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IN THE PRESCOTT JUSTICE COURT

MELODY A. BODINE)
)
vs.)
) No. 20081217J
PETER MICHAEL PALMER)
)
_____)

Prescott, Arizona
April 9, 2009
8:54 A.M.

BEFORE THE HONORABLE MARY HAMM

TRANSCRIPT OF PROCEEDINGS

Injunction Against Harassment Hearing

Proceedings recorded by electronic sound recording;
transcript produced by AVTranz

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E X H I B I T S

PLAINTIFF'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
	None		

DEFENDANT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
1	Letter from Chief Oaks	31	32



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APPEARANCES

April 9, 2009

Judge: Mary Hamm

For the Plaintiff:

Melody A. Bodine, Pro Se

Witnesses:

Melody A. Bodine

Officer Dan Murray

Ryan Shoemaker

For the Defendant:

Peter Michael Palmer, Pro Se

Witnesses:

Greg Bodine

John Sprunger

Prescott, Arizona

April 9, 2009

(The Honorable Mary Hamm Presiding)

HEARING ON INJUNCTION AGAINST HARASSMENT:

THE COURT: Good morning. Please have a seat.

And let me see. We're on the record, right?

UNIDENTIFIED MALE: We're on the record, Your Honor.

THE COURT: Okay. And this was the time and date for hearing in the matter of the injunction against harassment. It's Bodine v. Palmer, cause number 20081217J, and in regard to this matter, let's see. Do a little clean up here first.

Okay. Let's see. Mr. Palmer had filed an emergency motion for a continuance this morning. Did you get a copy of that?

MS. BODINE: I received a copy. Have not read it.

THE COURT: Okay. And with regard to that, Mr. Palmer, do you have anything that you wish to add?

MR. PALMER: To what I wrote?

THE COURT: Yeah.

MR. PALMER: Ma'am, I just got this a half hour ago and so this is all news to me. I'm not aware of what the implications are. I need to talk to a legal advisor, and I understand everyone is anxious just to get this matter over with. If we can move it into early next week, that would be

1 good for me. I need to --

2 THE COURT: Well, sir, this order was issued in
3 December --

4 MR. PALMER: Yes, ma'am.

5 THE COURT: -- 2008, and as far as legal advisor, if
6 you had someone that you are going to hire, that they have
7 been involved in this, they should be here today. Is it --
8 this isn't something that can be continued and continued.
9 It's already been continued before in your behalf.

10 MR. PALMER: Well actually, ma'am, what happened
11 was, and this is because I'm a pro se and I didn't understand
12 the implications, I have been waiting on material evidence
13 from the State of California, and you're aware of the budget
14 cutbacks they had. I finally did get that and then I filed
15 an emergency motion along the way for clarification, and
16 Judge Markham went ahead and I was told in response to that
17 motion his solution was to go ahead and schedule the hearing
18 for me.

19 I wasn't quite ready for a hearing then, and I asked
20 for a continuance because I had gotten a one day's notice.
21 Here we are today. I'd be ready to go. You can see I have
22 my pile of stuff, but again the clerk just called me up today
23 and said this was submitted. I am down in Phoenix. This was
24 only in my mailbox today.

25 I'm not trying to be a slacker.

1 THE COURT: Sir, this has been going on since
2 December. You knew when you got the injunction whether or
3 not you wanted to have a hearing on it.

4 MR. PALMER: Oh, yes.

5 THE COURT: I don't know -- the only thing that I
6 recall being new in the material that was submitted this week
7 by Ms. Bodine was a copy of a letter that allegedly you sent
8 to her church.

9 MR. PALMER: In this? I'm not seeing that in this
10 package. Can --

11 THE COURT: Okay. Then maybe that was, maybe that
12 was something that was sent out further.

13 The information that was filed on the 6th was simply
14 her response asking for sanctions.

15 MR. PALMER: Right, ma'am, and I don't know any of
16 the implications of how to answer a motion for sanctions. I
17 need to find out.

18 THE COURT: Well, sir, in an injunction against
19 harassment the Court does not have the ability to deal with
20 sanctions and such. That's not something that is going to
21 be --

22 MR. PALMER: Okay.

23 THE COURT: -- addressed.

24 MR. PALMER: Okay. But my only --

25 THE COURT: She opposed the motion for change of

1 judge.

2 MR. PALMER: Right. Which is clearly denied.

3 THE COURT: Well, that has just been dealt with in
4 terms of Judge Markham recused himself --

5 MR. PALMER: Correct.

6 THE COURT: -- and that's it.

7 MR. PALMER: Okay. Then --

8 THE COURT: So, tell me what you need time to
9 respond to?

10 MR. PALMER: Then, okay, then my -- well, again, I
11 just got this a half hour ago and have only gone through it
12 once.

13 THE COURT: Well I have told you --

14 MR. PALMER: I understand.

15 THE COURT: -- what is in that.

16 MR. PALMER: I understand. So with that
17 understanding that I'm a little bit under duress here --

18 THE COURT: No, no, not under duress, sir. This has
19 been going on since December. Tell me what it is --

20 MR. PALMER: I will tell you that one thing that
21 popped out at me, but again I've only had a chance to read
22 this through once, is that it appears that she has introduced
23 new evidence in one of her motions, and I'm concerned about
24 that because I --

25 THE COURT: What new evidence?

1 MR. PALMER: See if I can find it. I believe she's
2 talking about faxing a copy of a pleading to her, and my
3 understanding is that in an injunction she has to make her
4 case based on the evidence at the time of the petition and
5 not new evidence.

6 THE COURT: Well, sir, this is an ongoing situation.
7 At this time -- well, the motion to continue is denied.

8 MR. PALMER: Okay.

9 THE COURT: All right?

10 What we're going to do, I will swear in the two of
11 you, and --

12 MR. PALMER: I won't be a witness then.

13 THE COURT: You're not going to testify?

14 MR. PALMER: No, ma'am.

15 THE COURT: All right.

16 Then I kind of direct things on injunction against
17 harassment in certain things. I try to give a little bit of
18 direction on it because typically neither party is presented
19 by counsel,

20 And what we'll do, I do want to put in some
21 information ahead of time. This is not a review of the
22 divorce, period. This is dealing with an injunction against
23 harassment, and whether the Court should issue that. It's
24 been issued; whether the Court should go ahead and continue
25 that order or not, or whether the order needs to be amended

1 in any way or not. That's the only issue we're dealing with.

2 So any time we start going into divorce and what
3 happened, and who did what --

4 MR. PALMER: Oh, we're not divorced.

5 THE COURT: -- I'm going to stop the person --
6 whoever it is, because that's, if there's anything that has
7 to be addressed regarding the divorce, or any orders that
8 were issued by that Court, it's got to go back to Domestic
9 Relations.

10 MR. PALMER: We're not divorced, ma'am.

11 THE COURT: Sir, will you listen to me? Do not
12 interrupt me.

13 MR. PALMER: I'm sorry.

14 THE COURT: Okay?

15 So that's, I'm just letting you know ahead of time
16 because we're not going there.

17 MR. PALMER: Okay.

18 THE COURT: Okay?

19 Let me go ahead, Ms. Bodine, and swear you in. If
20 you'd raise your right hand?

21 MELODY A. BODINE, PLAINTIFF, SWORN

22 THE COURT: Okay.

23 And for the record, I've gone through everything
24 that's been submitted, and it took a couple of hours
25 yesterday reading through everything. Took a bit of time.

1 (LAUGHTER)

2 THE COURT: And do you have a question or are you
3 just waiving your --

4 MR. PALMER: Well I don't want to interrupt you,
5 ma'am, so --

6 THE COURT: Okay. What is the question?

7 MR. PALMER: I don't know the procedure. Will you
8 allow opening and closing arguments?

9 THE COURT: This isn't a trial in terms of opening
10 and closing. What I'm trying to do is just get information--

11 MR. PALMER: Uh-huh.

12 THE COURT: -- regarding why the petition for the
13 injunction was filed, her concerns about you, then I will
14 come back to you. Don't interrupt what she's saying.

15 MR. PALMER: I can't object?

16 THE COURT: Object on what grounds?

17 MR. PALMER: Well, I -- if you're saying I can't
18 object then --

19 THE COURT: This isn't a trial type of proceeding,
20 okay? I'll hear from her. I'll hear from any witnesses that
21 she wishes to have testify. When that's done I will ask you,
22 you know, you do not want to testify. I'll ask if you have
23 any witnesses. I'll ask you why it is that you do not think
24 that the injunction should be in place, and we kind of, you
25 know, go back and forth if there are, if something that's not

1 being addressed I will ask about it. Okay? It's a very
2 informal proceeding.

3 MR. PALMER: So there's no cross-exam?

4 THE COURT: There's not a cross-exam. You can go
5 ahead and bring in witnesses if you wish to. If you want to,
6 decide that you want to testify, then I'll go ahead and
7 swear you in.

