

COPY

1 IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

2 STATE OF WEST VIRGINIA,

3 Plaintiff,

4 vs.

CASE NOS. 11-F-101
16-F-25

5 THOMAS DEEGAN,

6 Defendant.

7
8 PRETRIAL MOTIONS

9 The following proceeding was held before the Honorable
10 Jeffrey B. Reed, Judge, on the 1st day of March, 2016.

11 APPEARANCES:

12 MR. SAMUEL C. ROGERS, II, Assistant Prosecuting Attorney, 317
13 Market Street, Parkersburg, WV 26101.
Counsel for the Plaintiff.

14 MR. F. JOHN OSHOWAY, Attorney-at-Law, P. O. Box 156,
15 Grantsville, WV 26147.
Standby Counsel for the Defendant.

16 MR. THOMAS DEEGAN, Defendant.

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P R O C E E D I N G S

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2 (Whereupon, the following proceeding was held on the 1st
3 day of March, 2016, beginning at 9:52 a.m. All parties
4 present.)

5 THE COURT: This is Case Nos. 11-F-101 and 16-F-25, both
6 State vs. Thomas Deegan. And we're here to try to deal with
7 some pretrial issues.

8 The first is, I think on Friday of last week, which
9 would have been the 26th of February, I got some filings on
10 behalf of Mr. Deegan, and one of those was a -- I think the
11 document was titled, "Notice and Demand for Immediate
12 Recusal," which was a -- I interpreted as a motion to recuse
13 under the Trial Court Rules.

14 Given the timing of that motion as it relates to the
15 hearing today and the trial, I don't think under the rules
16 that I had to respond. But given the nature of the
17 allegations, I felt that I would go ahead and send it on down
18 to the Chief Justice, who -- or Chief -- yeah, the Chief
19 Justice, who rules on those matters. And so I faxed that to
20 him yesterday. And, Mr. Deegan, here's your copy of my
21 response.

22 (Bailiff hands document to the defendant.)

23 THE COURT: And then yesterday, I'm not sure when, we
24 received an order from the Supreme Court, and here's a copy
25 for you, Mr. Deegan, that denied the Notice and Demand for

1 Immediate Recusal.

2 (Bailiff hands document to the defendant.)

3 THE COURT: So -- and I don't know. Mr. Rogers, have
4 you received a copy of the order from the Supreme Court?

5 MR. ROGERS: I believe -- I believe I did this morning,
6 yes, sir.

7 THE COURT: Okay. All right. And also in that -- in
8 those documents that we received on Friday, I didn't get a
9 chance to look at them in-depth, but a couple of the titles
10 jumped out at me. One of them was that notice. The other
11 one is a -- was a -- I can't remember now what it was titled,
12 but it was a request for witness subpoenas to be issued.
13 And, if I'm not mistaken, and I didn't compare it to what you
14 had submitted previously, Mr. Deegan, but it appears as
15 though you didn't provide the addresses for the people as I
16 asked you to. But anyway --

17 THE DEFENDANT: I did on Friday.

18 THE COURT: Oh, did you?

19 THE DEFENDANT: Yeah.

20 THE COURT: Okay. All right. Well, then I'm mistaken
21 as to that. Did the document that Mr. Deegan submitted on
22 Friday, did it contain the addresses?

23 THE CLERK: It's kind of difficult --

24 THE DEFENDANT: Three were -- three were submitted. Two
25 didn't have it, but the one on Friday did because I corrected

1 it.

2 THE COURT: Okay.

3 THE DEFENDANT: Only one didn't. That was 9917, a
4 number. I don't know who it is. But that was in the
5 documents in the complaint.

6 THE CLERK: I'm having difficulty even picking out a
7 name.

8 THE COURT: Well, give it to me.

9 THE CLERK: Oh, is it this right here, maybe
10 (indicating)?

11 THE COURT: Give it to me, please.

12 (Clerk hands document to the Judge.)

13 THE COURT: Okay. Jack Lew, is that one of them?

14 THE DEFENDANT: That's one of them, but there's a whole
15 list.

16 THE COURT: And then Darlene Deegan?

17 THE DEFENDANT: Oh, there's -- it's pages before that.
18 Those were amendments.

19 THE COURT: Oh, those were added?

20 THE DEFENDANT: Yeah, those were added.

21 THE COURT: Okay.

22 THE DEFENDANT: The body of the document contains seven
23 or eight, I believe, and then there were those additional
24 ones.

25 THE COURT: Okay. We've got Phillip Hudok, Gene

1 Stalnaker, Leonard Hayview, Alicia Lutz-Rolow, those were
2 four.

3 THE DEFENDANT: The State of West Virginia, the
4 plaintiff; the County of Kanawha, the alleged victim, and the
5 State Capitol, the alleged victim from the original
6 complaint. And then it would have been Jack Lew, Darlene
7 Deegan, Jim Deegan, I believe, was it?

8 THE COURT: Right. Those were the added ones. And then
9 Hudok, Stalnaker, Harview, and Lutz-Rolow.

10 THE DEFENDANT: Along with the State of West Virginia,
11 the County of Kanawha, and the State Capitol, yes.

12 THE COURT: Yeah. But I don't know how you expect us to
13 issue subpoenas for a building, a county.

14 THE DEFENDANT: Those were alleged victims in the
15 original complaint. I have a copy of that here if you don't
16 have it.

17 THE COURT: What --

18 THE DEFENDANT: And I'm allowed to face my accuser.

19 THE COURT: You indicated purported 9917-7795 --

20 THE DEFENDANT: Yes.

21 THE COURT: -- alleged witness.

22 THE DEFENDANT: That was in the original complaint, and
23 it was not identified who that was.

24 THE COURT: Mr. Rogers?

25 THE DEFENDANT: 9917-7795.

1 MR. ROGERS: I believe what he's referring to would be
2 the trooper's ID, which would be Trooper Williams, who's
3 listed as a witness.

4 THE COURT: Okay. So that's not a confidential
5 informant number?

6 MR. ROGERS: No.

7 THE COURT: Okay.

8 MR. ROGERS: I don't have the document that he's talking
9 about before me, but I'm not --

10 THE DEFENDANT: I have the criminal complaint right
11 here, it's at the top.

12 MR. ROGERS: -- I don't know of any confidential
13 informants.

14 THE DEFENDANT: Herein referred to was contacted in
15 reference, and it's just a number. And I don't know who that
16 is, so I couldn't give a name or an address because I have no
17 idea who it is. I'm just trying to face my accusers, that's
18 all.

19 THE COURT: Madam Clerk, do you see these, right there?

20 THE CLERK: Yes, sir.

21 THE COURT: Okay. Well, but, I mean, do you now?

22 THE CLERK: Yes.

23 THE COURT: Are those sufficient addresses to issue
24 subpoenas?

25 THE CLERK: We'd honestly rather have it on a subpoena

1 form.

2 THE COURT: Well, is this sufficient to issue the
3 subpoenas? Is this a sufficient address? That's my
4 question. Not what you prefer, but whether that's
5 sufficient.

6 THE CLERK: Of course, out-of-state we can't issue an
7 out-of-state -- we can't issue out-of-state witness
8 subpoenas.

9 THE COURT: Well, the ones in-state?

10 THE CLERK: Yes, we could.

11 THE COURT: Okay. All right. Now, the issue is, you've
12 got a couple out-of-state witnesses here. The clerk's office
13 indicates they can't issue witness subpoenas for people from
14 out-of-state.

15 THE DEFENDANT: Okay. I mean, they're vital. I assumed
16 I had the right to compel people to attend.

17 THE COURT: I thought that there was a way to compel
18 out-of-state witnesses.

19 THE CLERK: There is.

20 THE DEFENDANT: To have compulsory process --

21 THE CLERK: The witness -- there has to be orders that
22 goes through to the other state, and all that --

23 THE COURT: Okay.

24 THE CLERK: -- kind of paperwork. But we don't issue --

25 THE DEFENDANT: It was --

1 THE COURT: That paperwork has to be submitted to you?

2 THE CLERK: Right.

3 THE COURT: All right. So there's a procedure for out-
4 of-state witness subpoenas to be issued, and you have to
5 generate those documents, Mr. Deegan.

6 THE DEFENDANT: Okay.

7 THE COURT: Now, you can contact these people and have
8 them come.

9 THE DEFENDANT: Well, I think their main concern would
10 be the payment for appearing as all witnesses are allowed.

11 THE COURT: If they come and accept service here, they
12 can still be paid; correct?

13 THE CLERK: They couldn't be paid mileage and all that
14 stuff for going out-of-state that I'm aware of, I mean, for
15 their travel from another state.

16 THE COURT: Why not if they accept service here?

17 THE CLERK: I mean, we can check with the Supreme Court,
18 but I've never seen that done.

19 THE COURT: Okay. Also, I think I saw Capt. Joy's name
20 on there as one of the witnesses.

21 THE CLERK: Also, we need the date and the time and all
22 that. Does he have that in there, when we're to issue the
23 witness subpoenas for?

24 THE COURT: Trial, March 15th.

25 THE CLERK: I just assumed that's when it is, okay.

1 THE DEFENDANT: Well, it was actually for the motions as
2 well.

3 THE COURT: Well, it's set --

4 THE DEFENDANT: Because it was all jumbled at one time.

5 THE COURT: Right. All right. The other thing that I
6 want to make sure you're aware of, Mr. Deegan, if you're not,
7 is that when this goes before a jury, you are entitled to be
8 wearing what's referred to as "street clothes," as opposed to
9 the jail garb that you're in now. It's up to you as to
10 whether you want to wear it or not. But if you don't have it
11 at the jail, you need to make arrangements to have clothing
12 --

13 THE DEFENDANT: I don't have anything presentable for a
14 jury.

15 THE COURT: Well, I mean, that's up to you. Sometimes
16 defense counsel will go out and buy clothes for their
17 clients.

