

ATTACHMENT

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF :
AMERICA :
vs. :
KENNETH L. MILLER : NO. 2:11-CR-161

- - -
TUESDAY, DECEMBER 20, 2011
- - -

Videotaped deposition of TIMOTHY
MILLER, taken the at United States Attorney's
Office, 615 Chestnut Street, 12th Floor,
Philadelphia, Pennsylvania 19106, commencing
at 1:54 p.m., before Donna Bucci Stein,
Registered Professional Reporter and Notary
Public, and Daniel Grbich, Videotape Operator,
there being present:

* * *

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APPEARANCES:

UNITED STATES DEPARTMENT OF
JUSTICE
BY: EUGENIA A. P. COWLES, ESQUIRE
11 Elmwood Avenue
P.O. Box 570
Burlington, Vermont 05402
Phone: (802) 951-6725
eugenia.cowles@usdoj.gov
Representing the Plaintiff

BOYLE, AUTRY & MURPHY
BY: DENNIS E. BOYLE, ESQUIRE
and
MEGAN SCHANBACHER, ESQUIRE
4660 Trindle Road, Suite 200
Camp Hill, Pennsylvania 17011
Phone: (717) 737-2430
deboyle@dennisboylelaw.com
Representing the Defendant

LAW OFFICES OF CLYMER, MUSSER,
BROWN & CONRAD, P.C.
BY: EMILY MUSSER BELL, ESQUIRE
408 West Chestnut Street
Lancaster, Pennsylvania 17063
Phone: (717) 299-7101 Ext 132
emily.bell@cmbclaw.com
Representing Timothy Miller

- - -

ALSO PRESENT: KENNETH MILLER

LINDA MILLER

MAX GALUSHA, Deputy U.S.
Marshal

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I N D E X

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Testimony of: TIMOTHY MILLER

By Ms. Cowles 6-76-85

By Mr. Boyle 71-84

- - -

E X H I B I T S

- - -

NUMBER	DESCRIPTION	PAGE REFERENCED
1	E-mail dated 9/21/09	16
2	E-mail dated 9/22/09	28
3	E-mail dated 9/22/09	31
4	Two e-mails dated 9/10/09 and 9/25/09	49/50
5	E-mail dated 9/25/09	49/50
6	E-mail dated 10/19/09	49/50
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9	E-mail dated 6/26/10	62
10	Two e-mails both dated 7/27/10	63
11	E-mail dated 11/10/10	66

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TIMOTHY MILLER

THE VIDEOTAPE OPERATOR: My name is Daniel Grbich representing Veritext Mid-Atlantic Division. The today date is December 20, 2011. The time is approximately 1:54 p.m.

This deposition is being held in the United States Attorney's Office located at 615 Chestnut Street, Philadelphia, Pennsylvania. The caption of this case is the United States of America versus Kenneth L. Miller which is filed in the United States District Court for the District of Vermont, Case Number 2:11-CR-161. The name of the witness is Timothy Miller.

At this time will the attorneys identify themselves and the parties they represent, after which our court reporter, Donna Stein, of Veritext will swear in the witness and you may proceed.

MS. COWLES: I'm Eugenia Cowles. I'm an Assistant U.S. Attorney.

MS. BELL: I'm Emily Bell. I

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TIMOTHY MILLER

represent the witness, Timothy Miller.

MR. BOYLE: Dennis Boyle. I represent the defendant Ken Miller.

MS. SCHANBACHER: And Megan Schanbacher. I represent the defendant Ken Miller.

- - -

TIMOTHY MILLER, after having been affirmed, was examined and testified as follows:

- - -

THE WITNESS: I will affirm that I will say the truth.

MS. COWLES: Before we begin I'd like to put on the record our stipulation as to objections. The parties agree that all objections that might have been obviated or removed during the course of the deposition with the sole exception of objections to the form of the question are preserved and not waived by failure to make them before or during the deposition notwithstanding other rules that would apply in the

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TIMOTHY MILLER

absence of a stipulation.

Is that agreed?

MR. BOYLE: That is agreed.

- - -

EXAMINATION

- - -

BY MS. COWLES:

Q All right. Good morning, Mr. Miller.

A Good afternoon.

Q It is afternoon, isn't it?

A Yes, I think so.

Q We started in the morning today.

A Yes. It's been a long time.

Q I know we talked for a while. I'm Jeannie Cowles. I'm an Assistant U.S. Attorney with the Department of Justice. We have talked about the fact that you have counsel present today. So, I just want to go over a few matters before we begin questioning.

First, have you ever had your deposition taken before?

A No.

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TIMOTHY MILLER

Q I'll be asking you a series of questions to which you are under oath to provide full and complete answers. If you don't understand any questions I ask, please let me know before you respond and I will explain or rephrase the question. Okay?

A Okay.

Q If at any point you need to take a break in these proceedings for any reason, if you can let us know, we can take brief breaks as we go forward. So, you will let me know that as well?

A Yes.

Q And you just took an oath with the court reporter in which you affirmed to tell the truth in accordance with these proceedings. Do you understand that that is an obligation to tell the truth during these proceedings?

A Yes, I do.

Q Do you have any concern about your ability to speak here today, any medications you've taken today or anything else that might cloud your perception or your ability to

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TIMOTHY MILLER

answer questions?

A Not as far as I know.

Q All right. Your counsel may make some objections as we go through today, what we just talked about, objections to the form of a question. If that happens, take a moment so your counsel and I can address that matter, but then we'll ask you to go ahead and answer the question. Do you understand that?

A Okay.

Q If we have any problems, the attorneys will try to work that out for you so it's not too confusing. All right?

A Yes.

Q Let's start first talking a bit about your background. Can you just state your full name for the record?

A Timothy Miller.

Q Where did you grow up, Mr. Miller?

A In Honduras.

Q What's your citizenship?

A I am Honduranian as well as a U.S. citizen.

Q How did you come by your U.S.

TIMOTHY MILLER

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citizenship?

A Because of birth abroad to American parents.

Q Where are you currently residing?

A In Nicaragua.

Q What part of Nicaragua?

A Managua.

Q What kind of work do you do in Managua?

A As far as for my living, I work as an editor mostly.

Q You clarified that was for your living. What other kind of work do you do in Managua?

A I also am in charge of a congregation there.

Q What kind of congregation?

A It's a congregation with a Mennonite Christian -- or with a Christian brotherhood.

Q That's what's commonly referred to as Mennonite here in the United States?

A Not necessarily. There's very many -- there's many groups within the

TIMOTHY MILLER

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Mennonites, yes.

Q Okay. What you would describe as a Christian Brethren?

A Christian Brotherhood.

Q Brotherhood?

A Yes.

Q What is your role within that congregation in Managua?

A I'm a pastor.

Q Do you have family that lives with you in Managua?

A Well, my family. My wife and my children, yes.

Q What about other family in Nicaragua?

A My parents live in Nicaragua, yes, and some brothers.

Q I would like to turn your attention now to September 21st of 2009. Did you receive a call that day regarding an individual named Lisa Miller?

A Yes.

Q Would you tell us about that call?

A I received a call from one of my

TIMOTHY MILLER

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co-pastors in Waslala.

Q That's W-A-S --

A W-A-S-L-A-L-A.

Q And that's another area of
Nicaragua?

A Right. I used to live there.

Q Who was this pastor in Waslala who
called you?

A Tim Schrock.

Q Who is Tim Schrock?

A He's one of my co-pastors.

Q How long had you known Tim Schrock?

A Since '99.

Q Why was he calling you on September
21st of 2009?

A Because he told me that I'm going
to be receiving a call.

Q What kind of call were you going to
be receiving?

A I was going -- I was planning to
receive a call from someone named Ken Miller.

Q At the time Tim Schrock indicated
you were going to receive a call from someone
named Ken Miller did you know who Ken Miller

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TIMOTHY MILLER

was?

A No.

Q What, if anything, did Tim Schrock tell you about this call that was coming from Ken Miller?

MR. BOYLE: Objection.