8 This is a very basic issue. There's an injunction
9 there; should it be there or not be there, and why? Okay?
10 This isn't a trial.

11 MR. PALMER: Well for the record, ma'am, I did
12 listen to my friends here who had a similar injunction down
13 in Phoenix, and I listened to a four-hour audio CD of their
14 trial, and it was, the judge did allow -- I'm not saying you
15 have to -- did allow open argument.

16 THE COURT: That's very nice, sir.

17 MR. PALMER: Okay.

18 THE COURT: We are here in the City of Prescott.

19 MR. PALMER: Okay.

20 THE COURT: We try to make it more informal.

21 MR. PALMER: Okay.

22 THE COURT: We're not going to go off on tangents.
23 We're not going to go into sideline issues, which is an awful
24 lot of what I read yesterday. Okay.

25 Ms. Bodine, would you tell me why it was that you

1 requested this hearing, or the injunction against harassment?

2 TESTIMONY

3 THE WITNESS: I am desperately paying because I
4 received in the mail --

5 THE COURT: Hang on a minute.

6 Sir, who is this gentleman you're talking to?

7 MR. PALMER: That is Mr. Bodine.

8 THE COURT: Okay. I would like you, sir, to listen
9 to the hearing.

10 MR. PALMER: Right.

11 THE COURT: You don't get advice from anybody who's
12 sitting behind you. You don't -- you know, you don't
13 interrupt the proceedings to do that.

14 I'm sorry, Ms. Bodine. You, in terms of why you
15 requested the injunction against harassment?

16 THE WITNESS: Because I received a letter in my
17 mailbox at home that was a sympathy card for my death, which
18 I believe is part of the police report and part of what you
19 have there. If not, I have a copy.

20 In there there was a letter explaining how I had
21 died, and it was signed by Jeremiah, the weeping prophet.

22 Our family knows from a knowledge of Mr. Palmer over
23 the many years that he himself feels that he is Jeremiah the
24 weeping prophet. I have -- not here for a testimony but to
25 confirm. My daughters will agree that that is what he is

1 known by.

2 Also, to the police department, my ex-husband
3 confirmed when asked if we knew anyone by the name of
4 Jeremiah the weeping prophet, and he could identify Mr. Mike
5 Palmer, as that's what he, confirming I think is the, my
6 death by, quote, "unexpected self-inflicted head wounds."

7 As I sought counsel from different people, the
8 number 1 thing that I heard was to come in and get orders of
9 harassment.

10 At that point I also was reminded of a letter that
11 Mr. Palmer had sent to my pastor. In it he falsely accused
12 me of adultery, naming the person, place, time, amount of
13 money that I spent on this alleged sin, being demonically
14 influenced, being an immoral sister, being loaded down with
15 sin, and plagued by all kinds of evil desires, conning the
16 government to get food stamps, and then he warns my pastor
17 that I may go murdering a bunch of people, him thinking that
18 my pastor was my employer. Murdering a bunch of people
19 including children.

20 And yet also, ma'am, in that same letter he has
21 stated that he would have been willing to marry me if my now
22 ex-husband died prematurely.

23 It is obvious, obvious, that Mr. Palmer is
24 disturbed, and that he has an obsession with things of a
25 sexual nature, and with death, and a violent death, as said

1 in the letter that I received, and in the multiple page
2 letter he sent to my pastor, as well as a letter that he sent
3 to my then future son-in-law, and then future son-in-law's
4 father.

5 THE COURT: Okay.

6 How is it that you know Mr. Palmer?

7 THE WITNESS: When we moved to Phoenix, we began to
8 go to a church and the pastor --

9 THE COURT: We; who's we?

10 THE WITNESS: Our family in 1991.

11 THE COURT: Okay.

12 THE WITNESS: He was introduced to my ex-husband
13 from a pastor at a church that we attended.

14 THE COURT: Okay. What -- and I know these letters
15 you've mentioned in your testimony are in the file. I've
16 looked those over.

17 With regard to the information, the letters that
18 were sent to you and your future son-in-law at that time and
19 the minister, how did these letters make you feel?

20 THE WITNESS: Scared at first, and then I was upset
21 that he would say such things about me which were not true.

22 THE COURT: Okay.

23 THE WITNESS: May I also add that it was in regards
24 to my daughter's wedding as well, and so that created an
25 incredible turmoil for myself in dealing with that just days,

1 a week before her wedding.

2 THE COURT: Okay.

3 Okay. Do you have anyone else that you brought with
4 you that you wish to testify?

5 THE WITNESS: I have no one here that I wish to
6 testify. I did bring people that are named and mentioned in
7 these very things in case there is a necessity to confirm,
8 because I would like it to be completed today.

9 THE COURT: Okay.

10 THE WITNESS: Thank you.

11 THE COURT: All right.

12 Mr. Palmer, do you have a witness? So you do not
13 wish to testify; right?

14 MR. PALMER: That's right.

15 THE COURT: Okay. Do you have -- with regard to the
16 testimony that Ms. Bodine has given, do you have anyone that
17 you're wishing to respond on that?

18 MR. PALMER: Well, may I ask Mrs. Bodine questions;
19 would she be a witness I can call?

20 THE COURT: You can ask her questions so long as
21 they pertain to the testimony.

22 MR. PALMER: Okay.

23 CROSS-EXAMINATION

24 BY MR. PALMER:

25 Q So, Melody, you've referred to this letter. Is that

1 the only act that you are claiming in this matter?

2 A It is the main act; it is not the only. May I ask
3 which letter you're referring to?

4 Q As far as I know there's only one letter that you're
5 referring to.

6 A You could answer my --

7 Q The anonymous, the anonymous letter.

8 A Which letter are you referring to?

9 Q The anonymous letter.

10 A I did not receive an anonymous letter.

11 Q The letter that was addressed to Ms. Thomas-Morgan,
12 that's the act that you are fighting in your petition for an
13 injunction; correct?

14 MS. BODINE: I would ask the Court that he would
15 please identify exactly what he's talking about?

16 THE COURT: She's mentioned four letters.

17 MR. PALMER: Well I have a copy of the petition, the
18 petition only referred to one letter.

19 THE COURT: Sir, we're dealing with the testimony
20 today which always entails more than the petition. She's
21 indicated a letter to her, a letter to the son-in-law which
22 also deals, relates to her, letter to the minister, and
23 apparently the letter to the son-in-law was also sent to his
24 father.

25 MR. PALMER: Uh-huh.

1 THE COURT: I think, was is the same letter?

2 MS. BODINE: It was a separate letter.

3 THE COURT: It was a separate letter?

4 (SIMULTANEOUS CONVERSATION)

5 MS. BODINE: -- but it included different ideas.

6 THE COURT: Okay.

7 BY MR. PALMER:

8 Q Regarding the -- regarding the letter addressed to
9 Ms. Thomas-Morgan, did you go to the police department?

10 A Mr. Palmer, are you referring to the sympathy card
11 regarding my death when you say the letter to
12 Ms. Thomas-Morgan?

13 Q I am referring to the letter to Ms. Thomas-Morgan.
14 I cannot speak to its contents.

15 THE COURT: Well Mr. Palmer, what was, was the, that
16 letter included in a card?

17 MR. PALMER: According to the police report, it was.

18 THE COURT: Okay. And you've got a copy of it.

19 MR. PALMER: Yes.

20 THE COURT: Okay. So you know what's in there, and
21 clarify what letter you're talking about.

22 MR. PALMER: There's only one letter that I know of
23 addressed to Ms. Thomas-Morgan.

24 THE COURT: Okay. What was the content of the
25 letter?

1 MR. PALMER: To me it appeared to be a faithful
2 Christian writing to an unfaithful one.

3 THE COURT: Sir, you're not clarifying, so if you
4 can't clarify what letter it is that you're talking about, go
5 on to another question.

6 BY MR. PALMER:

7 Q Did you take one of the letters that you received
8 and go to the police department with it?

9 A You will have to be more specific; which letter,
10 what letter? Thank you.

11 Q I have a DR from the Prescott Police Department
12 stating that you took a letter addressed to Ms. Thomas-Morgan
13 to the police department. Is that correct?

14 A I did take a letter to the police department.

15 Q And you stated in the department report that your
16 maiden name was what?

17 THE COURT: What relevance does this have to the
18 request for the injunction?

19 MR. PALMER: Because, Your Honor, Melody is, claimed
20 in her maiden name is Thomas-Morgan, and that is who the
21 letter was addressed to. Her maiden name is really Eells.
22 She made a fraudulent police report and incorporated that in
23 her petition because she used the police report in her
24 petition for this injunction. She swore to Judge Markham
25 that everything in the petition was true, and in fact it's

1 not true.

2 THE COURT: What --

3 MR. PALMER: And so to further answer your question,
4 Your Honor, when Mr. Bodine, when we finally got a copy of
5 the marriage license from California, Mr. Bodine thought it
6 was important to tell the Prescott Police Department about
7 the facts because it was material evidence in the report, and
8 Chief --

9 THE COURT: Sir, you're testifying, and you said you
10 didn't want to testify.

11 MR. PALMER: Okay.

12 THE COURT: Okay?

13 With regard to this matter, she has testified about
14 a letter that she got and took to the police department, and
15 she felt that that letter was addressed to her.

