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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
VS) No. 3:10-cr-00250
)
MATTHEW PAUL DEHART)

BEFORE THE HONORABLE ALETA A. TRAUGER, DISTRICT JUDGE

TRANSCRIPT OF PROCEEDINGS

February 22, 2016

APPEARANCES :

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The above-styled cause came to be heard on February 22, 2016, before the Hon. Aleta A. Trauger, District Judge, when the following proceedings were had at 11:38 a.m. to-wit:

THE COURT: Good morning. We're here on sentencing in United States versus Matthew Paul Dehart. We have Lynne Ingram and Jimmie Lynn Ramsaur for the government and Tor -- let me see. Do we have Frederic Jennings?

MR. EKELAND: Tor Ekeland, Your Honor --

THE COURT: I'm sorry.

MR. EKELAND: -- for defendant Matthew Dehart.

THE COURT: Sorry, okay. We're here on sentencing. There were a couple of objections to the presentence report that I don't think impact the guidelines in any way. And let me make sure of that.

Mr. Ekeland, your first objection has to do with the number of images and videos of Victims 1 and 2 set out in paragraph 19 as not being independently verified. Does everyone agree that that does not affect the computation of the guidelines?

MS. INGRAM: Yes, Your Honor.

1 THE COURT: You agree?

2 MR. EKELAND: Yes, Your Honor.

3 THE COURT: Okay. And is that one you
4 want me to resolve? If it doesn't impact the
5 guidelines, I usually don't resolve that.

6 MR. EKELAND: No, Your Honor. You don't
7 need to resolve it if it doesn't impact the
8 guidelines.

9 THE COURT: And the other objection has
10 to do with special condition No. 9. And it does seem
11 to me that this is broad and should be limited to
12 adult -- should be limited to child pornography, not
13 including adult pornography. Let me see. Yeah. The
14 government have any objection to modifying that to
15 include only visual depictions of minors, not adults?

16 MS. INGRAM: Your Honor, I think that
17 that's a standard condition in these types of cases,
18 and the concern is that if they're looking at
19 pornography at all, it may lead to other issues. I'm
20 not taking a position one way or another other than
21 this is the standard conditions in these types of
22 cases for that reason.

23 THE COURT: It seems awful broad. Is
24 this the standard condition that's normally included?

25 MS. LOCHMAIER: Yes, Your Honor, it is.

1 THE COURT: I think I tend to agree with
2 the defense that this would say he couldn't even watch
3 an R-rated movie. So I think it's a little too broad.

4 So I'm going to grant this objection and
5 limit that to -- where it says minors or adults, just
6 make it minors. Okay?

7 Okay. And I realize that the binding
8 plea agreement contemplated a 31 offense level and the
9 offense level turned out to be 37, but there is a
10 binding agreement on what the sentence should be, so
11 it doesn't really matter. And I don't see any
12 objections to that.

13 So I'm going to go ahead and accept the
14 presentence report as my findings of fact on all
15 issues and on the application of the guidelines with
16 the exception of the minor change I've made to special
17 condition No. 9.

18 And I find that the offense level is a
19 37; the Criminal History Category is I. The resulting
20 guideline range on Counts One and Two, the receipt of
21 child pornography is 210 to 262 months. And the
22 Criminal History Category is I.

23 And the guideline range for Count Three
24 is simply a consecutive sentence. The supervised
25 release term on Counts One and Two is five years to

1 life. The supervised release term on Count Three is
2 one to three years.

3 I am considering a binding plea agreement
4 for a sentence of 72 months on Counts One and Two, to
5 run concurrent with each other, and 18 months on
6 Count Three, to run consecutive with the other two
7 counts.

8 Are there any witnesses today from the
9 government?

10 MS. INGRAM: No witnesses, Your Honor,
11 but we do have victim impact statements. And the
12 victims are here that would like to be heard.