Hearsay. I'm sorry.

MS. COWLES: That's fine.

MR. BOYLE: You may answer it.

BY MS. COWLES:

Q You can go ahead and answer the question.

A Please give me the question again.

Q What did Tim Schrock tell you about the call that you would receive from Ken Miller?

A He just told me that the call had to do with someone named Lisa Miller.

Q About what time of day did you receive this call from Tim Schrock?

A As I recall, about eight o'clock in the morning.

Q As a result of this phone call from Tim Schrock what, if anything, did you do?

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TIMOTHY MILLER

A Well, at that point I would have waited on the call.

Q What did you do while you were waiting on this call to come?

A I would have also looked it up on the internet.

Q What did you look up on the internet?

A I looked up Lisa Miller.

Q Now, at some point in time did you receive a call from Ken Miller?

A Yes.

Q When was that?

A As I recall, within the hour.

Q Within an hour of --

A Within an hour of having had the other phone call.

Q What was the nature of the call from Ken Miller?

A That there was someone in the U.S. that wanted to leave and go to Nicaragua.

Q What were you told about this person in the U.S. who wanted to go to Nicaragua?

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TIMOTHY MILLER

A That she was -- that she had a court case -- there was a court case against her and her child.

Q First off, who told you that there was a court case against this person and her child?

A Who told me that?

Q Yes.

A I think, first of all, Tim would have told me about that.

Q Okay. Then moving on to the second call we started to talk about --

A Okay.

Q -- with Ken Miller --

A We've talked about that, yes.

Q What did Ken Miller tell you about this person who had a court case?

A That they were trying to transfer custody to another women for her child.

Q How did Ken Miller refer to this woman who wanted to come to Nicaragua?

A Lisa Miller.

Q Now, from this first conversation we're discussing did you have further

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TIMOTHY MILLER

conversations with Ken Miller about Lisa Miller?

A If we had some prior to that?

Q No. After this first conversation we're just discussing did you have additional conversations with Ken Miller?

A Yes.

Q As a result of those conversations what, if anything, did you agree to do regarding Lisa Miller?

A Buy some tickets.

Q What kind of tickets?

A Some airplane tickets.

Q For whom did you agree to buy airplane tickets?

A For Lisa Miller and Isabella.

Q What route of travel were you buying tickets for?

A From somewhere in Canada down to Nicaragua.

Q What else did you -- what else, if anything, did you agree to do for Lisa Miller?

A Pick her up at the airport.

Q I want to come back and talk a

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TIMOTHY MILLER

little about the conversations leading up to these agreements you just mentioned, but I'm going to first hand you an exhibit, what I will mark for identification as Government Exhibit 1.

MS. COWLES: Will you pass a copy to Defense Counsel?

BY MS. COWLES:

Q Now, Government Exhibit 1 is a three-paged exhibit that appears to be an e-mail from timjomiller@gmail.com to a number of individuals listed as Lucas Miller, Andy Yoder, Kevin Steiner, Keiner Barrantes and Daniel Huber. The subject is Lisa Miller.

Can you tell us first, that e-mail address at the top, timjomiller@gmail.com, are you familiar with that e-mail address?

A Yes.

Q How are you familiar with that?

A That's my e-mail.

Q What is the date of this e-mail?

A September 21, 2009.

Q And the time?

1 TIMOTHY MILLER

2 A 12:16 p.m.

3 Q Who are the individuals to whom you
4 sent this e-mail generally?

5 A Friends and people that would have
6 gone to our church.

7 Q If you can review the text of the
8 e-mail briefly, could you read that for the
9 record, please, just the top portion?

10 A Just the first --

11 Q Just the part before it says
12 "Peace, Timo".

13 A "The following is a strange case
14 that is coming up for a last hearing on
15 Wednesday before the Supreme Court, as I
16 understand. Lisa has some of the best lawyers
17 available, but they are telling her she will
18 probably lose the case because the homosexuals
19 and lesbians are trying to make an example of
20 the case. There is lots of politics involved
21 in the case. High up politics, and of course
22 the power of darkness."

23 Q Go on. If you can, read the next
24 section.

25 A "They tell me there is a lot of

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1 TIMOTHY MILLER
2 info on the net about it, some not accurate,
3 but protectisabella.com is their site, from
4 which I took this. Please pray for this
5 situation. I just heard of this case this
6 morning through some strange circumstances and
7 involvements. May the Lord be glorified, and
8 may his will be done."

9 Q And then it's signed by you?

10 A Yes.

11 Q At the bottom of that e-mail
12 there's something titled Fact Sheet: Lisa and
13 Isabella Miller attached. Can you describe
14 what that is?

15 A It just tells a little bit about
16 Lisa's life and such and the civil union with
17 Janet Jenkins.

18 Q Let me ask you a few questions
19 about the message --

20 A Okay.

21 Q -- that you sent here. First, this
22 message is sent at 12:16 p.m. on September 21,
23 2009. At the time you sent this e-mail who
24 had you talked to about the Lisa Miller case?

25 A As far as I can recall, only two

TIMOTHY MILLER

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people.

Q Who were those?

A Tim Schrock originally, and then Ken Miller.

Q You say in the e-mail "Lisa has some of the best lawyers available but they are telling her she will probably lose".

Did you have an understanding of who "they" are who are telling Lisa she will probably lose?

A No, not as far as I know. I mean I don't recall.

Q You also mention in the e-mail "They tell me there is a lot of info on the net about it, some not accurate. But protectisabella.com is their site, from which I took this". Again, who is the "they" that you are referring to in that portion of the e-mail?

A Well, that would have been specifically about Lisa.

Q Take a look at that sentence again. "They tell me there is a lot of info on the net. But protectisabella.com is their

TIMOTHY MILLER

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2 site." You're saying that "their" is Lisa, or
3 who is -- who is "their site"?

4 A It would definitely be about Lisa.

5 Q It's about Lisa?

6 A Yes.

7 Q Did you understand who put the
8 website up?

9 A Somebody who was friends of hers or
10 her herself. I didn't know at that point.

11 Q Do you recall how you were aware or
12 who had made you aware of the
13 protectisabella.com site at the time you sent
14 this e-mail?

15 A Not that I can recall. I would
16 have been on the net. So, I don't know if
17 this was -- if anybody at all would have told
18 me about it, I don't know.

19 Q So, you don't recall whether you
20 found it or whether someone told you?

21 A Or someone told me, yes.

22 Q You reference in the e-mail also
23 "strange circumstances and involvements".
24 What did you mean by that?

25 A Probably talking about the calls

TIMOTHY MILLER

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that I would have received.

Q From at that point Tim Schrock and Ken Miller?

A Yes.

Q Now, moving on from 12:16 on the 21st when you sent this e-mail, what else did you do that day regarding Lisa Miller?

A Later on I would have bought tickets.

Q How did you buy the tickets?

A I bought them through Golden Rule Travel.

Q Why did you contact Golden Rule Travel?

A Because for some reason I was not able to buy them online.

Q What specific flight path did you purchase tickets for?

A Flying from Canada in to Mexico and then on down south in to Central America.

Q Why did you choose that route?

A Because that's -- that's what was wanted.

Q Who told you what route was wanted?

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TIMOTHY MILLER

A Ken would have told me that.

Q First off, why were Lisa and Isabella flying out of Canada?

A Because, as I understood it, a possible custody transfer, or something down that -- in that realm anyway.

Q Just so I'm clear, they were flying out of Canada because of a custody transfer. What do you mean by a custody transfer?

A By a possible.

Q A possible custody transfer?

A Yes.

Q What possible custody transfer are you referring to?

A Where they would have given custody to Janet Jenkins of Lisa's child.

Q So, when you say that's why they are flying out of Canada, what do you mean by that?

A Well, it was just as -- as I understood it, it was just -- that was where they were at the moment or were going to be and there was no -- they didn't want to fly out of the U.S.

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TIMOTHY MILLER

Q Who told you that they did not want to fly out of the U.S.?

A Ken.

Q What information, if any, were you given about flying through the United States?