16 Ms. Bodine, did this letter come to your address?

17 THE WITNESS: It came to my home.

18 THE COURT: Okay. Did you recognize the names that
19 it was addressed to?

20 THE WITNESS: Yes.

21 THE COURT: Okay. How was it that you recognized
22 that name?

23 THE WITNESS: Because it is a name that I am
24 possibly and will now in the future be taking as my new name.

25 THE COURT: Okay.

1 THE WITNESS: And I may say that I have, if there's
2 any questions regarding that police report, I do have the
3 officer here. That was not what I said my maiden name was.
4 It was mistakenly put in, and it was corrected in a, the next
5 police report.

6 THE COURT: Okay.

7 THE WITNESS: And I might add, it was sent to my
8 home address, which nobody knows. I have received all my
9 mail because of different harassments in the past. These two
10 were asking people to send letters to me. I have a P.O. box,
11 which is really the only place that I receive mail, so I
12 thought it was odd that it was sent to my home address.

13 THE COURT: Okay.

14 THE WITNESS: But if you need confirmation, I do
15 have that Prescott Police officer.

16 THE COURT: All right.

17 Now do you have some further questions, Mr. Palmer?

18 MR. PALMER: If the Court will just give me a couple
19 seconds, please?

20 (PAUSE)

21 BY MR. PALMER:

22 Q So then, Melody, your name, your maiden name, as you
23 said, is not Thomas-Morgan?

24 A That is correct.

25 Q You opened a letter addressed to not you?

1 THE COURT: Mr. Palmer, get back to the injunction
2 against harassment.

3 MR. PALMER: Well, ma'am, wouldn't that be a
4 violation of the U.S. Postal Code and therefore --

5 THE COURT: Then why don't you talk to the post
6 office about that and the federal court.

7 MR. PALMER: Well is that allowed to be evidence
8 then in this matter?

9 THE COURT: Sir, I'm not going to sit here and
10 answer questions and illegally advise you and go through
11 that.

12 What is it that her maiden name has to do with the
13 request for injunction against harassment?

14 MR. PALMER: Well, I'll touch on base on that later
15 with the witness, ma'am.

16 THE COURT: Okay. Do you have any other questions
17 of Ms. Bodine regarding why she requested the injunction
18 against harassment, and she indicated that she felt scared at
19 first and then upset?

20 BY MR. PALMER:

21 Q At the risk of upsetting the judge, Melody, did you
22 read the rules regarding getting a injunction against
23 harassment?

24 A The rules? What do you mean by the rules?

25 Q Yeah, well for instance did you go to the Yavapai

1 County website and review what's involved in getting an order
2 of protection?

3 A No, sir, I just read what I was given by the clerk
4 in the court.

5 Q In fact you filed for an order of protection; is
6 that not correct?

7 A I believe that I filed for orders of harassment
8 because that it all --

9 Q No, an order of protection.

10 A -- that I -- excuse me? I'm answering the question.
11 Because that was the correct box to fill out because of my
12 relationship to you. You are not a family member. I could
13 only fill out orders of harassment.

14 Q But you checked off the box that says order of
15 protection.

16 A I don't recall that if I did.

17 Q I have it right here.

18 A Okay.

19 MR. PALMER: And I'm sure the judge has a copy; is
20 that correct?

21 THE COURT: Please, go ahead and ask something
22 that's relevant here.

23 MR. PALMER: Well, the point is that Judge Markham
24 erred when he checked her order of petition, her order of
25 protection petition, and it was basically defective, Your

1 Honor. He should have dismissed it. Instead he took it upon
2 himself to morph it into an injunction against harassment, so
3 I argue that it's deficient for that cause.

4 Also, where I was going was if you go to the Yavapai
5 County website and read, this is, pertains to what the judge
6 was asking about being annoyed, if I may read this, Your
7 Honor?

8 "Orders of Protection."

9 I'm sorry; correction.

10 "Injunction against harassment. Tell how the
11 defendant has harassed you. Be specific. Just because
12 a defendant has annoyed or alarmed you does not mean you
13 have been harassed by the legal definition. According
14 to law harassment must involve a series of acts. A
15 single incident, no matter how much it bothers you, does
16 not constitute legal harassment.

17 "According to the law, a series of acts must
18 show a continuity of purpose, and must be directed at a
19 specific person."

20 The only letter that I'm aware of that you're
21 referring to, that you allege is directed at you, is the,
22 what you're calling a sympathy card to Thomas-Morgan.

23 THE WITNESS: Are you directing your comments to me?
24 Or the judge?

25

1 BY MR. PALMER:

2 Q I -- that's a good question. Thank you.

3 A If I may, to ask the judge that you, yourself, have
4 a copy of several letters, several communications --

5 Q Well were they directed --

6 A -- one after another after another --

7 Q Well were they directed --

8 A -- which supports harassment.

9 Q Were they directed at you?

10 THE COURT: Sir.

11 MR. PALMER: I'm sorry.

12 THE COURT: Did those letters included allegations
13 about her; right?

14 MR. PALMER: Yes.

15 THE COURT: Okay. We're dealing with four letters
16 here.

17 MR. PALMER: Uh-huh. They were -- okay, and you're
18 saying I can't testify. All right, ma'am.

19 THE COURT: Well you've got to decide. I'm saying
20 you can testify, but you've got to decide if you're going to
21 or not.

22 MR. PALMER: No. My religious beliefs won't allow
23 me to, ma'am. Thank you.

24 THE COURT: What won't allow you to?

25 MR. PALMER: My religious beliefs.

1 THE COURT: Okay. I don't know any religion that
2 says a person cannot testify.

3 MR. PALMER: Okay, ma'am, well if you would want to
4 discuss it later --

5 THE COURT: Oh, no, no, we're not going into
6 religion here.

7 (LAUGHTER)

8 MR. PALMER: Okay. That's fine. That's why --

9 THE COURT: We're dealing with the facts in terms of
10 why this injunction should or should not issue.

11 MR. PALMER: Uh-huh.

12 THE COURT: Do you have any other questions
13 regarding the four letters?

14 MR. PALMER: Yes, I do. And I would like to preface
15 it by asking, and if the Court will bear with me, I know I
16 seem to be trying the Court's patience.

17 BY MR. PALMER:

18 Q Melody, you've heard Shakespeare's quote, "Methinks
19 the woman doth protest too much"? Yes?

20 A Yes, I have heard that.

21 Q Is it possible that if the things that I wrote in
22 the letter were true, and hit home, that the reason you're
23 upset is just because, as Shakespeare said, they're true?

24 A You have falsely accused me, and you have lied about
25 me. You are wrong.

1 Q Was that a yes or a no. Is it possible that the
2 things I said might be true --

3 A No.

4 Q -- and that's -- they're not? Okay.

5 A It is not possible, and they are completely false on
6 every level, and you have falsely accused me and brought in
7 other people in your false accusations.

8 MR. PALMER: I don't think I have anymore questions,
9 Your Honor.

10 THE COURT: Okay.

11 Do you have witnesses that you wish to testify or,
12 in your behalf regarding this injunction?

13 MR. PALMER: Yes. I would like to call Greg Bodine.

14 THE COURT: Okay.

15 Mr. Bodine, if you'd come up to the witness stand,
16 please. Up here. And if you'd raise your right hand,
17 please?

18 GREG BODINE, DEFENDANT'S WITNESS, SWORN

19 THE COURT: Please have a seat, sir.

20 DIRECT EXAMINATION

21 BY MR. PALMER:

22 Q Mr. Bodine, you were concerned about the Prescott
23 Police Department and their -- well, did the Prescott Police
24 Department contact you regarding the letter addressed to
25 Ms. Thomas-Morgan?

1 A Yes, they did.

2 Q And do you have copies of the police report that
3 they've released so far?

4 A I got copies up to a point, but then they, there was
5 an update which they wouldn't allow because it's under
6 investigation so I did not receive that I don't think.

7 Q And at one time were you, to the best of your
8 knowledge, considered a suspect in their investigation?

9 A Yes.

10 Q And you've read the police, the Prescott Police
11 Department report?

12 A All that I was given, yes.

13 Q And was there anything incorrect or untruthful about
14 the report regarding your conversation with Officer Dan
15 Murray?