13 THE COURT: Okay. Are there any
14 witnesses for the defense?

15 MR. EKELAND: No, Your Honor.

16 THE COURT: All right. Well, let's hear
17 from the victim witnesses, then.

18 MR. TAMBURELLO: Thank you, Your Honor,
19 for this opportunity to speak. Thank you also to all
20 the people in all the agencies who have stayed by us
21 these seven years to see Matthew to justice. Our son,
22 at the age of 12, was groomed by an Internet predator;
23 a 24-year-old masquerading as a 16-year-old; a
24 pathological liar whom he met in a gaming, online chat
25 room. This seasoned adult pedophile used aliases and

1 preyed on any young boys he could find on the
2 Internet. This man was willing to impersonate young
3 girls in order to solicit pornography from male minors
4 and teenagers.

5 He brainwashed our children into
6 believing he would harm them and us if we told this
7 story. He manipulated by sending gifts to our kids
8 and frightened us by visiting our property. He taught
9 us what spoofing is. And when found out, he spoof
10 called our home, pretending to be a lawyer wanting to
11 scare us to cover his tracks.

12 By providence, Detective Kniss was at our
13 house one of the times he spoofed us, as we had
14 reported this to our local police department. We
15 joined with Detective Kniss on a seven-year journey to
16 expose the truth.

17 The police, under the direction of
18 Detective Brett Kniss, did a fine job. We were given
19 an extra parole to our neighborhood immediately. We,
20 to this day, feel much violated as victims. Our
21 family unit has been assaulted.

22 Kniss kept us updated and followed this
23 case to the end, even though an out-of-state move to
24 be closer to his own family caused him to continue
25 remote and without compensation. Detective, we are

1 very grateful for your tenacity to pursue Dehart and
2 your conviction to see justice served.

3 Dehart's activity had a profound impact
4 on our family, our entire family. My wife developed
5 cancer and is still having health issues. I remember
6 watching her when this unfolded, and it was literally
7 like watching her get physically punched in the
8 stomach.

9 We have spent many hours in counseling,
10 lost work, wages and sleep over being victimized. We
11 spent hours and hours poring over this case with the
12 detective in cooperation. We hope that this sentence
13 keeps Dehart from harming any more children and making
14 any more victims. We hope that exposing the truth
15 will keep others from suffering and being victimized.

16 To Matthew Dehart: We hope you realize
17 the great truth of your conviction. These charges you
18 have confessed to are not bogus, they are real. You
19 are finally exposed and the lies you were living are
20 no more. A large blaze.com article you had hoped
21 would tell your story quotes legal people calling you
22 a classic child predator and the same 18-page article
23 besmirches your attempt to blame this on a US
24 government ruse of trumped-up child porn charges,
25 hoping to keep you from whistleblowing our government.

1 It says not only are you not a whistleblower, you
2 cannot even produce a whistle.

3 The seven years we have awaited justice
4 has taken a great toll on our family. Watching you
5 and your mother and father in Canada try to build your
6 case of lies was even more painful. Desperately
7 dismissing our family's claims as false, insignificant
8 or minute truthfully made us sick.

9 Thankfully Canada sent us back --
10 thankfully Canada sent you back to face all of us. We
11 are the real victims of the web you spun to trap our
12 children. We will not be pushed aside by the grand
13 illusions of your elaborate pack of lies to diminish
14 the charges in this and distract all from the truth.

15 This has been a great burden to bear,
16 Matthew Dehart. We hope your days of deceit are now
17 finally over. We have agonized as the wheels of
18 justice turned slowly and then stalled as you fled
19 your charges. This is your day of reckoning.

20 Our son's life was changed forever. His
21 innocence robbed. He was manipulated by you, a
22 pedophile. I accept the truth of your behavior and
23 the consequences. It is the first step. We hope that
24 you get some help.

25 MRS. TAMBURELLO: Thank you for allowing

1 me to speak. This has been an emotionally painful and
2 dark time in my family's life. I have been
3 heartbroken for my son and the other victims, sickened
4 with anger at the level of manipulation and depravity
5 that you, Matthew Dehart, inflicted on these young
6 impressionable males.

