

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS

ALEX WALKER,

Plaintiff,

v.

THREE ANGELS BROADCASTING
NETWORK, INC., and TOMMY
SHELTON,

Defendants.

No. 11 CV 4177

Judge Robert M. Dow, Jr.

Magistrate Susan E. Cox

DECLARATION OF M. GREGORY SIMPSON

I, M. GREGORY SIMPSON, declare as follows:

1. I am one of the attorneys for Defendant Three Angels Broadcasting Network, Inc. in the above-captioned case. I make the statements in this Affidavit of my own personal knowledge.

2. Attached as Exhibit A is a copy of the Commonwealth of Virginia's responses to Tommy Shelton's discovery requests filed with the court in the criminal case against Tommy Shelton arising out of alleged abuse of the plaintiff. This document was obtained directly from the court's file by a messenger. I have taken the liberty of redacting the name of the other alleged victim from the exhibit.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 26, 2011


M. Gregory Simpson

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)
)
v.)
)
TOMMY SHELTON JR.)

FE-2010-786
FE-2010-787

2010 SEP 15 11:00 AM
CLERK OF COURT
FAIRFAX COUNTY

**COMMONWEALTH'S RESPONSE TO DEFENDANT'S
REQUEST FOR DISCOVERY**

COMES NOW the Commonwealth of Virginia, by her Assistant Commonwealth's Attorney and files her response to Defendant's request for written discovery and pursuant to Rule 3A:11 of the Rules of the Virginia Supreme Court, states as follows:

1. WRITTEN OR RECORDED STATEMENTS OR ORAL STATEMENTS MADE TO ANY
LAW ENFORCEMENT OFFICER:

None known to the Commonwealth at this time.

2. WRITTEN REPORTS OF AUTOPSIES, BALLISTICS TESTS, FINGERPRINT AND
HANDWRITING ANALYSES, BLOOD, URINE, AND BREATH TESTS, OTHER
SCIENTIFIC REPORTS, AND WRITTEN REPORTS OF A PHYSICAL OR MENTAL
EXAM:

None known by the Commonwealth at this time.

3. BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS, TANGIBLE OBJECTS, BUILDINGS
OR PLACES, OR COPIES OR PORTIONS THEREOF, THAT ARE TO BE INTRODUCED
AT TRIAL:

93 pages of documents have been provided to defense counsel.

4. ANY CRIMINAL RECORD OF THE DEFENDANT AND COMMONWEALTH
WITNESSES:



Defendant does not have any criminal record. Criminal record of any Commonwealth witnesses will be provided the day of trial, after direct testimony.

5. BRADY MATERIAL:

(a) See above responses.

(b) ██████ reported to Det. Pirnat in March 2008 that he lost both his parents at the age of six and went to live with his grandmother and step-grandfather in Vienna. The family attended the Community Church of God and ██████ became involved with the church choir from the time he was 12 years old until the time he was 14 years old. While participating in the choir, Pastor Tommy Shelton began to spend time with ██████ in the role of mentor. Pastor Shelton taught ██████ the piano and began to console him about home life issues. ██████ felt that Pastor Shelton began to take on the role of a father figure by first showing him love in the form of hugs. However, this relationship evolved into something inappropriate as Pastor Shelton would read scripture to ██████ that stated it was okay for a father to show his love to a son in a more sexual way. Pastor Shelton would rub ██████ back eventually moving his hand to ██████ buttocks. Pastor Shelton then began to rub ██████ pants on the outside of his clothes (occurred approximately 10-15 times). Eventually Pastor Shelton began to unzip ██████ pants, putting his hand inside ██████ pants and stroking his bare penis (occurred approximately 4-5 times). Then Pastor Shelton placed his mouth on ██████ penis (occurred approximately 2-3 times). The meetings would all occur in the church inside of Pastor Shelton's office. ██████ stopped going to church shortly after the oral sex began. ██████ believes all the sexual abuse occurred while he was still in junior high school.

(c) ██████ grandmother, Joann ██████ told Det. Pirnat in March 2008 that she found out about the abuse over a year ago. She said she reacted by calling to confront Pastor Shelton. She

admitted that she told Pastor Shelton that he should financial compensate [REDACTED] for what he did, to help pay for counseling and college tuition. Pastor Shelton told Joann that he would talk to a lawyer and call back, but he never did.

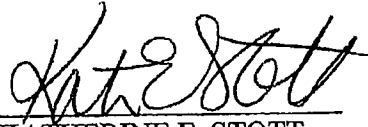
(d) Alex Walker reported to Det. Pirnat on 11/17/08. He stated that his brother is married to Tommy Shelton's daughter. He has known Pastor Shelton since he was a young boy when he went to school in West Frankfort, Illinois. He said that his brother moved to Virginia in the mid-1990s with the Shelton family. Alex was sent to visit his brother for about a two month period. During this time frame, Tommy Shelton and his wife Carol would often baby-sit Mr. Walker who was eight or nine years old at the time. Pastor Shelton would sometimes take Mr. Walker for bike rides on the Washington & Old Dominion Trail within Fairfax County. On five to six occasions, Pastor Shelton would wait until no one else was around on the trail and then take Alex slightly off the bike path. Pastor Shelton would then fondle Mr. Walker by touching his penis over his clothing. Alex did not believe anyone ever witnessed these incidents and explained that it was usually late in the evening and mostly dark. Pastor Shelton told Mr. Walker not to tell anyone because he was not doing it in a "bad way". Alex explained that the first person he disclosed to was Pastor Dryden. Alex said he was coming forward to law enforcement now because he is concerned about this nephew Tyler, who spends time with Pastor Shelton. He heard stories that Pastor Shelton had sexually abused his own son and was concerned that he would then be capable of sexually abusing his own grandson.

(e) Alex Walker reported to Chief Chad E. Pusey of the Oblong Police Department in Oblong, Illinois on 12/5/08. Alex described to Chief Pusey that when he was 8 years old, that he had some contact with Tommy Shelton, who was the pastor at the Community Church of God in Dunn Loring, VA. Alex stated that he came into contact with the pastor due to the fact that

Alex's brother lived there at the time. Alex's brother, Brad Walker is married to Tommy Shelton's daughter. Alex was sent to spend some time with this brother in Virginia when he lived with the Sheltons. Alex stated that Shelton would take him on bike rides on a bike path and then sometimes go off of the path. Alex advised that this was done usually when not too many people would be utilizing the bike path or that they would go off the path. Once no one was around or they were off of the path, Alex said that Shelton would touch him in the penis area on the outer path of his clothing. Alex stated that this happened four or five times. Alex said that Shelton touched him inappropriately several times inside of the church. Alex said that Shelton was very cautious that no one saw what he was doing and that there was no one around. He said that Shelton told him to make sure no one finds out that he touched him. He said that at no point did Shelton ask him or force him to touch him in any way. Alex told Chief Pusey that he was scared for his nephew who lives with his brother and Tommy Shelton. He said that he found out that Shelton was pasturing again at a church in Kentucky and was afraid for other children. Alex said that Shelton was accused of doing the same type of thing to his own son.

As is her continuing obligation, the Commonwealth will supplement this Discovery Response as appropriate should additional information or materials become known.

Respectfully submitted,


KATHERINE E. STOTT
Deputy Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Defendant's Request for Discovery was hand delivered to Kimberly Irving and Tom Pavlinic, counsel for the defendant, this 18th day of June, 2010.



KATHERINE E. STOTT
Deputy Commonwealth's Attorney