

1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION

4 UNITED STATES OF AMERICA)
5 vs.) CASE NO. 3:10-00250
6 MATTHEW PAUL DEHART)

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8 TRANSCRIPT OF PROCEEDINGS
9

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11 BEFORE: THE HONORABLE ALETA A. TRAUGER
12 DATE: APRIL 12, 2012
13 TIME: 1:30 P.M.

14
15 APPEARANCES:

16 FOR THE GOVERNMENT: CARRIE DAUGHTREY
17 U.S. Attorney's Office
Nashville, Tennessee
18 FOR THE DEFENDANT: MARK SCRUGGS
19 Nashville, Tennessee

20
21 REPORTED BY: BEVERLY E. "BECKY" COLE, RPR
22 OFFICIAL COURT REPORTER
23 A-837 U.S. COURTHOUSE
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25

1 THE COURT: Good afternoon. We're here on United
2 States versus Matthew Paul Dehart. We have Carrie Daughtrey
3 for the government and Mark Scruggs for the defendant. The
4 defendant is in the courtroom.

5 We're here on the defendant's motion to compel. The
6 government filed a lengthy response which I presume you
7 received?

8 MR. SCRUGGS: Yes, Your Honor. I received it
9 last night at 8:00 p.m.

10 THE COURT: Okay. Well, you got it before I did.
11 I was able to digest it. I hope you were able to digest it.

12 MR. SCRUGGS: It was difficult, but we survived.

13 THE COURT: All right. What are the lingering
14 issues?

15 It sounds to me like most of this you should have been
16 able to work out if you were being reasonable with each
17 other, so let me hear what your continuing complaints are.

18 MR. SCRUGGS: Your Honor, just first as a
19 preliminary matter, I would move to strike the government's
20 response as being untimely.

21 Part of the problem here has been the government's
22 failure to respond to requests with regard to discovery, and
23 I would submit that waiting to 12 hours before we have the
24 hearing basically denies my client due process.

25 I'm not asking for a continuance. I just would submit

1 that's not the professional way of handling things.

2 THE COURT: I'll let Ms. Daughtrey make a
3 statement as to why she didn't respond in a timely manner to
4 the original motion to compel which was filed on March 14.
5 That's not contained in her response.

6 She did timely respond to your motion for hearing
7 which basically is a response to the motion to compel. I'm
8 not going to strike her response, but I will let her put her
9 excuse on the record.

10 So moving on to the merits, tell me what it is you do
11 not have that you still need.

12 MR. SCRUGGS: Judge, the first thing that we're
13 asking for are all items or copies of all items that were
14 seized from my client's home in Indiana in January of 2010
15 as well as all items that were taken from his person when he
16 was arrested on August 6, 2010, and all items taken from his
17 apartment in Canada.

18 We would like to have access to those items and copies
19 of any electronic media with regard to all those items
20 pursuant to Rule 16(a)(1)(E) of the Federal Rules of
21 Criminal Procedure.

22 THE COURT: Well, first of all, let me ask you
23 this. Why have you not arranged to get the hard drive that
24 Ms. Hodde had requested and apparently has been ready for
25 quite some time?

1 MR. SCRUGGS: Judge, one of the hard drives, from
2 what I understand, is ready to be -- from what I understand,
3 to be examined there at the government offices. All right?

4 When I got into this case in late January, at that
5 point in time prior counsel had hired an expert from -- I'm
6 not exactly sure where he lives, but I believe he's mainly
7 based out of New York, and my ability to communicate with
8 him left a lot to be desired.

9 I immediately hired Mr. Jim Kempvane, who's here. He
10 has testified in courts here in the Middle District before
11 as well as other courts.

12 I'm prepared to qualify him as an expert. I have his
13 CV with me, and he'll testify here today on why he needs
14 what he needs.

15 But the bottom line, Judge, is that going to the
16 government's office simply to view and make his analysis is
17 not sufficient for Mr. Kempvane to do the type of job he
18 needs to do.

19 What we have proposed is that we would cooperate with
20 the government in deleting or writing over any child
21 pornography images.

22 Mr. Kempvane has done this in other cases. I have a
23 copy of an order -- if I may, Judge, if I could approach?

24 THE COURT: Okay.

25 MR. SCRUGGS: I have provided a copy to counsel.

1 Magistrate Bryant has allowed this in other case very
2 similar. Mr. Kempvaneer is prepared to testify on why it is
3 necessary for him to obtain a redacted copy of -- actually,
4 there's only one hard drive, Judge, that is alleged to have
5 child pornography on it.