A That they should not stop in the U.S.

Q Why not?

A Because maybe they could be tracked easier.

Q Who told you about that?

A Ken would have told me about that.

Q Why were you willing to purchase tickets for Lisa Miller and Isabella Miller Jenkins knowing that they were not to fly out of or through the United States?

A Well, Lisa at that point had full legal custody. It was not a thing of -- as I understood it, not something that she had any restrictions or anything like that as far as travel. It was more as a possibility.

Q Who told you that Lisa had full legal custody and no travel restrictions?

A As I recall, it would have been

1 TIMOTHY MILLER

2 Ken.

3 Q Why were Lisa and Isabella going to
4 Nicaragua? Let me rephrase. Why Nicaragua?

5 MR. BOYLE: I'm going to
6 object to the form of the question in
7 terms of if he knows.

8 BY MS. COWLES:

9 Q If you know. If you know, why
10 Nicaragua as opposed to anywhere else?

11 A I would have -- at that point I
12 would have understood that there was no
13 extradition out of Nicaragua.

14 Q Had you talked to anyone about
15 whether or not there was extradition out of
16 Nicaragua?

17 A I would have talked with Ken about
18 that.

19 Q Why was it significant, if you
20 knew, that there was no extradition out of
21 Nicaragua?

22 A Why was it?

23 Q Why was it significant?

24 A Because in the future if the courts
25 did rule against her she could potentially

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TIMOTHY MILLER

stay in Nicaragua.

Q Let's talk a little bit about these tickets again. How were -- who was going to pay for the tickets?

A As I understood, Lisa was going to pay for those tickets.

Q How did you pay for them at the time you purchased them?

A With my mother-in-law's credit card.

Q How was Lisa then going to pay for the tickets?

A At that point I didn't know.

Q Why were you willing to use your mother-in-law's credit card to purchase the tickets?

A Because I trust.

Q When you say you trust, what did you trust?

A I trusted that what I was told was going to happen, that she was going to get reimbursed.

Q Do you know if your mother-in-law was reimbursed?

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TIMOTHY MILLER

A As I recall, yes, she was.

Q What is your mother-in-law's name?

A Elaine Cooper.

Q By what method was Miss Cooper reimbursed?

A I'm not sure.

Q Did you ever discuss the reimbursement of Miss Cooper with Ken Miller?

A I'm not sure. I'm not sure.

Q How -- do you know how your mother-in-law was going to be reimbursed?

A No.

Q What did you do -- once you had -- you said you contacted Golden Rule Travel about these tickets.

A Uh-huh.

Q Was Golden Rule Travel able to handle the ticket purchase?

A Yes.

Q What did you do once you finished talking to Golden Rule Travel about the tickets?

A I'm not sure.

Q What, if anything, did you do to

TIMOTHY MILLER

1
2 make Lisa Miller aware that tickets had been
3 purchased on her behalf?

4 A I would probably channel it back
5 through Ken.

6 Q Do you recall if you did that?

7 A No, I don't.

8 Q At the time you purchased the
9 tickets how long did you understand, if you
10 did have an understanding, that Lisa Miller
11 was going to spend in Nicaragua?

12 A I didn't know. I didn't know how
13 long she was staying.

14 Q How were you able to purchase
15 tickets without that understanding?

16 A I bought one way tickets.

17 Q Did you have any discussions with
18 Ken Miller about how long Lisa Miller might
19 stay in Nicaragua?

20 A Not really. We didn't know where
21 or how long she would stay.

22 Q What, if anything, did you
23 understand would determine how long she stayed
24 in Nicaragua?

25 A Probably depending on what happened

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TIMOTHY MILLER

with the court case.

Q What result in the court case would have kept Lisa Miller in Nicaragua, as you understood it?

A As I understood it, it would have been if she lost custody of her child.

Q I'm going to ask you to take a look at what I'm going to mark as Government's Exhibit 2.

MS. COWLES: Would you pass a copy to Defense Counsel?

MR. GALUSHA: Yes.

BY MS. COWLES:

Q Government's Exhibit 2 is a two-paged exhibit. It appears to be an e-mail to your e-mail address dated September 29, 2009 at 12:05 in the afternoon. The subject line is Residency Requirements. Can you describe what this -- well, first of all, who is this e-mail from?

A From Andy Yoder.

Q Who is Andy Yoder?

A Andy Yoder was someone who was -- who would have been going to our church at the

TIMOTHY MILLER

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time.

Q For whom does Andy Yoder work?

A He used to work for Christian Aid Ministries.

Q Looking at the text of the e-mail it appears to relate to Nicaraguan residency. Can you tell us what this e-mail was about?

A I wanted to know what the requirements were for people that came to Nicaragua that would stay longer than the six months or a year.

Q Why on September 22, 2009 were you corresponding with Andy Yoder about residency requirements for people who might come to Nicaragua for more than a year?

A Well, I was wanting to know what the requirements were currently for that because I was thinking ahead if she would -- if Lisa would have to stay in the country, then she would obviously need some other paperwork and that kind of thing.

Q What was Lisa Miller doing on September 22nd of 2009?

A As I recall, she was flying.

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TIMOTHY MILLER

Q That's based on your knowledge of the tickets?

A As I recall anyway.

Q So, why on September 22, 2009 were you trying to gather this information for Lisa Miller?

A I think a lot of that was for myself as far as I wanted to know should we -- should she have other paperwork that she doesn't have, or does she have with her what she needs.

Q Who, if anyone, had you discussed the need for this information with?

A If I were to discuss it, it probably would have been with Ken Miller.

Q Do you recall having a discussion with Ken Miller?

A Vaguely I would say I did.

Q What do you recall, even if vaguely, about that discussion?

A That we had a discussion about paperwork, does she have it -- yeah, what does she need. I don't remember even if he told me that she had the requirements or what she had

1 TIMOTHY MILLER

2 and what she didn't have.

3 Q I'm going to ask you to take a look
4 now at what I'm going to mark as Government's
5 Exhibit 3. It's a single-paged e-mail dated
6 September 22, 2009 at 12:58 p.m. originating
7 from your e-mail address. The subject is Re:
8 A Few Lines.

9 Can you tell us first
10 generally who are the recipients of this
11 e-mail?

12 A Most of them are my family.

13 Q Can you read the text of the e-mail
14 for us?

15 A "Sorry, folks, the Lisa subject
16 should currently not be a topic of discussion
17 or e-mailing. It might soon, or it just might
18 be more of a secret. Please advise folks
19 about this. Pray. Definitely pray."

20 Q And it's signed by you?

21 A Yes.

22 Q As of almost 1:00 p.m. on September
23 22, 2009 why did you feel that the Lisa
24 subject should currently not be a topic of
25 discussion or e-mailing?

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TIMOTHY MILLER

A Because we had no clue what the outcome was going to be.

Q What do you mean by that?

A We just didn't know what was going to happen.

Q With her -- with what?

A With the court case.

Q Why would you be concerned about family members discussing or e-mailing Lisa Miller as of September 22, 2009?

A Because there was no need for them to discuss something, and I had -- up to this point I had never discussed anything of the matter with them.

Q Who had you discussed Lisa Miller's coming to Nicaragua as of September 22, 2009? Who had you discussed that with?

A As far as I recall, only Ken Miller, and then -- well then, Tim would have been the connection there.

Q How many times did you talk to Tim Schrock about Lisa Miller at that point in time?

A I'm not sure. I think only once.

1 TIMOTHY MILLER

2 Q What, if anything, in your
3 conversations with Tim Schrock or Ken Miller
4 had given you the impression that this should
5 not be a topic of discussion or e-mailing?

6 A It was just something that if in
7 the future the court case -- the court would
8 rule against Lisa and her child, then at that
9 point there was no need to advertise where she
10 was.

11 Q Why would you not want to advertise
12 where she was?

13 A Just because -- so they wouldn't
14 come looking for her.

15 Q Now, when did Lisa and her daughter
16 Isabella arrive in Nicaragua?

17 A I'm bad with dates. Was it the
18 23rd?

19 Q I believe looking at the documents
20 we talked about September 21st as the first
21 day on which you spoke with Mr. Miller.