18 THE DEFENDANT: Yeah, I'm --

19 THE COURT: It's up to you. But I just want to make
20 sure you are aware that if you want to have street clothes to
21 wear in front of the jury, that you are entitled to, but you
22 need to make those arrangements to make sure that you can
23 have those clothes on.

24 THE DEFENDANT: That's going to be kind of impossible in
25 my situation.

1 THE COURT: No, it's not impossible. All you have to do
2 is ask your standby counsel to get you some clothes, and he
3 can get them.

4 THE DEFENDANT: Yeah, I haven't -- I don't accept him in
5 any way, shape or form.

6 THE COURT: Okay. Then you've got friends, and they can
7 get them. And they can drop them off at the jail or drop
8 them off at the holding center. So it's not impossible.

9 THE DEFENDANT: Okay. Can I bring up the issues I have
10 now?

11 THE COURT: Well, we'll get to the issues that you have.
12 I've got a couple other things that I want to make sure that
13 we get covered.

14 You've made a couple -- a couple of your filings have to
15 do with transcripts and the recordings, and I want to make
16 sure we get that taken care of.

17 Mr. Rogers, exactly what is recorded? I mean, are these
18 telephone calls, or what, that are recorded?

19 MR. ROGERS: That's correct. The first recording would
20 be a conference call among a number of people, and on that
21 conference call is where the allegations of a crime would
22 have been committed by the defendant.

23 THE COURT: All right. And that has been -- that was
24 recorded, and then, what, downloaded or copied over onto
25 something else, or what?

1 MR. ROGERS: That's correct. It was downloaded, placed
2 on a disc, and I have provided a copy of that disc to the
3 defendant.

4 THE DEFENDANT: He did not provide it to me.

5 MR. ROGERS: Defendant's counsel at the time --

6 THE COURT: Okay.

7 MR. ROGERS: -- January 19th.

8 THE COURT: All right. The -- so that's on a CD?

9 MR. ROGERS: It's on actually a DVD.

10 THE COURT: DVD, okay. So that can't be played on a
11 regular CD player.

12 MR. ROGERS: My office is working on it right now.
13 Whenever I left, we haven't been able to; but if I can get it
14 to play on a CD player, I will send that the defendant at
15 North -- well, after talking to the jail, I'll at least send
16 it to Mr. Oshoway.

17 THE COURT: Okay. So we have a DVD of a conference
18 call?

19 MR. ROGERS: That's correct.

20 THE COURT: Okay.

21 MR. ROGERS: It's just audio, but it is on a DVD.

22 THE COURT: And approximately how long is that?

23 MR. ROGERS: It's approximately two hours long.

24 THE COURT: All right. And is that the only thing then
25 that there is?

1 MR. ROGERS: There are also jail phone calls. Those
2 cannot, at least that my office is aware of, we were trying,
3 but I don't believe those can be played on a -- there's any
4 way to play those on a CD player.

5 THE COURT: Are those DVDs then also?

6 MR. ROGERS: That is actually on a DVD as well, I
7 believe.

8 THE COURT: And --

9 MR. ROGERS: A copy of an entire CD -- or, I mean, DVD
10 of jail calls was provided to the defendant's counsel at the
11 time. At one of the previous hearings it was requested to
12 transcribe the specific jail calls that the State would use.
13 The State did do that, and provided that actually to the
14 defendant.

15 THE COURT: The jail phone calls, approximately how long
16 are those?

17 MR. ROGERS: Total -- I mean, there's a lot of other
18 conversation going on. I wouldn't plan to use the entire --
19 entirety of the phone calls, but I would say there's probably
20 an hour worth of phone calls that were transcribed.

21 THE COURT: Okay. The total, total jail phone calls
22 that you've preserved or copied, or whatever.

23 MR. ROGERS: That was sent to the defendant?

24 THE COURT: Yeah.

25 MR. ROGERS: Hours and hours.

1 THE COURT: All right. Approximately how long?

2 MR. ROGERS: I would guess five hours, and that's just
3 an approximation.

4 THE COURT: And then is all then, we have the conference
5 call and then jail phone calls?

6 MR. ROGERS: There's also a video of the defendant that
7 was provided to -- it was a video on disc that was provided
8 to defendant's standby counsel. That most likely -- well,
9 anyway, I provided it. There is no transcription of that.
10 It is an audio and a video.

11 THE COURT: And is that on a DVD also?

12 MR. ROGERS: I believe it's on a DVD as well.

13 THE COURT: And approximately how long is that?

14 MR. ROGERS: I believe that's approximately an hour.

15 THE COURT: Okay. Now, do you know the format that
16 these recordings are on?

17 MR. ROGERS: I can't tell you off the top of my head,
18 no, Your Honor.

19 THE COURT: Well, I need that.

20 MR. ROGERS: Okay.

21 THE COURT: What about the program that would be needed
22 to play those?

23 MR. ROGERS: Any program that's needed is contained on
24 the disc, and can be played once you insert the disc into a
25 computer, that I'm aware of. I believe -- Mr. Oshoway could

1 tell me I'm wrong, but I believe we talked, and those discs
2 did work, except for the one video maybe that I haven't
3 talked to Mr. Oshoway. But I believe the conference call and
4 the jail phone calls did work on Mr. Oshoway's equipment.

5 THE COURT: Is that correct, Mr. Oshoway?

6 MR. OSHOWAY: That is correct, Judge. If I can, you
7 know, add some additional information. Last week, pursuant
8 to the direction of the Court, I made arrangements with a
9 court reporter to transcribe both of the audio discs.

10 THE COURT: The conference call and the jail phone
11 calls?

12 MR. OSHOWAY: Yes, sir.

13 THE COURT: Okay.

14 MR. OSHOWAY: And it's my understanding from that court
15 reporter that that work is in progress. In fact, today she's
16 supposed to report to me later today, you know, how long
17 that's going to take, when she'll be able to provide me with
18 the transcripts. But based on my conversation with her last
19 week, I believe that the transcripts may well be ready -- may
20 well be delivered to me this week.

21 THE COURT: Now, did you say, Mr. Rogers, that you
22 already had the conference call transcribed?

23 MR. ROGERS: The conference calls that -- oh, yes, the
24 conference call is transcribed and the phone -- jail phone
25 calls that the State's planning to use.

1 THE COURT: Okay. And have you given those transcripts
2 to Mr. Oshoway?

3 MR. ROGERS: Yes, Your Honor.

4 THE COURT: Mr. Oshoway, have you given those
5 transcripts to Mr. Deegan?

6 MR. OSHOWAY: Yes, Your Honor.

7 THE COURT: Mr. Deegan, you've received those
8 transcripts?

9 THE DEFENDANT: Well, there's no one signing it. I
10 don't know who transcribed it. It's just some words on paper
11 that someone said that no one's standing behind.

12 THE COURT: Okay. What I'm trying to do, Mr. Deegan, is
13 get it to the point where you can actually get these
14 evidently three CDs or DVDs, and be able to listen to them
15 and compare them to the transcripts that have been provided.

16 The law in this state, as I understand it, is that when
17 we have recordings such as this, the recordings themselves
18 are the evidence. The transcripts are not introduced into
19 evidence. Many times the transcripts are given to the jury
20 when they listen to the DVDs, but the transcript is not
21 introduced into evidence. Now, that's sort of the normal
22 course. But, I mean, you have the right to hear the
23 evidence.

24 THE DEFENDANT: Yeah, because I'm contesting the
25 validity of it.

1 THE COURT: Right, and I understand that. And you have
2 every right to contest the validity of it. You also have
3 every right to listen to it before you come into court. And
4 that's what I'm trying to find out what specifically we're
5 talking about in terms of the different conversations, and
6 trying to arrange a situation where you could actually listen
7 to it.

8 I've talked to the Regional Jail. They're going to
9 accommodate you. They're going to let you listen to them.
10 We just have to get the equipment to let you listen to them.
11 That seems to be the problem right now. These things won't
12 be playing -- can't be played on a regular CD player, we have
13 to get a computer. And I've been told by the Regional Jail
14 that the computers that they have that would be available to
15 you don't play these things.

16 And so we're trying to get a computer that you can
17 listen to them, and, you know, I mean, take your time on
18 listening to them, and play them over if you want and over
19 again if you need to, and compare the transcript to what the
20 recordings say. And that's why I was trying to figure out
21 exactly what we had, so that we could figure out -- it sounds
22 like we're going to need to get a computer for you that, you
23 know, can play these things. I want to try to get that done
24 so that you can start listening to them sooner, rather than
25 later.

1 THE DEFENDANT: Well, with that there's also the issue
2 of Wednesday I was faxed some things, and it appears that
3 he's taken some sort of an alleged transcript off the
4 Internet off of a blog spot, and he's trying to introduce
5 that as evidence of the phone call --

6 THE COURT: Fax --

7 THE DEFENDANT: -- the same phone call --

8 THE COURT: Fax from whom?

9 THE DEFENDANT: I don't know. I got -- a fax came to
10 me, and it was with a bunch of motions titled to a Cestui Que
11 Vie Trust, all caps, Thomas David Deegan, and it was part of
12 that whole packet. And it was some blog spot claiming to be
13 a transcript on a blog spot just someone threw up, and he
14 appears to be trying to put it into evidence. And so that
15 was after I had submitted that particular demand for the
16 inadmissibility of those transcripts.

17 MR. ROGERS: Your Honor, there is a transcript that I
18 did send to the defendant. That is not a transcript that the
19 State would admit into evidence, it was just to offer that to
20 the defendant.