6 There are numerous other electronic media for which
7 there's no claim there's child pornography on it, so there
8 shouldn't be a problem with us getting a copy of all those
9 items, but Mr. Kempvaneer, when I hired him, indicated to me
10 that he needs to have a copy of all the electronic media as
11 well as a redacted copy of the one hard drive allegedly
12 having child pornography on it, and take it to his office so
13 that he can use his software and his equipment in order to
14 properly analyze this and do his job for us.

15 THE COURT: How does it help him analyze child
16 pornography if the child pornography has been removed from
17 the computer?

18 MR. SCRUGGS: Judge, he is not being hired to
19 determine whether something is child pornography or not.

20 Judge, this case is not about child pornography. This
21 is about how certain images got onto my client's hard drive.

22 And it's our position that the alleged victim in this
23 case placed these images on his hard drive as a result of
24 their relationship in another matter, of which they were --
25 they shared.

1 And, basically, if the court would allow me, I'll give
2 you sort of a synopsis of what this is, in fact, about.

3 Judge, my client was arrested at the border on
4 August 16, 2010. The purpose of the arrest had nothing to
5 do with child pornography.

6 The purpose of the arrest had to do with his alleged
7 involvement in WikiLeaks. Ms. Daughtrey has --

8 THE COURT: That's the national security --

9 MR. SCRUGGS: That's the national security. She
10 alluded to that, but the bottom line, that's what it is
11 about.

12 THE COURT: Okay.

13 MR. SCRUGGS: During that entire weekend, Judge,
14 he was interrogated by FBI agents with regard to his alleged
15 connection with WikiLeaks as well as Mr. Tamberello's
16 (phonetic) alleged connection with WikiLeaks, and so forth.

17 The child pornography is just a red herring in this
18 case but the reason why this man has been held for
19 approximately 20 months at this time.

20 During the time period between August 6 and August 18,
21 he was interrogated numerous times by FBI agents. He was
22 drugged. And he has little, if any, recollection with
23 regard to what he stated during that time period.

24 THE COURT: But this was all in connection with
25 the other investigation?

1 MR. SCRUGGS: Right.

2 THE COURT: And Ms. Daughtrey asserts she doesn't
3 have those statements anyway.

4 MR. SCRUGGS: It is imperative that we be able to
5 get to those statements because we believe that during that
6 interrogation, part of what he did was give them access to
7 certain passwords that allowed them to get into different
8 media that he has that will have exculpatory material on it.

9 And that type of material --

10 THE COURT: Doesn't he have the words that you
11 need in order to find out --

12 MR. SCRUGGS: Judge, the items -- you may have
13 noticed, Judge, that the -- that Ms. Daughtrey filed as an
14 attachment to her response some consent forms --

15 THE COURT: Right.

16 MR. SCRUGGS: -- that were signed -- allegedly
17 signed by my client August 18, 2010, in New Hampshire. All
18 right?

19 You'll see that on those consent forms, he's given
20 certain passwords.

21 And when we talk about passwords, we're talking about
22 passwords that could be anywhere from 25 to 100 characters
23 in length, very complicated passwords.

24 The passwords that we have are passwords to either
25 e-mail or computers that would have exculpatory material on

1 that.

2 THE COURT: You are saying the passwords on these
3 consent forms?

4 MR. SCRUGGS: There are additional passwords as
5 well, Judge.

6 THE COURT: Well, does your client not know his
7 own passwords, Mr. Scruggs?

8 MR. SCRUGGS: Not all of them, Judge, because
9 they have so many characters. And some of the items and
10 which have been seized would contain those passwords for our
11 computer analyst to access certain devices in order to find
12 exculpatory material.

13 THE COURT: Where were they seized? Were they in
14 his wallet, what?

15 MR. SCRUGGS: Judge, I have a list, if I could?

16 THE COURT: Yes. Let me ask you quickly, who is
17 the prosecutor in this Jeremy Tummons (phonetic) case?

18 MS. DAUGHREY: Your Honor, that was Matt Everitt
19 that handled that, and I do know some bits and pieces, and
20 it is extremely different from this particular case, and I
21 will address that with the court.