7 I was frightened when many times you
8 would call to intimidate us. Hopeful, when I thought
9 that all of this would be over, only to discover there
10 was some other delay tactic. I have been physically
11 ill as a result of the stress this caused me and my
12 family. Sad because my 12-year-old son and our
13 neighbor's son were groomed by you, and their
14 innocence was stolen.

15 My son initially thought you were a
16 friend. A fiend is more like it. You undermined our
17 core Christian beliefs. I honestly believe that you
18 thought this was a game. You got away with it for
19 quite a while, but the game is over. You have lost.

20 You are captured and have admitted your
21 wrongdoing only after many delays and manipulation of
22 the courts, the press, and anyone else who would
23 listen to you. While you and your mother and father
24 ran away to Canada denouncing your citizenship,
25 manipulating the press, putting up a GoFundMe page,

1 going on TV to proclaim our false story, my family was
2 in counseling facing the truth and dealing with the
3 consequences, trying to live our lives, even when we
4 were being harassed at your instigation, I believe, by
5 the press and all of the ups and downs of this case.

6 Through counseling and by God's grace, we
7 have learned some coping tools and how to work toward
8 healing, and for that I am grateful. I take heart
9 that my son has put a face to your victims. I am so
10 proud of him for doing the right thing in spite of
11 your threats against him and our family. He doesn't
12 want this to happen to anyone else, and neither do we.

13 Though there have been obstacles to
14 overcome, my son has accomplished much. He is an
15 athlete, scholar, a businessman, and from all
16 accounts, a great friend. The other victim who was
17 adopted from Russia is now a proud Marine who is
18 faithfully serving our country and would never dream
19 of denouncing his allegiance to the USA.

20 My husband and I have started getting
21 involved in different organizations which deal with
22 sexual exploitation of children and young adults. We
23 want to help to hopefully prevent this from happening
24 to someone else. We want to help those who have been
25 victimized. We are taking it one day at a time and

1 are thankful to God and to all those who helped bring
2 closure to this case.

3 We are choosing to look to our faith and
4 to do something positive from this mess you have
5 created. What are you choosing, Matthew Dehart? You
6 used the Bible verses to mislead my son. You tempted
7 him and hindered his faith and caused him to stumble.
8 How despicable.

9 You are answering to this Court today,
10 but one day I believe you will stand before the
11 judgment seat of God. Here is a scripture verse I
12 hope you will consider if you ever even for a moment
13 think of doing these crimes again. Luke 17:2. It
14 would be better for them to be thrown into the sea
15 with a millstone tied around their neck than to cause
16 one of these little ones to stumble.

17 We pray you will choose God, find
18 repentance and come out of the real prison you are in,
19 that of depravity.

20 THE COURT: Thank you.

21 MS. INGRAM: With Your Honor's
22 permission, Detective Brett Kniss would like to read
23 one of the victims, their son's statement. He's not
24 present.

25 THE COURT: Okay.

1 DETECTIVE KNISS: Thank you, Your Honor.
2 To Matthew Dehart: What you have done to me cannot be
3 undone. Your actions have had some far-reaching
4 consequences, damaging things that could never be
5 repaired or repaid. What drives you to feel like you
6 must your create your contrived world where you are
7 above all authority is convoluted enough, but the real
8 kicker here is you still feel you have done nothing
9 wrong.

10 You have desperately tried to convince
11 anyone who would listen. This notion, in my opinion,
12 clearly indicates the personal character flaw of
13 insecurity, when you are claiming fallacies and
14 mistreatment because you were under pressure to be
15 truthful about a situation, it actually makes you the
16 biggest perpetrator of fallacies and mistreatment.

17 My personal experience with your
18 insecurity, Matthew Dehart, speaks to me that there
19 are many more things in your life for which you should
20 feel guilty, though I'm unsure if these things could
21 ever be proven in a court of law.

22 I hope for your sake that you find
23 conviction in your heart for the justice my family and
24 I have finally received. While I can forgive you, I
25 hope one day that you will truly be able to ask for

1 forgiveness for the victims you have wronged. As I am
2 now nearly the age you were when I first came in
3 contact with you, I am able to relate with more --
4 with many more people this age.