21 THE DEFENDANT: It was on the list, his alleged list.

22 THE COURT: Well, anything that they want to introduce
23 into evidence at the time that they're wanting to introduce
24 it, you have the right to object. And if it can't be
25 properly identified, then it's not admissible. I mean,

1 that's a basic foundation for the admission of anything is to
2 properly identify something. And, I mean, just a blog off of
3 the Internet, I mean, I don't know, I haven't seen it, so I
4 don't know what you're talking about, but --

5 THE DEFENDANT: Well, I see what's happening, is he's
6 trying to bring in prejudicial evidence that's not evidence
7 in any way, shape or form, and I'm trying to stop that.

8 THE COURT: Well, I thought he indicated he wasn't going
9 to introduce it.

10 THE DEFENDANT: Well, I don't know why he sent it then
11 and put it on the list, that makes no sense.

12 MR. ROGERS: Just to provide it to the defendant.

13 THE COURT: Okay. In the document that you've titled,
14 "Challenge to Use of Transcripts of Any Nature and Kind, and
15 all Alleged Recordings," there is no requirement that I'm
16 aware of that there be an expert that can identify who's on
17 there. Certainly, if you want to have an expert to say it's
18 not you, you can do that. But, you know, the jury listens to
19 the voices, and they make the decision.

20 Is there some way that the State's going to have some
21 evidence to identify the voices on there?

22 MR. ROGERS: To identify the defendant's voice, yes,
23 Your Honor.

24 THE COURT: Who's that going to be?

25 MR. ROGERS: Trooper Williams will be able to testify,

1 as well as home confinement, Your Honor.

2 THE COURT: So to the extent that your Challenge to Use
3 of Transcripts of Any Nature and Kind, and all Alleged
4 Recordings to the extent that it seems to imply that there
5 needs to be an expert to identify the voices, I'm not aware
6 of any law in this state that says that there has to be an
7 expert to identify the voices.

8 THE DEFENDANT: I think it was more along the lines of
9 originality, and whether it's a copy that is an original or
10 if it's been altered in some fashion, and I think I made that
11 later in the paper.

12 THE COURT: Okay.

13 THE DEFENDANT: I made several different arguments.

14 THE COURT: Well, the accuracy of the phone call is an
15 aspect of it being admitted. In other words, there has to be
16 testimony that it's accurate. There has to be testimony that
17 it is -- that it hasn't been altered.

18 THE DEFENDANT: And I didn't see any witness on his list
19 that would be able to do that.

20 THE COURT: Well --

21 THE DEFENDANT: And that's why I'm contesting it.

22 THE COURT: Right. And you're entitled to do that, but
23 you have to do that at trial, not at pretrial.

24 THE DEFENDANT: I just -- I see what's happening, and
25 I'm trying to estop that.

1 THE COURT: Okay. And in the same -- in terms of the
2 transcript, you know, there's no requirement that I'm aware
3 of in West Virginia law that requires a transcript to be
4 signed, certified. That's why a transcript is given to you
5 early so that you can compare it to the actual recording. If
6 you think that there's something that needs to be changed in
7 the transcript before it is presented to the jury, if it is
8 ever presented to the jury, then you're able to raise those
9 issues and -- because sometimes, and I don't know the quality
10 of them, sometimes the quality isn't very good, and so
11 sometimes there's periods where you can't understand what's
12 on the recording.

13 THE DEFENDANT: I would like to also bring up that this
14 is two cases, two alleged cases I'm doing this for.

15 THE COURT: Right.

16 THE DEFENDANT: Okay. And so, you know, some of these
17 things are appropriate at this time, because the jury's not
18 involved in that for some reason.

19 THE COURT: You mean on the motion to revoke your home
20 confinement?

21 THE DEFENDANT: Correct.

22 THE COURT: Right.

23 THE DEFENDANT: Absolutely.

24 THE COURT: But it's -- but you have to bring it up when
25 we're trying -- when the evidence is being introduced.

1 THE DEFENDANT: Well --

2 THE COURT: Not now, because I haven't heard it. I
3 haven't heard the transcript -- I mean, I haven't heard the
4 recordings and I haven't seen the transcript.

5 THE DEFENDANT: Right. And I know -- and the reason a
6 lot of it's being introduced and not being able to be proven
7 is to be prejudicial in nature, and that's what I'm trying to
8 stop.

9 THE COURT: I understand.

10 THE DEFENDANT: Because I see exactly what's happening.

11 THE COURT: Mr. Oshoway, have you talked to the people
12 at the Regional Jail about being able to get Mr. Deegan those
13 discs or CD -- DVDs?

14 MR. OSHOWAY: I had talked -- actually, I talked to them
15 not in connection with this case, but with other cases. That
16 I was not allowed to leave computer discs, DVDs, or CDs with
17 my clients when they were in jail. That if I wanted them to
18 review that material, I would bring my laptop to the jail and
19 play the recordings while I was in the client in the
20 interview room. Typically, these recordings are not hours
21 and hours long, they're fairly short. That's not the case
22 here.

23 But the jail has always been very careful to make it
24 clear to me that, you know, I couldn't leave a compact disc
25 or a DVD with a client.

1 THE COURT: Has the State taken any steps to make sure
2 that this defendant can listen to the actual DVDs prior to
3 trial?

4 MR. ROGERS: The State has submitted all those discs to
5 Mr. Oshoway. As the State -- as Mr. Oshoway stated, an
6 attorney can take a computer and have their client listen to
7 these discs. But other than that, you know, the State has no
8 -- our office has talked to the jail. The jail has not
9 allowed -- I mean, we can't even send staples or paper clips
10 into the jail. But it's the State's position that we've
11 offered him standby counsel, and if the defendant wanted to
12 listen to them, then standby counsel could play those for the
13 defendant at the jail.

14 THE COURT: The conference call, the jail phone calls,
15 and the video, is the State -- I mean, I don't know what the
16 basis of obtaining those are. I mean, was this conference
17 call, was this what's sometimes referred to as a "wiretap"?
18 I mean, does there need to be some kind of a hearing to
19 determine the threshold legality of obtaining any of this
20 information?

21 MR. ROGERS: I would leave it to the Court. What --
22 there would be --

23 THE COURT: How am I supposed to know if I don't know
24 the basis for it?

25 MR. ROGERS: I'm going to inform the Court of some of

1 the details, Your Honor.

2 I would have -- hopefully there would be Mr. Mehall from
3 the FBI, Trooper Williams could also testify to it. But Mr.
4 Mehall from the FBI would testify to the extraction of the
5 conference call. It was not a wiretap. And he would testify
6 to the authenticity of the disc.

7 As far as the credibility of the discs, because it was
8 not a wiretap, there are other pieces of evidence in such a
9 hearing that the State could prove to the Court, such as jail
10 phone calls and this other video that corroborate the
11 storyline, if you will, or the statements in the topic of
12 conversation that was on this conference call.

13 THE COURT: Well, if it's not a wiretap, how was it
14 acquired?

15 MR. ROGERS: The FBI extracted it from the Internet.

16 THE COURT: You mean they listened to it as it was
17 occurring, is that what you're saying?

18 MR. ROGERS: Not this -- not the phone call -- not the
19 conference call that the State would be admitting, no, Your
20 Honor.

21 THE COURT: It was taped on the --

22 MR. ROGERS: That's correct.

23 THE COURT: -- on the Internet?

24 MR. ROGERS: That's correct.

25 THE DEFENDANT: Hence, my motion.

1 THE COURT: Is that the transcript that you've provided
2 to Mr. Deegan was a copy of this conference call?

3 MR. ROGERS: That is one of the transcripts that has
4 been provided to the defendant, yes, Your Honor.

5 THE COURT: The phone call was -- what was the term you
6 said? Extracted?

7 MR. ROGERS: Extracted, that's correct.

8 THE COURT: Is it the State's position that they did not
9 need a search warrant?

10 MR. ROGERS: It's the State's position that there was no
11 search warrant needed, yes, Your Honor.

12 THE COURT: Mr. Deegan, is it -- I mean, do you know, do
13 you have a basis or --

14 THE DEFENDANT: I have no idea what's happening in this
15 matter.

16 THE COURT: Did the jail phone calls occur after this
17 conference call?

18 MR. ROGERS: Yes, Your Honor.

19 THE COURT: And are -- I've had some testimony in
20 another case about some of these jail phone calls. I mean,
21 is it just a normal recorded jail phone call?

22 MR. ROGERS: Yes.

23 THE COURT: And then what about the video?

24 MR. ROGERS: The video would not be used in the State's
25 case-in-chief. It could be used for impeachment possibly, or

1 if it was needed for any other hearing, and that's the
2 purpose that it was provided to the defendant. But the video
3 is of the defendant actually talking about this conference
4 call.

5 (Pause.)

6 THE COURT: Where did the video come from?

7 MR. ROGERS: The video was also online.

8 THE COURT: So it was also extracted by the FBI?

9 MR. ROGERS: That's correct.

10 THE COURT: What do you mean by "extracted"?

11 MR. ROGERS: That was the term that was used. I mean, I
12 guess it would be the same, downloaded. The FBI took the
13 information that was online and --

14 THE COURT: So they went to a website, saw something,
15 and they just downloaded it?

16 MR. ROGERS: That's correct. I will have Mr. Mehall
17 from the FBI to testify in more depth as to what he did, but
18 I believe that's basically what happened.

19 THE COURT: Mr. Deegan, do you have anything else you
20 want to say about the transcripts or the recordings?

21 THE DEFENDANT: I mean, I don't know what to say. I
22 haven't heard them.

23 THE COURT: Right. And I'm trying to work on --

24 THE DEFENDANT: Yeah.

25 THE COURT: -- letting you get through them.

1 THE DEFENDANT: I mean, you know, like I said, somebody
2 did a transcript. He pulled another one from the blog, he
3 sends it. You know, this is -- this is very odd and strange
4 behavior by the prosecutor, to say the least.