22 THE COURT: Very good. Let's see. Return on
23 search warrant. This was the search done where?

24 MR. SCRUGGS: January 2010, at the defendant's
25 residence in Indiana.

1 THE COURT: Okay.

2 MR. SCRUGGS: We need to have a copy of all of
3 the media as well as the return of any other items on that
4 list.

5 THE COURT: Property seized from P-E-I apartment,
6 unknown dates.

7 MR. SCRUGGS: And from what I understand, the
8 only item on there that contains -- allegedly contains child
9 pornography is the hard drive related to a Gateway laptop.
10 That's what I understand.

11 So there shouldn't be any problems with giving us
12 copies of all those items except for that. We'll get to the
13 redaction issue in just a second.

14 THE COURT: Okay.

15 MR. SCRUGGS: Now, with regard to the other
16 handwritten list that you have, you'll see in front of you,
17 you have a list of items that were taken from my client when
18 he was arrested in Maine as well as items that he had stored
19 at his apartment in Canada.

20 Judge, we have asked for any documentation related to
21 his arrest and seizure of all those items either at the time
22 of his arrest or in his apartment in Canada, have not been
23 provided with anything. And this is all supposedly related
24 to national security, is what it is.

25 Well, the bottom line is -- Judge, is that we need to

1 have access to those items in order to show -- and I guess I
2 have to basically just tell you our defense here, Judge, in
3 order to make sure that you understand this is relevant, all
4 right, didn't really want to have to do that, but the bottom
5 line, Judge, is that this case also involves some very
6 sophisticated persons who are involved in computers.

7 And it involves hacking. And it involves being able
8 to show that, for example, the government alleges that my
9 client impersonated some woman in trying to get
10 Mr. Tamberello to send pornographic pictures of himself to
11 my client.

12 Judge, we firmly believe that we'll be able to show
13 that this woman does, in fact, exist, all right, and that
14 there will be evidence of that if we're allowed to have
15 access to these things.

16 THE COURT: Well, the existence of the woman does
17 not belie the defendant pretending to be an existing woman.

18 MR. SCRUGGS: I understand, Judge, but if we show
19 that she existed and that she had an e-mail, then I think
20 the jury would be able to make a pretty good inference that
21 she's the one who actually communicated with Mr. Tamberello
22 and was able to get him to send these things to the image
23 board that my client was a monitor of basically.

24 So you have to understand that my client was basically
25 a monitor for a group called "4-chan". He operated or

1 monitored, I should say, an image board upon which persons
2 could upload images, pictures, whatever.

3 Mr. Tamberello was one of them who did that.

4 THE COURT: What's the name of the group?

5 MR. SCRUGGS: 4-chan, number 4, hyphen, C-H-A-N.
6 That's what he did.

7 Tamberello was one of the persons that participated in
8 that. He also was one of the persons that participated in
9 this computer game that they all participated in, this
10 "World of Warcraft". All right?

11 So Tamberello was the one who did -- on his own
12 communicated with this woman and also on his own uploaded
13 these things to this image board site that would be found on
14 my client's computer.

15 My client, you could think of him sort of as a
16 policeman who when persons uploaded improper items onto the
17 image board would delete it, all right?

18 So that's why we need our -- I'm basically telling
19 them our whole case here -- but that's why we need to have
20 our expert go in and break this apart to show that that is,
21 in fact, what it was.

22 The other part of this too is that the government on
23 Mr. Tamberello's phone apparently had an image of a female,
24 pornographic image of a female, that was apparently deleted,
25 who very well could have been the person that he had been

1 communicating with, with regard to the pornographic images
2 to begin with.

3 I mean, the total lack or the total reluctance of the
4 government to provide evidence in this case that we're
5 entitled to under Rule 16 is overwhelming, and, frankly, I
6 would ask the case be dismissed just for that.

7 But the point is, Judge --

8 THE COURT: Well, if there is evidence that you
9 need -- that I determine that you need for your defense that
10 the government is unwilling to give you because of national
11 security, the case will be dismissed.

12 Go ahead.

13 MR. SCRUGGS: Again, that's how all the items on
14 the list -- again, that's from my client's best recollection
15 of what was taken from him both when he was arrested up in
16 Maine as well as his apartment in Canada; those items have
17 information that ties into our defense related to what they
18 found on his Gateway laptop in Indiana.

19 And all that ties into Mr. Tamberello and the
20 relationship that he had with 4-chan and the image board
21 basically.

