

1 Hastings, Michigan  
2 Monday, September 12, 2011 - At 9:58 a.m.  
3 THE COURT: Okay. All right. Anything further  
4 before we proceed in the preliminary examination this  
5 morning?  
6 MR. SCHAEFFER: Nothing further, your Honor.  
7 MS. PAYNE: No, your Honor.  
8 MR. SCHAEFFER: Your Honor, might we have, for  
9 the record, which officer is present as the investigating  
10 officer so that the record's--  
11 THE COURT: Absolutely.  
12 MR. SCHAEFFER: --clear?  
13 MR. VANNETTE: Trooper Phil Vannette. V-A-N-N-  
14 E-T-T-E.  
15 MR. SCHAEFFER: Thank you.  
16 THE COURT: You may proceed.  
17 MS. PAYNE: Your Honor, at this time I'd like to  
18 call my first witness Clayton [REDACTED].  
19 THE COURT: Mr. [REDACTED], you stand right  
20 there. Raise your right hand to the best of your ability.  
21 Do you swear to tell the truth, the whole truth, and  
22 nothing but the truth?  
23 MR. [REDACTED]: Yes, sir.  
24 THE COURT: 'Kay. You grab a seat. Pull that  
25 microphone right up as close as you can to your mouth.

1 get comfortable. All right. State your full name.  
2 THE WITNESS: Clayton [REDACTED].  
3 THE COURT: Would you spell your full name,  
4 please.  
5 THE WITNESS: C-L-A-Y-T-O-N.  
6 THE COURT: Thank you. You may proceed.  
7 CLAYTON [REDACTED]  
8 called by the people at 10:01 a.m. and sworn by the Court,  
9 testified:  
10 BY MS. PAYNE:  
11 Good morning, Clayton. How are you doing?  
12 Tired.  
13 Were you in the KREP program in 2010 and 2011?  
14 Yes, ma'am.  
15 Okay. What were you in KREP for?  
16 Violating probation.  
17 And what were you on probation for?  
18 Larceny of a building.  
19 Okay. What did you steal?  
20 Alcohol.  
21 Okay. That was it?  
22 Yeah.  
23 Okay. And in your best words, what is KREP?  
24 A joke. It's basically just a place to help you build  
25

1 structure and help you better yourself to get jobs in the  
 2 community, and I mean that's what I saw it as.  
 3 And where was that KIPP program located?  
 4 Battle Creek.  
 5 Okay. And as a part of that program are you required to  
 6 do 90 hours of community service?  
 7 At the time it was 60, but before I left it was changed to  
 8 90.  
 9 Okay. And where did you do your community service?  
 10 I started goin' to Habitat for Humanity for about a week,  
 11 and then everyone else told me that I should be goin' out  
 12 to the farm called Barth Services.  
 13 Okay. And did you end up picking Barth Services to do  
 14 that community service?  
 15 Yes, ma'am.  
 16 And what's the procedure for you to end up going to Barth  
 17 Services? Do you have to meet with the person running the  
 18 program?  
 19 Um--  
 20 How is that decided?  
 21 No. There's just a sign-up sheet out in the--I guess  
 22 you'd call it the day room, and up to five people can go,  
 23 and you gotta sign your name up, and then you leave around  
 24 eight o'clock in the morning, and you have to sign out and  
 25 take a community service slip with you.

6

1 And do you remember when you first began doing your  
 2 community service at Barth Services?  
 3 Yeah. Around the end of December.  
 4 Kay. And what year was that?  
 5 I believe 2010.  
 6 Okay. And who are you required to report to for purposes  
 7 of community service at Barth Services? Who did you see  
 8 at Barth Services? Who--  
 9 Usually whoever would pick us up. Preferably it be Dustin  
 10 or, at the time, Carlton.  
 11 Okay. And did you ever have someone by the name of  
 12 Michael Terpening give you orders and tell you what to do  
 13 while at Barth Services?  
 14 Sometimes.  
 15 Okay. And do you see someone by the name of Michael  
 16 Terpening in the courtroom?  
 17 Yes, I do.  
 18 Can you please describe what he's wearing?  
 19 A suit. He's sittin' over there.  
 20 There's a lotta people wearing suits.  
 21 The one right there with his hair done all gelly.  
 22 What color shirt does he have on?  
 23 Blue.  
 24 MS. PAYNE: Okay. Let the record reflect that  
 25 the witness has identified the De--the defendant.

