

**UNITED STATES OF AMERICA**  
**v.**  
**NATHANIEL JAMES NICHOLSON,**

**Case No. CR 09-40-BR**

**EXHIBIT 5**

DRAFT COPY

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File # 65A-PD-51450

SID # 3096897

Session # Unknown (Call Date/Time: 11 January 2009, 21:50:44 GMT)

NN: Hello?

CB: Explain.

NN: Explain? It's a long story really.

CB: Well, I have about 15 minutes for you to explain it—now go.

NN: Fifteen minutes? [chuckles] Well, uh, it all started like a couple of years ago and all that sort of stuff. Um, basically in short as much as I can possibly make it, I was giving information to Russians for uh, money.

CB: [laughs] OK, sorry—continue.

NN: Yeah, yeah. So anyways, it started about two years ago. I went down to San Francisco, um, got five thousand dollars from there. And with that money I was to go to Mexico. Uh, so I went to Mexico, gave some information—they gave me ten thousand dollars in return. That was one trip. Second trip was six months later—went back to Mexico, got another ten thousand dollars. After that trip, I went over to uh, Peru. Uh, got another ten thousand dollars from there, which was six months later from the previous trip. And then one year later, which was just before this last Christmas, I went over to uh, Nicosia, Cyprus and there I got another ten thousand dollars--in which case I came back and then there's FBI knocking on my door with like warrants and all that sort of stuff.

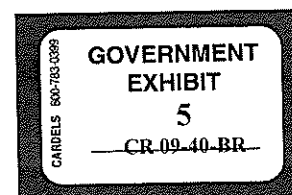
CB: Wha-what were you telling, what kind of information were you giving them?

NN: Uh, well, to be honest with you, I didn't really know. Because it was information that my dad passed on to me and it was, you know, just written on tissue paper basically—well actually literally. And, you know, so I didn't bother reading it, you know—he said I could and all that. But, what I gather, it probably was--was like hey, well you know how my dad's in jail, and all that sort of stuff, for espionage?

CB: Yeah.

NN: What I gather is like hey, um, you know, "I did this favor for you guys, now I want you guys to help my family." Right? And uh, because when I got there, you know, they were asking like a lot of questions about how I was doing, how Jeremi and Star

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were doing, what sort of debts we might have—all that sort of stuff.

CB: OK.

NN: And uh, they were even thinking of, um you know, having me move to Mexico so they could pay for all my schooling there. But I said hey you know, I have my VA stuff, so that covers all of it. But um, you know, they weren't even—the questions the Russians were asking me weren't even like all that big. It was like, OK, ask your dad, you know, in his own words, as to like why he feels he got arrested, like where he went wrong and all that sort of stuff. And you know the FBI already knew that, you know. And the Russians obviously already know that--they just want it in his own words.

CB: Yeah.

NN: And this last trip I didn't even give them anything, so. But it was mainly, um, from what I understand, just to help out my family. And, you know, I came back with ten thousand and I gave like a couple of thousand to my brother, a couple of thousand to my sister and I said, like, that was from my grandparents.

CB: Is that what you were doing when you went to Mexico that one time?

NN: Yeah, yeah.

CB: [laughs]

NN: That's, that was why I was really hesitant on even, like, having you come along.

CB: My god.

NN: [laughs]

CB: My friend's a spy. Not even a spy, you're just...

NN: I'm just the messenger.

CB: Yeah, but like you—you told the FBI, like, "I didn't know..."

NN: Oh yeah. I wrote like a whole confession and all that sort of stuff, and I asked them, "Am I going to prison?" Right? And they say, "Well, you're not going to prison or

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anything like that.” I say, “Am I going to court?” But I don’t know if that was just like, that time of frame, right, because uh, Tuesday, this Tuesday, on the 13<sup>th</sup>, I guess there’s a grand jury hearing. I guess my grandparents are going to it, and my cousin’s boyfriend Jesse, of all people, um got called to go to that. And I mean, it’s like the whole purpose of the grand jury is to see if there is enough evidence to make a case out of it.

CB: [chuckles] Yeah.

NN: So, after they—I’m one hundred percent sure that they’re going to be able to make a case out of it. You know, I don’t know, uh, if, they’re going uh—well obviously they’re going to find me guilty, because I already said, “Hey, I did all this.”

CB: Um huh.

NN: But it’s like, uh, you know I don’t know if, you know, they’re gonna have me go to federal prison or if they’re gonna have me like turn around and try to, uh, catch these Russians, or something like that, that were helping me, you know.