22 So that is pretty much our defense in a nutshell.
23 Again, I have got my -- my client will testify regarding
24 what happened to him the first week or ten days.

25 And you know something that's really interesting here

1 is this, and that is that he was held -- let's see -- he was
2 arrested on August 6. He had his first hearing, the
3 detention hearing, in Maine on August 11.

4 When he was arrested on August 6, he asked for an
5 attorney. He was continuously interrogated by an FBI agent.
6 I have a copy of his card that I'm going to submit.

7 THE COURT: His card?

8 MR. SCRUGGS: His card. Yes, the FBI agent's
9 card who interrogated him.

10 THE COURT: Oh.

11 MR. SCRUGGS: Okay?

12 We know -- I mean, at that point in time, my client --
13 his father had hired a lawyer for him out of Indiana to
14 represent him on this because of what had happened back in
15 January.

16 We know that he had the detention hearing in Maine on
17 August 11, and he was appointed a public defender at that
18 point in time.

19 So if you will look at that attachment that they
20 attached that has all the consent forms on it, that's
21 August 18th in New Hampshire, there's no mention of waiver
22 of any lawyer or the fact that he had a lawyer. My client
23 doesn't even remember any of this.

24 But clearly what it is, it's an effort by the
25 government to circumvent my client's rights. And that leads

1 me up to the other thing that I need to -- as far as part of
2 my defense. And that is that I have got to file a motion to
3 suppress everything that they've discovered from the Gateway
4 laptop in Indiana because it is our position they did not
5 get into that Gateway laptop until after his arrest and
6 interrogations.

7 You know, Agent Kniss is here. Agent Kniss did the
8 analysis, but Agent Kniss was already supplied with a
9 rebuilt image of that hard drive; that is, the Gateway
10 laptop.

11 THE COURT: What do you mean a rebuilt image, a
12 mirror image?

13 MR. SCRUGGS: Yes.

14 THE COURT: That's not rebuilt image, as I
15 understand it.

16 MR. SCRUGGS: This is the way it's been explained
17 to me.

18 You can image a hard drive, all right? But you can't
19 get into it unless you have passwords, and that's what my
20 expert will testify to, from what I understand.

21 This FBI Agent Hill is the person -- I think this guy
22 was with the task force working with FBI, he's out of
23 Indiana, he's the person who actually rebuilt it and got
24 into it.

25 And we haven't been provided with no documentation

1 regarding the chain of custody of this hard drive or
2 anything about what Agent Hill did.

3 It is critical to know that date upon which he
4 actually got into the hard drive.

5 THE COURT: Who is Agent Hill? I thought that
6 the forensic report here was prepared by Mr. Kniss?

7 MR. SCRUGGS: Agent Kniss did the analysis. When
8 Kniss received the hard drive, somebody had already gotten
9 into it. That is, Agent Hill, the agent in the task force
10 in Indiana is the person who actually did the mirror image
11 as well as rebuilding it so that you can get into it.

12 Again, my expert can explain that process on how it's
13 done.

14 Never have we been provided with any information with
15 regard to what Agent Hill did and how he went about doing it
16 or the chain of custody or anything like that.

17 So that gets back to the motion to suppress. That
18 gets back to all these things that I got to get done before
19 May 29.

20 THE COURT: Good luck.

21 MR. SCRUGGS: I mean, this is the boat that I'm
22 in here, the pickle that I'm in.

23 You know, I'm trying to move this case along. I got
24 into this the end of January. You can imagine how difficult
25 this is in terms of understanding it, to begin with, but as

1 far as getting these things are concerned, it is critical
2 that my expert assist me in presenting this.

3 And number one is breaking down, analyzing, and assist
4 me in presenting it to the jury and assist me in helping
5 with the motion to suppress as well.

6 THE COURT: When did you inform the government
7 that you had a different expert from the one that Ms. Hodde
8 had been working with for quite some time?

9 MR. SCRUGGS: Probably today.

10 THE COURT: Well, that's not very helpful. She
11 apparently has been waiting to get the name of an agent in
12 New York that they could furnish this material to so that
13 the expert up in New York could supervise the review of it
14 up there.

15 So I think for you to place all of the blame for delay
16 on Ms. Daughtrey is a little bit misplaced.

17 MR. SCRUGGS: Judge, if you would, Ms. Hodde sent
18 her a letter July 25, 2011, that's attached to one of
19 motions, document number 70. The response didn't happen
20 until November 22, 2011.