7

1 THE COURT: Record--Record can reflect.

2 BY MS. PAXNE:

3 Q And was Earth Services, was that in Bellevue, Michigan?

4 A I believe so.

5 Q Okay. Barry County?

6 A Yeah.

7 Q Tell me what--best to your recollection when did you first

8 meet Michael Terpening?

9 A Um--

10 Q Were you on the farm for very long?

11 A Probably I believe it was my second or third time there.

12 He came into the day room 'cause I would always go there

13 and sleep 'cause I--I really didn't care at the time. I

14 just wanted to get my hours out of the way so I wouldn't

15 have to go anymore. So I was referred to as the guy on

16 couch 'cause I would just wrap up and sleep the whole time

17 I was there.

18 Q And what did you initially think of the Defendant?

19 A I thought he was a great person. I mean I thought that

20 that place was somewhere I can go and turn my life around

21 and eventually start working at.

22 Q Okay. And when you worked there, what kind of work did

23 you do?

24 A Manual labor. Clean box stalls, feed horses, water 'em.

25 Just little stuff.

1 Q You liked working with the animals?

2 A Yeah. It was pretty fun.

3 Q Did you work by yourself?

4 A In the beginning no, but then later on I'd sometimes find

5 myself doin' stuff by myself a majority of the time.

6 Q Okay. Was--did you find yourself by yourself the majority

7 of the time because you wanted to be by yourself, or

8 someone would give you a project?

9 A No. I would have a project or be given instructions to go

10 do somethin'.

11 Q And who gave you those instructions?

12 A Sometimes Dustin, sometimes Mike, and sometimes a friend

13 that I was livin' with at the time, Kevin.

14 Q Okay. And at some point did the Defendant start to make

15 comments to you that made you feel uncomfortable?

16 A Sort of, yeah. Just the--I mean I really didn't pick up

17 onto it until after I was off--

18 Q But what were some of those comments?

19 A I was cute, I liked my last name--

20 Q What'd you mean by he liked your last name?

21 A My last name was [REDACTED], everybody knew that and they

22 would always joke around about it.

23 Q And what other comments would he make?

24 A Are you--

25 Q Did he ever comment on your body?

1 A Not really. No.  
 2 Q Any other comments you remember?  
 3 A Uh-uh.  
 4 Q Okay. In February of 2011, was there an incident between  
 5 you and the Defendant that made you extremely upset?  
 6 A Yeah. We were in the break room, and I could recall I was  
 7 wrestling with my friend Taylor ~~xxxx~~, and there was, I  
 8 believe, Corey ~~xxxx~~ and Kevin ~~xxxx~~ were there, and I was  
 9 being held, and I was sprawled up, and then I noticed that  
 10 somebody was grabbing at my private parts.  
 11 Q And when you said noticed, did you see it, or did you feel  
 12 it first?  
 13 A No. I couldn't see it at the time. I felt it.  
 14 Q Okay. Why couldn't you see it?  
 15 A 'Cause I was pried back, and I was like in a backwards--I  
 16 guess like headlock.  
 17 Q Okay. And when you said you felt something on your  
 18 privates, what do you mean? Describe that to me.  
 19 A A hand.  
 20 Q Okay. And what was that hand doing?  
 21 A Pretty--uh, do I have to say?  
 22 Q Please.  
 23 A Jerking like--I--like a hand job, basically. I gue--  
 24 that's--A very strong pulling.  
 25 Q And you felt that in fact someone was giving you a hand

1 Job?  
 2 A Yeah.  
 3 Q And--  
 4 MR. SCHAEFER: Your Honor, I'm--I'm going to  
 5 object to the leading questions. That last one was  
 6 leading, and I would--I would think that there's a  
 7 appropriate way. He can tell us what it appeared to him.  
 8 THE COURT: Overruled. It's okay.  
 9 BY MS. PAYNE:  
 10 Q And what were you--were you able to identify who was  
 11 giving you a hand job?  
 12 A Yeah. After I finally shot my head up, I realized it was  
 13 Mr. Derpening.  
 14 Q Okay. And tell me, what were you thinking as this was  
 15 happening to you?  
 16 A This is unbelievable. I don't know why anybody didn't say  
 17 stop, or the people that saw it at first didn't say  
 18 anything.  
 19 Q Okay. And what was the Defendant doing as he was giving  
 20 you a hand job?  
 21 A Just looking at me and doin'--and--  
 22 Q Did he--  
 23 A --contin--  
 24 Q --say anything?  
 25 A No.

