

1 discussing -- you're discussing here that a penitent
2 reported something, right, or Mr. -- excuse me -- Mr.
3 Adams reported something, right?

4 MR. MALEDON: Object to the form.

5 **A. Not to me at that time.**

6 Q. (By Mr. Manly) Okay. Well, okay, let's go back
7 on the record then, and we'll listen to the -- let's go
8 back on the tape record and listen to the tape record.

9 (Audio playing.)

10 Mauzy: Yeah, and hold a disciplinary council.

11 Edwards: Okay. (Unintelligible).

12 Mauzy: And so we did.

13 Edwards: Okay.

14 Mauzy: And then --

15 Edwards: And, so, so what -- and, and now this
16 is a council to figure out what to do with Paul?

17 Mauzy: Yeah.

18 Edwards: As far as excommunicating or reporting
19 to authorities?

20 Mauzy: Yeah.

21 Edwards: Okay. So what was decided in the
22 council?

23 Mauzy: We excommunicated him.

24 Edwards: Okay.

25 Mauzy: Yeah, on --

1 (Audio paused.)

2 **A. Can I back -- stop that for a minute?**

3 Q. (By Mr. Manly) Sure.

4 **A. Not "we". I decided to excommunicate Paul.**

5 Q. Well, you said "we" to the officer, right?

6 **A. Yes.**

7 Q. Have you met with your lawyers between the time
8 you gave this statement and now?

9 MR. MALEDON: Object to the form.

10 Q. (By Mr. Manly) Sir? Have you met with your
11 lawyers about this document between the time you gave
12 that statement and now?

13 **A. Yes, sir.**

14 Q. Okay. All right. You want to add anything else?

15 **A. No, sir.**

16 Q. Okay.

17 (Audio playing.)

18 Mauzy: -- what he said, and I can't remember
19 exactly what he said to us.

20 Edwards: Okay.

21 Mauzy: It was me and two counselors, we decided
22 on what to do.

23 Edwards: Okay.

24 Mauzy: So we excommunicated him. He had the
25 opportunity to appeal. He appealed it. So we had to go

1 before the stake.

2 (Audio paused.)

3 Q. (By Mr. Manly) Why did you excommunicate him?

4 MR. MALEDON: Object to the form. That's
5 privileged.

6 **A. Yeah, yes, that was confidential.**

7 Q. (By Mr. Manly) Well, there were other people at
8 the -- at the -- at the hearing, right?

9 MR. MALEDON: Counsel, that's precisely the issue
10 that's up in front of the court.

11 MR. MANLY: Okay. I understand, but I'm just
12 going to lay my foundation. I understand what you're
13 going to do.

14 MR. MALEDON: So I'm going to instruct him not to
15 answer any questions related to the disciplinary
16 proceeding.

17 MR. MANLY: I understand. Why don't we just --
18 I'm going to ask the questions, just so I have a record.

19 MR. MALEDON: All right.

20 Q. (By Mr. Manly) So, so who was at the
21 disciplinary proceeding?

22 MR. MALEDON: That's -- you can answer that
23 question.

24 **A. I can. Myself, Brother Fife, Brother McDonald,**
25 **and Brother Elseworth.**

1 Q. (By Mr. Manly) And what positions did Brother
2 Fife, Brother McDonald, and Brother Elseworth hold in
3 the church, if any?

4 **A. First and second counselor and ward -- ward**
5 **clerk.**

6 Q. Okay. And Mr. Adams did not confess to them. He
7 confessed to you. Correct?

8 **A. Yes, sir.**

9 Q. Okay. So, and you don't -- you know why he was
10 excommunicated as you sit here today. Is that correct?

11 MR. MALEDON: That's a yes or no.

12 **A. Yes, sir.**

13 Q. (By Mr. Manly) Okay. And why was he
14 excommunicated?

15 MR. MALEDON: Don't answer that question. It's
16 privileged.

17 MR. MANLY: And for the same grounds, right?

18 MR. MALEDON: Yes.

19 MR. MANLY: Okay.

20 Q. (By Mr. Manly) So let's continue with the
21 audiotape.

22 (Audio playing.)

23 Mauzy: (Unintelligible) and he appealed the
24 excommunication.

25 Edwards: Okay. Now, do you recall when about

1 that was, about what year? I mean, and you can
2 reference it by, when did you get there, like, was it,
3 like, just after you got there or sometime in the
4 middle?

5 Mauzy: I think it was just right after I got
6 there --

7 Edwards: Okay.

8 Mauzy: -- that they called and wanted to know --

9 Edwards: Yeah, just take your time.

10 Mauzy: Let me just -- (unintelligible).

11 Edwards: And it would be safe to say maybe
12 sometime between 2012 and 2015?

13 Mauzy: Yeah, I'm going to -- I may still have
14 a -- I keep some of this stuff, and I can give you a
15 close idea. But, you know, as far as seeing anything at
16 church --

17 Edwards: There were no signs.

18 Mauzy: -- no signs. You know, it just, you
19 know, the kids were different.

20 Edwards: Okay. Different how?

21 Mauzy: Just to the -- kind of stayed to
22 themselves --

23 Edwards: Okay.

24 Mauzy: -- quiet --

25 Edwards: Okay.

1 Mauzy: -- you know.

2 (Audio paused.)