5 I mean, I have not been afforded the right to prepare
6 anything at all, if I even need to prepare a defense. I
7 mean, I'm looking at almost six months now confined, you
8 know, without being able to see the evidence actually against
9 me or hear it.

10 THE COURT: Okay. Well, I don't know what else I can do
11 at this point in terms of the transcripts and the CDs -- or
12 the DVDs.

13 Mr. Oshoway, do you have those with you?

14 MR. OSHOWAY: I do not. They are with the transcription
15 -- the court reporter.

16 THE COURT: Oh, okay. So if we got a mechanism for Mr.
17 Deegan to listen to these things today or tomorrow, how are
18 we going to get the actual DVDs? Can the State make another
19 copy?

20 MR. ROGERS: I can make another copy, yes, Your Honor.

21 THE COURT: How long will it take for you to make
22 another copy of the conference call, the jail phone calls,
23 all five hours of them, and the video?

24 MR. ROGERS: I would -- half-an-hour, probably.

25 THE COURT: Okay. How about doing that then immediately

1 after this hearing so that we at least have that. And then
2 we have to figure -- try to figure something out in terms of
3 listening to these things, and getting something to where the
4 defendant can listen to them.

5 Okay. Mr. Deegan, do you have anything else you want to
6 take care of before we get into your motions?

7 THE DEFENDANT: Well, actually, yes, and I needed to
8 address the motions as well. But I have evidence of two
9 different States of West Virginia, and I'm trying to find out
10 which one is moving against me. It's a contract, lease
11 purchase, between two different states in the same contract.
12 And so I'm trying to find out which State of West Virginia is
13 actually moving against me.

14 THE COURT: Umm --

15 THE DEFENDANT: And I have that right here, if you would
16 like to see it.

17 THE COURT: I don't need to see it.

18 THE DEFENDANT: Book 250, page 667.

19 THE COURT: If you want to put something on-the-record,
20 you can put something on-the-record.

21 THE DEFENDANT: Absolutely, yeah.

22 THE COURT: Okay.

23 THE DEFENDANT: Yeah.

24 THE COURT: Make the record.

25 THE DEFENDANT: Because I'm confused.

1 THE COURT: Anything else you want to say on that issue?

2 THE DEFENDANT: On that specific issue of the State?

3 THE COURT: Yeah.

4 THE DEFENDANT: No, no, no. But I do have some other
5 things I wanted to bring up --

6 THE COURT: Okay.

7 THE DEFENDANT: -- because it may affect other things.

8 THE COURT: Well, I'd like to go issue by issue just so
9 that we can keep this all --

10 THE DEFENDANT: Okay. Well, I mean, do -- do you want
11 to stop and look at that, or --

12 THE COURT: I don't need to stop and look at anything
13 that you have -- I have -- you address that issue somewhat in
14 your motions.

15 THE DEFENDANT: Well, but I don't think I had. I just
16 got this.

17 THE COURT: Okay. Well, then let me see it.

18 (Bailiff hands document to the Judge.)

19 THE COURT: Mr. Rogers, anything you want to say with
20 regard to this?

21 MR. ROGERS: I don't -- I'm not even sure if this is a
22 motion, but the State doesn't believe there's a basis in the
23 law, and the State would move to dismiss.

24 THE DEFENDANT: I didn't motion. I said I don't
25 understand. That there's two states in the same contract,

1 and I'm not sure which one's moving against me and which --
2 and what their authority is. That's what I'm trying to
3 ascertain, because I don't understand.

4 THE COURT: What you've shown me is a contract of lease
5 purchase --

6 THE DEFENDANT: Correct.

7 THE COURT: -- between the West Virginia Economic
8 Development Authority and --

9 THE DEFENDANT: Upper and lowercase "State of West
10 Virginia."

11 THE COURT: -- and the State of West Virginia --

12 THE DEFENDANT: All caps, which are two different --

13 THE COURT: -- acting by and through the Department of
14 Administration.

15 THE DEFENDANT: So I'm confused. Because if it's the
16 same entity, they wouldn't need to enter a lease purchase
17 contract if it was the same entity. So that's why I'm
18 confused. I don't understand.

19 Now that I see there's two States of West Virginia, I'm
20 trying to ascertain which one is moving against me or against
21 the trust.

22 THE COURT: Well, why don't you go ahead and make your
23 argument with regard to this original contract that you've
24 raised in some of these motions.

25 THE DEFENDANT: Are you talking about Article 3, Section

1 2?

2 THE COURT: Whatever you're referring to in terms of
3 your -- you use language --

4 THE DEFENDANT: I mean, I have many motions.

5 THE COURT: You've used --

6 THE DEFENDANT: The original contract is the
7 Constitution for the United States of America.

8 THE COURT: Okay.

9 THE DEFENDANT: That's the original contract, the
10 supreme law of the land according to Article 6. Yes:

11 "The Constitution, the laws of the United
12 States, which shall be made in pursuance
13 of, shall be the supreme law of the land,
14 and the judges in every state shall be
15 bound thereby, all executive and judicial
16 officers, both the United States and
17 several states shall be bound by oath or
18 affirmation to support this Constitution."

19 The biggest one I see is the fact of Article 3, Section 2
20 says:

21 "In all cases, and those in which a state
22 shall be a party, the Supreme Court shall
23 have original jurisdiction."

24 So it would seem to me that because the State is a party
25 here, that we are in the wrong court according to the

1 original contract, which all judges and executive officers
2 are bound to uphold as the supreme law.

3 And so I see a conflict here, whereas this should be
4 heard in the Supreme Court of the United States, because the
5 State is a party. It says, "State of West Virginia,"
6 absolutely.

7 And so I'm a little concerned. If we're not following
8 this, then I'm concerned. Is this Court not of a government,
9 and is it more of a private for profit contractor providing a
10 government service of some kind? Because Article 6 does
11 state this is the supreme law of the land, right here
12 (indicating).

13 THE COURT: Okay. Anything else?

14 THE DEFENDANT: I mean, I have many motions. I mean, I
15 didn't know we were lumping them all together at once.

16 THE COURT: No, no. I want you to speak to your
17 allegation of some kind of an original contract.

18 THE DEFENDANT: Original contract violations?

19 THE COURT: Right.

20 THE DEFENDANT: Okay. That was contained -- Amendment
21 One:

22 "No law respecting an establishment of religion
23 or prohibiting the free exercise thereof."

24 I can serve -- I cannot serve two masters. I can only serve
25 one, and that's God. That's who I serve. I'm a child of

1 God. I'm an heir of God, as I've stated over and over again.
2 And it appears that they're trying to -- you're trying to
3 make me adhere to a system, a secular system that goes
4 against my most firm religious beliefs, and it entails using
5 artificial entities and corporations and creatures of the
6 mind that don't exist, and giving them parity with a live
7 man. And that goes against my most firm religious beliefs.
8 And I've brought up much, much of His word on all of my
9 documents showing where it's violating my beliefs.

10 Then we have abridging the freedom of speech. It
11 doesn't say the legislator can abridge it is they feel like
12 it, it says it cannot be abridged. And the alleged crime
13 that I'm charged with is a speech crime. And so they're
14 making a crime, which is against Miranda vs. Arizona, where
15 rights secured by the Constitution are involved, there can be
16 no rule making or legislation which advocate them. And I'm
17 being charged -- I mean, I've been sitting six months almost
18 in a military prison for something that is a violation of
19 Amendment One.

20 Amendment Four, the right of the people to be secure in
21 their homes, okay? No warrant shall issue but upon probable
22 cause supported by oath or affirmation, and particularly
23 describing the place to be searched and the persons or things
24 to be seized.

25 And in this case, they had the wrong address. I've

1 proven it by the postal service itself. Wrong address.
2 Wrong name. And there was nothing in the warrant that I've
3 got a copy of where it stated things that it was going to
4 seize. And so that's an outright violation of Amendment
5 Four.

6 Amendment Five, I'm being held in a military tribunal
7 right now, and that is according to Executive Order No.
8 10834, August 21st, 1959, and 24 Federal Regulation 6865, that
9 a yellow fringed American flag is a military tribunal flag
10 flying under the authority of the Commander-in-Chief, and
11 denotes an admiralty maritime jurisdiction, which is not the
12 law of the land. Admiralty jurisdiction or the maritime
13 military would require a contract of some kind, international
14 in nature, or I would have to be in the armed services. I've
15 never been in the armed services. I have no international
16 contracts.

17 I have a right, Amendment Six, to a speedy and public
18 trial. So far it has not been very speedy. This motion for
19 revocation, according to the rules, 32.1, says, "prompt." I
20 was not notified of a revocation for over forty-five days.
21 And then it's dragged on this long because the State has
22 dragged its feet over and over in turning over what it has to
23 under the rules. Why it's fighting its own rules, I can't
24 understand it.

25 I have the right to be confronted with the witnesses

1 against him. That's why I've called the State of West
2 Virginia, which is the alleged plaintiff. I've called the
3 alleged victims, Kanawha County, State Capitol. I have a
4 right to be confronted by them. The State is trying to mix
5 up the argument saying that the trooper is the victim and the
6 trooper's the -- no, he's not the victim, that's not what the
7 paperwork says.

8 Part of the bail agreement that I did not sign because
9 the name was wrong and the address was wrong states the State
10 Capitol and Kanawha County are the victims. And so I don't
11 see why everyone's fighting me so much on trying to get them.
12 I mean, how do you bring two preachers of the mind into
13 court? You can't. And yet I'm being forced to have to do
14 that, because they're the victims. I have the right to face
15 my victims. I have the right to have compulsory process for
16 obtaining the witnesses in my favor. I have the right to the
17 assistance of counsel for my defense, which we had discussed
18 earlier.