1 Q Okay. Did he have any type of expression on his face?  
2 A No, ma'am.  
3 Q Okay. And how long would you say this occurred for?  
4 A Roughly about two to three minutes.  
5 Q Kay. How did that event eventually end?  
6 A He just turned and walked outta the break room, and I  
7 looked and I saw Kevin [redacted] and Cory [redacted] just  
8 starting at me, and I just--I mean I kinda had an erection,  
9 so I just like walked off and cried by my--and I had my  
10 phone on. We weren't allowed to have my phones, and I  
11 called my dad.  
12 Q And you said you cried?  
13 A Yeah.  
14 Q Why did you cry?  
15 A 'Cause I felt violated. I couldn't really do anything. I  
16 couldn't go back to KBBP. I--I guess I just had to deal  
17 with it until we left.  
18 Q Did you tell anyone at KBBP what happened to you?  
19 A Yeah. As soon as I got back I reported to the head staff  
20 security, Joe Teske, and told him what had happened.  
21 Q Okay. And did they then question you further about that  
22 incident?  
23 A He just said--he really didn't believe me at the time. He  
24 said he would make a report about it.  
25 Q Did you continue doing your community service there?

12

1 A I didn't go back for about a week and a half 'cause I  
2 wanted to wait and see what would go on. And obviously  
3 nothin' happened, and I still had community hours to  
4 finish, and at this time it was getting close to me  
5 leavin'. I was leavin' on the 25th, and I'd heard from  
6 [redacted] and [redacted] that I could get a job there.  
7 Q And so you went back to Barth Services--  
8 A Yes, ma'am.  
9 Q --and completed your community service?  
10 A Yes, ma'am.  
11 Q What happened on your last day doing your community  
12 service? Did he make any comments that made you uncom-  
13 fortable?  
14 A No, not really. He just said he'd be lookin' forward to  
15 hookin' up with me after I got out, and that I would have  
16 a job there.  
17 Q And after you left KBBP, did you then hear from the  
18 defendant?  
19 A Yeah--  
20 Q Okay.  
21 A --on several occasions through phone and email.  
22 Q Okay. And what did he contact you about on the phone?  
23 A At first it was about he would come and pick me up if I  
24 needed a ride, and he would bring me to the farm. At  
25 like several days he was asking me if I needed a ride, if

13

1  
I was ready to come down, and I was still talkin' to my  
2 probation officer about it.  
3 Okay. And did he contact you on Facebook?  
4 Yes, ma'am.  
5 Okay. And that was the--you had not yet returned to the  
6 farm to work, correct?  
7 Yes, ma'am.  
8 What did he contact you on Facebook about?  
9 At first it was startin' to see how I was doin', how my  
10 job searchin' was goin'. I told him it wasn't goin' very  
11 good and that Tansing sucked. He said, yeah, he--he  
12 understands that. And then it just started gettin'  
13 quirky.  
14 And what do you mean by quirky?  
15 Just random--random stuff about it I've ever been with a  
16 man, if--if I would send pictures of my private parts, it  
17 I would move in and be his house bitch.  
18 And how did you respond to him?  
19 I was just goin' aside the questions, askin' him when I--I  
20 thought he was kiddin' at the time, and so I was just  
21 askin' him when I could come down and officially start  
22 working.  
23 And at that time did you have a job or a place to live?  
24 No, ma'am.  
25 Okay. Did you eventually move to the farm?

14

1 Yes, I did.  
2 And why did you move to the farm?  
3 Because he told me that I would be making a thousand  
4 dollars a week and every two to four days at least \$400,  
5 which he told, I guess, my PO something way different.  
6 And did you desperately need money and a job?  
7 Oh, yeah.  
8 And that's why you returned to the farm?  
9 Yes, ma'am.  
10 Okay. And while you were at the farm did he end up paying  
11 you?  
12 Nope.  
13 Okay. And did he proposition you while you were working  
14 at the farm?  
15 Um--what do you mean by--  
16 Did he make any further sexual comments or offers to you--  
17 In ways--  
18 --while you were there?  
19 He would ask me if I wanted to come down for dinner, just  
20 text me like he wanted it. Just random--  
21 Did you feel the defendant had a position of authority  
22 over you--  
23 Yeah.  
24 --being your boss?  
25 Yes, ma'am.