22 A Yes. September 22nd. It would
23 have been the 23rd.

24 Q Between the time that you -- that
25 we've discussed the purchase of the tickets on

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TIMOTHY MILLER

September 21st and her arrival on September 23rd were you asked to provide any further assistance to Lisa Miller?

A No. Maybe I'm misunderstanding your question.

Q Before her arrival --

A Okay.

Q After you purchased the tickets but before Lisa Miller arrived what, if anything, were you asked to do on her behalf?

A Well, I was supposed to pick her up.

Q What, if anything, between her -- the purchase of the tickets and the time you picked her up? Let's go on and talk about the arrival and we'll circle back.

You said that you -- you were supposed to pick up Lisa Miller at the airport?

A Yes.

Q Did you do that?

A Yes.

Q How did you know when she would arrive?

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TIMOTHY MILLER

A Well, obviously I had her itinerary.

Q How had her trip been that far, if you knew?

A Well, she had flown through Salvador. Well and, also, yes, she had had a problem with her ticket with coming down to Nicaragua.

Q Tell me about that problem.

A As I understand it, the airlines want proof of someone leaving Nicaragua. So, if you do a one way ticket, they want to know how is this person leaving the country.

Q How did you become aware of this problem with her one way ticket?

A I would have received a call.

Q Do you recall who called you about the problem with the ticket?

A I don't recall the name, no.

Q Was it someone with whom you were familiar?

A No.

Q How did this person come to contact you?

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TIMOTHY MILLER

A He called me on my cell phone.

Q How did he come to have your cell phone number?

A I don't know. I didn't give it to him.

Q What did he ask you to do?

A He just alerted me to the situation and then I contacted the travel agency and then the arrangements were made through them to clear the situation.

Q What did you do once you had contacted the travel agency and made arrangements to clear out the situation?

A I'm not sure if I needed to do anything.

Q Who, if anyone, did you let know once you had been able to resolve the situation?

A I'm not sure if that same person called me back at that point. Right now I'm not sure. I know we reviewed some of -- some of these things.

Q It's all right. I just want the best of your recollection.

1 TIMOTHY MILLER

2 Do you remember speaking to
3 anyone about making -- clearing up this
4 problem with the ticket?

5 A I don't recall specifics, no.

6 Q You said that you did, in fact,
7 pick up Lisa Miller at the airport. Correct?

8 A Yes.

9 Q Where did you go -- what airport
10 did you pick her up from?

11 A There in Managua.

12 Q Had you previously met Lisa Miller
13 and her daughter?

14 A No.

15 Q How did you recognize them at the
16 airport?

17 A Well, they would have had -- Lisa
18 would have had a covering on.

19 Q What do you mean by a covering?

20 A By a veil or something on her head.

21 Q How would you describe the style of
22 the clothing they were wearing at the time?

23 A It would have been like a Mennonite
24 style of clothing.

25 Q To your knowledge, at that point in

TIMOTHY MILLER

1
2 time was Lisa Miller a Mennonite?

3 A No.

4 Q How did you know to look for
5 someone in Mennonite dress?

6 A Because I was probably told what to
7 look for.

8 Q Do you recall whether or not you
9 were told what to look for?

10 A I can't recall specifically, no,
11 but I just expect that I was told that at that
12 point.

13 Q To your understanding why would
14 Lisa Miller and her daughter be traveling in
15 Mennonite dress in September of 2009?

16 A You said to my knowledge?

17 Q To your knowledge why would they
18 have been traveling in that way?

19 A Probably so that people would think
20 that she was a Mennonite.

21 Q Why, if you know, would she have
22 wanted people to think she was a Mennonite?

23 A I don't know.

24 Q Do you recall discussing with
25 anyone why Lisa Miller and her daughter might

1 TIMOTHY MILLER

2 travel in Mennonite attire?

3 A I don't recall specifically, no.

4 Q Where, if you know, had they
5 obtained the Mennonite attire?

6 A It was my understanding that they
7 left Virginia with those clothes or something
8 similar anyway.

9 Q How did you come to have that
10 understanding?

11 A Well, that was -- as I recall, this
12 would have been something that we would have
13 probably discussed later with Lisa.

14 Q So, you believe that from Lisa you
15 understood that they left Virginia in those
16 clothes?

17 A Yes. I don't recall at that point
18 that I would have had -- that I would have had
19 that -- you know, in this time I wouldn't have
20 had that info, no.

21 Q So, at that time you knew that they
22 were wearing Mennonite clothes but you didn't
23 know why?

24 A Right, or -- yes, I wouldn't have
25 known where they got it or such.

TIMOTHY MILLER

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Q Where did you go once you picked them up from the airport?

A Jinotega.

Q Why Jinotega?

A Because that seemed a convenient place to take them at the point -- at that point.

Q Why not take them -- well, at that point in time were you living in Managua?

A Yes.

Q Why not take them to your home in Managua?

A Well, obviously I bought the tickets. It's very easy to trace where I was. If someone would show up looking for her, she would not be there.

Q Did you discuss the decision to take Lisa and Isabella to Jinotega with anyone?

A If I discussed it with anyone?

Q Yes.

A Yes.

Q Do you recall who you discussed the decision to take them to Jinotega with before

TIMOTHY MILLER

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you went to Jinotega?

A With a brother from Jinotega.

Q Anyone else?

A Not that I can recall.

Q Once you picked them up at the airport who, if anyone, did you contact to let know that they had arrived?

A I don't know if I did immediately -- well, actually, I know I did not immediately contact anyone.

Q At some point in time did you make contact with someone to tell them that Isabella and --

A I would have had contact with Ken, yes.

Q You mentioned that you had spoken to a brother in Jinotega about taking Lisa and Isabella to Jinotega. Who was that person you spoke to?

A Jesse Brubaker.

Q Where in Jinotega did you take Lisa and Isabella?

A To the town of Jinotega, yes.

Q To whose home?

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TIMOTHY MILLER

A Well, I actually just took her to the town.

Q Where did you leave her?

A Right there with the brother.

Q With the brother?

A With Jesse.

Q Who you said is Jesse Brubaker?

A Brubaker, yes.

Q What did you do after you dropped Lisa and Isabella with Jesse Brubaker in Jinotega?

A I went home.

Q When did you next come in contact with Lisa Miller and her daughter?

A I'm not exactly sure, but about five or six weeks later.

Q What happened five or six weeks later?

A I was asked to preach up in the Jinotega congregation, and so that's when I met her again.

Q At that point in time five or six weeks after she first went to Jinotega what name was she using?

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TIMOTHY MILLER

A Sarah.

Q What about Isabella, what name was she using?

A Lydia.

Q If you know, why were Lisa and Isabella now using the names Sarah and Lydia?

A Because they were names that they had chosen for themselves.

Q Why would they choose new names for themselves?

A Because they thought they needed them probably.

Q Based on your understanding why would they have thought they needed new names at that point in time?

A Just because in the future if there was a need to go into hiding or something like that, that would be how people would know them as such.

Q At the time five or six weeks later that you saw Lisa Miller in Jinotega how was she dressing?

A She would dress as a Mennonite.

Q At that point in time, to your

TIMOTHY MILLER

1
2 knowledge, had she joined the Mennonite
3 church?

4 A No.

5 Q Now, at some point in time did Lisa
6 Miller return to Managua?

7 A Yes.

8 Q How did that come about?

9 A She came down to visit and, as I
10 recall, she would have liked to come down to
11 that area. Oh, and there was -- there was --
12 she was living in with the Brubakers and they
13 were getting visitors. So, the room that they
14 were going to use was being occupied.

15 Q When she came to Managua where did
16 she stay?

17 A She stayed at a little apartment
18 about three blocks away from us.

19 Q How did she come to have that
20 apartment?

21 A Because I would have helped her
22 rent it. I mean not -- she would have done
23 the renting, but, yes, I would have --

24 Q We've been speaking with Lisa
25 Miller. Where was Isabella during this time?

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TIMOTHY MILLER

A Right there with her.