19 And I think that a lot of these have been misconstrued
20 by the courts without proper authority under the original
21 contract for case law, and have misconstrued these things
22 from their original intent. And I will stand by the fact
23 that the ones that I'm subpoenaing, Gene Stalnaker, Phil
24 Hudok, Darlene Deegan, Alicia Lutz-Rolow, and Leonard Harview
25 have in fact been my assistance of counsel from the

1 beginning. They are the ones that did what I needed done
2 from the very beginning.

3 Excessive bail shall not be required. My bail is set in
4 this alleged case at \$300,000 cash, which is twelve times the
5 maximum fine. I would say that's highly excessive.

6 I've been confined twenty-three hours a day to a cell.
7 That's cruel and unusual punishment.

8 The enumeration of the Constitution, certain rights
9 shall not be construed to deny or disparage others. I have
10 the right to be left alone, and so far the State is not
11 following that. And that's one of the most precious rights
12 we have is the right to be left alone.

13 We have the issue of the Thirteenth Amendment. We have
14 an original one that's passed that I have proven by way of
15 over thirty different publishings in the states, and that is
16 the Titles of Nobility Act that restricts those that have a
17 title of nobility from serving in government. And I have an
18 esquire sitting next to me, I have an esquire at the other
19 table. That is a title of nobility under the queen. It's
20 below a knight. That is a title of nobility.

21 Even if we don't accept that as fact, which I've proven
22 in the Supreme Court of Appeals, we go with the original one,
23 neither slavery nor involuntary servitude, except as a
24 punishment for a crime. I haven't been punish -- I haven't
25 been convicted. I'm being punished. I'm in solitary

1 confinement. Solitary confinement trying to defend myself
2 against commercial charges, according to Code of Federal
3 Regulations 72.11, all crimes are commercial. That's
4 monetary in nature.

5 We have Amendment Fourteen, no state shall deprive any
6 person of life, liberty or property without due process of
7 law. So far we haven't had much due process, because it
8 hasn't done anything. The State has continuously delayed and
9 denied my rights, speedy trial. This should have done been
10 over with. If they had a case when they arrested me, they
11 shouldn't have arrested me if they weren't ready to go to
12 trial. It's not contemplated that you sit and rot somewhere.

13 And you can't deny any person within this jurisdiction
14 the equal protection of the laws. And the equal protection
15 is that these amendments have been violated over and over
16 again quite clearly. I started to set forth International
17 Treaty Declaration of Human Rights where I found over twenty-
18 five violations right there alone, too. And because of
19 Article 6 here, it's also the supreme law of the land,
20 because it's a treaty made in pursuance of.

21 But I don't think I need to go into that. I think I've
22 made the case here that there's no jurisdiction here. And
23 even if there was, at some point with this many violations of
24 the original contract, I can't see under federal case law how
25 the Court has retained any jurisdiction.

1 And all of these things have been unopposed by the
2 State, they haven't answered any of those allegations. And
3 so at this point they have agreed by their own silence that
4 these things have happened.

5 And so I'm not understanding who's moving against me.
6 Is this a commercial matter? Is this a trust? Is this an
7 actual crime at common law, or are they exercising malum
8 prohibitum jurisdiction that they don't have contractual
9 authority for? I don't understand what's happening here.
10 It's not -- it's not in compliance with the contract. The
11 contract is what allows these entities to exist.

12 THE COURT: Anything else?

13 THE DEFENDANT: I have nothing else, because the State
14 has not opposed anything I've said, ever. So I have nothing
15 else to say on that.

16 THE COURT: Mr. Rogers, anything you want to say?

17 MR. ROGERS: Just to a few of the points, Your Honor.
18 The Court's already ruled on jurisdiction. The Supreme Court
19 has ruled on free speech. And it's clear that the State can
20 charge someone with terroristic threats.

21 As far as the speedy trial goes, the defendant was
22 indicted in January. We're still within that term. And the
23 other ones, there's -- it doesn't sound like there's a motion
24 there, there's no basis in the law. And the State would move
25 to dismiss.

1 THE COURT: Mr. Deegan, anything you want to say in
2 response to anything that Mr. --

3 THE DEFENDANT: Yeah. He's going with things that go
4 against the original contract, and it says the "supreme law
5 of the land." It doesn't say unless a court somewhere says.
6 And that's what his excuse is, is that the courts have ruled
7 that you can make speech terrorism, and, you know, that they
8 just indicted me, you know. That has no bearing on the
9 original contract. It doesn't say, except for, it says, this
10 is the supreme law of the land.

11 And the Amendments are very clear in what they say,
12 Article 3, Section 2 is very clear. It doesn't say the State
13 shall be a party, except when the prosecutor says no. It
14 says if the State is a party, the Supreme Court has original
15 jurisdiction. I mean, these are quite clear, the words are
16 clear. A written document does not change meaning over time,
17 that's why it's written. It's written so that it is set in
18 stone. And his arguments have no basis. Saying that a court
19 can overrule this means that they are not operating under the
20 original contract. And the federal courts have ruled that
21 when a judge violates his oath, not only is he committing --
22 is he warring with the Constitution, but he loses all rights
23 to move forward jurisdiction in the matter.

24 All I want is the rules, the rules of the game, because
25 I don't see the rules. Everybody's making up rules as we go

1 along. I'm looking at the contract that says it's supreme
2 law of the land, Article 6, "the supreme law of the land."
3 It doesn't say unless someone doesn't like it.

4 THE COURT: Anything else?

5 (No response.)

6 THE COURT: I'm sorry?

7 THE DEFENDANT: No.

8 THE COURT: Okay. In terms of which State of West
9 Virginia, of course, the contract or lease that you showed me
10 was apparently a lease between agencies. That's just -- some
11 of these arguments are so, I don't know how to phrase it,
12 against commonsense that it's hard to rule on them. But, you
13 know, the State of West Virginia has different agencies, and
14 sometimes the different agencies contract with each other for
15 different things, and that's just the way it is. The State
16 of West Virginia is the moving party in this case, and I
17 don't know how to say anything other than that.

18 THE DEFENDANT: Well --

19 THE COURT: In terms of some kind of an original
20 contract and the State needing to prove an original contract,
21 that is simply not true. The law in this state is clear,
22 that the State must prove the elements of the offense as set
23 out in the statute, and that is what the State has to prove.
24 There is no law that says that the State has to prove any
25 kind of an original contract.

1 The argument you're making about when the State is a
2 party it has to go in front of the Supreme Court, the U.S.
3 Supreme Court. Of course, that is contrary to the laws and
4 the tradition of all fifty states of this country. It's
5 simply the State of West Virginia because it is the local
6 government that brings criminal cases, and this is the way
7 it's always been, and -- so.

8 In terms of the wrong address, Mr. Rogers, was there a
9 search warrant in this case?

10 MR. ROGERS: Yes, Your Honor, there was.

11 THE COURT: Did it have an incorrect address on it?

12 MR. ROGERS: Not that I'm aware of. I believe the
13 address -- it's part of a report from the State Police. I
14 do not have a copy of that search warrant. The search
15 warrant -- nothing obtained from the search warrant is going
16 to be used in this case.

17 THE COURT: So the State's not intending to either
18 introduce the search warrant or any fruits of the search?

19 MR. ROGERS: That's correct.

20 THE COURT: Okay. So wrong address on the search
21 warrant appears to be moot. In terms of excessive --

22 THE DEFENDANT: It was on the arrest warrant too I said,
23 it was on both.

24 THE COURT: Okay. In terms of the excess -- well, an
25 incorrect address on an arrest warrant is not relevant,

1 because it's the person that is arrested, not the location.

2 In terms of the amount of bail, the issue of bail has
3 never been presented before this Court. You know, the
4 defendant was arrested on a warrant. The bail, I'm assuming,
5 I haven't even looked at that, but I'm assuming the bail was
6 sent -- was set when he was originally charged. And then the
7 case, of course, was pending in front of Magistrate Court
8 until the preliminary hearing. It was then bound over. When
9 it was in a bound over stage, it was in front of a different
10 judge, not me. I didn't get this case until mid-January of
11 this year, and there's been no -- no one has raised the issue
12 of excessive bail.

13 So until you said, Mr. Deegan, how much the bail was, I
14 didn't even know how much the bail was, because unless it's
15 raised, it's not an issue that I need to be aware of. And
16 that's one of the things that Mr. Oshoway raised at a hearing
17 or two ago, is some things that he would have done if he had,
18 you know, been given the authority to. And if he's not,
19 that's fine, I mean, I don't care. I'm just wanting the
20 record to be clear that the issue of excessive bail has never
21 been brought before this Court.

22 Being in the cell for twenty-three-and-a-half hours,
23 again, I've never investigated this, but when I was talking
24 to the jail trying to make some arrangements for you to be
25 able to listen to these DVDs, they mentioned something about

1 that you didn't sign some documents out there --

2 THE DEFENDANT: That's against --

3 THE COURT: -- that needed to be signed for
4 administrative purposes.

5 THE DEFENDANT: Trying to --

6 THE COURT: And so if you're not willing to --

7 THE DEFENDANT: Medical.

8 THE COURT: -- you know, sign the stuff and comply,
9 you're in solitary confinement of your own choosing.

10 In terms of due process, you know, this case has gone
11 through the normal procedure in terms of a warrant,
12 Magistrate Court issued a warrant, a probable cause hearing
13 over there. Then it was bound over and it was presented
14 before a grand jury, and you were indicted in January of
15 2016. And if all goes as planned, you'll have a trial
16 starting in about two weeks. Sometimes these things take
17 longer than you or I want them to take, but that is the
18 procedure that is set.