15

1 Q Okay. Did you feel like he had a position of authority over you when you were in KIPP?

3 A Yes, ma'am.

4 Q Were you scared if you didn't stay outta trouble you'd go back to jail?

6 A Oh, yeah.

7 Q Okay. In any way did you want him to give you a hand job on that day?

9 A No, ma'am.

10 MS. PAYNE: No further questions, your Honor.

11 THE COURT: Cross-exam.

12 CROSS-EXAMINATION

13 BY MR. SCHAFER:

14 Q What is your date of birth?

15 A ~~February 11th, 1990.~~

16 Q So when did this so called event in the break room take place? What was the date of that?

17 A February 11th.

18 Q So you would have been twenty-one at that time?

20 A Yes, sir.

21 Q And you were convicted of a larceny according to your testimony? Is that correct?

22 A Yes, sir.

23 Q Out of what jurisdiction?

24 A Lansing Circuit Court.

25

16

1 Q Lansing Circuit Court? Do you have other felony convictions?

2 A No, sir.

3 Q Do you have other misdemeanors of dishonesty--dishonesty convictions?

5 A Yes. False information.

7 Q And when was that?

8 A I believe back--either--it was either this summer or last summer. I lied and said I was my brother and say I was twenty-one.

10 Q Any other convictions of dishonesty?

12 A No, sir.

13 Q Did you re--receive a conviction for that?

14 A No. It was dropped.

15 Q It was dropped? Was that out of Lansing also?

16 A No. That was out of, I believe, Clinton County.

17 Q Clinton County?

18 A Yes, sir.

19 Q 'Kay. How far'd you go in school?

20 A All the way to 12th grade, and I got caught with bad attendance and marijuana, so I got kicked out.

22 Q And what school did you go to?

23 A Grand Lodge.

24 Q Are you--you're in fatigues right now, are you still on the larceny charge?

25

17

1 A Yes, I am. I'm currently waiting to go to treatment,  
2 after I leave here, back in Lansing for a year at the  
3 Mission.  
4 Q What type of treatment?  
5 A I guess drug treatment?  
6 Q Oh. You have a drug problem?  
7 A No.  
8 Q But you got--gonna go to drug treatment?  
9 A I have to do drug treatment. Yes, sir.  
10 Q And that's pursuant to your probation; is that correct?  
11 A Yes, sir.  
12 Q How many times were you at the Earth Services location?  
13 A Almost every day up until I could leave.  
14 Q And for what period of time?  
15 A From pretty much the end of December all the way until--up  
16 until I left in February on the 25th.  
17 Q Okay. From December of '10 to end of--  
18 A To February--  
19 Q --Feb--  
20 A --24th. I went on my last day of KPP.  
21 Q February 24th of 2011.  
22 A Yes, sir.  
23 Q And there was one physical encounter with Mr. Terpening  
24 that you told us about--  
25 A Yes, sir.

18

1 Q During that time period?  
2 A Yes, sir.  
3 Q And this took place in the break room, and there were a  
4 number of people there who witnessed this?  
5 A Yes, sir.  
6 Q And--and who were they again, please?  
7 A Kevin [redacted] and Cory [redacted].  
8 Q Anyone else?  
9 A No, sir.  
10 Q Were any of those staff members?  
11 A I believe Taylor was at the time, but he didn't really  
12 see. Well, Kevin was and wasn't.  
13 Q Okay. You said [redacted] and Cory [redacted]. Now you're  
14 talking about Taylor. Was he there also?  
15 A Yeah. He was the one holdin' me.  
16 Q So it was Taylor [redacted]--Is it Kevin [redacted]?  
17 A Yes, sir.  
18 Q And Cory [redacted].  
19 A Yes, sir.  
20 Q Anyone else in the break room?  
21 A No, sir.  
22 Q And you were 'rassing with Taylor [redacted].  
23 A Yes, sir.  
24 Q Where was Cory [redacted] at?  
25 A Standing I be--It'd be in front of me, to my right a