Q What kind of work, if any, did Lisa Miller engage in in Nicaragua -- in Managua?

A She was teaching school. She would -- she would teach school. She would come over and help with our children in teaching school, and she would help the girl that was with us. They would sort of be together in teaching.

Q Who is the girl who was with you?

A Jessica.

Q Approximately when did she come to be in Managua helping teach your children?

A When did Lisa?

Q Uh-huh.

A About six months or -- sorry. About six weeks -- from my recollection, about six weeks or so after she would have been in Nicaragua.

Q So, she arrived at the end of the September and about six weeks after that she has come to be with your family?

A Yes.

Q How long did she stay in Managua?

1 TIMOTHY MILLER

2 A She stayed there in Managua until
3 April.

4 Q April of 2010?

5 A Yes.

6 Q How would you describe Lisa's
7 relationship with your family during this time
8 from about six weeks after she arrives until
9 April of 2010 when she leaves Managua?

10 A Well, there were various -- there
11 were various struggles that we had through
12 that, especially looking at -- with Jessica
13 being involved there.

14 Q Who is Jessica?

15 A Jessica was someone who was there
16 living with us -- a girl who was living with
17 us, and there were different times when there
18 were things back and forth between Lisa and
19 Jessica. Jessica would tell Lisa something
20 about us and obviously Lisa believed it, and
21 there were things that continued going around
22 there and it created some -- it created some
23 stress.

24 Q Now, while Lisa was with you how
25 much time was she spending every day in your

TIMOTHY MILLER

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household?

A She would usually come in the morning, about nine o'clock. This wasn't every day, but she would come around nine o'clock in the morning and then be there through early afternoon some time.

Q During the time that Lisa spent with you what, if anything, did you know about the status of her family court case in the United States?

A Well, at one point the custody was transferred.

Q How were you getting information about the case at that point in time?

A Through the internet.

Q Who, if anyone, were you discussing Lisa's case with during that period of time?

A With her.

Q Now, at some point during this period that Lisa stayed with your family did you come to delete a number of e-mails that you had exchanged?

A Yes, I did.

Q Tell me a little bit about that.

1 TIMOTHY MILLER

2 A Well, obviously I had bought the
3 tickets, and even though I did not believe
4 that it was a crime that I had committed or
5 anything like that, but it was still -- I
6 didn't -- I didn't want anybody just to say,
7 okay, here she is.

8 Q So, if I understand, you're
9 saying -- I asked you to explain what happened
10 with deleting these e-mails and you said that
11 you didn't want anyone to be able to say here
12 she is. So, what was the reason for deleting
13 the e-mails?

14 A So they wouldn't be tracked.

15 Q Why were you concerned at that
16 point in time while Lisa was staying in
17 Managua that someone would be looking to
18 e-mails to track Lisa?

19 A Well, I didn't know that they
20 would, but if they would, they wouldn't be
21 there.

22 Q Did you discuss deleting the
23 e-mails with anyone?

24 A Not that I recall.

25 Q Now, after this initial period we

1 TIMOTHY MILLER

2 discussed, September 21st when you got the
3 first phone call to September 23rd, 2009 when
4 Lisa Miller arrived in Nicaragua, did you
5 remain in touch with Ken Miller?

6 A Periodically.

7 Q How did you stay in touch with him?

8 A Sometimes through the phone, but
9 e-mail.

10 Q To your knowledge, did Lisa Miller
11 remain in touch with Ken Miller?

12 A That I know of or that I can
13 recall, she might have talked to him one time.

14 Q How do you come to have that
15 information?

16 A As I recall, he would have called
17 and I would have given her the phone. That's
18 my recollection. It's very -- it's not clear,
19 but that would be my recollection of it.

20 Q Now, you mentioned that you also
21 stayed in touch with Ken Miller, I believe you
22 said, by e-mail?

23 A Yes.

24 Q I'm going to hand you three
25 messages, what I'll mark as Exhibits 4, 5 and

1 TIMOTHY MILLER

2 6. Government's Exhibit 4 is a message that
3 says from Ken Miller to your e-mail address.
4 The top line is September 25, 2009. It
5 responds to a message of September 24, 2009.

6 Exhibit 5 is a subject line
7 picture from your e-mail to Ken Miller at
8 pcf.net with a picture of your family, and
9 then Exhibit 6 is from Ken Miller at pcf.net
10 to your e-mail and starts "Here are the
11 Millers". If you could, take a look at those
12 briefly.

13 MR. BOYLE: Just for my
14 purposes since my copies were not
15 stapled, the first one is three pages?

16 MS. COWLES: I'm sorry. The
17 first one is three pages.

18 MR. BOYLE: The second one is
19 one page?

20 MS. COWLES: Is one page with
21 the picture with the hearts.

22 MR. BOYLE: And the third one
23 is likewise three pages?

24 MS. COWLES: Three pages with
25 two pictures. The last two pages are

TIMOTHY MILLER

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pictures.

BY MS. COWLES:

Q Starting first with the physical e-mail that's been identified as Government's Exhibit 4, if you look to your message in the middle, can you explain what this is generally?

A This family -- just family news.

Q How often did you send out family news?

A Periodically.

Q To whom did you send it?

A Friends and family.

Q A large list?

A Fairly.

Q You mention in your e-mail "I will also add you to our list". What list is that you're talking about?

A Our e-mail list.

Q Then looking to Exhibit 5, what is Exhibit 5?

A This is a photo of our family.

Q Then Exhibit 6, will you look at that briefly and tell me what that is?

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TIMOTHY MILLER

A It's an e-mail from Ken with pictures of his family.

Q Now, during this period of these three e-mails starting shortly after the events we've been discussing, September 24, 2009 and going into October of 2009, how would you describe your relationship with Ken Miller?

A Someone I have gotten to know via e-mail and phone calls.

Q How would you characterize him at that point in time?

A A brother of Christ.

Q What kind of things were you discussing with Ken Miller during your conversations?

A I don't recall any specific conversations that we would have had.

Q What, if any, contact did the two of you have regarding Lisa Miller during this period once she had arrived in Nicaragua while she was staying in Managua near your family?

A I can't recall any specific -- something that was said.

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TIMOTHY MILLER

Q Now, you mentioned that Lisa Miller stayed with your family until approximately when?

A April of 2000 -- wait a minute. April of 2010, yes.

Q Why did Lisa Miller leave at that point in time?

A Because with this thing with Jessica and such it had -- it had definitely created -- we had gotten off focus of our work.

Q What work do you mean by that?

A Church work.

Q What plans -- well, let me ask you first, where did Lisa Miller go when she leaves Managua?

A To my understanding she went to Jinotega.

Q How were you involved in the plans for her departure?

A As far as all I recall was, I knew she was going up there, and I would have received a phone call either the day -- I think it was the same day she was -- she went

1 TIMOTHY MILLER

2 to Jinotega.

3 Q Who else was involved in making
4 plans for Lisa Miller's departure from
5 Managua, to your knowledge?

6 A Managua? It would have been -- I'm
7 not exactly sure. I would have talked with
8 Brother Jesse.

9 Q That's Jesse Brubaker?

10 A Jesse Brubaker, yes.

11 Q Did you speak with anyone else
12 about Lisa Miller's planned departure?

13 A We would have discussed this with
14 Tim at least months back.

15 Q When you say Tim, who do you mean?

16 A Tim Schrock.

17 Q When you say you would have
18 discussed it months back, why would you have
19 discussed it months back?

20 A Simply because he was trying to get
21 us to focus on what we really needed to focus
22 there.

23 Q On the church work in Managua?

24 A On the church work in Managua,
25 yes. Because we had reached out to Jessica

1 TIMOTHY MILLER

2 more as -- in order to help her.

3 Q What impact was Lisa's presence
4 having on that?

5 A Well, Jessica would go to Lisa and
6 things would come around and that created a
7 lot of stress.

8 Q What plans were you aware of being
9 made for Lisa Miller's new life in Jinotega?

10 A All I can recall was that she was
11 going to Jinotega.

12 Q After Lisa Miller -- well, did
13 Lisa, in fact, go to Jinotega?

14 A Yes, she did.

15 Q And that was approximately when?

16 A As I recall, Lisa went on the 27th
17 of April.

18 Q 2010?

19 A 2010.

20 Q Did you remain in contact with Lisa
21 after she left?

22 A No, except for one little brief
23 contact.

24 Q What about Ken Miller, did you
25 remain in contact with Ken Miller after the

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TIMOTHY MILLER

end of April of 2010 when Lisa Miller left for
Jinotega?

A Yes. I would have received their
e-mails and they would have received ours.

Q I want to take a look at a few of
those e-mails with you.

THE WITNESS: Break.

MS. BELL: Do you need a quick
break?

THE WITNESS: Yes, if that's
okay.

MS. BELL: Is it all right if
we take about a ten-minute break?

MR. BOYLE: Sure.

THE VIDEOTAPE OPERATOR: The
time is now 2:53. We are going off the
video record.

- - -

(Whereupon a break was taken
at this time.)

- - -

THE VIDEOTAPE OPERATOR: The
time is now 3:02. We're back on the
video record.

1 TIMOTHY MILLER

2 - - -

3 BY MS. COWLES:

4 Q Mr. Miller, when we took a break I
5 had asked you if you had remained in contact
6 with Ken Miller after Lisa Miller left for
7 Jinotega in April of 2010 and I believe you
8 indicated that you had stayed in touch with
9 him exchanging e-mails.

10 A E-mails and such.

11 Q I want to take a look at a few of
12 those e-mails. I'm going to hand you what I
13 will mark for identification as Government's
14 Exhibit 7. Government's Exhibit 7 is a four-
15 paged e-mail titled Irish News and signed Ken,
16 Linda and family. It's from Ken Miller
17 kingdomseeker1@gmail.com to a number of
18 recipients including your e-mail address. Can
19 you tell us just generally what Exhibit 7 is?

20 A Well, it looks like just a news --
21 a newsletter from Ken or from the family.

22 Q How often did you receive this type
23 of newsletter from Ken or his family?

24 A Periodically. I'm not sure exactly
25 how often.

1 TIMOTHY MILLER

2 Q In addition to the kind of general
3 e-mail we see in Government's Exhibit 7, did
4 you have more personal correspondence with Ken
5 Miller?

6 A I think I would have.

7 Q I'm going to ask you to take a look
8 at a few messages. I'm going to start by
9 handing you what I will mark as Government's
10 Exhibit 8 for identification. The date on the
11 top e-mail is May 11, 2010. It includes a
12 chain starting on May 5th of 2010 in which you
13 wrote to Ken Miller. If you could, just take
14 a moment and review those e-mails.

15 A (Witness complies with request.)

16 Q Can you describe the exchange
17 that's happening in this series of e-mails on
18 Government's Exhibit 8?

19 A It looks like I was contacting Andy
20 about bringing some money down.

21 Q Okay. When you say Andy, who do
22 you mean?

23 A Andy Yoder.

24 Q You said it's about bringing some
25 money down. What money are you referring to?

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TIMOTHY MILLER

A Obviously there was -- there were \$500 here.

Q In the text of the e-mail it refers to coffee. At any point in time leading up to this exchange of e-mails did you sell coffee to Ken Miller?

A Not that I can recall.

Q Were you involved in selling coffee?

A I have, yes.

Q And how does that come about?

A Well, I would -- sometimes I would buy from -- I would buy from Andy.

Q From Andy Yoder?

A From Andy Yoder, yes.

Q What was the price of the coffee from Andy Yoder?

A \$5 a pound is what it is.

Q So, how much coffee would \$500 represent approximately?

A About a hundred.

Q Do you recall being involved in the sale of approximately a hundred pounds of coffee to Ken Miller?

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TIMOTHY MILLER

A No, I don't.

Q What do you understand this e-mail exchange to be about?

A I'm not sure. I've been puzzling about it.

Q What, if anything, do you recall about receiving money from Ken Miller in May of 2010?

A I don't recall that. I recall some of this.

Q When you say this, what are you indicating?

A This of having gotten a hold of Andy. The rest of it I don't remember.

Q When you say you recall some of the getting a hold of Andy, what do you recall about getting a hold of Andy?

A To get him to deposit a check or bring the cash to Nicaragua.

Q Do you remember if that happened?

A As I recall, it did. As far as how it happened, I'm not sure.

Q Why would you have involved Andy Yoder in that exchange?

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TIMOTHY MILLER

A Because that was someone who was up in the United States at the moment.

Q Why would you need someone in the United States to help with this kind of transaction?

A What happens down there is, if you want to -- for instance, if you have a U.S. check, if you would take that check to a bank, it takes like a month and a half for that check to clear. So, if there was money that needed to go to Nicaragua, that would have obviously had -- it should have gone as cash; not as check.

Q Do you recall receiving cash from this exchange that's being discussed in Government's Exhibit 8?

A I don't recall that, no.

Q How do you explain the discussion of the sale of coffee in Government's Exhibit 8?

A I'm not sure.

Q What, if any, connection does Government's Exhibit 8 have to Lisa Miller?

A I don't know.

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TIMOTHY MILLER

Q Were you ever involved in providing funds to Lisa Miller?

A No.

Q To your knowledge, was Ken Miller involved in providing funds to Lisa Miller?

A Not as I remember.

Q I'm going to ask you to take a look at another exhibit. I will mark it Government's Exhibit 9. This is a one-paged message from you to Ken Miller dated Saturday, June 26th of 2010. The subject line says "I would like" and the text says "to talk to you sometime. Call me if you can".

As of June of 2010 how often did you speak to Ken Miller by phone?

A I don't know. I might have periodically. I'm just not sure.

Q Why would you need to talk to Ken Miller by phone?

A I don't know. I didn't specify it.

Q Do you have any recollection as to what this e-mail relates to?

A No.

Q Let's look then at what I'm going

1 TIMOTHY MILLER

2 to mark as Government's Exhibit 10 dated July
3 27th of 2010. There are two e-mails on the
4 one-paged exhibit. The top is from you to Ken
5 Miller beginning with a greeting "Well, hello,
6 Brother". The bottom says "Ken Miller wrote".

7 Taking a look at that message,
8 the message from Ken Miller says "no news is
9 good news I'm assuming" and in the second line
10 of your message you say "and, yes, no news
11 does seem to be good news".

12 To what were you referring in
13 this exchange?

14 A Probably about Lisa.

15 Q Why do you say it's probably about
16 Lisa?

17 A What else would it be referring
18 to? I don't know.

19 Q Why would you use something like no
20 news is good news to refer to Lisa Miller?

21 A I'm not sure. I guess that would
22 be for him to answer.

23 Q In your response you say "yes, no
24 news does seem to be goods news". If you
25 understood this to be an inquiry about Lisa

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TIMOTHY MILLER

Miller, why not simply say what you know about Lisa Miller?

A It could have been, well, she's okay or -- as far as I know.

Q As of July of 2010 why wouldn't you just say that in an e-mail?

A Well, at that point it had been a few months since I would have even had any contact with her.

Q Why would you still be concerned about secrecy in discussing Lisa Miller in a few months after you had any contact with her?

A There's no sense in discussing her directly.

Q Why do you say that?

A Well, if someone would look at the e-mail, you know, they wouldn't immediately say, oh, this is about Lisa Miller.

Q Why would you be concerned that someone would be looking at your e-mails to gain information about Lisa Miller in July of 2010?

A I wasn't really that concerned. Obviously if I would have been, those e-mails

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TIMOTHY MILLER

wouldn't have been there.

Q And yet it does appear you took an effort not to use the name Lisa Miller in this e-mail.

A Yes. To a certain degree, yes.

Q What -- at that point in time what concerns did you have about people being aware of your involvement with Lisa Miller?

A I'm not sure if I was that concerned about it. If anyone would have come -- all those months that Lisa was there with us, all of our neighbors saw her. Anybody who came around there saw her. Was it a secret? No. If you would have gone there looking for her, you would have found her. It's that simple.

Q Now, during those months that she was living with you what names did you use to refer to Lisa and Isabella?

A Well, we would have called them Sarah and Lydia.

Q And how would Lisa and Isabella have been dressed during the period of time that they lived with you?

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TIMOTHY MILLER

A They would have used their clothes, the Mennonite clothes.

Q I want to look at another exhibit that I'm going to mark as Government's Exhibit 11. It's a two-paged exhibit. The first page is an e-mail from Ken Miller

kingdomseeker1@gmail.com to your e-mail address dated November 10th of 2010. The second page is stamped Draft and provides a proposed translation of that e-mail message.

Would you take a look at that for me for a moment?

A (Witness complies with request.)

Q You've had an opportunity to see this e-mail previously. Correct?

A Yes.

Q Now, this e-mail on November 10, 2010 has a portion that appears in another language. What language do you understand that to be?

A Pennsylvania German or Dutch.

Q And had you regularly used Pennsylvania German or Pennsylvania Dutch in your correspondence with Ken Miller?

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TIMOTHY MILLER

A I wouldn't have, no.

Q Why would you not have?

A Because I can't really read it -- sorry. I can't really write it. I can read it halfway-ish.

Q How is your speech?

A Oh, I can speak it well, but it's not a written language for me.

Q Had Ken Miller previously used Pennsylvania Dutch to contact you?

A I don't know. Not to my recollection.

Q Do you recall receiving this e-mail?

A Did I receive this e-mail? Yes.

Q Looking at -- well, what did you understand the portion in Pennsylvania Dutch to mean?

A He was wondering if she was acting Ecuador like lezgetreal.com was saying she was.

Q When you say she, you're referring to Lisa Miller?

A Yes.

1 TIMOTHY MILLER

2 Q As of November 10, 2010 did you
3 know whether or not Lisa Miller was in
4 Ecuador?

5 A I had a good idea she wasn't there.

6 Q Where did you believe that she was?

7 A I would have thought she was in
8 Jinotega or somewhere thereabouts.

9 Q Did you respond to this message
10 from Ken Miller, to your recollection?

11 A I did. I don't really recall
12 exactly what I would have written her --
13 written him, but, yes, I would have.

14 Q Do you recall whether or not you
15 discussed Lisa Miller's location with Ken
16 Miller after receiving this e-mail on November
17 10th of 2010?

18 A You're speaking of in some other
19 form or --

20 Q Either by phone or by e-mail or any
21 any other communication.

22 A No, not that I recall.

23 Q The message -- well, what was your
24 understanding of why -- let me change that
25 question.

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TIMOTHY MILLER

When you received this, what was your impression of why Pennsylvania Dutch is used in this e-mail?

A Simply because he was probably trying to hide what he was talking about.

Q Had you and Ken Miller as of November 10, 2010 discussed the need to not speak publicly about Lisa Miller?

A Not that I can recall.

Q Had you ever discussed whether or not it would be all right to talk to people about how you had been involved with Lisa Miller?

A I don't recall that it ever was a topic of discussion, no.

Q There's a mention in the e-mails of something called lifesitenews. Had you ever corresponded -- had you ever had correspondence facilitated by lifesitenews?

A Not that I recall.

Q The e-mail also asks you if you can get a hold of Lisa Miller. Were you able to get a hold of Lisa Miller in November 10th -- on November 10th of 2010?

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TIMOTHY MILLER

A I didn't.

Q Do you know if you were able to?

A Well, I didn't even try.

Q How would you have gone about trying to reach her at that point in time?

A I was probably trying to contact her through a brother in Jinotega.

Q What conversations, if any, had you had with Ken Miller about trying to contact Lisa Miller as of November 10, 2010?

A I don't recall. I don't recall. You know, there might have been -- this was one of them that I didn't recall until it was brought to my attention.

Q Okay.

A I'm not sure that I would recall now.

Q Mr. Miller, you were originally charged with aiding and abetting international parental kidnapping by Lisa Miller. Correct? You were charged with aiding and abetting Lisa Miller in an international parental kidnapping. Correct?

A Yes.

1 TIMOTHY MILLER

2 Q How was your case resolved?

3 A They told me -- they -- it was --
4 the charges were dropped.

5 Q What was your understanding of your
6 agreement with the government leading to the
7 dropping of those charges?

8 A That I would testify if the need so
9 arose.

10 MS. COWLES: Those are all the
11 questions I have. Do you have any?

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. BOYLE:

16 Q Mr. Miller, I just have a few
17 questions, if you could give me a second.
18 First of all, we've talked throughout this
19 deposition about you, about Ken Miller and
20 about Lisa Miller. So, all three of you have
21 the same name: Miller. Is there any family
22 relationship between the three of you?

23 A No.

24 Q Before Lisa Miller arrived in
25 Nicaragua had you ever spoken to Lisa Miller?

TIMOTHY MILLER

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A No.

Q Had you ever talked to her?

A No.

Q Ken Miller, before you received that call in September of 2009 had you ever met Ken Miller?

A No.

Q Prior to today had you ever met Ken Miller in person?

A No.

Q Okay. This is the first time --

A This is the first time we met. Right? I think so.

Q So, up to this time it's all been telephone and e-mail?

A Yes.

Q And there's no family relationship between the two of you?

A Not that I understand.

Q Okay. Now, you've met and spent some time with Lisa Miller. Is that correct?

A She would have been there, yes.

Q And she's an adult woman?

A Yes.

TIMOTHY MILLER

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Q With her own child?

A Yes.

Q Now, when she was in Nicaragua was she free to come and go as she wanted?

A Yes.

Q Was she ever under your control?

A No.

Q Did you ever give her orders or anything of that nature?

A No.

Q Okay. So, she could have gone wherever she wanted and done whatever she wanted. Is that correct?

A Right. Correct.

Q Now, when Lisa Miller came to Nicaragua did you understand that any order had been entered transferring custody to anyone other than Lisa Miller?

A Excuse me. What was the question?

Q Before Lisa Miller came to Nicaragua did you understand there was any court orders or anything that had transferred custody of her daughter?

A No.

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TIMOTHY MILLER

Q So, you believe she was the guardian when she got to Nicaragua?

A Definitely. Definitely.

Q And you believe she had ever legal right to come to Nicaragua with her daughter?

A Right.

Q Okay. So, in assisting her did you think you were doing anything wrong?

A No.

Q Okay. And did you talk about that with Ken Miller at all, if you recall?

A Yes. Yeah. I mean that was one thing I do recall that we did talk about that, that there's nothing -- there's nothing wrong in this. She's the legal guardian. Obviously she wouldn't have been, but she was going -- she was traveling under her own name. Everything was legal and aboveboard in that respect.

Q And that was your understanding?

A Yes.

Q And that was Ken's understanding as well?

A As I recall, yes.

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TIMOTHY MILLER

Q Okay. Now, you -- the Assistant U.S. Attorney talked about the agreement you made with the government?

A Uh-huh.

Q As I understand the agreement, the only term of that agreement really is if you testify truthfully. Is that your understanding?

A That's right.

Q Okay. And in exchange for that, the charges against you and the District of Vermont were dropped?

A Were dropped, yes.

Q Or dismissed?

A Yes.

Q Prior to that, the charges being dropped, do you recall meeting with representatives of the Government on October 5th of this year? I believe it would have been in Philadelphia.

A Okay. I had one meeting, yes.

Q Did you tell the Government at that time that you thought everything that you had done was legal?

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TIMOTHY MILLER

A As I recall, I would have.

MR. BOYLE: If I could have just one second.

THE VIDEOTAPE OPERATOR: The time is now 3:25. We are going off the video record.

- - -

(Whereupon a break was taken at this time.)

- - -

THE VIDEOTAPE OPERATOR: The time is now 3:26. We're back on the video record.