19 In terms of jurisdiction, I've already ruled on those
20 issues, and I don't need to rule on those issues again.

21 In terms of the nature of this offense, it is a criminal
22 case, and --

23 THE DEFENDANT: What's the jurisdiction, the nature, the
24 cause of it, the jurisdiction of law, so that I know how to
25 defend --

1 THE COURT: I've already ruled that this Court has
2 subject matter jurisdiction --

3 THE DEFENDANT: No.

4 THE COURT: -- and geographic jurisdiction.

5 THE DEFENDANT: No. The jurisdiction that the case is.
6 Is it common law? Is it admiralty? Is it equity? Each one
7 has a different defense.

8 THE COURT: It is statutory. It is the statute that
9 you've been alleged to have violated. All right.

10 THE DEFENDANT: Is that contractual?

11 THE COURT: Oh, well, I might as well do this now, just
12 so that everybody is aware.

13 You know, these issues have been raised in other
14 jurisdictions before, and some of these cases are not
15 reported, but they're still -- they're in the law. But not
16 being reported, they're not mandatory precedent.

17 But, anyway, and, let's see, we've got a Court of
18 Appeals of Texas, a 14th District, in Houston, and actually
19 that's January 7, 2016. Decided issues that you've raised,
20 Mr. Deegan, and dismissed those types of issues.

21 Let's see, we have a Superior Court of Pennsylvania in
22 December of 2015, that dealt with --

23 THE DEFENDANT: What types of issues are you talking
24 about?

25 THE COURT: -- those.

1 THE DEFENDANT: I'm lost here.

2 THE COURT: The United States District Court for the
3 District of Hawaii. The United States District Court for the
4 District of Maryland. The United States Court of Appeal for
5 the 4th Circuit, which is the area covering West Virginia.
6 Court of Appeals of Ohio, 2nd District, Montgomery County.
7 The United States District Court for the South Dakota,
8 Southern Division. United States District Court for the
9 Northern District of Ohio. And United States Court of
10 Appeals for the 9th Circuit, which is out West. And all those
11 -- oh, there's another one. United States District Court for
12 the Southern District of Ohio. And that's all these original
13 contracts, admiralty, the flag, all those things. All those
14 cases have essentially reviewed those arguments, and decided
15 -- and rejected them with little to no discussion as to their
16 validity.

17 THE DEFENDANT: So the Constitution is not in effect for
18 the United States of America?

19 THE COURT: Not as you read it, not as you interpret it.

20 THE DEFENDANT: Okay. Is there a rule to the game?

21 THE COURT: Madam clerk, can you go into my office and
22 make a copy of the indictment in this case?

23 THE CLERK: Yes.

24 (Clerk leaves room to make copy of document.)

25 THE DEFENDANT: I still had two other -- well, three

1 other issues besides the motions.

2 THE COURT: Okay. We'll get to them, assuming we have
3 time. Your standby counsel has to --

4 THE DEFENDANT: I have nothing to do with him. I don't
5 need him. I'm fine.

6 THE COURT: Well, Mr. Deegan, you need some help in
7 terms of just the administrative aspects of issuing subpoenas
8 and different things like that, because even though you may
9 have and can effectively argue your interpretation of the
10 law, sometimes it's good to have people that know the
11 procedure that needs to be gone through to like issue
12 subpoenas and things like that, so that witnesses that you
13 want to have here can be here to offer evidence, if it's
14 relevant.

15 MR. OSHOWAY: For the record, Judge, and this might be
16 an appropriate time to note, that the only communication I've
17 received indirectly from Mr. Deegan is a communication --
18 well, I've received two faxes last week from a person
19 identifying themselves on the fax as Phil Hudok, who
20 represented that he was passing along a communication from
21 Mr. Deegan to the effect that I was to immediately turn over
22 the discs that we've had so much discussion about by Friday
23 of last week. I received the faxes. I sent back an email to
24 Mr. Hudok essentially saying what I've said here in Court
25 about the arrangements I've made for the transcripts, and

1 that I couldn't deliver the discs to Mr. Deegan in jail.

2 (Clerk returns to room.)

3 THE COURT: Can you give that to Mr. Deegan?

4 (Bailiff hands document to the defendant.)

5 THE COURT: Can I have the indictment, please?

6 (Clerk hands file to the Court.)

7 THE DEFENDANT: I've seen it. I refused it for cause,
8 and sent it back.

9 THE COURT: Mr. Deegan, I just want to make sure that
10 you understand that the document that I've placed in front of
11 you, and you can refuse it with or without prejudice, with or
12 without cause, I don't particularly care, but this indictment
13 is what is referred to as the "charging document" in this
14 case, in the '16 case, and it accuses you or makes
15 allegations that you were making terroristic threats.

16 And it says that on or about a certain date in
17 September, 2015, in Wood County, West Virginia, you committed
18 the offense of making terroristic threats by unlawfully,
19 intentionally and feloniously threatening to commit a
20 terroristic act with or without intent to commit said
21 terroristic act, against the peace and dignity of the state.

22 And that is based upon the laws of this state as passed
23 by our Legislature, and it's said there in the indictment
24 itself, 61-6-24. And it's -- I just want to make sure that
25 you understand that those -- that is the charge or the

1 allegation that has been made against you, and that we are
2 set to go to trial on in a couple weeks.

3 THE DEFENDANT: No, I don't understand. And according
4 to the government printing manual, that would be a
5 corporation, a trust, or a dead person, and I do not
6 understand why I cannot be named properly. Even the
7 magistrate wrote over and named me -- tried to name me
8 properly. I don't understand this document.

9 THE COURT: Well, I -- you can sit there and say you
10 don't understand the document all you want to. It's written
11 in plain English, it's not fancy language, than the
12 government printing manual that you attached to one of your
13 later pleadings is not binding on this Court, on anything to
14 do with this case.

15 THE DEFENDANT: Well, let me just make it clear then. I
16 don't understand why a name is capitalized and it's purported
17 to be me, and it's not my name.

18 THE COURT: Okay. Well, the issue of identification is
19 an issue that needs to be proven by the State at trial. So
20 if you're saying that's not you, that's certainly an issue
21 that the State has to prove that you did commit the offense
22 that you're accused of committing in this -- in this case, or
23 at least in the '16 case.

24 Now, in the 11-F-101, it's alleged that you were on home
25 confinement, and that one of the conditions of home

1 confinement is that you weren't supposed to commit a crime,
2 and the motion says that you committed this offense. And so
3 the proof of the commission of this offense would tend to
4 establish, along with some other evidence from a procedural
5 standpoint, but would tend to establish that you did commit
6 -- or that you did violate your home confinement.

7 So I just want to make sure that you're aware of the
8 charges, and sort of how they relate in this case.

9 THE DEFENDANT: No, I don't understand that, and so I
10 guess we can leave it at that.

11 THE COURT: All right. Did you say you had a couple
12 other --

13 THE DEFENDANT: Yeah.

14 THE COURT: -- issues?

15 THE DEFENDANT: Yeah.

16 THE COURT: Okay.

17 THE DEFENDANT: Let's see here, purported West Virginia
18 Code 6-9A-1:

19 "The Legislature hereby further finds and
20 declares that the citizens of this state do
21 not yield their sovereignty to the govern-
22 mental agencies that serve them."

23 And we've got here alleged West Virginia Code 2-2-10, Rules
24 for construction of statutes, sub-section (i), and this would
25 be, unless there's a different intent or a different

1 definition:

2 "The word 'person' or 'whoever' shall include
3 corporations, societies, associations and
4 partnerships."

5 Of course, I'm none of those. And in the alleged code that
6 I'm -- well, I mean, something's charged with 61-6-24. There
7 is no definition of "person." "Person" is used. And so the
8 definition of "person" would be corporation, societies,
9 associations and partnerships. Therefore, not applicable to
10 me. And that is directly from the West Virginia Legislature.

11 THE COURT: Anything you want to say to that, Mr.
12 Rogers?

13 MR. ROGERS: I'm not sure what the motion is, but the
14 number of definitions of "person" --

15 THE DEFENDANT: I have them all right here.

16 THE COURT: You've presented those with your --

17 MR. ROGERS: -- that was -- that was sent to the State
18 include that a person is an individual. The defendant's an
19 individual. Either way, these are definitions outside the
20 code. I don't believe there's any basis in the law for this
21 argument, and the State would move to dismiss.

22 THE COURT: Anything you want to say to the State's
23 argument, Mr. Deegan?

24 THE DEFENDANT: Yeah, yeah. I looked specifically for
25 the definition of "person," because it is used in the

1 complaint. It says, "Any person who knowingly and
2 willingly," okay, so "person" is there. It's 61. 61 is not
3 in here, it's not defined. And so the Legislature has set
4 forth the rule for the construction of statutes. For when
5 it's not defined, it is corporation, societies, associations,
6 and partnerships. I mean, it's quite clear. That's the
7 Legislature. And I'm being allegedly charged with something
8 from the Legislature, and this says that it's not applicable
9 to me. It doesn't say individual, it says corporation,
10 societies, associations and partnerships. And when you start
11 naming things, that's the exclusion of all the rest. That's
12 a common thing for the construction of statutes. And they
13 started listing them, and so it's limited to those four
14 things when it's not defined. And I submitted every
15 definition of "person," and 61, which is what is on this
16 commercial charge here, is not in there.

17 And so it would fall back. And this is the legislative
18 rules, I mean, I'm -- it's kind of hard to argue with the
19 Legislature I would say. They defined it that way for a
20 reason, and that's their right supposedly for their society.