5 As I seek to understand what would ever
6 possess a man to ever desire to meet with, talk to,
7 bully and seriously brainwash young, impressionable
8 males, I'm left with no answer. As someone who is
9 victimized by you, I can now say that I'm truly sorry
10 for you.

11 With my parents by my side and through
12 counseling, I'm moving on. I'm about to graduate
13 college, I own my own business and I have a healthy
14 amount of friends. Through time I am learning to
15 prosper -- I am learning the proper perspective on
16 life. The life I live would find no fulfillment in
17 trying to pretend to be someone else as you have
18 clearly shown me through your lies and manipulations.

19 I know that the root of your problem is
20 you are unhappy with yourself. While you should be
21 ashamed of yourself for your actions and the effects
22 they have had on your family and community, I repeat,
23 what you have done to me cannot be undone. But you
24 can change your perspective on your life and learn
25 what possesses you to do these things. Take advantage

1 of the help you are offered. If you do not seek the
2 truth from this situation, all hope is lost for you in
3 your life.

4 Your parents, who have so fervently
5 fought for you, must agree that it is time to pay your
6 debt to society. So accept your consequences as you
7 have absolutely earned every second you spend in
8 confinement.

9 THE COURT: Thank you, Detective Kniss.

10 All right. Mr. Dehart, you have the
11 opportunity to address the Court and tell me anything
12 you want me to hear. And your lawyer may also address
13 the Court.

14 THE DEFENDANT: I have nothing to say,
15 Your Honor.

16 MR. EKELAND: Nothing further.

17 THE COURT: All right. The Court's
18 obligation is to impose a sentence that is sufficient
19 but not greater than necessary to comply with the
20 purposes of the sentencing statute, taking into
21 account the nature and circumstances of the offense
22 and the history and characteristics of the defendant.

23 Mr. Dehart has pled guilty to a
24 superseding information charging two counts of receipt
25 of child pornography and one count of failure to

1 appear. The facts of this case are well-known to the
2 Court and to all the parties. Mr. Dehart befriended
3 two young boys in this district through the World of
4 Warcraft game.

5 He enticed them to send naked pictures
6 and videos to him that were inappropriate, claiming to
7 be a -- a young woman, to have these things sent to
8 him. He also drove from Indiana to this area and had
9 personal contact with at least one of the victims,
10 gave him gifts.

11 We've heard the impact of all of this
12 from the victims' statements. The Court wasn't fully
13 aware of the apparent campaign of threats made against
14 the victims' families. That's sort of new to me. I'm
15 sure I've heard a little bit about that, but I don't
16 remember hearing those allegations to that extent
17 before.

18 At any rate, Mr. Dehart was arrested in
19 Maine in August of 2010. He was brought here, he was
20 released on conditions, and then he and his family
21 fled to Canada, seeking asylum, claiming that he was
22 somehow part of the Anonymous network and that the
23 government -- that these charges were bogus and that
24 the government was out to get him because he had
25 disclosed NSA secrets.

1 They sought asylum in Canada, which was
2 turned down by the Canadian authorities, and he
3 returned to this district in March of last year.

4 In terms of his background, he is at this
5 point 31. He has some college courses. His father is
6 retired Air Force. He's now a pastor. His mom has a
7 supervisory position at a seminary. He's lived all
8 over the United States, in Hawaii because his father
9 was in the service. He served apparently honorably in
10 the Indiana National Guard. He has some medical
11 conditions for which he's taking medication.

12 He has served, I guess, almost three
13 years of custody, which I presume he will get credit
14 for by the Bureau of Prisons because I don't think it
15 was served for anything else. I feel that this
16 negotiated binding agreement for a particular sentence
17 is appropriate in this case and that it reflects the
18 seriousness of the offense, will promote respect for
19 the law, be a just punishment, will protect the public
20 from further crimes of the defendant, at least for a
21 period of time, and hopefully will provide the
22 defendant with mental health treatment which the Court
23 feels is necessary.