16 A Yes, sir.

17 Q Do he leave out anything of significance?

18 A Yes.

19 Q And did you call about that?

20 A You mean, after the conversation?

21 Q Yes?

22 A No, I didn't.

23 Q Did he ask you if you knew someone who refers to
24 himself as Jeremiah, the weeping prophet?

25 A Yes, he did ask that.

1 Q And according to the police report it says that you
2 replied that it was Mike Palmer; is that correct?

3 A No, that is false.

4 Q Do I refer to myself as Jeremiah, the weeping
5 prophet?

6 A No, sir, you do not.

7 Q And how long have you known me?

8 A Sixteen years.

9 Q Where does this, this Jeremiah, the weeping prophet,
10 thing come from? Well, I won't lead. You can't --

11 A Oh, it's common in Christendom. Jeremiah was the
12 prophet known for weeping over the sins of Israel, and that
13 was his hallmark as one of the prophets.

14 Q And does that description fit me?

15 A No, I don't think so. I don't think I've ever seen
16 you cry.

17 Q Now could it possibly fit anybody else?

18 A Oh, many people. That's a common motif among
19 Christian leaders. They'd liken themselves to, in heart, to
20 weeping over the sins of God's people. It's a universally
21 common motif.

22 Q You know what your wife's maiden name is; correct?

23 A Yes, sir.

24 Q And you saw the police report where she said her
25 maiden name was Thomas-Morgan?

1 A Yes, I did see that.

2 Q Did -- in your opinion did that seem foundational
3 to her claim as to who the letter writer was?

4 A It's typical.

5 Q In fact it was right in the second paragraph of the
6 first narrative; correct?

7 A It's somewhere very early on. I really don't
8 recall.

9 Q And you obtained a copy of your marriage license
10 because you don't --

11 A Yes.

12 Q -- you don't have one in your possession?

13 A Right.

14 Q And you've seen this. Is this a true and accurate
15 copy?

16 A Yes, it is.

17 Q And what is your wife's maiden name?

18 A Eells, E-E-L-L-S.

19 Q And you wrote to Chief Oaks (phonetic) of the
20 Prescott Police Department with this information?

21 A I did.

22 Q And did you receive a letter from him?

23 A I did.

24 Q And I have a copy of this. Is it a true and
25 accurate copy of this letter?

1 A Yes, it's an accurate -- that's a copy.

2 MR. PALMER: Ma'am, I don't want to upset you.
3 What's the proper protocol? Would you like me to have
4 Mr. Bodine read what Chief Oaks said. Would you like me to
5 read it?

6 THE COURT: I don't have a copy of any letter
7 from --

8 MR. PALMER: How do I enter this into evidence?

9 THE COURT: -- Chief Oaks.

10 You ask that it be marked. You show it to
11 Ms. Bodine. You show it to the defendant.

12 MR. PALMER: Okay.

13 THE COURT: Or, excuse me, I'm sorry; to the witness
14 and if that's a copy of the letter that he got.

15 MR. PALMER: Okay. Then I would like to do what you
16 just said.

17 THE COURT: Well then do that.

18 (LAUGHTER)

19 MR. PALMER: Ma'am, I would like to enter that
20 letter from Chief -- a copy of that letter from Chief Oaks
21 into evidence.

22 BY MR. PALMER:

23 Q And Mr. Bodine, now that you have a copy of the
24 letter, is that a true and accurate representation of the
25 original?

1 A Yes, it is. It's a photocopy.

2 Q Okay. And since now I'm going from memory, I think
3 it's the third paragraph in there --

4 THE COURT: Well, wait a minute. Wait a minute.

5 Ms. Bodine, do you have any objection to the letter
6 being admitted into evidence?

7 MS. BODINE: There appears to be quite a bit of
8 confusion over my name. Everyone's got it wrong, so it's, I
9 do object.

10 THE COURT: Okay.

11 MS. BODINE: So, I don't know what the deal is with
12 my maiden name, my married, my future name, but however you
13 want to proceed. But, yes, I do object.

14 THE COURT: Okay.

15 Well now the Court will go ahead and admit the
16 matter into evidence and give it the weight that it should be
17 given.

18 (DEFENDANT'S EXHIBIT 1 ADMITTED)

19 MS. BODINE: May I also say that the officer that
20 took the report is present. I said that before, but just so
21 that, that is the officer that took the report.

22 THE COURT: Yeah.

23 MS. BODINE: If there's a question.

24 BY MR. PALMER:

25 Q And so Mr. Bodine, if I recall correctly, Chief Oaks

1 after became aware of this new evidence, if you will, that
2 apparently was not corrected until he got your letter, what
3 does he conclude -- I see it now, the third paragraph. What
4 is his conclusion now as to who wrote the letter? If you
5 want to just read it.

6 A I may --

7 THE COURT: And who wrote the letter?

8 THE WITNESS: If I may just read, Chief, I'll just
9 read it verbatim.

10 BY MR. PALMER:

11 Q He's the chief of police.

12 A The fact that, paragraph 3, Chief, reading Chief
13 Oaks' letter,

14 "The fact that the harassing letter sent to your
15 former wife in November 2008 was addressed to
16 Ms. Thomas-Morgan would indicate the suspect knew
17 her name from more than 25 years ago. Since
18 marrying you she has used the last name Bodine."

19 Q And Mr. Bodine, how long have I known your wife?

20 A The same as me, 16 years.

21 Q Do you have any reason to believe that I knew your
22 wife before you married your wife?

23 A No.

24 Q So then just to be quick. I haven't known your wife
25 for 25 years, as Chief Oaks --

1 A No.

2 Q -- refers to. Okay.

3 Mr. Bodine, back to the police department report.

4 MR. PALMER: Your Honor, I would like to enter these
5 four pages into evidence. These are pages that Mr. Bodine
6 has reviewed very carefully, and he can testify as to what he
7 did hear. She has redlined substantial errors in the police
8 report that bear the, who the police, well their
9 investigation of who wrote this letter.

10 THE COURT: I've got a copy of the police report.
11 That's already in the file.

12 MR. PALMER: Okay. Well this is a redlined one.

13 THE COURT: Well, that, then you've got to bring out
14 in testimony with him.

15 MR. PALMER: Okay. May I approach him and give him
16 a copy of it?

17 THE COURT: That's fine.

18 MR. PALMER: Thank you.

19 UNIDENTIFIED MALE: This is what the gentleman
20 handed you before he got on the stand, sir?

21 THE WITNESS: Yes.

22 BY MR. PALMER:

23 Q Mr. Bodine, looking at your comments, what are you
24 looking at there?

25 A I'm looking at a copy of the police report that

1 pertains to the conversation I had with Officer Dan Murray,
2 and the officer's report of that conversation, and then my
3 redline of the things that were false in the report from that
4 conversation.

5 Q And as I understand it, some of the things that you
6 have said are false are germane to determining who could have
7 written this anonymous letter to Ms. Thomas Morton?

8 A Yes, sir.

9 Q So how should I best to handle this?

10 A May I just --

11 Q Well, would you, yeah, would you please go through
12 what you consider substantive in this matter of determining,
13 well for instance whether I could have written the letter
14 since I'm the one being accused, and correct whatever you
15 think needs to be corrected.

16 A Okay. Well, there are six items that I marked in
17 red, one that was substantial but was left out of the report,
18 and two of these things are not maybe germane to the identity
19 of who wrote the letter. Maybe I could just go through them
20 all?

21 The phone call was not at 10:45. It was about 11.
22 That's not so substantial but it's a factual matter.

23 It says, I'm reading, "I asked him," Greg, "if he
24 knew a Jeremiah that would send this letter to Melody Bodine,
25 and his reply was no.

1 I asked him if he knew someone that referred to
2 himself as Jeremiah, the weeping prophet. Greg Bodine
3 replied, "Michael Palmer." That is false. I did not say
4 that.

5 Third, he said that, okay, he reads, in the letter
6 he cites in the letter, "I informed her that she
7 intentionally does not" -- oh, no, excuse me.

8 "I asked Greg Bodine if a sentence from
9 the letter or card, 'He still loves, cries for
10 her, pines for her, and prays for her' was
11 correct. He said that it was, except that he
12 no longer pined for her."

13 That statement is not, that's not true either. That
14 is not what I said.

15 Fourth, it says, "He would take Melody back." That
16 is, I did not say that either.

17 Fifth, "He stated that his church has no name
18 because it is against their Biblical teachings." My, I go
19 to Prescott Presbyterian Church. I've been going there for
20 two years. It, that's the name of the church. I don't know,
21 I did not say this.

22 Sixth, "He stated that he thought, you know, contact
23 was okay." That is not true. That is not what I said
24 either.

25 And seventh, "He asked me if Michael Palmer could or

1 would do this, and I said no, he would not. He could not
2 write this letter." And that was left out of the report.

3 I stressed that it was definitely not Michael Palmer
4 that could have or would have written this letter. So he
5 left out that germane fact also that I think should have been
6 entered in here.

7 Q Now, because I'm not a lawyer, I'm going to go ahead
8 and shoot myself in the foot. Has -- the claim is, by your
9 wife, and hearsay to your daughters, that I called myself
10 Jeremiah, the prophet. Have you ever heard me refer to
11 myself as Jeremiah, the prophet?

