

No. 08-2457

---

IN THE  
**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

---

**THREE ANGELS BROADCASTING NETWORK, INC.,  
an Illinois Non-Profit Corporation;  
DANNY LEE SHELTON,**

*Plaintiffs-Appellees,*

v.

**GAILON ARTHUR JOY; ROBERT PICKLE,**

*Defendants-Appellants.*

---

On Appeal from the United States District Court  
for the District of Massachusetts  
Case No. 07-40098

---

**DEFENDANTS' MOTION TO TAKE  
LEAVE TO CORRECT THE RECORD**

---

GAILON ARTHUR JOY, *PRO SE*  
P.O. Box 37  
Sterling, MA 01564  
(978) 333-6052

ROBERT PICKLE, *PRO SE*  
1354 County Highway 21  
Halstad, MN 56548  
(218) 456-2568

Defendants' Appellant Brief contained a typographical error on page 4, affecting a paragraph that carries over to page 5. This error was probably introduced shortly before service of the brief due to a search to locate citations to Oregon Revised Statutes ("ORS"), a search which probably inadvertently deleted the letters "ors" and transformed the word "worse" into "we," making the affected sentence partly unintelligible.

The Defendants have attached corrected pages 4 and 5 to this motion as **Exhibit A**, and move the Court for leave to correct the record so that the intended word and sentence may appear in Defendants' brief.

The Plaintiffs are well aware of the issue referred to. On October 1, 2008, Defendants filed an affidavit using as Exhibit T an April 28, 2004, email by Danny Lee Shelton ("Shelton") to Alyssa Moore. (Record on Appeal Doc. # 114 p. 4; Exhibits for Appendix pp. 722–723). In that email Shelton claimed that "spiritual adultery" "is just as wrong of a sin and [*sic.*] physical adultery only usually with worse consequences." (*Id.*). Since Plaintiffs are aware of this issue, Plaintiffs are not prejudiced by the inclusion into Defendants' brief of the corrected sentence:

Shelton accused Linda Shelton of spiritual adultery, defined by an article Shelton cited as telling someone something you should tell your husband first, believed by Shelton to be **worse** than physical adultery. [Bold added, citations omitted.]

WHEREFORE, Gailon Arthur Joy and Robert Pickle pray the Court for leave to correct the record so that "worse" replaces "we" in the affected sentence.

Respectfully submitted,

Dated: March 6, 2009

/s/ Gailon Arthur Joy, *pro se*

Gailon Arthur Joy, *pro se*  
P.O. Box 37  
Sterling, MA 01564  
Tel: (978) 333-3067

and

/s/ Robert Pickle, *pro se*

Robert Pickle, *pro se*  
1354 County Highway 21  
Halstad, MN 56548  
Tel: (218) 456-2568  
Fax: (206) 203-3751

### **CERTIFICATE OF SERVICE**

I, Bob Pickle, hereby certify that on March 6, 2009, I served copies of this motion on the following parties and the Clerk of the Court of Appeals by way of U.S. mail:

Gerald Duffy, M. Gregory Simpson, Jerrie M. Hayes,  
Kristin L. Kingsbury, William Christopher Penwell  
*Attorneys for Danny Lee Shelton, Three Angels Broadcasting Network, Inc.*  
**Siegel, Brill, Greupner, Duffy & Foster, P.A.**  
100 Washington Avenue South  
Suite 1300  
Minneapolis, MN 55401

John P. Pucci, J. Lizette Richards  
*Attorneys for Danny Lee Shelton, Three Angels Broadcasting Network, Inc.*  
**Fierst, Pucci & Kane, LLP**  
64 Gothic Street  
Northampton, MA 01060

Dated: March 6, 2009

/s/ Bob Pickle

Bob Pickle