21 THE COURT: All right. That motion or demand is denied.
22 Of course, the term "person" I think is generally assumed to
23 mean individuals, and what those definitions do is define it
24 broader than what someone might argue a term "person" would
25 mean to include other things that people may not normally

1 think of as being an individual or a person. And that's why
2 it says corporations and partnerships, I think, and things
3 like that.

4 All right. Anything else?

5 THE DEFENDANT: Yeah. We demanded oath and bonds, and I
6 haven't received any of them. But I did receive a
7 certificate of insurance from Jason Wharton himself that is
8 for Bedford County, Virginia. And I was wondering why when
9 asked for indemnity bonds or insurance and oaths this was
10 presented as an official response?

11 THE COURT: Mr. Rogers, any idea?

12 MR. ROGERS: It's my understanding that the response was
13 from a FOIA request, which is not relevant to --

14 THE DEFENDANT: No, I --

15 MR. ROGERS: -- the matter. And any more information on
16 that FOIA request, I don't know.

17 THE DEFENDANT: I made the demand in my documents.

18 THE COURT: Yeah, you did make your demand for oaths,
19 bonds --

20 THE DEFENDANT: Yeah.

21 THE COURT: -- and insurance documents, and those things
22 are not relevant to this case. And so any request for an
23 oath or bond --

24 THE DEFENDANT: Okay.

25 THE COURT: -- is denied in this case.

1 THE DEFENDANT: All right. Well, I mean, I can see
2 where this is going. And as I have said in a lot of my
3 things, it had already been decided what's going to happen
4 here. So I don't see the need for me to come back. It's
5 already been decided. Your letter said the "commission of
6 the crimes" as I pointed out from last Monday.

7 The motion hearing was pushed up when I was supposed to
8 have a few weeks to prepare. The State has taken ample time
9 to prepare and has been given ample time, and nothing has
10 been afforded me.

11 I don't know the rules of the game, because the
12 Constitution is not in play. So I have no understanding of
13 what's happening here whatsoever. And from the beginning,
14 with God as my witness, I, Thomas, a true man of God,
15 acknowledge all his blessings given by God, I repent all my
16 transgressions against God, and waive all claims without God.
17 And I don't have anything else to say, because I have no
18 understanding left.

19 THE COURT: Are you wanting additional time to prepare
20 for some of these motions that you filed? I'm trying to get
21 these done before trial, so that people can know --

22 THE DEFENDANT: Well, the people are not here that would
23 need to be, because a lot of it would have to do with the
24 victims, and they're not here. And, you know, I mean, it's
25 not me saying to delay. I put it in, the 25th of December was

1 the first one; the second one was mid-January, and this one
2 she tried to argue that it wasn't right, and it actually was
3 according to the rules. I did everything I was supposed to.
4 And those should have been issued. And if you moved up the
5 hearing date for it, it should have been issued, and they
6 should have been here.

7 So, no, I'm not asking for a delay, because I don't
8 understand anything anymore. Because there's no apparent
9 rules, the Constitution is not in play, and things are just
10 being made up as we go in violation of it. And so I have no
11 understanding whatsoever here, none.

12 My motions are here. He has presented no arguments
13 against them. And so all he does is he makes an argument
14 here, he gives me no time to prepare. This is not -- I mean,
15 this is absolute ludicrousness, ridiculousness that it's
16 being handled this way. And like I said, once again, there's
17 really no need for me to be here, because it's already been
18 pre-decided as clearly shown here, clearly shown. Because an
19 argument based upon the Constitution is absolutely one
20 hundred percent valid, unless we're not operating by it. And
21 if we're not operating by it, let me know so that I know that
22 this is private, for profit enterprise, and that I can
23 properly defend myself in that venue.

24 THE COURT: Well, certainly, if you don't want to be
25 brought here from the jail, I'm not going to force the jail

1 to forcibly remove you from your cell and forcibly bring you
2 here. But you need to be aware that if you voluntarily
3 choose not to show up at trial, the trial's going to go on
4 without you. And you've probably preserved all the issues
5 that you want to or need to for appellate purposes. But, you
6 know, if you don't show up at trial, that will greatly --

7 THE DEFENDANT: No, I've already been told that I have
8 to appear, or they will extract me from the cell with
9 violence. That's already been threatened. That's the only
10 reason I'm here now is that I've been threatened with
11 violence to be here.

12 THE COURT: Sir, if you don't want to come here, you
13 don't have to come.

14 THE DEFENDANT: That's not what they said. Otherwise, I
15 would have never been to the magistrate in the first place
16 after I refused her commercial advances. I am not here
17 voluntarily in any way, shape or form whatsoever, and I've
18 made that quite clear in all of my documents from the very
19 beginning that I'm not here voluntarily.

20 And I don't understand. I don't understand. I asked
21 for simple explanations today, and got none. As far as I
22 know, the Constitution is not in play. So I'm not sure, is
23 this a government court or is this just some private, for
24 profit court masquerading as government? I don't know. I
25 don't know.

1 So I don't know how I can defend myself, especially when
2 it's not me listed on the paper. I'm a man of God. I follow
3 His laws. I can't be made to follow yours and His. I can't
4 be a servant to two things. I can't serve God and man. I've
5 made that quite clear.

6 I've harmed no one. There is not a living soul here
7 saying I've harmed them. What we have is we have two
8 creatures of the mind that the magistrate said were harmed,
9 and yet there's been no harm shown whatsoever. That is one
10 of the things in common law, there has to be harm, harm.
11 There's no harm anywhere. No one's been harmed, but me.
12 I've lost six months of my life. I've lost my children's
13 life. And now we're saying that the rules of the game, the
14 Constitution, are not in play. So I have no understanding
15 whatsoever.

16 And after your letter from last Monday, I don't really
17 see the need to be here. It was already said I'm guilty.
18 We've got these guys here who are defaulted and dishonored,
19 don't even have the standing to rule in a ruling, an
20 administrative order. Not even a judicial order, an
21 administrative order. I mean, are we an administrative
22 courts? Like I said, nothing makes sense to me, because
23 nothing's following the contract. The contract is the oath,
24 and you're bound to the supreme law of the land. And you're
25 telling me you're not bound to it. And so I have no

1 understanding here.

2 That is not me on that document, that is not my name. I
3 expatriated. I showed proof and evidence that the whole
4 world and each jurisdiction was noticed of my expatriation.
5 That is preserved and protected by a statute of Congress,
6 rights of American citizens in foreign states, July 27, 1868.

7 THE COURT: Do you want me to tell the jail then that if
8 you don't want to come, not to force you from the jail -- or
9 force you from your cell?

10 THE DEFENDANT: I mean, they have been forcing me. And
11 you said the last time we were here that you had in personam
12 jurisdiction because I was here. And, you know, it's not
13 voluntary, and I don't know of any court that gains it by it
14 not being voluntary, and yet you've claimed it already.

15 You know, this is not me on here, it's not me. The
16 government printing manual says all caps are dead people and
17 corporations. I'm neither. I'm a living man. A living man.

18 THE COURT: Do you want me to tell --

19 THE DEFENDANT: I demand --

20 THE COURT: -- the Regional Jail not to forcibly extract
21 you from your cell?

22 THE DEFENDANT: You said you couldn't -- you could not
23 tell them what to do when I asked last week to demand that I
24 be allowed to hear the evidence, alleged evidence against me.

25 THE COURT: You're not answering my question. Do you

1 want me to tell the Regional Jail not to forcibly remove you
2 from your cell?

3 THE DEFENDANT: Absolutely.

4 THE COURT: You say you don't want to be here, so --

5 THE DEFENDANT: Absolutely. If I don't want to be here,
6 I shouldn't have to be forced to be here. Like I said, this
7 is not me. This is not me. There's only one person on Earth
8 that can actually say who I am, and that's my mother. She
9 was the only one there at birth. Everyone else is not a
10 firsthand fact witness, and yet I'm going to be tried and
11 convicted on people that are not firsthand fact witnesses.

12 THE COURT: All right. I just want to make sure you
13 understand that if you are not here, that you're giving up
14 your right to, you know, cross-examine witnesses, present
15 evidence, and all the other things that you may wish to do.
16 Do you understand that?

17 THE DEFENDANT: It appears that all of my evidence is
18 being disallowed, which was the Constitution and the Acts of
19 Congress. So, I mean, I'm not sure where that's going. The
20 State has offered no rational arguments to anything, and yet
21 everything of mine has been shot down.

22 Like I said, I have no understanding of what's happening
23 here. That's not me on any of this paperwork.

24 THE COURT: All right. Well, I will write the Regional
25 Jail and tell them that if you don't want to come out, that

1 they don't have to force you from your jail -- or from your
2 cell. That is -- it's not a wise choice, but it is a choice
3 that you certainly are entitled to make.

4 Some of the pleadings that have been filed in this case
5 we haven't specifically gone through, and some of the
6 defendant's recent assertions that he doesn't understand
7 could cause a reviewing court to believe that perhaps the
8 defendant is not competent to stand trial.

9 I do not believe -- let me see. George, let me see.
10 Yeah. How about getting a couple more? He's got I think
11 three there, and they all --

12 (Bailiff leaves to make copies.)

13 Could cause a reviewing court to believe that the
14 defendant was not competent to stand trial. And I just want
15 to put on-the-record the reasons why I don't believe -- why I
16 believe the defendant is competent, even contrary to his
17 assertions that he doesn't understand, because, of course,
18 that's easy to say, "I don't understand. I don't
19 understand."