12 A I -- to my best of my knowledge, no, you never said
13 that.

14 Q And here's where I'll shoot myself in the foot.
15 Have I said that, "I have a Jeremiah-like ministry where my
16 ministry, like Jeremiah's, is to undermine, tear down,
17 destroy, overthrow, and then plant and rebuild," quoting
18 Jeremiah 1:8?

19 A Yes, and referring to your ministry in the matter of
20 the Mormons, you've described that that part of Jeremiah's
21 ministry is likened to yours, but only that part.

22 THE COURT: Anything further, Mr. Palmer?

23 MR. PALMER: Oh, I'm sorry, Your Honor. I just, I
24 prepared for quite a different trial. And yes, I think I
25 have some more questions. And I won't be able to find them

1 until after the fact, I don't think.

2 THE WITNESS: May I make a comment?

3 THE COURT: No. You only respond to questions.

4 MR. PALMER: I guess, Your Honor, I will have to say
5 no more questions at this time.

6 THE COURT: Mr., Ms. Bodine, do you have some
7 questions?

8 MS. BODINE: No, I don't have any questions.

9 THE COURT: No questions? Okay.

10 Okay. And you can have a seat, sir.

11 THE WITNESS: Yes, ma'am. Sit in the chair or --

12 THE COURT: You can take -- that you can give back
13 to Mr. Palmer.

14 Mr. Palmer, do you have another witness?

15 MR. PALMER: Yes, I would like to call Mr. John
16 Sprunger, please.

17 THE COURT: Do you want to come up and have our,
18 raise your right hand, please?

19 JOHN SPRUNGER, DEFENDANT'S WITNESS SWORN

20 THE COURT: If you'd come up here, sir, and I didn't
21 catch your name, so if you could state it and spell your last
22 name for the record?

23 THE WITNESS: John (indiscernible - off mic)
24 Sprunger, S-P-R-U-N -- I'm sorry. S-P-R-U-N-G-E-R.

25 THE COURT: Okay. Thank you, sir.

1 Mr. Palmer.

2 DIRECT EXAMINATION

3 BY MR. PALMER:

4 Q John, you're a -- and they say you should never ask
5 a question you don't know the answer to, but you're involved
6 in Christian ministry, is that correct?

7 A That's correct.

8 Q Do you warn people about sin?

9 A Sure.

10 Q Do you talk about hell?

11 A Absolutely.

12 Q Are they unpleasant things?

13 A Of course.

14 Q Do you do it because you hate them?

15 A Yes.

16 Q Oh --

17 A Because I hate people or because I hate hell?

18 Q No, okay, I'm sorry.

19 (LAUGHTER)

20 BY MR. PALMER:

21 Q Let me -- your motive for talking to people about
22 sin or talking to people about hell; would you explain your
23 motives for doing that, please?

24 A I believe that there is a heaven to gain and a hell
25 to shun.

1 Q So just to be clear, you are not doing this to
2 harass people?

3 A Oh, no.

4 Q What did Jesus say in the Bible would happen to
5 people who --

6 THE COURT: Wait, wait, wait, wait, wait, wait.

7 We aren't in church. This isn't a Sunday thing.
8 What does this --

9 MR. PALMER: Okay.

10 THE COURT: -- have to do with the injunction?

11 BY MR. PALMER:

12 Q Have people ever made false accusations about you
13 for the harsh things that you may tell them?

14 A Well sure.

15 Q Have you tried to rebuke Melody yourself?

16 A I've not been allowed to.

17 Q Have there been occasions where Melody Bodine
18 adversely reacted at you for things that you did?

19 A Yes.

20 Q Would you explain what --

21 THE COURT: Where are we going?

22 MR. PALMER: Well I'm trying to demonstrate, ma'am,
23 that again we're back to Shakespeare, that --

24 THE COURT: No, we're back to Bodine v. Palmer.

25 MR. PALMER: All right.

1 Okay. I can't think of anymore questions.

2 THE COURT: Okay.

3 You can step down.

4 THE WITNESS: Thank you.

5 THE COURT: Anyone else, Mr. Palmer?

6 MR. PALMER: Oh, I'm sorry.

7 No, I don't think so.

8 THE COURT: Okay.

9 Anyone else that you wish to call, Ms. Bodine?

10 I did want the officer to talk some about his report
11 and his contact, but I thought if you wanted to call him
12 first, that's fine, or I'll just ask him to come up and ask
13 him some questions, and then both of you can follow up with
14 any questions you might have. But I thought I'd see first of
15 all if there was anyone else that --

16 MS. BODINE: I think that at the time I provided
17 sufficient and substantial evidence, and I'm going to leave
18 it at that.

19 THE COURT: Okay.

20 MS. BODINE: I believe that I -- it would be helpful
21 if I explained the name thing --

22 THE COURT: Yeah, I was going to come back and --

23 MS. BODINE: -- at any point in time, and then also
24 just one more point on the letters that I would like to make.

25 But, no, I do not have anyone that I want to call as

1 a witness. However, if there's any need to confirm testimony
2 today, they are available.

3 THE COURT: Well Officer, would you come up, please?

4 OFFICER DAN MURRAY, COURT'S WITNESS, SWORN

5 THE COURT: Okay. Please have a seat.

6 And it's Officer Murray, is that right?

7 THE WITNESS: Yes.

8 THE COURT: Okay. With Prescott PD?

9 THE WITNESS: That's correct.

10 THE COURT: Okay.

11 QUESTIONS BY THE COURT

12 THE COURT: Let me see. Did you look at a copy of
13 your report and the follow-up report that you filed in this?
14 Let's see. It was actually a contact by Ms. Bodine, right,
15 regarding a letter she got?

16 THE WITNESS: Yeah. I'm familiar with it. I
17 haven't read it lately but I'm familiar with it.

18 THE COURT: Okay. And at that time did she explain
19 to you why she thought that Mr. Palmer was the one who had
20 sent her that letter?

21 THE WITNESS: Yes, she did.

22 THE COURT: What did she tell you at that time?

23 THE WITNESS: She had known Mr. Palmer for several
24 years as a friend of the family while they were married,
25 while she was married to Mr. Bodine, and she knew him as, he

1 referred to himself as Jeremiah, the weeping prophet, and she
2 said that, you know, everyone in her family knows that's who
3 Jeremiah, the weeping prophet, is.

4 THE COURT: Okay. And you contacted Mr. Bodine;
5 right?

6 THE WITNESS: That's correct.

7 THE COURT: Okay. And what did he tell you
8 regarding the name on that, Mr. Palmer and whether he went by
9 that name?

10 THE WITNESS: Yeah, I asked him if he knew someone
11 that went by the name of Jeremiah, the weeping prophet, and I
12 believe where the confusion lies is they call him Peter.
13 They use his middle name as Peter Palmer.

14 THE COURT: Oh, okay.

15 THE WITNESS: But his true original name is Michael
16 Palmer, Michael Peter Palmer.

17 THE COURT: Okay.

18 THE WITNESS: I think that's where they get the
19 confusion.

20 THE COURT: And you've had training in terms of
21 writing reports and --

22 THE WITNESS: Yes.

23 THE COURT: -- and investigation. When did you
24 write the report compared to when you talked to Mr. Bodine?

25 THE WITNESS: Within a day.

1 THE COURT: Okay. And did he make any comments to
2 you in terms of who he thought may have written the letter or
3 the name, Jeremiah, the weeping prophet?

4 THE WITNESS: He told me who he knowed (sic)
5 Jeremiah, the weeping prophet was, and he has contact with
6 Mr. Palmer, and he would have Mr. Palmer return my phone
7 calls, and as far as the letter, he did not know who wrote
8 the letter.

9 THE COURT: Okay. Did he indicate anything about
10 his knowledge of whether Mr. Palmer had ever gone by the name
11 of Jeremiah, the weeping prophet, or referred to himself that
12 way?

13 THE WITNESS: Yeah, he did.

14 THE COURT: And what did he say on that?

15 THE WITNESS: When I asked him who, if he knew
16 someone that went by the name Jeremiah, the weeping prophet,
17 he said his friend, Peter Palmer.

18 THE COURT: Okay. And you heard his testimony today
19 that, no, Mr. Palmer doesn't go by that name?

20 THE WITNESS: What he testified, from my memory, is
21 he said he didn't say Michael Palmer.

22 THE COURT: Okay. Because he's using Peter?

23 THE WITNESS: That's --

24 THE COURT: Okay.

25 THE WITNESS: That may be where the confusion is

1 from. It's a --

2 THE COURT: Okay.

3 And do you have any questions based, you know, of
4 the officer, ma'am?

5 MS. BODINE: No, I don't.

6 THE COURT: Do you have any questions, Mr. Palmer?

7 CROSS-EXAMINATION

8 BY MR. PALMER:

9 Q Officer Murray, when you do these interviews, do you
10 record them?

11 A No, I do not.

12 Q If you knew that Mr. Bodine had a recording and had
13 corrected the record, would you say that his record is better
14 than your record?