24 And I don't believe this will result in
25 unwarranted sentencing disparities, given the unique

1 facts of this case. For these reasons, I'm going to
2 impose the agreed-upon sentence. I sentence
3 Mr. Dehart to 72 months of custody on Counts One and
4 Two, to run concurrent with each other, to be followed
5 by 18 months consecutive custody on Count Three.

6 His supervised release term will be 10
7 years on each of Counts One and Two, to run concurrent
8 with each other, and three years on Count Three, to
9 run concurrent.

10 I don't levy a fine because I find he's
11 financially unable to pay a fine. He must pay the
12 \$300 special assessment.

13 The special conditions of supervised
14 release will be as set out in detail in the
15 presentence report. He's prohibited from owning,
16 carrying or possessing firearms, destructive devices
17 or other dangerous weapons. He's to cooperate in the
18 collection of DNA. He shall participate in a mental
19 health program if the probation office considers that
20 advisable.

21 He shall receive -- he shall register as
22 a sex offender with appropriate authorities of any
23 state in which he resides, is employed or attends
24 school. He must submit to sex offender assessment and
25 treatment. He's not to consume alcoholic beverages.

1 He has restricted contact with minors and
2 victims, as set out in Special Conditions 7 and 8, and
3 is to have absolutely no contact with the two victims
4 represented in court today or any member of their
5 families by any communication means or in person or
6 through a third party.

7 He has restricted materials as set out in
8 Special Condition 9 relating to minor activity. He
9 has very strict computer restrictions set out in
10 Special Conditions 10, 11 and 12. He is to furnish
11 all financial records to the probation office upon
12 request. These conditions will be gone over in great
13 detail with the defendant when he enters onto
14 supervised release.

15 Does anyone have objections to my
16 sentence?

17 MS. INGRAM: No, Your Honor. I ask that
18 you include forfeiture in the judgment. We will be
19 filing a preliminary order of forfeiture today or
20 tomorrow at the latest.

21 THE COURT: We will include forfeiture of
22 all the computer equipment and all the pornography in
23 the -- in the judgment.

24 MR. EKELAND: Your Honor, we would just
25 like to request that the Court recommend that

1 Mr. Dehart serve his sentence at FCI Morgantown or at
2 a low-security facility in the northeast.

3 THE COURT: Morgantown or --

4 MR. EKELAND: FCI Morgantown, Your Honor.

5 THE COURT: Okay. Or a facility in the
6 northeast. All right. I would like to recommend
7 mental health treatment while he's incarcerated.

8 Would you like me to make that recommendation or not?

9 MR. EKELAND: We prefer not, Your Honor.

10 THE COURT: All right. And you have no
11 objections to the sentence?

12 MR. EKELAND: No, Your Honor.

13 THE COURT: Mr. Dehart, to the extent you
14 retained your right to appeal in your plea agreement,
15 any appeal must be filed within 14 days. You may
16 apply to appeal under the pauper's oath, and the clerk
17 will file your notice of appeal if you request the
18 clerk to do so.

19 Does the government wish to dismiss the
20 underlying indictment and underlying superseding
21 indictment?

22 MS. INGRAM: Yes, Your Honor.

23 THE COURT: All right. Is there anything
24 else on this case?

25 MS. INGRAM: No, Your Honor. Thank you.

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THE COURT: All right. We're in recess.
(Which were all of the proceedings had in
the above-captioned cause on the above-captioned
date.)

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REPORTER'S CERTIFICATE PAGE

I, Roxann Harkins, Official Court Reporter for the United States District Court for the Middle District of Tennessee, in Nashville, do hereby certify:

That I reported on the stenographic machine the proceedings held in open court on February 22, 2016, in the matter of UNITED STATES OF AMERICA v. MATTHEW PAUL DEHART, Case No. 3:10-cr-00250; that said proceedings were reduced to typewritten form by me; and that the foregoing transcript is a true and accurate transcript of said proceedings.

This is the 16th day of March, 2017.

s/ Roxann Harkins
ROXANN HARKINS, RPR, CRR
Official Court Reporter