20 But, of course, the defendant was involved in a prior
21 case with this Court, 11-F-101, and in that case originally
22 he made some of these similar arguments. I don't know that
23 they were the exact same, but they were similar arguments.
24 And then, I believe, he was absent for a while. And then
25 when he reappeared, he had counsel. He ended up pleading

1 guilty pursuant to a plea agreement, and acted very
2 appropriately, filled out the necessary paperwork, went
3 through the -- what's referred to as the colloquy, the plea
4 colloquy, went through the presentence process, cooperated
5 with everybody. What was going on between him and his
6 counsel, I don't know, but I know that he acted
7 appropriately.

8 And the terms of the plea were honored by everyone, and
9 I think the terms of the plea required that he be placed on
10 home confinement. And then, of course, what happened while
11 he was on home confinement I don't know, because he was on
12 home confinement. But he acted very appropriately at that
13 point, even though at the beginning of the case he wanted to
14 represent himself and had similar arguments.

15 And if this was the only case in the world that had
16 these arguments, then, you know, someone might think it was
17 unique to this defendant. But the cases that I just cited --
18 well, I didn't cite, didn't give a normal citation, but I
19 indicated the jurisdiction where they came from, all deal
20 with similar arguments. In other words, this defendant is
21 not the only person in the world that's making these
22 arguments. They are a common argument made, or I don't know
23 how common, but they are an argument that have been made in
24 other courts by other individuals. So this theory or defense
25 that the defendant is asserting is not unique to him.

1 And then the third reason is a couple of the motions
2 that the defendant filed were actually -- well, one of them
3 was unique and showed some actual -- you know, a thought
4 process, and that was wanting to recognize individuals who
5 were not licensed attorneys as counsel so that he could then
6 assert the legal privilege of attorney-client privilege to
7 keep conversations from them from being introduced. I'm
8 assuming they're on some of these phone calls. I don't know.
9 I don't know why he wanted to do it. But the theory was
10 good, it was unique, in terms that he was wanting to take
11 people who are not licensed attorneys, have them recognized
12 as counsel so that the attorney-client privilege would attach
13 to their conversations, so that any conversation that he
14 might have had with them that might be wanting to be
15 introduced by the State couldn't be introduced by the State.
16 So that's one of the issues.

17 The other one is the motion with regard to the
18 transcripts and the recordings where he's, you know, wanting
19 to have -- or making the allegation that there needs to be an
20 expert that can identify the voices on there, someone who can
21 identify or can verify that the transcript is accurate with
22 the recording.

23 And what those two motions indicate to me is that the
24 defendant is very aware of the evidence, is very aware of the
25 significance of the evidence. And so that to me tells me

1 that if he wants to, he could participate in this proceeding.
2 He could have counsel. He knows the nature of these
3 proceedings. And for that -- that is the reason why this
4 Court is not sua sponte having the defendant evaluated to
5 determine his competency.

6 You need to be someplace, Mr. Oshoway, at 11:45; right?

7 MR. OSHOWAY: That's correct, Your Honor.

8 THE COURT: Okay. All right. Well, that's probably all
9 that we can get done with this morning. I think we've hit
10 most of the big issues. I'm going to still try to get -- Mr.
11 Deegan, do you still want me to get some kind of a mechanism
12 for you to listen to these DVDs?

13 THE DEFENDANT: I mean, I -- look, this is not me on
14 there. And you can say that other people have argued it and
15 other people ruled against it, it's not me. It's not me. My
16 name was noticed Thomas David House of Deegan to the entire
17 world in 2013.

18 This has not been fair at all. It's not going to be
19 fair by the letter I received from you last week and by the
20 fax that I received from him. I see exactly what's
21 happening. And I don't see the need to be here at all,
22 especially because it's not me. It's not me.

23 THE COURT: Well --

24 THE DEFENDANT: If it's me, name me on that document.
25 Write my name properly if it's me, and I'll be here and I'll

1 answer it. But that's not me. I'm a man of God. I listen
2 to God. I obey God. I follow His laws. The law of the land
3 is God's word, that's what I'm following.

4 THE COURT: So do you want me to get -- make
5 arrangements to try to get, I guess, a computer?

6 THE DEFENDANT: I mean, he's going to introduce it.
7 There's no one certifying it's me. I deny it's me. I've
8 denied it's me all along. There's no one certifying that
9 it's an original. He admitted they extracted it from the
10 Internet, so now we're going to the Internet. I mean, if
11 we're going to extract stuff from the Internet, I can extract
12 all kinds of things that make the government look bad.

13 I mean, this is ridiculous that this minute level of
14 evidence that would even be called evidence, and I've been
15 held for six months already, and it's not me. If it's me,
16 look, indict my name on there. Indict my name on there. Put
17 it on there, because that's not me. That's not me. That's
18 not even me on there. It's close, but it's not me. I
19 noticed and I was in compliance with an Act of Congress that
20 says I had the right to expatriate, to leave, and I did,
21 2013. And I gave notice to the governor, I gave notice to
22 the sheriff here. They got notice of who I am, so they know
23 who I am. They know my name.

24 And, yes, I was kidnapped in 2014. I was held
25 unlawfully in a military prison known as North Central

1 Regional Jail. And, yes, I was forced to take an attorney, a
2 foreign agent, pursuant to Rabinowitz vs. Kennedy, I believe
3 it was 63 U.S. Supreme Court. And, yes, he lied to me during
4 the plea negotiations. He lied to me on what it meant. And,
5 yes, now it is not a lawful contract in my eyes, because the
6 terms were not fully set out to me. A lawful contract, I
7 must know everything.

8 And so, yes, I'm disputing it all. I've disputed it all
9 in my motions. My motions have been thrown away. The
10 prosecution refuses to answer them. That's not how it goes.
11 If he doesn't answer them, there's no reason -- they're not
12 opposed, and yet they're being opposed. And it appears that
13 the Judge is actually acting in concert with the prosecution.

14 So I don't see that there's anything fair going on here.
15 The Judge is paid by the State of West Virginia pursuant to
16 West Virginia code. So you're paid by the plaintiff. How
17 fair can that be if your paycheck comes from the plaintiff?

18 So, no, I have no understanding. I'm a very smart man.
19 My IQ is very high. But I have no understanding of what's
20 happening here, because no one's willing to sit down and
21 explain it. If this is commercial, just explain it to me. I
22 know the rules of commerce. I know the rules of commerce
23 very well, it's the Uniform Commercial Code. If this is law,
24 then tell me it's law. I know the rules of law very well.

25 Statutory, that doesn't exist anywhere. That's not in

1 the Constitution of West Virginia, it's not in the
2 Constitution for the United States of America. It's a made
3 up jurisdiction. It is really just admiralty, executive
4 admiralty or executive chancery as evidenced by the yellow
5 fringe on the flag. This President has said what the yellow
6 fringe means. To argue against the President invalidates
7 your whole system.

8 I don't understand. If it's me, name me. I will answer
9 anything where someone names me, because I do not walk on
10 this Earth and harm anything or anyone at any time.

11 THE COURT: Okay.

12 MR. OSHOWAY: Judge, before you adjourn, I mean, I'm not
13 sure if the Court -- if there are other issues that the Court
14 wants to take up before trial. I have another hearing -- as
15 the Court knows, I have a hearing at 11:45. I have another
16 hearing that should be fairly short at 1:30 this afternoon,
17 and then I have another hearing at four o'clock. So I should
18 have, if the Court wishes to, and I don't know what your
19 schedule is, but, I mean, if there are other matters that you
20 want to address before the trial, I am available for at least
21 a couple hours this afternoon.

22 THE COURT: I'm not sure that there really is, at least
23 at this point. I'm going to try to make arrangements to get
24 Mr. Deegan a computer so that he can listen to these things
25 if he chooses to, and then I've got to go through, you know,

1 this stack of motions that have been filed. I think we've
2 addressed most, if not all, of them. We've addressed the
3 pressing ones, which is the transcript and the recordings,
4 and, you know, things like that.

5 But we can always wait and call the jury in at 1:00, and
6 take up anything like that. I'm still -- I'm a little
7 curious as to, you know, I guess -- I mean, the legal basis
8 for the extraction. But, I mean, perhaps if it's on the
9 Internet, maybe you don't need a search warrant, maybe you
10 don't need anything, you know, because I guess the search --
11 or the Internet is public. And so you're just taking things
12 that are in the public domain and copying them. But maybe
13 that's just something we'll have to deal with as the evidence
14 comes in.

15 MR. OSHOWAY: Yeah, I think authenticity would be the
16 issue there, or at least a big issue.

17 THE COURT: Right, right. Okay. Thank you.

18 (Proceeding ended at 11:35 a.m.)
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25

1 STATE OF WEST VIRGINIA,
2 COUNTY OF WOOD, to-wit:
3

4 I, Cynthia A. Sutphin, Certified Electronic Reporter and
5 Transcriber for the Circuit Court of Wood County, West
6 Virginia, do hereby certify that the foregoing is a true and
7 correct transcript of the proceedings held in the matter of
8 STATE OF WEST VIRGINIA, Plaintiff vs. THOMAS DEEGAN,
9 Defendant, Case Nos. 11-F-101 and 16-F-25, as recorded by me
10 on the 1st day of March, 2016.

11 Given under my hand this 25th day of March,
12 2016.

13
14  **COPY**
15 CYNTHIA A. SUTPHIN, CER, CET
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1 STATE OF WEST VIRGINIA,
2 COUNTY OF WOOD, to-wit:

3

4 I, Cynthia A. Sutphin, Certified Electronic Reporter and
5 Transcriber for the Circuit Court of Wood County, West
6 Virginia, do hereby certify that the transcript within meets
7 the requirements of the Code of the State of West Virginia,
8 Chapter 51, Article 7, Section 4 and all rules pertaining
9 thereto as promulgated by the Supreme Court of Appeals.

10

11

12


CYNTHIA A. SUTPHIN, CER, CET

13

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DATED: 3/25/16

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