15 A Sure, he can submit that as evidence.

16 Q Okay. Was it your sense that Mr. Bodine was playing
17 games with you when you asked him and dicing words or, with
18 Peter Palmer versus Mike Palmer?

19 A At the time I didn't know the name was Michael
20 Palmer, and, no, I didn't think he was playing games. I
21 thought he was very, very straightforward, very concerned
22 about the letter.

23 Q When people talk to police officers, would you say
24 that they are tense?

25 A No.

1 Q That's not your experience?

2 A He's at his home. He's in a very comfortable
3 setting. He's in no danger of being arrested.

4 Q Well he doesn't know that. A police officer's
5 calling about a letter that he gets an email his wife says is
6 a death threat?

7 THE COURT: What's the question though?

8 BY MR. PALMER:

9 Q So you're -- with that information, you still don't
10 think that people, that he might have been tense having a
11 police officer call him?

12 A I was not calling him in a threatening manner at
13 all.

14 Q Okay. Is it unreasonable for people to recall
15 things or remember things after someone has, after they've
16 been interrogated? In other words, you interrogate someone
17 for a half hour, and then a day later they think of something
18 else that they forgot, or maybe they said incorrectly they
19 want to correct; that happen?

20 A Yes, that's happened.

21 Q You're a sworn police officer?

22 A Yeah, at this time I'm a retired sworn police
23 officer, and I'm a civilian desk officer now.

24 Q Did Chief Oaks come to you and mention this, that
25 Melody's maiden name was not Thomas-Morgan?

1 A The chief did not.

2 Q Did you have information that, has information come
3 to you since your initial narrative that Melody's maiden name
4 is not Ms. Thomas-Morgan?

5 A Yes.

6 Q Has that changed the focus of your investigation?

7 A No.

8 Q It was not foundational that her maiden name was
9 Thomas-Morgan?

10 A No.

11 Q Can you explain to me why it wasn't foundational
12 that her name was Thomas-Morgan?

13 A The suspect apparently know that her name is
14 Thomas-Morgan, and that is the important part.

15 Q So then do you reject Chief Oaks' assessment that
16 the letter writing must have known Melody from 25 years ago?

17 A That's not what the statement said.

18 Q Chief Oaks'?

19 A Correct.

20 Q Okay. Did you consider the possibility that Melody
21 wrote the letter?

22 A Yes.

23 Q And how did you investigate that?

24 A Through normal police matters.

25 Q You interviewed her?

1 A Yes, I did.

2 Q Was that in the narrative?

3 A No.

4 Q Any particular reason that it wasn't in the
5 narrative?

6 A It's not reasonable.

7 Q That she wrote the letter?

8 A Correct.

9 Q She brought you samples of my style of writing; is
10 that correct?

11 A I believe so, yes.

12 Q Okay. So then it's not reasonable that someone with
13 large quantities of my style of writing could copy that
14 style?

15 A She brought those writings at my request, and that
16 was because of the city attorney's request.

17 Q I understand, but she had --

18 A Apparently, yes.

19 Q Okay. And so it's not -- is it reasonable that
20 somebody with large quantities of my style of writing could
21 parrot my style? You have -- let me ask it, give it to you
22 this way. If she did not have any exemplars of my style of
23 writing, then it would be highly improbable that she could
24 parrot my style of writing; right? She couldn't make up a
25 letter to herself that -- in my style because she wouldn't

1 have any exemplars to go by?

2 A I would guess that would be correct.

3 Q Okay. And so, conversely, if she has lots of
4 examples to go by, she could get a closer facsimile of how I
5 write?

6 A That'd be correct.

7 Q Okay. Okay. So that would account for stylistic.
8 Did she show you any letters from her -- that I sent to her
9 daughters? And I'll be more specific. I sent both Sarah and
10 Diane cards for graduation, high school graduation. Did she
11 show, did Ms. -- did Melody show you those?

12 A Not to my knowledge.

13 Q Okay. If I told you that I hand wrote graduation
14 cards, and so that she had exemplars of my handwriting, would
15 that -- how would that affect the theory that perhaps she
16 wrote a letter to herself and mimicked my handwriting on an
17 envelope?

18 A I guess if you signed it Jeremiah, the weeping
19 prophet, and the signatures matched, that would be very
20 relevant.

21 Q But that wasn't on the envelope. I'm talking about
22 the envelope itself that's addressed to Ms. Thomas-Morgan?

23 A I didn't compare the hand writing, I don't believe.

24 Q Oh, okay, okay. Did you consider anyone else could
25 have written the letter? Well, did you consider anyone else

1 could have written the letter?

2 A Yes.

3 Q And may I ask who those people were or could you
4 give me a few examples?

5 A Considered Mr. Palmer. I considered Mr. Bodine.

6 Q Oh, I said anyone else. We know that from your
7 police report already. Anyone -- you told me, or you told
8 the Court that you did consider Melody but it's not in your
9 narrative. You dismissed it. Anyone else that you may have
10 considered and didn't write in your narrative and dismissed?

11 A No.

12 Q Okay. Do you think David Knight -- well do you know
13 who David Knight is?

14 A No, I do not.

15 Q Okay. If I told you that David Knight and Melody
16 Bodine were close companions, and therefore David Knight
17 would have access to exemplars, and might have motive to do
18 such a thing because of, frankly, I've said some Biblically
19 true things about him. Would you consider him as a, as the
20 letter writer?

21 A I'm a little lost at your question, but I don't
22 believe that it was introduced to him as a suspect.

23 Q Okay. And who introduced all the suspects to you?

24 A Melody Bodine.

25 Q Okay. And if David Knight is her close companion,

1 then it's probably unlikely that she would, in your
2 experience as an officer, as an investigator, it's unlikely
3 that she would finger David Knight? In other words, if David
4 Knight wrote the letters and she knew it, she's not likely to
5 tell you that; correct?

6 A She wouldn't be likely to present it to me.

7 Q Well perhaps it's -- well, okay. There might be
8 motives. So basically all your suspects are driven by what
9 Melody thinks?

10 A It's driven by the writer of the letter and his
11 statements.

12 Q Okay.

13 MR. PALMER: I think, I think those are all my
14 questions.

15 THE COURT: Ms. Bodine, do you have anything?

16 MS. BODINE: No, I do not.

17 THE COURT: Thank you for coming in, Officer.

18 THE WITNESS: Thank you.

19 THE COURT: And you can be excused if you wish to go
20 about your business.

21 THE WITNESS: All right. Thank you.

22 THE COURT: Okay.

23 Okay. Ms. Bodine, is your son-in-law here?

24 MS. BODINE: Yes, ma'am.

25 THE COURT: Okay. Sir, could you come up for a

1 moment?

2 MR. SHOEMAKER: I could.

3 THE COURT: Okay. And you are son-in-law now;
4 right?

5 MR. SHOEMAKER: Yes.

6 THE COURT: Not future, okay?

7 MR. SHOEMAKER: Yes.

8 THE COURT: And if you'd raise your right hand?

9 RYAN SHOEMAKER, COURT'S WITNESS, SWORN

10 THE COURT: Okay. Have a seat here, sir, and if you
11 could state your name and spell your last name for the
12 record?

13 MR. SHOEMAKER: My name is Ryan Shoemaker. The last
14 name is spelled S-H-O-E-M-A-K-E-R.

15 QUESTIONS BY THE COURT

16 THE COURT: Okay. And you're son-in-law to
17 Ms. Bodine; right?

18 THE WITNESS: I am.

19 THE COURT: And I don't know dates, but did you
20 receive a letter that was signed by Mr. Palmer?

21 THE WITNESS: Yes, I did.

22 THE COURT: Okay. And the -- had you met Mr. Palmer
23 before that?

24 THE WITNESS: No, I didn't.

25 THE COURT: Okay. So you'd never met him until

1 today?

2 THE WITNESS: No.

3 THE COURT: Okay. What, okay, and have you heard
4 about him --

5 THE WITNESS: No, I was very --

6 THE COURT: -- from anybody in the family?

7 THE WITNESS: No. I was very surprised to get a
8 letter. I've not heard his name mentioned before, so.

9 THE COURT: Okay. What was it that -- there was a
10 signature on the letter; right?

11 THE WITNESS: I believe so.

12 THE COURT: And was it --

13 THE WITNESS: I haven't looked at it in a long time.

14 THE COURT: Okay. I -- what I was wondering was why
15 you thought that letter was from Mr. Palmer?

16 THE WITNESS: He put a picture of himself on it.

17 THE COURT: Okay. And the picture that was on that
18 letter, is that the same person that you see here?

19 THE WITNESS: Well, from what I could tell, he had
20 like a black eye and a bloody nose on it.

21 THE COURT: Okay. Okay. Other than that, facial
22 characteristics --

23 THE WITNESS: Yeah, I think it could be, essentially
24 the same person.

25 THE COURT: -- were the same? Okay.

1 heard that you work for some type of Christian missionary
2 organization?