3 Q. (By Mr. Manly) Question, sir. Who --

4 **A. Yes.**

5 Q. -- was at the appeal? Mr. Goates, President
6 Goates?

7 **A. Pres- -- yes, sir.**

8 Q. All right. And who else?

9 **A. I don't know the names of all the members.**

10 Q. Were you there?

11 **A. Yes, sir.**

12 Q. Okay. How many people were there?

13 MR. MALEDON: As far as you know.

14 **A. I -- I can't remember.**

15 MR. MANLY: Excuse me. Excuse me. That's
16 inappropriate. That's inappropriate. It's a violation.
17 Don't do it.

18 MR. MALEDON: Okay. Go ahead, if you know.

19 **A. 15.**

20 Q. (By Mr. Manly) Okay. 15 individuals besides you
21 and Mr. Goates, correct?

22 **A. No, with President Goates.**

23 Q. Okay. Were any women in attendance?

24 **A. No.**

25 Q. Okay. Was Leizza Adams there?

1 **A. No.**

2 Q. And was Mr. Adams there?

3 **A. Yes.**

4 Q. Okay. Did anybody ask him questions?

5 **A. I can't remember, but --**

6 Q. You can't remember the questions that were asked

7 or --

8 **A. No, I can't remember if they asked questions, but**

9 **I -- yes.**

10 Q. Was there somebody presenting a case against him?

11 **A. No.**

12 Q. Okay. How did it -- how did it work?

13 **A. He has the right to appeal the excommunication.**

14 Q. Uh-huh.

15 **A. And he just has a right to voice his opinion that**

16 **he didn't feel it was right.**

17 Q. What did he say?

18 MR. MALEDON: Object to the --

19 **A. I can't remember.**

20 MR. MALEDON: Don't answer. It's privileged.

21 MR. MANLY: Why is it privileged?

22 MR. MALEDON: It's privileged because it's part
23 of the disciplinary proceeding, Counsel. It's the very
24 issue that's set before the court of appeals.

25 MR. MANLY: So you have 15 -- just so I'm clear,

1 there's 15 people there --

2 MR. MALEDON: Right.

3 MR. MANLY: -- and you're saying that anything he
4 says to those 15 people is privileged under the priest/
5 penitent privilege?

6 MR. MALEDON: Correct.

7 MR. MANLY: Okay. I don't agree.

8 MR. MALEDON: Also under the First Amendment, but
9 go ahead.

10 Q. (By Mr. Manly) Can you name anybody that was in
11 attendance besides you and President Goates?

12 **A. I know President Goates was there, and his**
13 **counselors, but I don't remember the other 12.**

14 Q. What are the names of the other counselors?

15 **A. I'm trying to remember. I -- if you give me a**
16 **bit, maybe, a little bit, I can remember their names,**
17 **but there was just too -- enough --**

18 Q. So did you speak at the process?

19 **A. Yes.**

20 Q. And did you speak about why he was excommunicated
21 at the process? Without disclosing it.

22 **A. No, I did not speak about what took place at the**
23 **ex- -- at our council.**

24 Q. How did the members that were there that were
25 going to decide whether he was going to be

1 excommunicated learn what he was being excommunicated
2 for?

3 **A. They --**

4 MR. MALEDON: Object to the form.

5 **A. They -- yeah, they did not know.**

6 Q. (By Mr. Manly) Well --

7 **A. He had his right to voice his opinion, why he
8 objected to the excommunication.**

9 Q. Oh, okay.

10 **A. But never mentioned a word, what it was about.**

11 Q. Well, didn't they know what it was about?

12 **A. No, sir.**

13 Q. How do you know that?

14 **A. Because what we discuss is confidential, in the
15 excommunication, at our council.**

16 Q. So you're telling me that they had an appeal
17 where the basis for ex- -- your testimony to this jury
18 in this case is going to be that they had an appellate
19 process with a man who apparently was accused of
20 something serious enough to be excommunicated, and what
21 he was being excommunicated for was never discussed with
22 the panel that was going to excommunicate him?

23 MR. MALEDON: That's not -- just object to the
24 form. Counsel, that's --

25 **A. Yeah, I --**

1 MR. MANLY: What's funny?

2 MR. MALEDON: It's not funny. I'm not laughing.
3 I'm just -- I'm wondering why you feel necessary to
4 distort the facts the way do. You know he says -- he's
5 already testified that the excommunication occurred
6 before the appeal. He told you who was there.

