

Dear Mr. Pearman-Brooks,

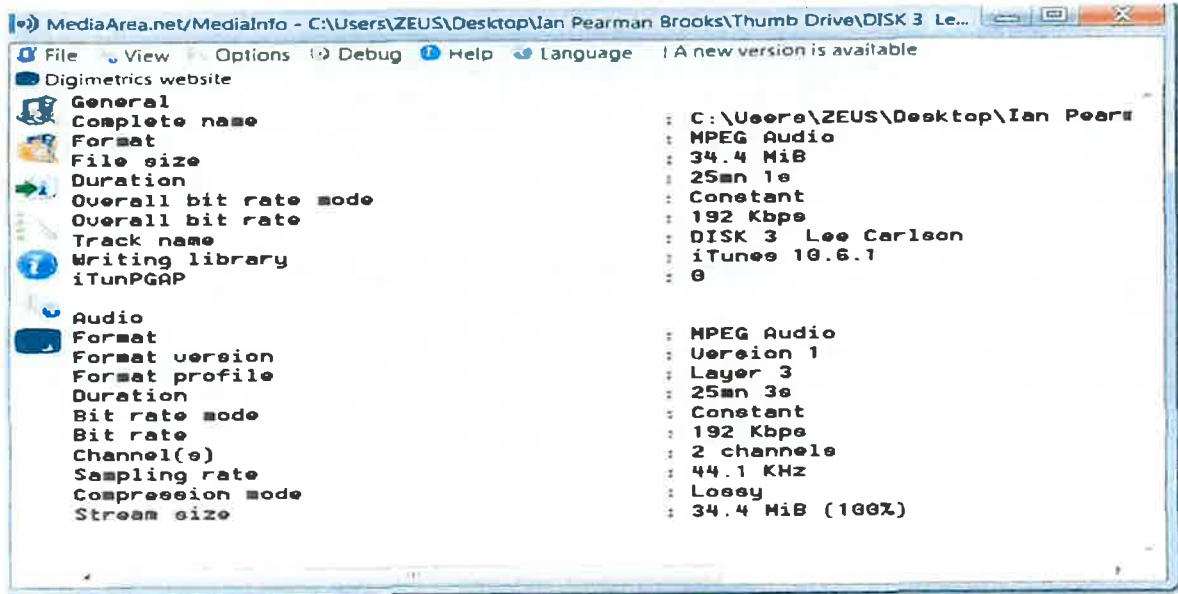
I am an audio and video forensic expert and have been practicing for over 30 years. I have testified in several courts throughout the United States and worked on various international cases. My forensic practices for audio investigation include digital and analog audio authentication, restoration and voice identification. As a video forensic expert, my practices include video authentication, restoration and identification.

On or about September 8, 2014 I received the following email which includes the same digital audio file twice:

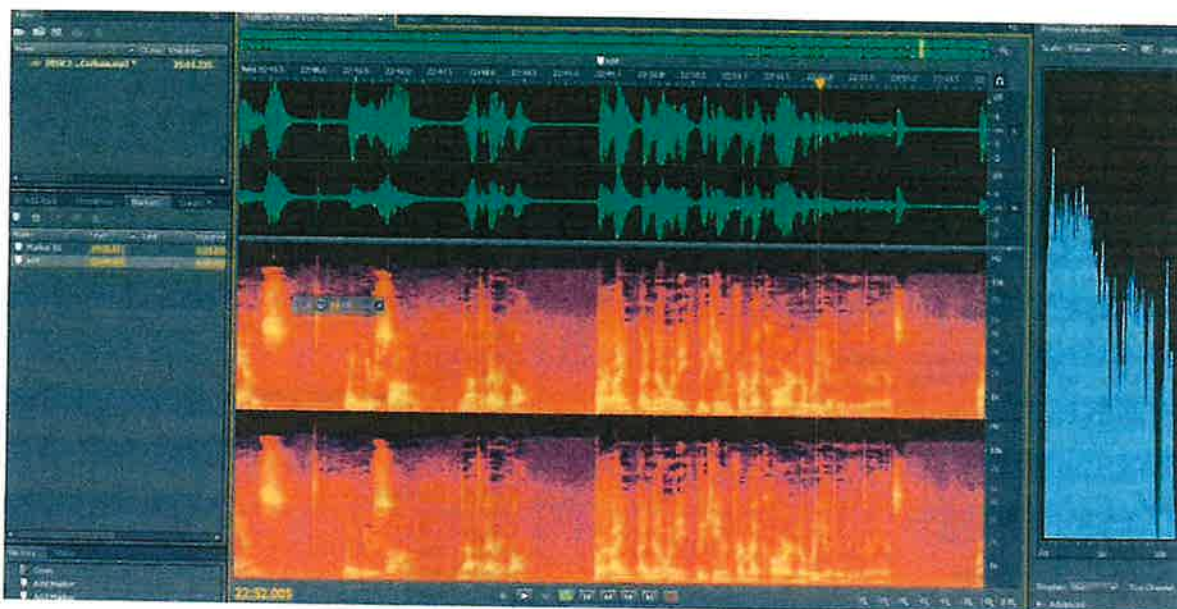




File information:



The conversation is a recording that has an audio slate in the beginning announcing the person conducting the recording, the date and location of the recording as well as a slate at the end of the recording. During the critical listening process I detected an anomaly at 22:49.4 into the recording which is scientifically identified as an edit. There is an audible and visual jump in the sound and sound spectrum. I believe a portion of the interview was edited out. When listening to this recording critically and viewing the spectrogram, at 22:49.4 I hear and see a clipped word which is the result of the editing or removing a portion of this recording. Below is the spectrum view:



Using narrow band spectrum analysis, wave form analysis and critical listening I confirm the location of 22:49.4 in this recording to have the scientific characteristics of an edit. The above image displays the exact location of the edit. The vertical line in the middle of the above screen capture displays the edit.

Digital audio and video recordings are subject to undetectable editing and tampering. This is why it is extremely important to preserve the originals. Easy to operate software programs that are capable of editing digital audio are easily available for free on the Internet. Editing like this can go undetected to the untrained person. As a video forensic expert, I have been trained in digital audio authentication at the University of Colorado Center for Media Forensics.

As an audio and video forensic expert, I follow SWGDE protocol when recovering and authenticating digital audio evidence. SWGDE ([SWGDE](#)) outlines the protocols for recovering digital audio evidence, none of which have been followed when recovering this digital audio recording you have presented me for authentication. Lack of following established digital audio recovery protocol amplifies every forensic clue the forensic expert identifies when conducting an investigation.

Furthermore, it is crucial to maintain the original recording throughout the course of any investigation so that it may be examined by a forensic expert. According to SWGDE and NIST (<http://www.nist.gov/forensics/osac/sac-agenda-orlando-2015.cfm>), and Bureau of Justice Assistance, U. S. Department of Justice, best practices for recovering digital evidence are:

*The purpose of this document is to provide the best methods for the retrieval of video/audio data evidence and any associated metadata...guidance in securing and collecting data... This will ensure that best methods are utilized to retrieve the recorded data and maintain its integrity*  
[\(read full paper\)](#)

In addition, the best practices for maintaining a chain according to NIST are:

*Generally, it is considered the application of science to the identification, collection, examination, and analysis of data while preserving the integrity of the information and maintaining a strict chain of custody for the data*

[\(read full paper\)](#)

I conclude beyond a reasonable degree of scientific certainty that this mp3 recording as outlined above has been altered from its original representation of the events that actually occurred; it contains at least one edit, is unreliable and not authentic.

Respectfully submitted,

Edward J Primeau, CFC, CCI

# **EXHIBIT K**

**"Foreign Language Memo"**

Foreign language: Lee wondered if they were speaking in a foreign language because he could not understand the mumbling. The voice sounds were thick and muffled like a sound consistent with slovak type speech, sound or accent. I asked him if it sounded like both were speaking with an accent. He said that he believed it was the shooter. I asked him why he believed it was the shooter. He said because the shooter said "hey" and appeared to be in control and Dolezsar was holding out his hands. That he did not see Dolezsar say much. I asked Lee what was happening when he heard the noises that might sound like an accent and he said that the shooter and Dolezsar were moving in front of his car. I asked him if he was looking at the face or mouth of either when he heard the noises that might have sounded like an accent and he said he was not. I asked him if he saw either the shooter or Dolezsar's mouth moving when he heard voice-type noises that might be have an accent and he said no. He said he was starting to look at the shooter's head and hair when he heard the voice-type noises that may have an accent but did not see any indication that the shooter's mouth moving.

He said after that, when he was looking at Ken Dolezsar right before he was shot - he heard some additional voice like noises but there was no voice-type noises that may have an accent associated with them that he can remember.

When Lee was subsequently asked about what he heard or if he thought it might be in a different language, he was bothered that he could not. Lee took his car and his buddy down to the Village Inn. Lee sat in the car and had his buddy talk outside the car. Lee said he could not hear his buddy other than muffling. Lee could not make out what his buddy would say.

Google: After the line-up and before the prelim Lee googled Chris Wright's name and eventually discovered that Chris Wright had a prior drug case in the federal courts that was dismissed because of a problem with the search warrant. Lee said that information made him think that perhaps Chris Wright was more likely to be capable of doing something like that.

Press - arrest coverage (Internet): When pictures of the Defendant were placed on the internet - Lee electronically cut out the picture and took it to a website showing wigs. Lee put an electronic wig on the defendant's picture and claims it looked more like the defendant on the day of the shooting. Lee claimed that he knew that the identification was a big deal and he was not 100% at that point (he believes prior to prelim) and was curious. He wanted to see if the wig would help him get higher than the 80% to 90%.