3 A No, I work for Prescott (indiscernible).

4 Q Well, okay. Isn't that a missionary type of thing?

5 A No, we consider ourselves just a conference center
6 kind of thing. Not -- missions isn't really implied in our
7 statement.

8 Q So, did you warn people about heaven and hell as
9 a --

10 A I do.

11 Q Okay. Is that always pleasant to tell people about
12 their eternal destiny if they're not saved?

13 A No, but I believe it's very necessary and produces
14 some good thinking on their part.

15 Q Do they get angry, the ones who aren't repentant, do
16 they ever get angry at you and say unkind things about you?

17 A No, but I mostly work with children. They don't
18 tend to like to get angry with adults in a visible manner, so
19 I haven't experienced that.

20 Q Do you know other missionaries?

21 A I do.

22 Q Did it surprise you that you referenced the picture
23 here. Did it surprise you that I had gotten punched in the
24 eye by an angry Mormon gal?

25 A I guess I didn't know anything about you or what you

1 do. People get punched. It happens. I was more surprised
2 that someone whose goal was to minister to people would push
3 someone to the point where they got punched in the face, and
4 then I was even more surprised that you would include that
5 you would include that picture in the very first
6 communication we had with each other.

7 Q So you're not so -- well you said the word pushed,
8 okay. And you talked when you gave your testimony about what
9 was in the letter you said that there were suppositions --

10 A Uh-huh.

11 Q -- that I had made about Melody. Would it be fair
12 to say you just made a supposition about me then about
13 getting punched in the face?

14 A If I remember correctly, I haven't, again, I haven't
15 read the letter in a while, and you mentioned something about
16 ministering to Mormons and at the time when you'd do that
17 sometimes they'd become angry and punch you in the face.

18 And to my knowledge, people don't do that without
19 cause, without being pushed to that point, so I just --

20 Q Okay. I guess I'm not fresh because I didn't know
21 we were going to be going over these letters. What
22 specifically, do you remember what specifically you were
23 upset about what I said about Melody?

24 A Let's see. I believe some of the things were to her
25 and David Knight having an improper inappropriate

1 relationship, him being a wolf in sheep's clothing, that kind
2 of thing, her having committed adultery, questioning her
3 salvation. Those are some of the things I remember off the
4 top of my head.

5 Q Okay. A wolf in sheep's clothing, is that a -- well
6 the judge doesn't like Biblical stuff. Is that a Biblical
7 quote?

8 A I'm -- to my knowledge I haven't read it in the
9 Bible, but it sounds very familiar. If not, then I'm sure
10 you could find a version where it says that.

11 Q Is it possible I could be correct about that, that--

12 A I don't believe so.

13 Q Is it possible?

14 A No.

15 Q It's not possible at all?

16 A That David Knight could be a wolf in sheep's
17 clothing?

18 Q That's correct.

19 A No.

20 Q Oh, that's interesting. Okay. And I'm working on
21 Old Timer's. You said a wolf in sheep's clothing. What were
22 some of the other things you -- that last one was about David
23 Knight, well about Melody.

24 A Yes, but in reference to their relationship was what
25 alarmed me.

1 Q Have you talked to aside -- okay, again, could it be
2 true that Melody and David Knight have an improper
3 relationship?

4 A No.

5 Q Have you talked to Mr. Bodine about that?

6 A No.

7 Q Have you talked to any of the family friends about
8 that?

9 A About their relationship?

10 Q About their relationship, yeah?

11 A Yes, I've spoken to my wife, Melody --

12 Q Oh, the family, okay, I'm sorry. Long -- let me
13 rephrase that then, or re-ask it. Long-time family friends?

14 A Of my personal family, not the Bodine family?

15 Q No, no, of the Bodines?

16 A Oh, not to my knowledge.

17 Q Would it surprise you to know that other people do
18 think that they have an inappropriate --

19 THE COURT: Sir. I don't care.

20 MR. PALMER: All right.

21 THE COURT: And it's irrelevant to the injunction if
22 they're having an affair or not.

23 BY MR. PALMER:

24 Q Okay. So then what you're telling me, Ryan, is
25 that, if I may paraphrase, and you correct if I'm

1 (indiscernible), that you're upset with the letter because
2 you think that my perceptions are incorrect?

3 A Your perceptions of Melody?

4 Q Yeah?

5 A Yes.

6 Q Okay. If, and if they were proved to be correct
7 someday, then you would change your perceptions of my letter?

8 A I guess. It's kind of hard to prove that someone's
9 not --

10 Q Yeah, we'll call it a hypothetical. If someday my
11 allegations are proved true, then you would reverse your
12 current position?

13 A In the light of facts, yeah.

14 Q And repent? Okay. All right. Thank you.

15 THE COURT: Anything, Ms. Bodine?

16 MS. BODINE: No, ma'am.

17 THE COURT: You can step down. Thank you.

18 Ms. Bodine, I wanted to check with you regarding if
19 there's anybody else here who's had any personal contact from
20 Mr. Palmer regarding you?

21 MS. BODINE: My boss has I believe received a phone
22 call from him, and my pastor received a letter from him,
23 Pastor Knight, one of the pastors at First Baptist Church. I
24 don't recall if he's had any personal contact with
25 Mr. Palmer. So that would be the three here.

1 THE COURT: Okay. Have -- has he approached you in
2 terms of the -- well, I don't know what to describe, the
3 accusations that are made in the letters to you, has he
4 approached you in person and made those accusations?

5 MS. BODINE: No, I have had, and would not have made
6 myself available --

7 THE COURT: Okay.

8 MS. BODINE: -- to receive that, so no.

9 THE COURT: I didn't know, you know, if the process
10 that had been gone through with the divorce, if -- the
11 letters seemed so adamant that I wondered if he had done that
12 in person also?

13 MS. BODINE: Well, I will say this. It was not in
14 person, but in one of our hearings when I walked in he did
15 loudly quote a Bible verse about a woman being weighed down
16 with sin, and most of the people in the Courtroom did know
17 that that was in reference to me, so it wasn't to me
18 directly, but it was obviously meant for my ears to hear.

19 THE COURT: Okay. And when he said that, was he
20 looking at you?

21 MS. BODINE: No, he was standing up and saying it
22 quite loud as I walked into --

23 THE COURT: Okay.

24 MS. BODINE: -- the courtroom.

25 THE COURT: And you took it as being addressed you

1 to?

2 MS. BODINE: Several people did, and a person
3 actually talked to him, to my understanding.

4 THE COURT: Okay. Anything further that you wish to
5 present, Ms. Bodine?

6 MS. BODINE: I would like to state two things.
7 First of all, during my trial, or a hearing regarding the
8 divorce, I was asked if I wished to go to my maiden name, and
9 so I would like to make a statement here to clear up the
10 things regarding my name.

11 I hesitated at that moment and my attorney said, "We
12 will get to this later."

13 The reason I hesitated is because Eells, Eels,
14 Elves (indiscernible), for 22 years I had to respell my name,
15 and it was a lot, so actually what I'm prefer to do is us my
16 father's name as my new last name, i.e. the Thomas-Morgan.

17 I have already taken steps to change my name. I
18 thought it was going to be done in the divorce, the
19 dissolution. It was not It was never brought back before
20 the Court by my attorney.

21 So I am Melody Ann Eells, my maiden name. My
22 married name is Bodine, and my name will be Thomas-Morgan.

23 The second think I'd like to say is one of the
24 reasons that all of these letters were presented is that
25 while he can claim he has not named himself as Jeremiah, the

1 weeping prophet, although I do have my daughters here if you
2 wish to ask them to our family that that is how he referred
3 to himself.

4 There are words, There are phrases. There are
5 ideas in that letter that was enclosed in the sympathy card
6 that are the exact same things that were written to these
7 other gentlemen that I passed through in QSN, Mr. Shoemaker,
8 Mrs. Shoemaker's father, and I will say that, no, I did not
9 write that letter.

10 Finally, in closing, no one has the right or
11 privilege to force their opinions, their belief, or their
12 convictions on another person and call that opinion, belief,
13 or conviction God's will. This is abuse in the name of
14 religion, and it should not be tolerated.

15 And I personally believe, as I have raised my
16 children, that belief and world view determine behavior.
17 When actions are determined by what one believes, therefore
18 it is clear that Mr. Palmer is a potential danger, and I am
19 asking and appealing to this Court today to stand with me and
20 say no to abuse, and no to harassment in the name of God. It
21 is unacceptable, and it will not be tolerated.

22 THE COURT: Mr. Palmer, do you have anything, any
23 other issues to raise --

24 MR. PALMER: Yes, ma'am.

25 THE COURT: -- regarding resumption?

1 MR. PALMER: Yes, ma'am, since Mrs. Bodine just
2 opened the door for religion and God, and the Court has shut
3 me down each time, but you've allowed her to go, I would like
4 to state for the record, ma'am, that this is a very dangerous
5 First Amendment issue. The Court knows from the evidence
6 submitted that I am a Christian evangelical minister.