- - -

MR. BOYLE: I have no more questions. Thank you, Mr. Miller.

- - -

EXAMINATION

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BY MS. COWLES:

Q Mr. Miller, just one brief area of follow-up. You said that you spoke with Ken Miller about why you weren't doing anything wrong in assisting Lisa Miller to come to

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TIMOTHY MILLER

Nicaragua. Correct?

A I think so, yes.

Q I believe you told Mr. Boyle that you discussed the fact that she was the legal guardian and she was traveling under her own name?

A Uh-huh.

Q When you -- did you have any discussions with Ken Miller about Lisa Miller's partner's rights to Isabella?

A Not that I recall.

Q What, if any, conversations did you have about rights to visitation that Miss Jenkins might have had at the time that Lisa Miller came to Nicaragua?

A I don't recall any of those.

Q I believe if you look back to Government Exhibit 1 you attached a fact sheet related to Lisa Miller and Isabella Miller Jenkins. If we look into that fact sheet it describes the matter between the two women looking at the top of the second page as a child custody/visitation legal dispute.

Were you aware based on this

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TIMOTHY MILLER

information that there were both custody and visitation rights at issue in this dispute?

A No, because I don't -- I didn't understand the law, but it was -- I didn't understand the U.S. laws, how they work or anything like that.

Q Do you recall discussing the child custody and visitation issue with Ken Miller?

A Not that I recall.

Q I believe when you testified previously you mentioned that the reason that you understood Lisa Miller wanted to come to Nicaragua was so that her child would not -- let me ask you.

What did you understand the reason was that Lisa Miller wanted to come to Nicaragua?

A That if there was -- with a possible custody transfer.

Q So --

THE VIDEOTAPE OPERATOR:

Excuse me, Counsel. I apologize. The time is now 3:28. This concludes videotape number one.

1 TIMOTHY MILLER

2 - - -

3 (Whereupon a break was taken
4 at this time.)

5 - - -

6 THE VIDEOTAPE OPERATOR: The
7 time is now 3:30. This begins videotape
8 number two of the videotape deposition.
9 You may proceed.

10 MS. COWLES: Thank you.

11 BY MS. COWLES:

12 Q Mr. Miller, in the e-mail that you
13 sent, Government's Exhibit 1, you forwarded
14 information related to an ongoing legal
15 dispute. Correct?

16 A Yes.

17 Q So, when -- in your discussions
18 with Ken Miller did you discuss the fact that
19 Lisa Miller was involved in an ongoing dispute
20 with her partner about this child?

21 A Well, we talked about -- we talked
22 about the case as such. That doesn't mean I
23 understood the implications.

24 Q But you understood there was a
25 case?

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TIMOTHY MILLER

A There was obviously a case, yes, but as far as the implications, no, simply because the Bible is very clear. God -- God instituted marriage as a husband and a wife, and if someone has a child by other means, obviously it's not anybody else's child. I mean that would have been my understanding.

Q And you understood that in helping Lisa Miller come to Nicaragua you were helping to keep the child away from the other woman who wanted access to her?

MR. BOYLE: I'm going to object to the form. It's leading.

MS. COWLES: Let me rephrase the question.

BY MS. COWLES:

Q How did your -- what impact did you understand Lisa Miller's travel to Nicaragua to have on the relationship of the child to this other woman, if any?

A As I would have understood it at that time, she had had little or very little contact with her anyway. She had lived with her mother. So, to me it wasn't really --

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TIMOTHY MILLER

that I would have known, it wasn't really an issue.

Q What impact would you have understood the trip to Nicaragua to have had, though?

A Well, if there was a custody transfer? Is that what you're talking about?

Q Well, I'm starting with the immediate moment. Before any additional orders what affect would coming to Nicaragua have on the relationship, as you understood it, of the child with the other woman?

A I guess I can't really recall that I thought about that as such.

Q How did you think about it?

A I just more thought of this whole thing, well, here's someone who needs help coming to Nicaragua, and I helped.

Q Why did she need help coming to Nicaragua?

A Obviously she needed to be picked up by someone. She didn't know anyone in Nicaragua.

Q Why did she need to come to

1 TIMOTHY MILLER

2 Nicaragua at all, as you understood it?

3 A Because of a -- because of a legal
4 dispute.

5 Q By coming to Nicaragua what impact
6 did you understand Lisa Miller could have on
7 that legal dispute?

8 A I don't know if I thought down
9 those lines.

10 Q You understood there was a court
11 case?

12 A Right.

13 Q So, what affect on the court case
14 did you understand the move to Nicaragua would
15 have?

16 A If the custody would have been
17 transferred in the future, well then she
18 wouldn't have been in the U.S. for that
19 transfer.

20 Q So, as far as the other woman, Miss
21 Jenkins' ability to see the child, what affect
22 did you understand this trip to Nicaragua
23 would have?

24 A I guess -- like I said, I never
25 thought -- that I can recall, I never thought

1 TIMOTHY MILLER

2 down those lines as far as what affect it
3 would have. This was her child. This is
4 Lisa's child. She can do with her child
5 whatever she wants to.

6 Q But you and Ken Miller discussed
7 the need to insure that people couldn't find
8 Lisa Miller. Correct?

9 A I wouldn't have put it that way.

10 Q How would you put it?

11 A I would have said that she needed
12 to come to Nicaragua for that possibility. We
13 didn't know where she was going. We had --
14 that I recall, there was nothing -- there was
15 no plan as such.

16 Q Was Lisa Miller a planner?

17 A She was.

18 Q How did you -- based on how you
19 came to know Lisa Miller, did you find it
20 surprising that there was no plan for her life
21 in Nicaragua?

22 A Ask me the question again.

23 Q Based on what you came to know of
24 Lisa Miller, did you find it surprising that
25 there was no plan for her life in Nicaragua?

1 TIMOTHY MILLER

2 A I guess I didn't think -- I mean I
3 didn't think about that, no.

4 Q Returning simply to this court
5 case, what, if any, discussion did you and Ken
6 Miller have about who would be looking for
7 Lisa Miller and Isabella or who might be
8 looking for Lisa Miller and Isabella if a
9 court order came changing custody?

10 A Obviously somebody related to the
11 court.

12 MS. COWLES: I have nothing
13 further.

14 MR. BOYLE: If I could just
15 follow-up with a few questions.

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. BOYLES:

20 Q Just so I understand what I think
21 you're saying, you're saying when Lisa Miller
22 came to Nicaragua you thought she had ever
23 right to have her daughter in Nicaragua. Is
24 that correct?

25 A I was what?

1 TIMOTHY MILLER

2 Q You thought Lisa Miller had ever
3 right to have her daughter in Nicaragua?

4 A Yes.

5 Q Okay. So, what you were worried
6 about was a potential change in custody?

7 A Right.

8 Q But that change had not occurred
9 yet?

10 A That's right.

11 Q And you didn't at that point in
12 time know if it would ever occur, did you?

13 A That's right.

14 Q And --

15 MR. BOYLE: I don't think I
16 have any further questions. Thanks.

17 - - -

18 EXAMINATION

19 - - -

20 BY MS. COWLES:

21 Q Let me ask you one more question.

22 You just told Defense Counsel
23 that you weren't sure if the change in custody
24 would ever occur. Correct?

25 A Right.

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TIMOTHY MILLER

Q But I believe when we looked at the exhibit related to residency requirements you did collect information about how Lisa Miller might be able to remain in Nicaragua.

Correct?

A But that was also just because of the possibility.

Q Just in case?

A There was no -- I mean I didn't know. I had no clue.

MS. COWLES: All right. I have nothing further.

THE VIDEOTAPE OPERATOR: The time is now 3:38. This concludes the videotaped deposition.

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(Witness excused.)

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TIMOTHY MILLER
C E R T I F I C A T E
COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF PHILADELPHIA:

I, Donna Bucci Stein, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing deposition of Timothy Miller was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal
this 1st day of January 2012.



Donna Bucci Stein, RPR
Notary Public

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[& - alerted]

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