19



1 little bit.  
 2 Q Was he a KRPB member also?  
 3 A Yes, sir.  
 4 Q And Kevin [REDACTED], was he a staff member?  
 5 A He was--well, he told me he was workin' for 'em at the  
 6 time, but he was a KRPB member as well.  
 7 Q He's--So these three are KRPB members.  
 8 A Yes, sir.  
 9 Q All right. When was it that you reported this to a staff  
 10 person?  
 11 A Right after we got back, around 6:00 p.m. that same day.  
 12 Q And how was it you reported it?  
 13 A Basically, went up to Joe and ask him if I could talk to  
 14 him in private, and he took me into the back of the  
 15 building, and I pretty much got in tears and told him  
 16 about the incident and what happened, and he didn't  
 17 believe me at first, but then when I told him that I was  
 18 serious, he said he'd make a report on it.  
 19 Q All right. And Joe's last name?  
 20 A Teake.  
 21 Q Could you spell that?  
 22 A I believe it's T-E-A-K-E.  
 23 Q Did you report to anyone else?  
 24 A No, sir.  
 25 Q You indicated that there was some communication between

20

1 you and Mr. Terpening by Facebook; is that--  
 2 A Yes, sir.  
 3 Q And are those records available?  
 4 A Yes, sir.  
 5 Q And where are those records at the present time?  
 6 A I believe my probation officer has 'em in file.  
 7 Q And who's your PO?  
 8 A Katherine Wolf.  
 9 Q And how did she obtain those, do you know?  
 10 A Yeah. As soon as I left the farm, I had to report the  
 11 next day, otherwise I'd have a bench warrant out, and she  
 12 asked me why I came back, and I basically had to tell her  
 13 up front everything that happened, and she said she needed  
 14 proof and evidence, so I had to log on my Facebook in her  
 15 office and show her. She then copied and pasted it and  
 16 printed it out and went and grabbed the higher authority.  
 17 She asked me what I wanted to do about it, and I said I  
 18 had no idea, and she said she'd handle it from there.  
 19 Q All right. And you said there were some text messages?  
 20 A Yes, sir.  
 21 Q Are those available?  
 22 A No, sir.  
 23 Q Why aren't they available?  
 24 A Cause Metro PCS is a standard monthly contract, and they  
 25 don't--there--they said there'd be no way I could get

21

1 records of them unless it was a--like a monthly bill.  
 2 When was the Facebook communication?  
 3 Began on March 3rd.  
 4 Of '11?  
 5 Yes, sir.  
 6 And how many communications were there?  
 7 Enough to print out at least three or four pages.  
 8 And when did the text messages begin?  
 9 As soon as I left KRP, so prob'ly around the 26th up  
 10 until the time I came there. Well, and during while I was  
 11 living on the farm.  
 12 Okay. Twenty-sixth--  
 13 Of February.  
 14 Will when?  
 15 All the way up until I left the farm.  
 16 Well, I believe you said you left the farm at the end of  
 17 February?  
 18 Oh, no. I left the--Are you talking about for KRP, or  
 19 outside of KRP?  
 20 Okay. You left the farm through KRP at the end of  
 21 February?  
 22 Yeah. I graduated on the 25th.  
 23 And so then you went back to the farm for a longer period  
 24 of time?  
 25 After I was hired in. Yes, I did.

22

1 And how long did you remain there after you got hired in?  
 2 7--between prob--approximately two and a half weeks.  
 3 Two and a half weeks.  
 4 Yeah.  
 5 So it would've been before the end of March you would've  
 6 left? Is that correct?  
 7 Yes, sir.  
 8 So you're saying that the text messages would be t--be  
 9 between the end of February and the end of March--  
 10 Uh, yep.  
 11 --of 2011.  
 12 Yes, sir.  
 13 'Kay. What was your text number?  
 14 ~~redacted~~  
 15 ~~redacted~~  
 16 Yes, sir.  
 17 Once you were in the break room, how long did this  
 18 wrestling match go on with you and ~~redacted~~?  
 19 The wrestling match went on--well, it started way even  
 20 before Mike entered the break room, so it was prob'ly  
 21 goin' on for about a good five minutes.  
 22 And was this a--a friendly wrestling match or were you--  
 23 Yes.  
 24 --did you guys have some sort of altercation?  
 25 Oh, no. It was friendly.

23

1 Q And so the only people that would've been there for the  
2 full five-minute time period would be [REDACTED], [REDACTED],  
3 [REDACTED] and [REDACTED] [REDACTED]  
4 A Yes, sir.  
5 Q And how long did Terpening remain in the break room during  
6 this episode?  
7 A He came in, said a few words as we were wrestling, and  
8 right after that continued on to grab my private parts.  
9 Q What is your relationship with [REDACTED]?  
10 A Just a friend.  
11 Q And how long has he been a friend of yours?  
12 A Since I entered KRPB.  
13 Q And you entered KRPB when?  
14 A I believe Decem--November--I'd say after Thanksgiving, so  
15 I think on the, yeah, 29th or 30th of November.  
16 Q And are you still friends with him?  
17 A I haven't talked to him since he got fired from the farm.  
18 Q And when did he get fired from the farm?  
19 A I have no idea.  
20 Q When is the last time you've had personal contact with  
21 [REDACTED]?  
22 A Prob'ly a week before he got fired 'cause he was pickin'--  
23 he was the one pickin' us up at the time from KRPB.  
24 Q Okay. But we don't know when he got fired. Can you give  
25 us an estimation of when he got fired?

24

1 A Prob'ly a week before I got outta KRPB.  
2 Q Okay. So he was gone a week before February 26th of 2011?  
3 A Yeah.  
4 Q And you have not had any communication with him since that  
5 time?  
6 A No, sir.  
7 Q 'Kay. And prior to November 29th of 2010, did you have a  
8 relationship with him?  
9 A Yeah, just as friends.  
10 Q Oh, so you knew him before the KRPB.  
11 A Oh, no, no. You said February.  
12 Q I believe I--let me restate it. Before November 29th of  
13 2010, did you know [REDACTED]?  
14 A Would have no idea who he is.  
15 Q 'Kay. So the only relationship you have is from November  
16 29 until a week before February 26th of '11.  
17 A Yes, sir.  
18 MR. SCHAEFFER: No further questions, your  
19 Honor.  
20 THE COURT: Any redirect?  
21 MS. PAYNE: Just one question.  
22 REDIRECT EXAMINATION  
23 BY MS. PAYNE:  
24 Q Why did you eventually leave the farm?  
25 A On my last day--On my last day there I was off doin'

25

1 something' by myself, and he came and smacked me in my  
2 behind, and that was after I was talk--Me and [REDACTED]  
3 have been talking way prior before this, and [REDACTED]  
4 always told me that he thought Mike was on to--  
5 MR. SCHAEFFER: I'm going to object to the  
6 hearsay, your Honor.  
7 THE COURT: Sustained.  
8 BY MS. PAYNE:  
9 Q You--You can't state what someone else--  
10 A Oh. Okay.  
11 Q --told you.  
12 A The text messages I was receiving, all the stuff going  
13 around inside the house when I wasn't there, I didn't even  
14 have a key or anything like tha--of that nature to my own  
15 home at the time, and just the text messages, the late  
16 night calls, the--  
17 Q And what were the late night calls about?  
18 A Just see if I wanna come down to the house and hang out or  
19 have dinner.  
20 Q Okay. And did he ever ask you to send him any pictures or  
21 did--  
22 A Oh, yeah.  
23 Q --he send you pictures?  
24 A Yeah. He sent me a picture of his penis, and he asked me  
25 to send him a picture back.

26

1 Q Okay. Did you send--  
2 A No--  
3 Q --a picture back?  
4 A --ma'am.  
5 MS. PAYNE: No further questions.  
6 THE COURT: Records.  
7 RECCROSS-EXAMINATION  
8 BY MR. SCHAEFFER:  
9 Q Did you give the picture of the penis to the PO?  
10 A Uh, no I didn't.  
11 Q Where is the picture of the penis?  
12 A As soon as I got it, I just deleted it.  
13 Q So out of the blue sometime--  
14 A This was way before I went and told my PO about any of  
15 this.  
16 Q Okay. Let's--Let me get the timeframe again. When did  
17 you receive the picture of the penis?  
18 A Probably a day or so before I went down to the farm.  
19 Q Can you give me a date so I don't misunderstand? You went  
20 down to the farm when?  
21 A Couple days after I was released.  
22 Q Are we talking the end of March?  
23 A No.  
24 Q Okay. I thought I understood you to say that you got  
25 hired in on the farm for about two and a half weeks