21 From what I've been told -- I wasn't here, but from
22 what I've been told, y'all had a hearing sometime in
23 October.

24 At that point in time, from what I'm understanding,
25 Ms. Daughtrey represented to the court that Indiana was

1 going to take this case over.

2 I don't know. I mean, she can respond to that, but
3 apparently Indiana hasn't taken anything over.

4 We're here about all these other things related to
5 national security, and you know what? My client sits in
6 jail.

7 As far as -- let me just say this. With regard to
8 Mr. Kempvaneer is concerned, I don't know what difference it
9 makes whether I would have told her or not because the point
10 was we were going to have to file a motion to get her to let
11 us have copies of everything, including a redacted copy.

12 It wouldn't have made any difference if I told her a
13 month ago or not. Mr. Lane was hard to get ahold of. He
14 lives in New York and travels the world, so Mr. Lane just
15 wasn't going to work.

16 He wasn't going to be in a position to help this young
17 man out whose been held for -- like I said, for 20 months
18 now waiting, you know, for his day in court.

19 We're prepared at this point in time to present
20 witnesses to back up everything I have just said.

21 THE COURT: Okay. Thank you, Mr. Scruggs. Let
22 me hear from Ms. Daughtrey.

23 I guess my first question, Ms. Daughtrey, is that you
24 told me in October that if the charges were subsumed in
25 Indiana this case would be dismissed, and you told me in

1 November that there was probably going to be an Indiana
2 indictment by the end of November.

3 And then you told me in December that there would be
4 charges in Indiana and Maryland.

5 And it was my understanding that then this case would
6 be subsumed and that would be the end of it in this
7 district. So what's going to on?

8 MS. DAUGHREY: Your Honor, I apologize for that.
9 I got the information from an AUSA up in Indiana that they
10 were interested in the case and they were reviewing it.

11 And at some point, Indiana decided that the only thing
12 that they were willing to take was the possession and
13 receipt and distribution of child pornography out of
14 Indiana, that they wanted not to be doing the other cases
15 involving the victims.

16 I'm not entirely sure I know why that is, but I can
17 tell you there are only two AUSA's in that particular
18 office, and I think it was more of a staffing problem than
19 anything else.

20 I was very frustrated by it, but by December, I was
21 beginning to realize this, and that's why I was mentioning
22 that there was going to be an investigation going on in
23 Maryland, which I understand is still ongoing at this time.

24 So there are likely to be cases -- and Ms. Hodde was
25 aware of that -- cases that are coming out of two or

1 possibly three jurisdictions.

2 THE COURT: Well, what's happening in Maryland?

3 MS. DAUGHREY: My understanding is that it's
4 under investigation at this time.

5 THE COURT: The pornography case?

6 MS. DAUGHREY: There is another victim in
7 Maryland who is a teenage victim, minor teenage, who had the
8 same kind of exchange with Mr. Dehart as what we see with
9 the victim here in Tennessee.

10 And as is typical with adolescent victims, he is not
11 necessarily anxious about coming in front of the court and
12 dealing with that. And so I don't know what their status is
13 with working with him and going forward with charges at that
14 time.

15 It is the government's intent at this point to be
16 proceeding, you know, to trial with this particular case,
17 and Ms. Hodde was aware of that.

18 Unfortunately, I did not know that Mark Scruggs was
19 going to ask to be on this case until February 7 when I
20 received an e-mail from him, which is included in the
21 filing that I made. I believe that would be Attachment
22 Number 3.

23 You can see the communication we had then. I have
24 received one phone call from Mr. Scruggs subsequent to that
25 basically demanding copies of everything but not being

1 willing to talk about anything.

2 He has not called me since then or had any
3 communication with me.

4 I do apologize to the court for not getting a response
5 in right away. I will admit that when Ms. Beasley got in
6 touch with me that it had slipped my mind that I needed to
7 do that because I do have a very heavy caseload.

8 I also have some other personal matters that are going
9 on, and I apologize, I have also had a sick child all week
10 and have just come into the office to do this hearing, so --
11 could I have a moment, Your Honor?

12 (Counsel is emotional.)

13 THE COURT: We'll take a short recess.

14 (Break.)