This is similar to the time prior to the preliminary hearing when Lee asked Vaun if there was any other evidence against the defendant. Vaun indicated that there was some other evidence. Lee claimed that he asked that because it was nervous if the entire case was relying on him. He indicated that it did not believe that learning that there was other evidence affected his level of confidence in his identification of the Defendant.

Line-ups: When going over potential trial questions, Lee asked to see the photo lineups again. I showed him the lineups I had with me -

Lee  
available

X

black and white versions. He looked at the photos, commented on a few face styles (like this one is round) and then pointed out several reasons he picked Wright such as his nose, his eyes, face type. He reiterated that when he picked Wright out of the lineup he was 80% to 90% confident in his pick. I asked him why he wanted to see the photo lineups again. He said he wanted to see if it would jog his memory and for reassurance (I am not sure what that meant).

I asked him if his concerns were alleviated when he saw the Defendant at the prelim. He said they were and that he was 100% confident that it was the defendant he saw shoot Dolezar.

# **EXHIBIT L**

**Edward K. Brass notes  
of Lee Carlson interview**

**April 12, 2010**

## **Interview with Lee Carlson**

April 12, 2010

Present : Edward K. Brass  
Kim Cordova  
Jeff Wright

Lee stated he was 41 years of age

### **Lee was asked about viewing a video of Chris Wright:**

Lee stated he saw what was on the news and the photograph of Christopher  
Lee stated he did not see the video of Chris purchasing the cell phone

### **Lee was asked about the line-ups he was shown:**

Lee stated he believed there were two color and one black & white

### **Lee was asked about conversations with Delahunty and Josh regarding what he had done regarding his "own investigation"**

- a. Photographs on-line
- b. Manipulation of photos with longer hair

Lee stated the first conversation was after Chris's initial arrest he recalled he told Delahunty and the next meeting he told Josh. Lee recalled both meetings were prior to the Preliminary Hearing. Lee stated he told Delahunty about "photo-shopping" the web site with "wigs on line", and that he had downloaded Chris's photo to his computer (at work) and cut and pasted the wigs, that he had to manipulate to fit Chris's photo. Lee again recalled the conversation took place prior to the Preliminary Hearing.

Lee stated that the manipulation was done on his work computer, after Chris's arrest and prior to the Preliminary Hearing. Lee stated he used a color photograph of Chris. Lee said he "Google d" web sites and manipulated the hair styles.

Lee stated he

- a. Saved the photograph on the web page
- b. manipulated the "hair style" including a "pony-tail"
- c. finished the manipulated photo and "looked at it a while"

### **Lee was asked about searching the internet for information regarding Christopher**

Lee stated he "goggled" Wright's name and found information about a prior arrest

### **Lee was asked about what he observed the morning of November 15<sup>th</sup>**

Lee stated he recalled the early morning, it was twilight prior to sunrise. He stated the shooter had his back to him, in front of his car, and the victim was facing him. Lee stated after the "first shot" he got a glimpse of the shooters partial side of his face.

### **Lee was asked about the Lincoln Navigator**

Lee also stated he believed the passenger door was open when he arrived

**Lee was asked again about when he told Delahunty and Josh about searching the internet for information regarding Chris and manipulating the wigs on the photo of Chris.**

Lee stated it was right after Chris's arrest and prior to the Preliminary Hearing. Lee stated he was "pretty sure" he told them prior to the Preliminary Hearing

Lee recalled there were a "couple" of telephone conversations and at least one face-to-face meeting

**Lee was asked about his statement regarding one of the individuals had an "Eastern European Accent"**

Lee stated he recalled the "shooter" had a "Slovic possibly Russian accent". Lee stated he was familiar with Russian accent because he had a "pen-pal friend" that was Russian and he has had conversations with him.

**Lee was asked about conducting "talking demonstrations" at the Village Inn.**

Lee stated he went to the Village Inn a couple of times, he believed in the beginning of March 2008. Lee stated he would have his windows rolled up and would attempt to hear conversations between individuals who were outside his car. Lee admitted it was difficult to hear the other individuals outside his car. Lee also stated on one occasion he asked a friend to come with him and talk outside the car and he would attempt to hear what his friend was saying. Lee stated it was difficult.

Lee stated over the last two years he would go to the Village Inn and park in the same spot he was in on the 15<sup>th</sup>. Lee stated he has done this more than 5 times but probably less than 10 times.

**Lee was asked if he has gone to the scene in the month of November early in the morning, approximately the same time of the incident.**

Lee recalled he had a couple of times.

**Lee was asked to demonstrate what he saw**

Lee deliberately raised his right hand, demonstrating the shooter raising the gun and firing at the victim.

Location of the individuals the morning of the incident:

