
THE CENTER FOR ADVOCACY

At the University of Denver Sturm College of Law

Presents



PEOPLE V. STEF THOMAS EVERLY

EDITOR-IN-CHIEF: *David C. Schott, Director*

EDITORS: *Diana A. Sada, Assistant Director; Chris Wilcox*

DRAFTING ASSISTANTS: *Joshua Abromovitz, Erika Fisher, Justin Friedberg*

*Elizabeth Hardman, Daniel Layshock,
Alexandra Wetzler, and Jimoh Yussef.*

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DISCLAIMER

THIS IS A FAKE CASE

This trial advocacy tournament is an educational exercise with the primary purpose of helping law school students who are aspiring to be trial attorneys and advocates. The goal is to help them forge and refine their knowledge base and skills of our profession.

The case that we are using for this year's tournament is loosely based upon the facts that emerged from the disappearance and murder of Teresa Halbach and the resulting criminal prosecution against Steven Avery.

While the fact pattern will likely be recognizable, particularly to individuals familiar with the television miniseries *Making a Murderer*, it is important that the reader understands that the authors of this case have changed the names of every individual allegedly involved or reported to be involved in the case. Facts have also been altered.

Alterations have been made to help "balance" the case for educational exercise purposes, as well as to assure that the reader does not confuse any representations with the actual case.

The authors and editors of this case are in no way attempting to imply the guilt or innocence of Mr. Avery, nor attempting to imply wrongdoing by any alleged entities in the real case.

This is purely for educational purposes.



TABLE OF EXHIBITS

The following Table of Exhibits is only for reference purposes and holds no evidentiary value.

The “Item” numbers that appear on each exhibit have no significance other than to allow the reader to identify the general nature of the exhibit.

The following table does NOT include all exhibits as some exhibits bear no “Item” number. The exhibits without Item numbers are self-explanatory.

As stated in the Summit Cup Rules, exhibits shall be numbered (Prosecution) or lettered (Defense) as they are entered into evidence. The “Item #'s” appearing on the exhibits are simply for reference purposes.

Item

- 714 Map accompany Mr. Everly’s letter to Editor, Tara Ames
- 19 Photo of bullet found on garage floor of Mr. Everly’s property
- 11 Photo of burn barrel found on Mr. Everly’s property
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- 66 Photo of Mr. Everly’s home
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PIONEER COUNTY COURT, CITY OF PIONEER, STATE OF STATESVILLE 206 Court Street Pioneer, Statesville 53099 Phone: (999) 999-9999	
THE PEOPLE OF STATESVILLE v. STEF THOMAS EVERLY	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
CHRIS WILCOX District Attorney 2255 East Polk Avenue, Pioneer, Statesville 53099 Phone: (999) 999-9999	Case No.: 2015-CF-082263
COMPLAINT	

Christopher Wilcox, District Attorney, in and for the County of Pioneer, State of Statesville, charges Stef Thomas Everly (the "Defendant") as follows:

COUNT ONE

The Defendant, in violation of Section 940.01(1)(A), committed the Class A felony of Second-Degree Intentional Homicide, in that on or about October 31, 2015, in the County of Pioneer, State of Statesville, the Defendant knowingly caused the death of Tess Malbec.

Respectfully submitted this 11th day of November 2015

Christopher Wilcox _____

PIONEER COUNTY COURT, CITY OF PIONEER, STATE OF STATESVILLE 206 Court Street Pioneer, Statesville 53099 Phone: (999) 999-9999	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p style="text-align: center;">Case No.: 2015-CF-082263</p>
THE PEOPLE OF STATESVILLE v. STEF THOMAS EVERLY	
STIPULATIONS	

The following stipulations have been agreed to by the parties and accepted by the court.

1. Exhibits shall be labeled in the order in which they are entered into evidence. State exhibits will bear numbers (e.g. 1, 2, 3). Defense exhibits will bear letters (e.g. A, B, C).
2. The signatures appearing on all of the witness statements, regardless of form (letter, report, etc.), are authentic and cannot be contested.
3. Shay Layman is unavailable to testify at this trial, and the Court has ruled that Shay Layman's unavailability satisfies FRE 804(a). The contents of her deposition transcript and exhibit further satisfy FRE 804(b)(1). The deposition of Shay Layman and the Layman Deposition Exhibit 1 are admissible without further objection. Any confrontation clause objections have been waived by the defense.
4. Stef Everly was wrongfully convicted in 1995 for sexual assault and attempted murder in Pioneer County, State of Statesville, and served 18 years in prison as a result of that wrongful conviction. He was exonerated of that crime and released in 2013.
5. All evidence recovered from the Everly Auto Salvage Yard and surrounding areas, including evidence found in the teal Toyota Rav 4, was collected by members of the Statesville State Crime Lab following proper procedure for collection of evidence and maintaining chain of custody.
6. A forensic pathologist reviewed the skull that was collected at the scene and concluded that a bullet entered the decedent's skull. The location of the bullet entrance would have caused immediate death to any person.
7. The exhibit indicated as Sgt. Fassbender's notes fairly and accurately reflects the notes as they were submitted by Sgt. Fassbender.

continued on next page

8. Department of Motor Vehicle records confirm Tess Malbec was the owner of the teal green Rav4 found on the Everly property.
9. The letter addressed to the editor of the Pioneer Daily Herald, Tara Ames, was written by Stef Everly on the date indicated.
10. Stef Everly's mother is unavailable to testify pursuant to FRE 804. The recorded jailhouse telephone call audio file and accompanying transcript are authentic and not subject to any objection based on hearsay. Speaker 1 is Stef Everly's mother and Speaker 2 is Stef Everly. The audio file and/or the transcript of the jailhouse conversation may be used by either side during the trial, pursuant to any relevant objections.
11. The bankruptcy court order re Shiles Mangor is a certified copy issued by the court, and the accompanying transcript is a true and accurate copy of the proceeding.

Sean Olson

District Court Judge Sean Olson

EXPERT FINDINGS

My name is Sherry Cullman, Senior Forensic Analyst (SFA) for the Statesville State Crime Lab (SSCL). I tested various pieces of evidence regarding the case involving the death of Tess Malbec. The evidence presented to me definitively link Stef Everly to the murder of Tess Malbec. All items presented to me were tested for DNA, and I performed an ethylene diamine triacetic acid (EDTA) test on a portion of the blood samples tendered.

I earned a degree in Chemistry from the University of Statesville. I was hired by the SSCL straight out of college and have been a forensic analyst with SSCL for twenty years. The last five years have been as a Senior Forensic Analyst. As an SFA, part of my job is to train our new analysts and oversee their work. Additionally, I personally test evidence related to more serious crimes such as homicide, rape, or trafficking.

During my training period at SSCL, I attended many classes in forensic techniques. These classes covered everything from blood spatter, to ballistics, to narcotics testing, just to name a few. Additionally, I attend annual conferences that discuss the developments in the field of forensic science.

I first heard about this case on the news. I was shocked to see Mr. Everly was accused of another crime, especially murder. I was actually the technician who performed the DNA test that led to Mr. Everly's exoneration for the 1995 sex assault and attempted murder. I performed that DNA test in 2012.

It was a few weeks after the news broke when I received evidence from the police. Accompanying the evidence was a note from Officer D.J. Fassbender asking to analyze the trace evidence for signs of Ms. Malbec in Mr. Everly's residence. I never personally went to the crime scene. A few days in, I received a call from Mr. Everly's lawyer requesting that his investigator, Shiles Mangor, be present for the testing. I told Mr. Everly's lawyer this would not be possible given the risk of contamination.

For testing, I take a piece of evidence and submerge it in a liquid buffer solution. This solution removes any DNA from the outside of the object and transfers it to the buffer solution. As a control, we also take samples of buffer solution that we do not expose to the evidence. This is done to see whether there is anything in the lab that could contaminate our samples. These tests are very sensitive and can pick up even the slightest amount of DNA. However, some cleaning products, such as bleach or acetone, can destroy the DNA molecule, which would prevent it from showing up in a test.

EXPERT FINDINGS

The first piece of evidence I tested was a key with a Toyota insignia on it. I performed the above-mentioned DNA test on the key and it revealed a single source of DNA belonging to Mr. Everly. This is unique because Ms. Malbec's DNA would be expected to be present on the key as well, seeing as the key belonged to her. Additionally, the grooves on a key are traditionally exceptional at retaining bits of DNA. I did not receive the key until nearly a week after the searches had started.

The second piece of evidence I tested was a .22 bullet fragment. There was no visible blood on the bullet fragment. This fragment contained one source of DNA, belonging to Ms. Malbec. I should note that in this test, one of our control samples, the one that shouldn't have any DNA on it, came back with my DNA on it. The day I tested the bullet fragment, I was showing some new analysts how to perform the DNA test. I must have contaminated the control sample when I was talking. Technically, the rulebook says if a control sample is contaminated, the results of the test should be deemed inconclusive. However, I decided to keep the results since it was my DNA in the control, not some random unknown, and there was not any contamination detected in the test of the bullet fragment itself. Also, all of the DNA available from the bullet fragment was consumed by the first test, so there was not any left for another attempt.

I also received 12 shell casings. These casings were from a .22-caliber round, and all had Mr. Everly's DNA on them.

Next, I performed a DNA test on the bone fragments presented to me by Officer Fassbender. This test revealed one source of DNA, belonging to Ms. Malbec. Unfortunately, most of the fragments were too small to determine the bones to which they belonged. However, I was able to identify a fragment from the tibia bone and a fragment from the skull.

Upon looking at the skull fragment closer, I noticed a crescent-shaped chip taken from its side. Measuring the chip revealed if the crescent was extended to a full circle, it would've been a hole in the skull .22 inches wide, the same diameter of a .22 caliber bullet. I determined that this shot to the head must have been the cause of death, as there was no other obvious trauma I could tell by looking at the bone fragments. I did not perform a formal autopsy, however.

EXPERT FINDINGS

The final pieces of evidence I tested were six blood samples taken from the RAV4. I conducted DNA testing on three of the six samples. These three tests all revealed one source of DNA, belonging to Mr. Everly. Here, I was asked to test the blood samples for the presence of EDTA. I understand an accusation had been made suggesting the blood was planted, which could be disproven by an EDTA test. EDTA is a chemical preservative that is added to blood samples so that the blood can be stored for long periods of time. If there were EDTA in the samples, it would show that the blood came from a preserved source. The SSCL had not tested for EDTA in over a decade, so I had to develop a test for this myself. However, I remember performing EDTA tests during the first few years of my career at SSCL.

I was not sure exactly how long it would take me to develop such a test, so I said it could take as long as a few months. Fortunately, I was combing through the SSCL archives and came across detailed notes describing the EDTA test that had been used before. I noticed that the old test called for separating the blood components by using a centrifuge. However, about five years ago, we started separating blood using chemicals, rather than a centrifuge. Therefore, I decided to use this modern chemical-separation method in my new test.

Once I developed the test, I ran a series of internal validation trials to make sure it was performing correctly. These validation trials showed the test was accurate. Therefore, I went ahead and tested the blood samples for EDTA using my new test. The three samples I tested all came back negative for the presence of EDTA. In all, the process only took about two weeks. No other agencies in the United States have validated this new form of testing. I cannot testify to the margin of error correlated to this new form of testing.

Other than the above-mentioned items, I also conducted DNA testing on knives that were provided to me, as well as a sink, bedding materials, sections of carpet, and slabs of cement. None of these tests produced any result that would implicate Mr. Everly in Ms. Malbec's murder.

I have carefully read and reviewed this statement. I have had the opportunity to make any and all changes to this statement as I desire. This statement is accurate, true, and complete to the best of my knowledge.

15 February 2016
Date

Sherry Cullman
Sherry Cullman

SHERRY CULLMAN

SENIOR FORENSIC ANALYST / SSCL
THE PEOPLE vs. STEF EVERLY

SUMMARY

As a result of my investigation, I can say the following with a reasonable degree of scientific certainty:

1. The bones found next to Mr. Everly's house belonged to Ms. Malbec.
2. Ms. Malbec's cause of death was a .22-caliber bullet wound to the head.
3. The .22-caliber bullet fragment found in Mr. Everly's garage contained Ms. Malbec's DNA profile.
4. The blood found in Ms. Malbec's SUV is a match to Mr. Everly.
5. Mr. Everly's blood in the SUV was there as a result of active bleeding, negating any allegation of EDTA.
6. The key found in Mr. Everly's home only contains a single fingerprint match. The fingerprints belong to Mr. Everly; Ms. Malbec's fingerprints were not found on her car keys.

Your affiant, Sgt. Fassbender, swears under oath that the information contained in this affidavit is true and accurate to your affiant's knowledge.

I was a patrol officer for the City of Pioneer Police Department (PPD) for four years starting in 1990. Then I became a corrections officer with the Pioneer County Sheriff's Office (PCSO) at the Pioneer County Jail from 1994 until 1996. In 1996 I was selected to become a sergeant with the City of Pioneer Police Department. As a sergeant, my duties include regular administrative tasks as well as patrol and supervisory duties. I have also been an evidence technician since 1997. Not every officer is an evidence technician. I went through special training in photography, evidence collection and evidence investigation. Part of my duties as an evidence technician is to execute search warrants and collect evidence.

On November 3, 2015, your affiant responded to a missing person report for a Tessa Malbec. The MP was employed as a photographer for *CarTrader*. I first began my investigation by contacting the MP's employer to see if I could gain any pertinent info. The employee informed me that Ms. Malbec had three appointments with clients on October 31, 2015. The last appointment she had that day was for "B. Janda" at Everly Auto Salvage. I drove to the Malbec residence. After talking to her family and ex-girlfriend, I learned that she was last seen with Stef Everly at Everly Auto Salvage. Based on this information, I went to 321 Everly Road, which is the address of the Everly Auto Salvage. Everly Auto Salvage is located in Two Rivers, Pioneer County, Statesville.

At that time I was familiar with the Everly Auto Salvage. I had been a customer there before and sold a 1950 Chevrolet Pickup back in 2005. However, I had not been back since. When I got to the property, I went looking for "B. Janda." I learned that "B. Janda" stood for Barley Janda. Barley Janda told me she never called *CarTrader*. Therefore, I went to Stef Everly's trailer and knocked on the door. He asked me "what I wanted and what I was doing on the property." I told him that I was here investigating a missing person, Tess Malbec, who had been to the property earlier in the week to photograph a vehicle that needed to be sold. Everly told me that she had been there photographing a Dodge Caravan that needed to be sold for his sister around 2:30 p.m. on October 31. He told me that he had never spoken to her, but had seen her out his window taking pictures.

He said, "It was a shame that she was missing. She was a pretty girl." He remembered everything she was wearing, down to the brand

of her tennis shoes. I noticed Everly had a large, deep cut on the outside of his right middle finger. The cut wasn't scabbed, but when I asked him about it, he didn't remember where it came from.

I was called in on November 5th to respond to the Everly Salvage Yard by the PPD. They were heading the investigation. I arrived around 1600 hours, maybe 1700 hours. There were at least 50 patrol officers on the scene. The salvage yard is massive, around 40 acres. Shortly after I arrived, I learned that a member of a citizen search party found Ms. Malbec's car on the property. I went to investigate. The vehicle had been parked near a car crusher and covered with debris, pieces of wood, cardboard, and plywood. There was blood inside the vehicle. Both the front and back license plates were missing from the vehicle. I called the Statesville State Crime Lab to secure the scene and they collected the evidence. Based on this discovery, I obtained a search warrant for the Everly Auto Salvage and the surrounding areas.

Due to the size the Everly Auto Salvage, the investigation required more resources, manpower, and expertise than Pioneer City Police alone could provide, that is why the Pioneer County Sheriff's Office was called in. The investigation took eight days due to the size of the property and the weather; it rained almost every day.

On November 5, we secured the perimeters and did a quick search of the property. The search was performed using what I call the "funnel approach," which includes a fairly quick sweep of the property and then even more directed searches based on any uncovered evidence and intelligence.

Later that night, the PPD directed me to search Stef Everly's trailer with a few other officers from the Pioneer Sheriff's Office. I wasn't looking for any specific evidence, just any evidence to either substantiate or eliminate Ms. Malbec from being there. We searched the entire trailer, starting with the back master bedroom. The room was pretty small and cramped. There was a gun rack above the bed holding a .22-caliber rifle and a muzzleloader. The guns had masking tape on the stock that read "Stef." At that point, we did not seize the firearms because we believed it was still a missing person case, but I took photos of the firearms. We spent about two-and-a-half hours in the trailer.

On November 6, I was called back to the scene to search Stef Everly's garage. Everly keeps a lot of junk in there, such as an empty bottle of bleach, carpet cleaner, and paint thinner. I found several shell casings on the floor of his garage. There were about 12 casings. I also found one bullet fragment. We photographed and bagged the bullet fragment, as well as the casings. Then, we collected the guns from Stef Everly's trailer. Outside the garage, we found one burn barrel behind Stef Everly's garage. At the time, I didn't know it was a burn barrel. There appeared to be a semi-

burned Motorola RAZR cell phone and Cannon camera in the barrel. The phone had an IMSI, International Mobile Subscriber Identify, number of 415885156565. I photographed and collected the barrel and its contents. We also searched the burn pit near his trailer. There appeared to be something that looked like bones, which we bagged as evidence.

On November 8, I was called back to the salvage yard to go back into Everly's trailer. I was instructed by some Sheriff's Deputies to collect Everly's computer in his bedroom. In the process of doing so, I saw a small Toyota key on a black lanyard next to a bookcase and a pair of slippers. I was surprised; I'm not sure how I missed it. However, we had been jostling the bookcase roughly, and I likely separated the bookcase from its backing, where the key was likely hidden. I photographed the key, immediately bagged it, and sent the key and all of the other evidence I collected to the Crime Lab for analysis.

The property is very large so I am not certain, however based upon the evidence collected, and an anonymous call that I received, I believe it was in this bedroom where the victim was ultimately killed and possibly raped, with Everly subsequently meticulously cleaning the room.

The next day, Everly was arrested for second-degree homicide.

Prior to November of 2005, I had never been involved in any investigation of Everly. I had also not been involved as a party in any civil lawsuits with Everly. However, prior to this investigation, I was questioned in a deposition. The deposition lasted about an hour and I was asked questions regarding a call I received in 2004 or 2005. The telephone call was from somebody who identified himself as a detective. And I answered the phone. This person's began telling me that, "he had received information about someone who had committed an assault in Pioneer County and was in their custody. And that the County may have somebody else in prison serving time on that assault charge who did not commit the crime." I told this individual they probably wanted to speak to a detective, and I transferred the call to the Detective Division at the Pioneer County Sheriff's. That was the extent of my deposition. I had no idea the phone call was referring to Everly.

I have carefully read and reviewed this affidavit. I have had the opportunity to make any and all changes to this statement as I desire. This statement is accurate, true, and complete to the best of my knowledge.

11/23/15

Sgt Fassbender

Date

Signature

Deposition Transcript of Shay Layman

My name is Katelyn Konecny-Burgi. I am an Assistant District Attorney for the State of Statesville, Pioneer County. This is an evidence deposition of Shay Layman. Taken pursuant to notice, all local rules and discovery rules. Also present is counsel for Mr. Everly.

Q: Please state your name for the record.

A: My name is Shay Layman.

Q: The court reporter already has sworn you in, do you understand you are under oath?

A: I do.

Q: Why have you requested to be deposed at this time?

A: I leave in two days for a two-year tour of duty overseas. ...Can we make this quick?

Q: Sure. What was your relationship to Tess Malbec prior to October 31st, 2015?

A: I was her ex-boyfriend and co-worker. We grew up as kids. Then dated. We broke up years ago, but remained very close. I never stopped loving her.here's a pic of her on the beach that I took, you can see how pretty she is. (*Marked as Layman Deposition Exhibit 1*)

Q: You worked together?

A: Yeah. I got a job at *CarTrader* magazine...it lists vehicles for sale. I was the Administrator. Tess was a photographer. I followed her there. I didn't want her to get too far. I wanted to be close to her...but our relationship was different ...colder, less personal.

Q: Tell us about October 31st, 2015.

A: Tess had three appointments at noon, 1:00 p.m., and 2:00 p.m. I'm guessing the 2:00 is the one you're interested in. It was with "B. Janda". I don't know who that is, but I know it was Stef Everly that called in to make the appointment. I recognized his voice.

Q: How do you know that?

A: He had called in 15 or 20 appointments in the past with us, always requesting Tess to take the pics out at the salvage yard. ...He said he thought she smelled nice, like an angel.

Q: Come again, he said what?

A: He said that Tess smelled nice and looked like an angel. (Pause) He called back two more times making sure it was Tess who was coming. I finally told him to quit calling. He got mad.

Q: When did you last see Tess?

A: Tess asked me to follow her out to Everly's on October 31st, said Stef gave her the creeps. So I did. Tess parked, went to Everly's trailer. He answered. Tess waived me to drive off. I did.

Q: What was she carrying or have with her when she went?

A: She had her camera, a *Canon PowerShot A310*, her cell phone, iPad, and keys.

Q: What was she driving?

A: She was driving her teal green 2009 Toyota RAV4. She loved that vehicle. Its license plate was SWM-582.

Q: When did you see her next?

A: Never...she wasn't scheduled to work until November 3rd. But when she didn't show on the 3rd, I called the police. (pause) I also called Tess's friends.

Q: Why did you call her friends?

A: On Friday, November 4, I organized a search party. We went to Everly's. I talked to Stef Everly. I noticed he had a cut on his hand. He said he got it from working on an old car. We didn't find anything so I went out again the next day. I was looking for Tess's RAV4 among the miles and miles of garbage. We found it buried under tree branches and other trash.

Q: That's all I have.

(Questions by Mr. Everly's attorneys)

Q: I am Kevin Keyes, the attorney for Mr. Everly. You had scratches on your hands and back in the days after Ms. Malbec went missing.

A: Yeah. I told the police, I got those from my gaming chair. I spend hours in my basement alone playing video games. My control chair has gotten rough and cuts me up a little.

Q: Did you tell the Pioneer police you were going out to the Everly property to search it?

A: Sure...they let us help them search. We were crawling all over the place, it was so cool! I said to look for the Rav 4 or Tess' keys. She always had a set of 2 keys...house and car key.

Q: You failed to mention you accessed Ms. Malbec's voicemail after she went missing?

A: Whoa! I told the cops....after we broke up I figured out Tess's voicemail password, just for fun. When she went missing I accessed her voicemail. There were no messages of substance. I deleted a couple I knew the cops wouldn't need to help them work quickly.

Q: Where were you when Tess went missing?

A: As I told the cops, I was either at work or at home. I can't remember. Since Tess and I broke up I had become somewhat of a recluse so I don't really know if I was with anyone.

Q: Nothing further.

(end of transcription)

I have carefully read and reviewed this statement. This statement is accurate, true, and complete to the best of my knowledge.

Signed: Shay Layman

1/08/16

Dear Newspaper Editor Tara Ames,

My name is Stef Everly. I am writing this statement because I fear that the police, pacifically the sheriff's office, is starting up again with trying to accuse me of a crime that I did not commit. I do not know who to tell. I am hoping you will let people know my story.

Pacifically I am referring to the disappearance and death of Tess Malbec. She was a very nice lady and what happened to her is horrible. Her family deserves to find peace and justice. I truly hope they do. But truth is, they won't find it with me. I didn't have nothing to do with her death.

I was born and raised in Statesville, right here in Pioneer County. As a kid I was pretty shy and my teachers didn't learnt me with the smart kids. I did not finish high school. I've always been a simple guy. I've always just been happy to keep to myself and tinker with the cars in my family salvage yard.

I was only in jail once, just for a day or two, when I was a teen. My friends and I killed an old sickly dog once. We then threw it into a fire because someone said it would spread disease elsewise. I plead guilty for something, and was put on probation as a juvenile. That's the only time I've ever gotten in trouble. I've tried to live a pretty decent life.

My family is my world. We all live and work at are salvage yard. Everly Auto Salvage, located at 321 Everly Road in Two Rivers, Statesville. It is a family business. It's very big, over 40 acres of cars, trucks, busses, any type of vehicle you can name. Me, my mom, dad, my brothers, nieces and nephews, they're all there. My wife and kids used to live with me too, but my wife left me while I was in prison.

Our property is very large. I've attached a map with this letter. I sort of live in the northwestern part of the yard. Barley lives next to me, about 130 feet to the east, with her two sons, Dane and Brandon. My folks toward the northeast corner of the property, about 910 feet to the east of my home. Charlie lives

in a house by himself, about 260 feet to the south of folks house. The auto salvage yard takes up the rest of the property.

Back in 1995, when I was much younger in my 20's, another horrible thing happened to a nice lady in our community. She was attacked and raped while running on the lake. It was so sad. I can't believe anybody would do somethin like that.

I was 40 miles away when it happened. 16 different people all saw me there. The poor woman who was attacked didn't get a good look at her attacker but she pulled me out of a line up. The jury that convicted me musta believed her over those 16 people who said it wasn't me. I was sentenced to 32 years in prison. I remember being so scared I could hardly speak. I sat in jail for 18 years for a crime I didn't commit. I just rotted there hoping someone would help me, someone would reveal the truth.

Then the real killer confessed. He called the cops - the Pioneer County Sheriffs - and told them everything. They ignored him. They told him, "We already have the right guy. Don't concern yourself." I had already spent 10 years in prison.

When I learned about that years later, my heart stopped. I couldn't believe that the people sworn to uphold and enforce the law were breaking it. They were letting an innocent man rot in prison. It would be another 8 years until the Innocense Project, a group who helped people like me who were falsely imprisoned, would take my case and use that DNA stuff to prove my innocent.

I wasn't mad when I got out of prison. I felt too good to be mad. I got to see my family again, I got to see my home and my dog again. But I knew what happened to me was wrong, and so did my lawyers. They helped me file a civil lawsuit against Pioneer County for wrongful conviction. I was told the case was gonna get me a bunch of money. I was suing for \$36 million!

The money didn't matter so much. I spent 2 happy years on the outside, back in the salvage yard, fixing up cars and riding my golf cart. I got to be with my family, simple people with simple lives. I was happy.

And then my nightmare come again.

A few days after the disappearance of Miss Malbec the police came knockin on my door again. I member it was Halloween that Ms. Malbec came out to the yard. My sister, Barley Janda, wanted to have a car pictured so she could sell it. We do this all the time at the salvage yard. I remembered I had the phone number for *CarTrader* from the picture lady who came the last time. It was Miss Malbec.

When I called it in I put it under the name "B. Janda" since it was my sister's car that she was trying to sell. Also, I was worried Miss Tess wouldn't come cause last time she came she said it was "creepy" cause I came to the door in a towel.

I musta seen Miss Tess 15 times over those 2 years.

On that afternoon I did call *CarTrader* one more time after my first call, maybe around 11:00 in the morning. The guy told me that Miss Tess was going to come out to the yard.

I then called Miss Tess 2 or 3 times on her carrying phone, but I blocked my number using the "*67," which hides my number. She had given me her carrying phone number before when she had come out to take pictures of cars and stuff. I just really wanted Miss Tess to come out for this job, and no other picture lady would do.

I admit I found Miss Tess to be very pretty. And she always smelled so good, like lemonade. And yes, I watched her sometimes from my window as she took pictures of cars and stuff. I mean come on, I was in prison for 18 years. It was just nice to see a pretty girl. I actually got up the courage to invite her to have a "Mike's Hard Lemonade" with me. She said she couldn't, but said she would take me up on that drink next time. That next time never came, but she was still very nice about it.

Anyway, on that Halloween, I made the call for my sister and spent the morning fixing up a car in the shop with one of my brothers. At 2:00, Miss Tess showed up and snapped a few pictures of the car. I didn't talk to her much, just a polite "hello" and I gave her \$40 cash for the work. It was always like that. I seen her the other times we needed pictures taken

and it was always a very professional exchange. Never lasted more than 5 minutes.

I member that on that day that Miss Tess asked me if I wanted a new copy of *CarTrader*. I said "sure" and I followed her to her Toyota to get it. I held the door open while she reached inside and grabbed it. Then she left. That was it. I never saw her again. I watched her drive out the lot and then I went back to the shop.

I'll tell you this though, the very next night my dad and me were headed out to the store when I noticed something. You see, we usually go out the back entrance, there's no gate over there so anybody could just mosey in if they wanted. We've had a few break-ins and drunk teens over the years. Four break-ins actually in the few months leading up to last Halloween. Anyway, as I was driving out the lot I see this flash of red light out of the corner of my eye. I coulda sworn it was a taillight. But I knew none of my family was up except for me and dad. We turned the car round and looked for the light but after a few minutes, dad got mad. We left.

But here's the crazy thing, my dad thought I was a nutty bird. But the next night he called me saying he himself also saw some headlights and this time over by his trailer! He lives over by the spot that the Sheriff's department says it found Miss Tesses Toyota. Dad and me went over there to check it out but we didn't find nothing. Still it really gave us a spook.

The police kicked us off our property for 9 days while they searched it. We all had to go to the family cabin...for nine days. The police also asked about the fire pit that I have near my home and garage. I told the police that I don't burn garbich there. I do every once in a while. Same with the burn barrel outside of my home. I only burn regular garbich, nothing sketchy. I know the police say that they found Miss Tesses bones and things in those places, but I hadn't burned anything in about two weeks and I never burned any living there - not a human, not an animal, nothin.

Okay well, that's really all I've got to say. It's very sad what happened to Miss Tess. My heart goes out to her family. I hope they find the guy who did this.

This is my letter, and I am telling the truth, I swear it on my family.

Sincerely,

Stef Everly, 10 November 2015

IN RE PEOPLE V EVERLY – TRANSCRIPT OF JAIL CALL

Jail Administrator: Collect call from Stef Everly, Inmate 122773. Do you accept the charges?

Speaker 1: *I do. (pause)*

Speaker 2: Mom, can you hear me?

Speaker 1: I can Stef. Is this call being recorded?

Speaker 2: I don't think so. The guards told me they don't record these calls.

Speaker 1: Ah okay. Hey how are you?

Speaker 2: I can't believe this is happening again, mom. I can't believe the cops are accusing me of a crime I didn't commit.

Speaker 1: I know.

Speaker 2: I can't believe the Sheriff's office is allowed to do this again.

Speaker 1: I know. Now Stef, calm down. We are all here for you. We're gonna get you out of there. Your dad and I figuring out a way to sell the salvage yard and help pay for your lawyers and get you, get you bailed out of there.

Speaker 2: I didn't do it, ma. ...and that's terrible, you and dad have had this family business all of your lives.

Speaker 1: I know, we've been through this before...but you know the police have 36 million reasons to do this to you.

Speaker 2: I know ma, that's the worst of it. ...We're going to have to settle the civil law suit to be able to pay for lawyers regarding these false charges.

Speaker 1: I know that's the sh...I know, but let's not worry about that right now.

Speaker 2: Ma! We're going to have to settle the lawyers said for \$400,000 in a \$36 million dollar lawsuit. I spent 18 years in prison for a crime I didn't commit and the Sheriff's they knew that.

Speaker 1: I know son. It breaks my heart too, ya know. Anyway...(pause) ...What have the police said to you about this whole thing?

Unidentified voice: Guard, guard, can I use the phone.

Speaker 2: Not much, ma. ...It's getting crowded in here. They asked about my clothes. They said in my truck they found a bag of clothes that I was wearing on Halloween Day.

Speaker 1: (inaudible) Did they? Is that true?

Speaker 2: There might have been clothes in my truck, but they'd have been clothes from the cabin....they wouldn't have been clothes that I wore on Halloween.

Speaker 1: Did they mention at all what I told them about, like what I saw?

Speaker 2: What do you mean...when?

Speaker 1: Remember what I told you...two nights after Halloween, on the night of November 2nd, I saw taillights of a car way out on the backside of the property yard. It was out by your brother Charlie's house.

Speaker 2: Uh huh, yeah.

Speaker 1: It was odd to me because I knew none of us were working in the salvage yard that late, I mean particularly not that time of night. I know it wasn't Charlie, ah, because he was already up at the cabin with most of the family.

Speaker 1: Where was he?

Speaker 2: That's like ninety miles away, he was with the family up at the cabin. I spoke to you and the others in the family and none of you were the ones on that side of the property. Heck, you were at home when I walked over to your place a few minutes later. Remember?

Speaker 2: Yeah.

Speaker 1: ...There is no reason that car should've been out there. It was really weird. And what concerns me is, the very next day the police said they found that Malbec girl's car on our property, right out by the back, by that back road. And you know, our property is so large – heck it's 40 acres – someone could've driven that car in there through the back gate and we'd never know. ...The whole thing just doesn't sit right with me Steph.

Speaker 2: Ma, the police told me that they didn't think what you said was relevant. They ignored it.

Speaker 1: Ah...that's you know, that's what I, that's what I feared. You're being set-up again, son. ...Anyway, I love you. I know you gotta go.

Speaker 2: I love you ma. Thank you.

Unidentified voice: Guard, guard, can I...can I use the phone (Whereupon call terminated)

Certificate

I, G. K. McFarlane, do hereby attest that the foregoing is a true and accurate transcript from the Pioneer State Correctional Facility regarding the above-entitled matter.

G.K. McFarlane

Court Reporter

17 November 2015

Dated

Statement of Shiles Mangor

My name is Shiles Mangor. My last name is pronounced "Mang" and then "gor."

I was hired by Stef Everly's attorneys to evaluate the evidence and false claims put forth by the Pioneer law enforcement against Mr. Everly.

I have been working in law enforcement for over 30 years. I received a B.S. in Physics from the U of Illinois. I graduated with honors in 1985 receiving a minor in Chemistry. After college I got into law enforcement and graduated from the Chicago Police Academy. I was lucky to be put on the Chicago beat. It was a very colorful job. I saw a lot of everything.

In 1989, I transferred to Madison County, State of Pioneer, and served as Lieutenant Deputy Sheriff from 1989-1996. As Lt. Deputy Sheriff my duties were numerous. I would conduct investigations on a daily basis. Everything from domestic violence disputes to armed robbery. My specialty was crime scene investigation and reconstruction. I liked it so much I went to night school to receive my Masters in Forensic Science. I received that degree in 1996.

After that, I was transferred to homicide. I stayed there until 2009 for the next decade of my time in Madison County. I have participated in well over 200 homicide investigations and have been lead detective for about 50.

After 24 years, I decided to retire from the force. I was tired of seeing innocent people be put away and seeing the bad ones go free. After that, I spent my time doing investigative work for criminal defense firms. I opened my own PI firm. At the start business went quite well. I perform independent investigations and try to get to the bottom of things. I have testified as an expert in over 40 trials since opening my PI firm, all for the defense.

Regarding the current case, I reviewed all of the evidence made available by local law enforcement during discovery. I also have interviewed Stef Everly, his parents, Shay Layman, and a few others.

This is perhaps the most troubling investigation I have seen over my career in law enforcement. The entire investigation was the most unprofessional I have ever seen, specifically the search of Mr. Everly's property. It was incredibly concerning and untraditional.

Before I get to my specific findings, I want to address something about which the Pioneer law enforcement approached. During my time on the Chicago force I came under investigation for falsifying reports. A review commission found there was sufficient evidence to make a finding of "culpable." Such a finding is below the threshold of "wrongful conduct." I have always maintained that it was a plot against me. They were trying to push me out so they could hire a

new class of female officers. Although this was not a dischargeable finding, I was told I had two options. I could resign with reference privialges, or the force would proceed with a full criminal investigation and fire me at its outcome. I took the first option and resigned.

The Pioneer law enforcement, both the Sheriff's Office and the PDP, called me in for a "meeting." It was essentially an attempt to intimidate me to stop working on this case. I find that to be repugnant.

Turning to the case itself, generally, law enforcement will secure a warrant and then conduct a search of the property. Traditionally, the property is searched, evidence is taken and then the property is released back to the family. That did not happen in this case. Sometimes there might be a need for a secondary search, but in this case the property was seized for an entire week. During that time, the Pioneer police and other law enforcement officials searched the premises 7 times. This is unprecedented and completely uncalled for. I have never heard or seen anything like this.

That tells me that they are either very, very bad at crime scene investigation and evidence collection...or there was something else going on. If they had done their job, there would be no reason for them to search multiple times. This presented the opportunity for evidence to be tampered with. The number of searches is compounded by the number of different individuals that were in and out of that bedroom and garage.

I was especially concerned about the discovery of a key on the seventh and final search. The key could not and should not have been missed during the first six searches if it was found where law enforcement claims it was found. That deems the key absolutely worthless here.

Furthermore, the key did not have a trace of Tess Malbec's DNA on it. I will repeat that...the key tested negative for its owner's DNA. This would have been a key she used every day. In my investigation experience, this could only happen if the key was cleaned with bleach or another similar chemical. It is very curious that Mr. Everly's DNA would be on that key. I conclude that either this wasn't Ms. Malbec's key, or the key was wiped clean and somebody placed Mr. Everly's DNA on it after the cleaning.

The search of Ms. Malbec's vehicle is also very concerning. First, the blood in the car was found in awkward places. Second, there were no fingerprints found in or on the vehicle. That leads me to conclude that whoever was in that car was wearing gloves. But this is contrary to a fact that we do know -- when Mr. Everly was picked up and interrogated, he had a small cut in his finger. If Mr. Everly had been in that car and wearing gloves, then his blood would not be found in the vehicle. I was, and am, very suspect of this blood.

Further, local law enforcement claims there were six blood samples taken from the car. But none of them were Ms. Malbec's blood. The state's forensic technician only tested three of those swabs. No explanation has been provided why that testing was not completed, or at least not reported to have been completed. The Pioneer Police Department would not let me review those swabs or the results. So I asked defense to secure a court order to examine the contents of Mr. Everly's 1995 case file. I was particularly interested to see if local law enforcement had any blood of Mr. Everly's blood on file. They did.

Mr. Everly's blood was kept in an old styrofoam box and the seal had been broken. Inside was a two-ounce vial containing liquid blood of Mr. Everly. The seal on the vial was also broken. Most importantly though, there was a small puncture hole in the plastic stopper that capped the tube. The hole was about the size of a syringe. I spoke with the technicians at the lab to inquire if they ever take blood from those samples and they told me "we don't do that." I cannot tell who extracted the blood, but that is reasonable doubt right there.

Finally, it does not make sense that the Pioneer Sheriff's Office was allowed to take part in this investigation in any manner whatsoever. They should have been ordered to stay as far away from this crime scene as possible. It is obvious they have a strong bias against Mr. Everly and should not have been involved. They had a conflict of interest due to the \$36 million dollar civil case that Mr. Everly had brought against them. Once this case commenced, the lawsuit went away for pennies on the dollar. The conduct of Pioneer law enforcement disgusts me.

It's extremely odd that none of Ms. Malbec's DNA was found in Mr. Everly's bedroom. A brutal murder like this cannot be performed without many traces of the victim's DNA. The state believes Ms. Malbec was stabbed and shot while tied to Mr. Everly's bed. Mr. Everly could not have sanitized that house. There are very few evidence technicians capable of fully sanitizing an area like that. And such technicians know what to hide and how to hide it. Mr. Everly has an IQ of 70. He is not capable of pulling off such a thorough and perfect sanitation of evidence.

It is my opinion the Pioneer County Sheriff's Office believes Mr. Everly is guilty, but did not have the evidence so they chose to break the rules. Unfortunately for them, evidence is required before a man is found guilty. I believe Stef Everly is innocent and the truth will arise.

I have reviewed this statement and had the opportunity to make any changes to this statement desired. This statement is accurate, true, and complete to the best of my knowledge.

15 May 2017

Date

Shiles Mangor

Shiles Magnor

JURY INSTRUCTIONS

Members of the jury, the evidence in this case has been completed. I will now read to you jury instructions that contain the rules of law you must apply to reach your verdict.

It is my job as the judge to decide what rules of law apply to the case. While the attorneys may comment on some of these rules, you must follow the instructions I give you. Even if you disagree with or do not understand the reasons for some of the rules of law, you must follow them. No single instruction describes all the law which must be applied; the instructions must be considered together as a whole.

During the trial, you received all of the evidence that you may properly consider in deciding the case. Your decision must be made by applying the rules of law that I give you to the evidence presented at trial. Remember, you must not be influenced by sympathy, bias or prejudice in reaching your decision. You should not allow bias or any kind of prejudice based upon race to influence your decision.

If you decide that the prosecution has proved beyond a reasonable doubt that the defendant is guilty, it will be my job to decide what the punishment will be. In making your decision, you must not consider punishment at all. At times during the trial, attorneys made objections. Do not draw any conclusions from the objections or from my rulings on the objections. These only related to legal questions I had to decide and should not influence your thinking. If I told you not to consider a particular statement that was made during the trial, you must not consider it in your deliberations.

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all of the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

If you find from the evidence that each and every element of a crime has been proven beyond a reasonable doubt, you should find the defendant guilty of that crime. If you find from the evidence that the prosecution has failed to prove any one or more of the elements of a crime beyond a reasonable doubt, you should find the defendant not guilty of that crime.

You are the sole judges of the credibility of each witness and the weight to be given to the witness's testimony. You should carefully consider all of the testimony given and the circumstances under which each witness has testified.

For each witness, consider that person's knowledge, motive, state of mind, demeanor, and manner while testifying. Consider the witness's ability to observe, the strength of that person's memory, and how that person obtained his or her knowledge. Consider any relationship the witness may have to either side of the case, and how each witness might be affected by the verdict. Consider how the testimony of the witness is supported or contradicted by other evidence in the case. You should consider all facts and circumstances shown by the evidence when you evaluate each witness's testimony.

You may believe all of the testimony of a witness, part of it, or none of it.

You are not bound by the testimony of a witness who has testified as an expert; the credibility of an expert's testimony is to be considered as that of any other witness. You may believe all of an expert witness's testimony, part of it, or none of it.

A fact may be proven by either direct or circumstantial evidence. Under the law, both are acceptable ways to prove something. Neither is necessarily more reliable than the other. Direct evidence is based on first-hand observation of the fact in question. Circumstantial evidence is indirect. It is based on observations of related facts that may lead you to reach a conclusion about the fact in question.

The parties have agreed as to the existence of certain facts, sometimes referred to as stipulations. You may regard those facts as proven.

A judicially noticed fact is one which the court determines is not subject to reasonable dispute and has accepted as being true. You may or may not accept this fact as true. It is entirely your decision to determine what weight, if any, shall be given the evidence.

Only exhibits received into evidence are available for your consideration. If an exhibit was testified about but not received into evidence, the testimony about such exhibit may be considered but the exhibit itself is not be available for the jury's consideration.

After you have heard closing arguments, the bailiff will escort you to the jury room, where you will select one of your members to be your foreperson. Your foreperson will preside over your deliberations and shall sign any verdict that you may agree on. The verdict for each charge must represent the considered judgment of each juror, and it must be unanimous. In other words, all of you must agree to all parts of it.

COUNT 1: HOMICIDE IN THE SECOND (2ND) DEGREE Section 940.01(1)(A).

The elements of the crime of murder in the second degree are:

1. That the defendant,
2. in the State of Statesville, at or about the date and place charged,
3. knowingly,
4. caused the death of another person.

After considering all the evidence, if you decide the prosecution has proven each of the elements beyond a reasonable doubt, you should find the defendant guilty of murder in the second degree.

After considering all the evidence, if you decide the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of murder in the second degree.

A person acts “knowingly” or “willfully” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such a circumstance exists. A person acts “knowingly” or “willfully,” with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

PIONEER COUNTY COURT, CITY OF PIONEER, STATE OF STATESVILLE 206 Court Street Pioneer, Statesville 53099 Phone: (999) 999-9999	
THE PEOPLE OF STATESVILLE v. STEF THOMAS EVERLY	
CHRIS WILCOX District Attorney 2255 East Polk Avenue, Pioneer, Statesville 53099 Phone: (999) 999-9999	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p style="text-align: center;">Case No: 2015-CF-082263</p>
JURY VERDICT	

COUNT ONE

MURDER IN THE SECOND DEGREE

I.* We, the jury, find the defendant, **STEF EVERLY**, NOT GUILTY of Murder In The Second Degree.

FOREPERSON

II.* We, the jury, find the defendant, **STEF EVERLY**, GUILTY of Murder in the Second Degree.

FOREPERSON

* The foreperson should sign only one of the above (I or II). If the verdict is NOT GUILTY, then I. above should be signed. If the verdict is GUILTY then II. above should be signed.

EXHIBITS

UNITED STATES BANKRUPTCY COURT

TRANSCRIPT OF BANKRUPTCY PROCEEDING

IN RE Shiles Mangor / USBC 10063

Federal District Court of Pioneer

(commencement of proceeding)

Court: Call the next case.

Clerk: IN RE Shiles Mangor, Debtor 100633. The Honorable Garrik Storgaard presiding. Please state your name for the record.

Litigant: Shiles Mangor. M-A-N-G-O-R.

Court: Do you have counsel?

Litigant: No.

Court: You are seeking declaration of Title 7 discharge?

Litigant: I am Your Honor. I have been working on a very large case, the Everly case of which you have probably heard. It has drained me. I've lost all other clients and have no income as Mr. Everly has little to no money.

Court: The court does not require an elocution.

Litigant: My apologies Your Honor. I've always just been someone who pays their bills. So this is very hard for me. It is my hope that we will win Mr. Everly's case, and I will get a flood of new clients from the positive publicity because I'm broke.

Court: Again, I do not need that much information. Have you reviewed the documents?

Litigant: I have Your Honor.

Court: Do you have any questions?

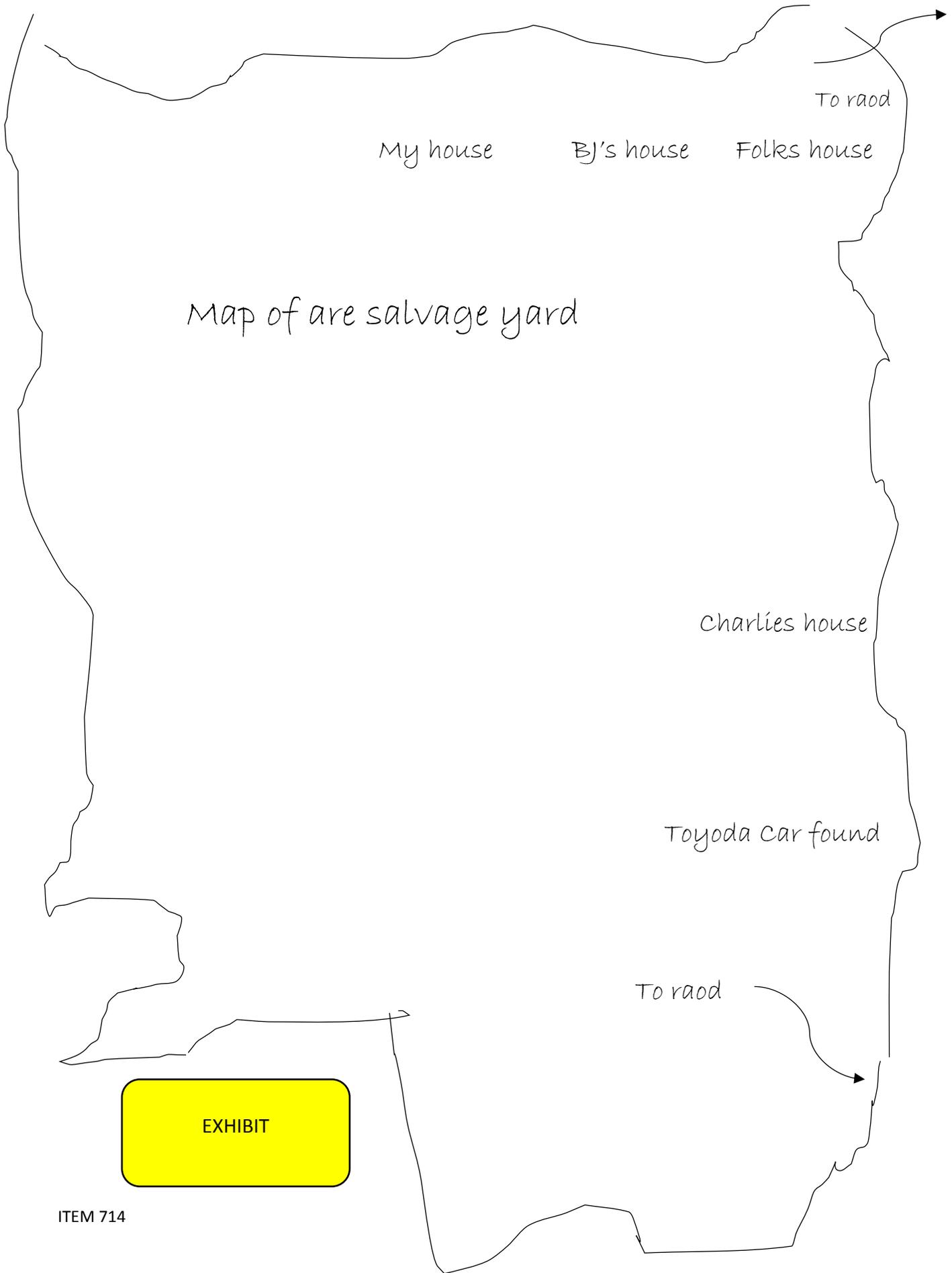
Litigant: I do not. You previously read to me my options and rights, and I understand what I am doing. I am not under the influence of any drugs or alcohol.

Court: Seeing no objections have been filed to this discharge, the court will grant the debtor a discharge per Section 727, Title II, US Bankruptcy Code.

Litigant: Thank you Your Honor.

(end of proceeding)

EXHIBIT



My house

BJ's house

Folkes house

To raod

Map of are salvage yard

Charlies house

Toyoda car found

To raod

EXHIBIT

ITEM 714

11.3.15 Missing persons report, Malbec

- Car Trader visit, employee said 3 client appointments on 10.31
- Last appt with Everly at 2:00 (V been to this salvage place before)

Interview with Janda, Everly sister

- said she "never called C.T." - weird, who made the call?

Interview w/ S. Everly

- Asked me what I wanted and what I was doing on the property
 - Said V photographing Dodge Caravan on 10.31 that needed to be sold for his sister around 14:30
 - "It was a shame that she was missing. She was a pretty girl" ...creeper
 - large, deep cut on the outside of his right middle finger (couldn't give a straight answer about where it came from)
 - cut is definitely fresh ; followed-up with tech to take photo
 - Need to search the defendant premises and yard
- last place she was seen was here... unclear where her car is
- ** clear lead, Everly round 2?

EXHIBIT

Sgt Fassbender—Notes, page 2

11.4 Call-in that V's car found on Everly property

Tech called to scene

11.5 Search continued - Sheriff's officer found .22 cal shell in garage, tagged, photo'd; Anonymous caller (possible family member? Had intimate knowledge of family) said believed V raped and killed in bedroom.

11.6 Search continued - Found bone fragments? In burn barrel and bonfire. Tagged, photo'd

11.7 Search continued

11.8 Search continued

11.9 Search continued

11.10 Search continued

11.11 Sheriff's offer found Rav4 key in Everly bdrm, plain view?

Search terminated

UNITED STATES BANKRUPTCY COURT

Federal District of Pioneer

In Re	Shiles Mangor, Debtor)	Case No. 100633
)	
Address	125 Crofton Drive)	Chapter 7
	City of Pioneer)	
	State of Pioneer 10012)	
)	
SS#	██████████-742)	

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, IT IS ORDERED: The debtor is granted a discharge under section 727 of Title 11, United States Code, (the Bankruptcy Code).

Dated: November 22, 2016

BY THE COURT

Garrik Storgaard

United States Bankruptcy Judge



EXHIBIT

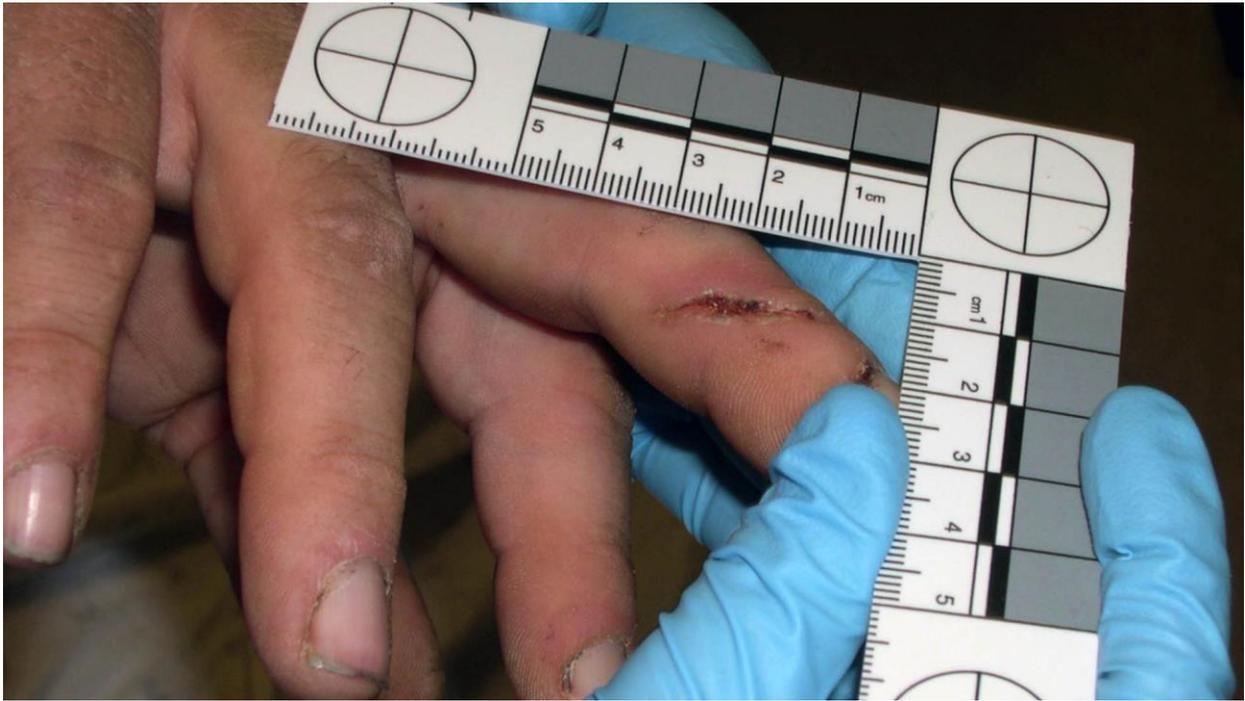


ITEM 19

ITEM 12



EXHIBIT



EXHIBIT

ITEM 42



EXHIBIT

ITEM 76

DEPOSITION EXHIBIT
Layman Deposition 1

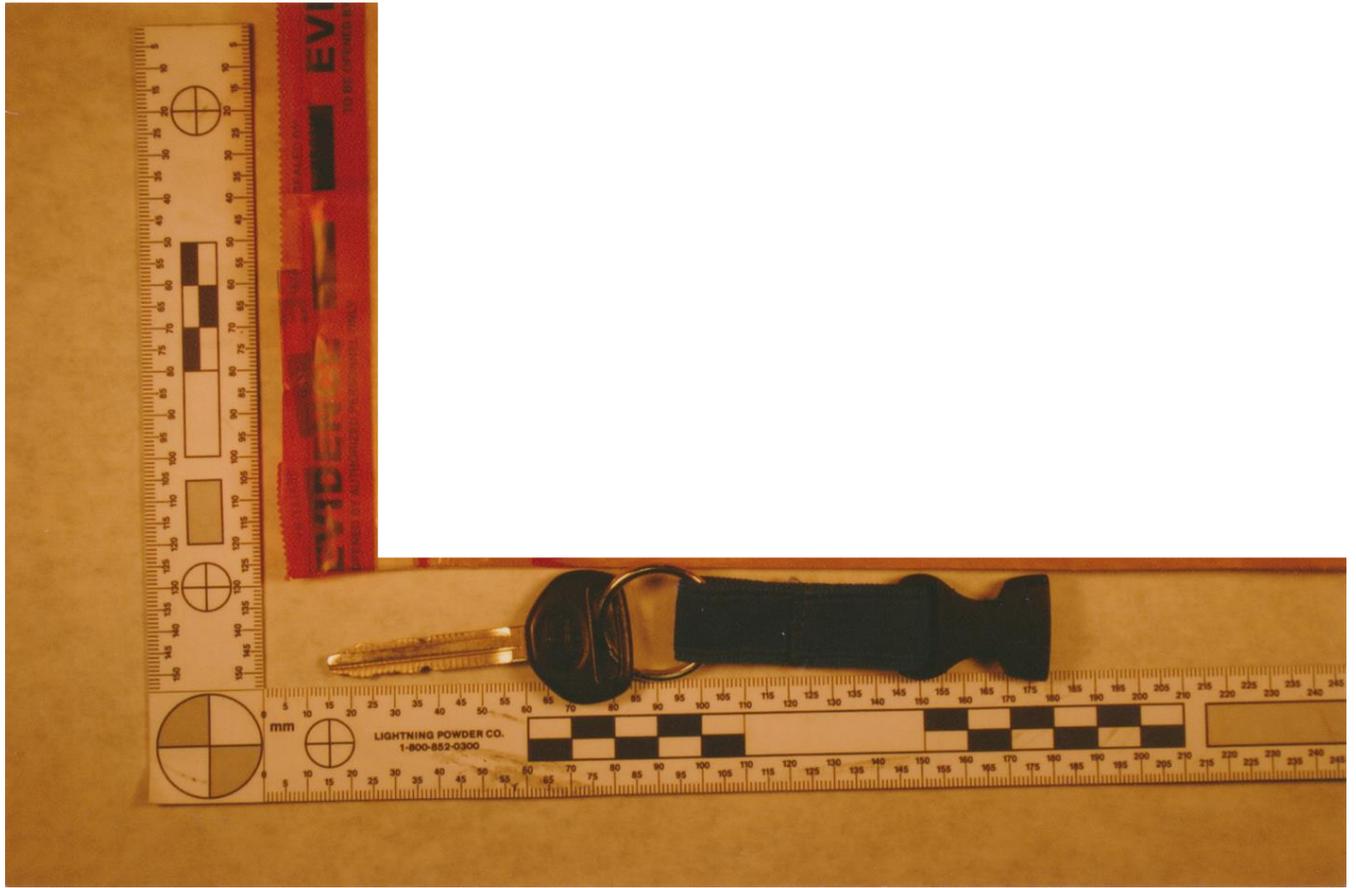
TRIAL EXHIBIT





EXHIBIT

ITEM 65



EXHIBIT

ITEM 44



EXHIBIT

ITEM 56



EXHIBIT

ITEM 77



EXHIBIT

ITEM 89



ITEM 66



**CERTIFICATION OF DOMESTIC RECORDS OF REGULARLY CONDUCTED ACTIVITY
AND ATTESTATION OF ACCURACY**

I, _____Madalia Maaliki _____ certify that the following attached records
(printed name)

Totaling 1 page (not including this certification) for UST&T, Inc. for customer Tessa Malbec,
which includes subscriber information, the unique IMSI number that is assigned to only one
person universally, and the date range of account activation

are complete and accurate copies of the records that are in our actual or constructive control; were
made at or near the time of the occurrence of the matters set forth by, or from information transmitted
by, a person with knowledge of those matters; were kept in the course of our regularly conducted
activities, and were made by the regularly conducted activities as a regular practice of business activity.

AT&T

I swear or affirm under penalty of perjury that the information contained in this Certification of
Domestic Records of Regularly Conducted Activity and Attestation of Accuracy is true and correct.

_____Madalia Maaliki_____

Signature

CEO UST&T, INC.

I am: the records custodian of these records

- an officer of the business
a director of the business

Subscribed and sworn to before me this __9th__ day of __November____, 2015__.

__Corey Knoebel_____

Personally know the affiant

Notary Public

My commission expires: __7/28/2018____



November 9, 2015

UST&T

United States Telephone & Telegraph

Account # 45445121810

C/T

Financially
Liable Party

Name: Tessa Malbec

Address: 12154 S. Candice Ct.
Pioneer, Statesville 802556

Customer Since: Oct 30, 2004

Photo Type: Photo ID State:Stateville
ID Number:

Last 4 digits of SSN: 6546

Contac Name:

t Home Phone: 787-8888 Contact Work Phone: (000) 000-0000

Contact Home Email:tessamalbec@email.com Contact Work Email:

Billing Party

Account Number: 45445121810

Name: Tessa Malbec

Billing Address: 12154 S. Candice Ct.
Pioneer, Statesville 802556

Account Status: Active since 2004 Billing Cycle: 7

MSISDN:

UserInformation

902-787-8888 IMSI: 415885156565
Tessa Malbec User 12154
S Candice St, Pioneer
Statesville 802556

MSISDN Active: 10/30/2004 - Current

IMEI/ESN: 415885156565