15 THE COURT: Okay. As usual, we made a lot of
16 progress in chambers sometimes we can't make in the
17 courtroom.

18 At any rate, the parties have requested some time to
19 talk amongst themselves. Ms. Daughtrey is going to make
20 Agent Kniss available to Mr. Scruggs, and Mr. Scruggs and
21 the expert witness are going to go up to Ms. Daughtrey's
22 office with Detective Kniss and share some more information
23 about exactly what is needed here. And then we're going to
24 reconvene after that takes place.

25 And we were talking about reconvening -- would you get

1 those two other calendars I have next week -- I actually
2 probably have a whole lot more time on Tuesday than Monday.

3 MR. SCRUGGS: Tuesday is good too.

4 THE COURT: Okay. Let me get the calendar for
5 next week and maybe reconvene on Tuesday would be better.
6 That will give you another day to get ahold of all the
7 people you have to get ahold of as well, Ms. Daughtrey.

8 MR. SCRUGGS: May I check with my expert?

9 THE COURT: Yes.

10 (Pause.)

11 MR. SCRUGGS: Tuesday is okay.

12 MS. DAUGHREY: I'm available all day Tuesday as
13 well.

14 MR. SCRUGGS: I would be available by 11:00.

15 THE COURT: After 11:00?

16 MR. SCRUGGS: From 11:00 on.

17 THE COURT: Okay. 1:30 on Tuesday?

18 MR. SCRUGGS: If the court could do it earlier
19 just in case the testimony takes longer?

20 THE COURT: Well, I have a luncheon that day at
21 11:30 --

22 MR. SCRUGGS: All right. 1:30 is fine.

23 THE COURT: -- so 11:00 would not really give us
24 much time. So 1:30 on Tuesday.

25 MS. DAUGHREY: I can't imagine, Your Honor, it's

1 going to take more than two or three hours at the very most.

2 THE COURT: Okay. And we'll all be prepared to
3 stay late if we need to, Ms. Daughtrey?

4 MS. DAUGHREY: Yes, Your Honor.

5 MR. SCRUGGS: All right.

6 THE COURT: Now, as I understand, Ms. Daughtrey
7 is going to -- Mr. Scruggs and perhaps Mr. Dehart's parents
8 are going to make the initial requests to retrieve the
9 Indiana material that's at the U.S. Attorney's Office in
10 Indiana, try to get that back, and Ms. Daughtrey is going to
11 give her blessing to that since apparently there's not going
12 to be any prosecution in Indiana, so she will assist with
13 that.

14 There is going to be a conference call, hopefully,
15 between the parties including Detective Kniss and the
16 defense expert with FBI Agent Hill, who apparently ran the
17 mirror images, so that everybody can figure out exactly what
18 he did and when.

19 Ms. Daughtrey is going to contact the Department of
20 Justice lawyers involved in the national security matter and
21 try to figure out how to get access to whatever statements
22 the defendant made to those agents and whatever was seized
23 from the defendant in Canada or Maine.

24 So hopefully you all can make -- and Detective Kniss
25 is going to either prepare or be prepared to testify to a

1 chronology of exactly what he got when and what he did when,
2 so forth. That would be, I think, very helpful to people.

3 And can I hold onto these three documents that you
4 have given me?

5 MR. SCRUGGS: Yes. Absolutely.

6 THE COURT: You have given me four documents. So
7 I'll hold on to those.

8 THE CLERK: Are you going to make those exhibits?

9 THE COURT: I'm not going to make those exhibits
10 right now. We may make them exhibits at the next hearing.

11 THE CLERK: Okay.

12 THE COURT: And I will just encourage everyone,
13 we make a whole lot more progress when we talk to each other
14 and I think that's very needed in this case. And I hope
15 that we can make some headway with that approach, and we
16 will reassemble on Tuesday at 1:30.

17 Okay. Good. We're in recess.

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REPORTER'S CERTIFICATE

I, BEVERLY E. "BECKY" COLE, Official Court Reporter for the United States District Court for the Middle District of Tennessee, with offices at Nashville, do hereby certify:

That I reported on the stenotype shorthand machine the proceedings held in open court on April 12, 2012, in the matter of UNITED STATES OF AMERICA vs. MATTHEW PAUL DEHART, Case No. 3:10-00250;

That a transcript of proceedings in connection with the hearing was reduced to typewritten form by me;

That the foregoing transcript is a true and accurate record of the proceedings to the best of my skills and abilities;

This the 1st of July, 2014.

/s/
BEVERLY E. COLE, RPR