27

1 Sometime after you were out of KPRP, which was February  
2 26th, and that you left sometime before the end of March  
3 of 2011. Is that accurate?  
4 A Yes.  
5 Q Okay. When did you get sent the picture of the penis?  
6 A I can't tell you the exact date. I don't remember.  
7 Q Can you narrow it down between what date and what date?  
8 A While I was working at the farm.  
9 Q So that would be between February 26th and the end of  
10 March.  
11 A Yes, sir.  
12 Q And how was it sent?  
13 A It was just a picture of a penis.  
14 Q Was it sent by Facebook? email?  
15 A By te--by picture message on a phone. A cell phone.  
16 Q Picture message on your phone.  
17 A Yes, sir.  
18 Q And you d--you deleted that and did not show that to  
19 anybody else?  
20 A Yup. Oh, I did. [REDACTED]. But I can't--that's--  
21 Q You did show it to [REDACTED]?  
22 A Yeah.  
23 Q When did you show it to [REDACTED]?  
24 A When we were in the house.  
25 Q Sometime between February 26th--

28

1 A Uh-huh.  
2 Q --and the end of March?  
3 A Yes, sir.  
4 Q And who else did you show it to, if anybody?  
5 A That was it.  
6 Q Was there any text with the photograph?  
7 A No, sir. I'm pretty sure if you look through his records  
8 you'll be able to find it 'cause I didn't have a contract.  
9 He had a contract phone.  
10 Q 'Kay. I--I--I appreciate the help. But you have deleted  
11 it from yours, correct?  
12 A Yes, sir.  
13 Q Did you send him any pictures?  
14 A No, sir.  
15 MR. SCHAEFFER: No further questions, your  
16 Honor.  
17 THE COURT: Any further prosecution?  
18 RE-REDIRECT EXAMINATION  
19 BY MS. PAYNE:  
20 Q How did you know the picture of the penis came from the  
21 Defendant?  
22 A It was--came, as I said, picture message from Barth  
23 Services slash Mike, and that's what I had him in under as  
24 on my phone.  
25 Q Okay. Thank you.

29

1 MR. SCHAEFFER: Just one other area I may follow  
2 up on, your Honor.

3 RE-RECORDS-EXAMINATION

4 BY MR. SCHAEFFER:

5 Q You said that you worked there for two and a half weeks;

6 is that correct?

7 A Yes, sir.

8 Q And what did you get paid?

9 A I didn't get paid at all.

10 Q Did you sign an employment agreement?

11 A Nope.

12 Q How do you know that you were hired in?

13 A I was told that I was hired by Mike himself.

14 Q Mike told you you were hired--

15 A Yes, sir.

16 Q --so you--did you come and go on a daily basis, or did you

17 stay out there for this two and a half weeks?

18 A I lived at one of the houses he gave--he had me and Kevin

19 living in.

20 Q 'Kay. But you never got any pay.

21 A No, sir. Not one time. And Kevin got paid one time while

22 I was there, and we had both discussed why we weren't

23 getting paid.

24 Q What--how much were you supposed to get paid?

25 A A thousand dollars a week and every four days \$400, but I

30

1 guess he told my probation officer something--

2 Q Okay. Just a second.

3 A --way different.

4 Q Don't tell us what your probation officer said, but--

5 A I'm telling you what he--what I was told.

6 Q I understand that. Don't tell us that. Tell us what Mike

7 Terpening told you as to what your income would be.

8 A A thousand dollars a week and every two to four days \$400

9 cash. That's a lotta money.

10 Q That's a lotta money.

11 A Yeah.

12 Q Did you believe you were gonna make \$1800 a week?

13 A At the time I believed it was every week and a half, so

14 yeah, pretty much, by the work we were doin' and hours we

15 were workin' I'd say yeah for sure.

16 Q Why did you stick around two and a half weeks if you

17 weren't getting any money?

18 A 'Cause if I were to just leave and come back, I'd be

19 thrown in jail.

20 Q Well, you were past your KRP, correct?

21 A I was on probation. I'm on--I was--I'm on felony

22 probation right now.

23 Q I understand, but what was felony probation having to do

24 with you working?

25 A My requirements are for me to have a job and a place to

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