7 Q. (By Mr. Manly) He's appealing his
8 excommunication, right, trying to say, "My
9 excommunication is wrong," correct?

10 **A. Yes.**

11 Q. Okay. And what you're telling me is the panel
12 that's going to decide that appeal doesn't know why he
13 was excommunicated? Is that what you're going to tell
14 the jury?

15 **A. The panel? Yes, sir.**

16 Q. Okay. Just to be clear, the panel was not told,
17 by him or you or anybody else in any way, shape, or
18 form, why he was going to be excommunicated?

19 **A. To my remember, no, sir, they weren't.**

20 Q. How many other excommunication appeals have you
21 attended?

22 **A. Myself?**

23 Q. Yeah.

24 **A. Appeals?**

25 Q. Yeah.

1 **A. None.**

2 Q. Okay. How many other people have you
3 excommunicated?

4 **A. None.**

5 Q. The only person in your entire time as a bishop
6 that was excommunicated was Paul Adams, right?

7 **A. Yes.**

8 Q. Now, you saw Paul Adams engage in misconduct with
9 a child, not his child, but another child at the church,
10 right?

11 MR. MALEDON: Object to the form, foundation.

12 **A. No, sir.**

13 Q. (By Mr. Manly) You didn't. Did you ever see him
14 act as a, quote, tickle monster, close quote?

15 **A. No, sir.**

16 Q. Okay. All right. Let's go back on the tape.

17 (Audio playing.)

18 Mauzy: I wouldn't speak too much, but then I, I
19 got them to start coming out of the shell, because, you
20 know, I'd say, "Okay, you know, let me know what you
21 learned in school, Sunday school --"

22 Edwards: Sure.

23 Mauzy: -- Sunday, they'd come in and cite the
24 scripture.

25 Edwards: Okay.

1 Mauzy: They were starting to, but then it
2 stopped. It stopped, yeah. So, it looks like back in
3 '13.

4 Edwards: Back in 2013, okay.

5 Mauzy: Yeah.

6 Edwards: Now, that's, that's helpful.

7 Mauzy: Yeah.

8 Edwards: Now, it's my understanding, and correct
9 me if I'm wrong, sir, that since, you know, headquarters
10 in Salt Lake came down and was asking questions, it's --
11 you can assume that Bishop Herrod made an official
12 complaint --

13 Mauzy: Yes.

14 Edwards: -- or at least a mention of what was
15 going on, correct?

16 Mauzy: Yes.

17 (Audio paused.)

18 Q. (By Mr. Manly) So, what are you referring to
19 there?

20 **A. Where they were asking if we held a disciplinary**
21 **council.**

22 Q. Did people from Salt Lake come down to --

23 **A. No, sir.**

24 Q. Okay.

25 **A. No, sir.**

1 Q. All right.

2 **A. Can I just say one thing?**

3 Q. Of course.

4 **A. When I was talking about the church, it wasn't**
5 **the church. It was the attorneys I was talking to.**
6 **Nobody from the church told me what to do or what not to**
7 **do. It was --**

8 Q. It was the church's lawyers.

9 MR. MALEDON: Object to the form.

10 Q. (By Mr. Manly) You mean Merrill Nelson?

11 MR. MALEDON: Object to the form.

12 **A. No, sir. I don't know --**

13 Q. (By Mr. Manly) Well, who told you what to do,
14 which lawyer?

15 MR. MALEDON: Object to the form, lack of
16 foundation.

17 **A. Nobody told me what to do.**

18 Q. (By Mr. Manly) Well, you just told -- you just
19 said the church's lawyers came down and told you what to
20 do.

21 **A. The church's lawyers never came down.**

22 Q. Okay. Did you speak to the church's lawyers, and
23 they gave you direction about --

24 MR. MALEDON: Objection --

25 Q. (By Mr. Manly) -- what to do about Mr. Adams?

1 MR. MALEDON: Objection --

2 **A. No, sir.**

3 Q. (By Mr. Manly) Did anybody, either the church or
4 their lawyers, give you direction about what to do about
5 Mr. Adams?

6 **A. No, sir.**

7 Q. Okay. So you just did it on your own?

8 **A. It was me that had the disciplinary council, yes,
9 sir.**

10 Q. Okay. All right.

11 **A. With the stuff that was there.**

12 Q. I see. So you never got legal advice about how
13 to handle or whether to report Mr. Adams or not,
14 correct?

15 MR. MALEDON: Object to the form.

16 **A. No, sir.**

17 Q. (By Mr. Manly) Okay. Are you a mandatory
18 reporter when you're a bishop?

19 **A. Who?**

20 Q. Are you -- when you were a bishop, were you a
21 mandatory reporter?

22 MR. MALEDON: Object to the form, foundation.

23 **A. No, sir.**

24 Q. (By Mr. Manly) Do you know what a mandatory
25 reporter is?