7 Yes, it is my job to tell people unpleasant things
8 in the name of God.

9 I have not threatened anyone with any physical
10 violence. That would be un-Christian and un-Biblical. I
11 have, as Ms. Bodine said, I have not approached her at all.
12 I've been very circumspect because I believe in Biblical
13 headship (phonetic) to stay out of her marriage. It's not my
14 place. Where others have gone to rebuke her, long time
15 family friends, I have not.

16 It seems to me that we're on a very dangerous edge
17 here of First Amendment, not just freedom of speech but
18 freedom of exercise of religion. It is my religious duty as
19 an evangelist, and as a Christian who loves other Christians,
20 to warn people when they err. That is in the Bible, a main
21 in the Bible is full of people rebuking. In fact, it's a
22 command in both the Old and the New Testament that we are to
23 rebuke our neighbors when they were in sin and error.

24 Rebuking for sin may be uncomfortable. We do it
25 because we love others. We believe they are on their way to

1 hell if they do not repent.

2 Yes, sometimes you get punched in the face because
3 you tell people the truth. That is not harassment.

4 It would be harassment if they said, "I don't want
5 to hear it anymore." Mrs. Bodine has never approached me,
6 and never needed to because I never approached her, and told
7 me, "Don't talk to me. Don't come near me."

8 I never have, and she has testified to that.

9 Have I written to others about her? Yes. I could
10 write my comments about, pardon me, but the judge on her
11 website. That is not harassment. I'm entitled to my
12 opinions, as unpleasant as they may be to some.

13 To others here in the courtroom, my opinions or
14 assertions are 100 percent valid. And the Court, the State,
15 should not be in the business of weighing, you know, who is
16 the true Christian here, which is I fear where this is
17 apparently heading.

18 The issue of the name that Mrs. Bodine keeps trying
19 to obfuscate I think who, who the police have considered to
20 be a suspect is very, very important. Her statement to the
21 police that her name is Ms. Thomas-Morgan was on the first
22 page of the narrative and foundational to the whole claim as
23 to who wrote that letter.

24 And now Chief Oaks, contrary to what Officer Murray
25 said, Chief Oaks has gone 180 degrees around. You know, they

1 don't even know who the suspect is.

2 You can speculate all you want, but I hate to call
3 up innocent till proven guilty; it sounds so cliché-ish, but
4 that's what we're supposed to go by.

5 I'm surprised, Your Honor, that you're bringing in
6 the other letters that were not directly addressed, but I
7 would argue that the one to Ms. Thomas-Morgan was addressed
8 to nobody (sic), but in any event, the other letters were to
9 other people, and if where this Court is going is that a
10 person, doesn't have to be me, a person cannot write letters
11 to person A about person B without it being called
12 harassment? I'm not even sure how that plays into the law.
13 I thought it was an act, a series of acts directed at a
14 person.

15 I think -- that that is pretty much all I want to
16 say.

17 THE COURT: Have you heard the phrase, "The First
18 Amendment doesn't give you the right to yell 'Fire' in a
19 theater"?

20 MR. PALMER: Yes, ma'am.

21 THE COURT: There are restrictions on First
22 Amendment freedom of speech, and libel, slander are also a
23 part of that.

24 MR. PALMER: Uh-huh.

25 THE COURT: Speech is not totally free, and in

1 reviewing the letters written to the minister, to the
2 son-in-law, honestly, you're frightening. You seem to think
3 that your evangelicism gives you the right to make
4 accusations of any nature against people and send those out
5 to their friends, their relatives. It's amazing.

6 I see no reason for you to have any contact
7 whatsoever with Ms. Bodine.

8 And when I say contact, that means everything.
9 Nothing in person, in writing, by phone, email, text
10 messaging, messages through other people. Sending a letter
11 to the son-in-law, you certainly know that that's to her.

12 No faxing. You don't have any contact with her of
13 any kind. And that includes the children. That is the way
14 the order was written. You don't have any legal standing to
15 say that you should have contact with the children.

16 And given your statements about First Amendment, the
17 right to free speech and right to express your opinions, I
18 can't help but think you'd also express that opinion to these
19 minor children.

20 The order, the injunction against harassment as
21 issued by Judge Markham will stand, and that includes no
22 contact of any kind with Ms. Bodine or the minor children.

23 Do you have any question about what no contact
24 means?

25 MR. PALMER: Yes, ma'am, I do.

1 THE COURT: I figured.

2 MR. PALMER: Let me ask you, how would you like me
3 to handle this then? Let's say that I as a pro se choose to
4 civilly sue Mrs. Bodine? As I understand it, the rules
5 require that as a pro se, I send her the motion, copies of
6 motions and all pleadings and papers.

7 Are you saying that I'm restricted from doing that?

8 THE COURT: I am saying that you need to go through
9 an attorney.

10 MR. PALMER: So I have to bear a financial burden?

11 THE COURT: Well, any suit that you might have
12 against Ms. Bodine would be a superior court matter --

13 MR. PALMER: Uh-huh.

14 THE COURT: -- and in terms of a civil superior
15 court matter, you have to have an attorney.

16 MR. PALMER: Oh, I was not aware of that. Okay.

17 THE COURT: Okay?

18 That's, you know, we -- in this court we don't
19 handle issues of libel or slander, or the civil actions that,
20 any other civil action that could come that way, and those
21 all go through superior court, and they do require
22 representation. Okay?

23 Anything else regarding the no contact issue?

24 MR. PALMER: Should Mr. Bodine prevail in his appeal
25 for his divorce and be awarded custody of the children, how

1 will that affect what you've said today?

2 THE COURT: That will be something that the Domestic
3 Relations Court will handle. When they become, when they're
4 involved in a case, they take over everything, including
5 orders of protection, injunctions. Well, the injunction
6 would probably still remain here because you don't have
7 standing to argue custody or visitations rights, or anything
8 with regard to the children. Okay? But at this juncture
9 with it being the injunction, I'm ordering that you not have
10 any contact with them.

11 And I truly wonder about your motivation in doing
12 that, sir.

13 MR. PALMER: Well thank you.

14 One more question, ma'am. I'm not sure how the
15 umbrella that you're putting over me here. Let's say
16 hypothetically that I hear someone at First Baptist is
17 involved in some type of sin and I write to them. Am I now
18 guilty by association, because at this point in time Melody
19 attends First Baptist. Are you saying I cannot -- and I need
20 to know in advance who all the associates of Melody Bodine
21 are, because you said I wrote to Ryan?

22 THE COURT: I don't understand, sir.

23 MR. PALMER: Well you said I wrote a letter to Ryan
24 that I knew would get to Melody, and so the implication seems
25 to be that I must be aware, that you are requiring me to be

1 aware of anything that I send to anyone or any contact I
2 have, that if it somehow gets back to Melody then I'm in
3 violation of this injunction.

4 THE COURT: It kind of depends on how that's done,
5 and that's something for a hearing. If you were to be, end
6 up, if you were to be charged with violating a court order,
7 then that depends on those circumstances.

8 But, I don't know why -- it doesn't make any sense
9 to me, honestly, why you feel a need to contact other people
10 and tell them she's sinful, she's -- she's having a
11 relationship with her minister, or anything else. I don't
12 know what you feel that you have a right to be in there, and
13 quite honestly, it sure looks to me like you're setting
14 yourself up for a civil suit against it.

15 MR. PALMER: Well, ma'am, it's called love.

16 Thank you very much.

17 I understand I have 15 days to appeal this?

18 THE COURT: You have. We'll get you that
19 information in writing. We'll also get you a copy of the
20 order if you just remain here for a couple minutes, that's
21 why he handed me the papers, so I'd sign those and we can get
22 those to both of you today.

23 MR. PALMER: Is that 15 business days, or, or --

24 THE COURT: It's 15 days.

25 MR. PALMER: -- 15 days, okay. Thank you.

1 THE COURT: Okay.

2 Any questions, Ms. Bodine?

3 MS. BODINE: No. Thank you, ma'am.

4 THE COURT: Okay. And if you just remain here, or
5 at adjournment, but he'll go ahead and get you copies --

6 MR. PALMER: Thank you.

7 THE COURT: -- of everything, and the right of
8 appeal, and -- thank you.

9 (PROCEEDINGS CONCLUDED AT 10:27 A.M.)

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1 STATE OF ARIZONA)
2) SS:
3 County of Maricopa)

4 I, SALLY L. COLE, Certified Electronic Court
5 Transcriptionist, do hereby certify that the foregoing pages
6 1 - 70 constitutes a full, true and accurate transcript of
7 proceedings had in the matter of Bodine v. Palmer, heard on
8 April 9, 2009; as digitally recorded; before the Court of the
9 Honorable Mary Hamm.

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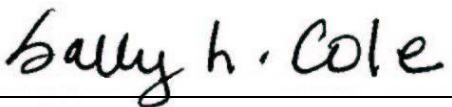
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Sally L. Cole

SIGNED and dated this 19th day of May,
2009.