CB: You’re gonna be a, uh, spy’s spy?

NN: I-I don’t know if that’s what they’re gonna have me do—I don’t know. And so I’m, you know, just sitting over here in my apartment and think, OK, you know, I know I have at least two days left of freedom, and all that sort of stuff, you know, before the grand jury and all. It-it was actually kind of interesting, right, because the grand jury was supposed to happen like several weeks ago. It was like snowing really bad over here, so they kept pushing it back. And then there was like big miscommunication, so they had to push it back twice.

CB: Maybe that’s God’s way of saying hey... [chuckles].

NN: Yeah, I know, right? I know.

CB: It shouldn’t be happening.

NN: But um, I mean, they-they came in and they-they said it was all voluntary and all that sort of stuff, but I’m thinking, you know, is there like...they’re asking these questions like, OK if I decide to like slam the door in their face, you know, they’re just, you know, going to be right back with warrants. And sure enough, they had warrants for all this stuff, you know, to search me, to search my car, to search my

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apartment. Right? So, I mean...

CB: [UI], What did they expect to find? Porn? I mean...

NN: No, no—they wanted to find um, basically confirmation stuff to uh, make a case that I was indeed doing all these things. And so they found like, well obviously, uh, uh, the money—well I told them where the money was. I brought back like nine thousand five hundred this time. Um, you know I had, uh-uh, questions that the Russians wanted me to ask dad, um which would have been uh about me going to college or doing like a-a, oh what is it called? Uh, oh—transfer student, transfer student program. Right and that way I could do like three trips over to Mexico and it would, I would like have a plausible story.

CB: Yeah.

NN: You know? And um, you know, just-just those sort of questions and see what dad would think about it, that's-that's all that I was supposed to gather. And uh, but anyways they took my plane tickets, they took, uh, my Turkish, uh, currency, which I was really bummed about because I was specifically saving like one of like each bill.

CB: Yeah.

NN: You know? But, um, yeah, so anyways...Uh, they interrogated me for, uh, literally about eight hours. Just really, really boring dry stuff. I had to go through all the details—and a lot of it was taken up with me writing up stuff. They took my computer, which I was pissed off, because I didn't use my computer for any of that stuff.

CB: Yeah.

NN: [jokes] It's like, "My Porn, No!" [they both laugh] No! They took my I-pod which baffles me, right, because it's like, versus and I-pod versus a PSP, a PSP you can have access to internet.

CB: Yeah.

NN: Right, but they took the I-pod and not the PSP.

CB: Dude, that's where you have all your hidden information.

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NN: Yeah, yeah. I have, you know, a Wii, and all that, and Wii's have access to internet and it's like they didn't take the Wii, you know, they just took the I-pod, so I can't listen to music.

CB: Maybe that's what they're trying to do. They're just [UI].

NN: [UI] Damn you. Oh god, I was like in a panic though, like a couple of days ago, well actually a couple of weeks ago, 'cause they froze my bank account, right.

CB: Um, god.

NN: And I'm, like, Well how the crap am I supposed to pay my bills? Right? It's like, "Oh, you know, things have a way of working out." And, like, oh great, you know, I say like, "What about my VA stuff? Am I still going to have access to that?" "Oh yeah, you're going to have access to that." So, thankfully, they weren't lying about that and I was able to pay some, or most of my bills.

CB: Yeah. You like, um, you-you should have just said, "I'm supposed to rely on the American government to have things work themselves out?"

NN: Yeah, I know, right?

CB: [laughs]

NN: It's like, "Damn you." But I mean, like, in-in hindsight, I didn't really think I was doing anything wrong.

CB: Yeah.

NN: You know it's like, OK, what my dad did, her already did. So this stuff, you know...

CB: Well, what did... What exactly did your dad do, though?

NN: Uh, well, he gave information to the Russians, obviously

CB: Yeah, but like, what type of information though.

NN: Uh, nothing that, like, jeopardized any lives, or anything like that. I don't really know one hundred percent what it was.

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CB: um huh.

NN: But um, oh gosh, I-I-I think it might have been something about training, or something like that, that the CIA go through.

CB: Dangerous training.

NN: You know, but that's not big information. The Russians basically already knew that kind, sort of stuff, they just want confirmation, right.

CB: Oh, are-are we, like, we're not, like, against the Russians, are we? I mean, last time I knew, we weren't...

NN: [SC] Right, right.

CB: Worried about that at all.

NN: Right, right. We really aren't, you know, but I mean there's like this big propaganda stuff, you know, like Hollywood really plays up on it. Um, you know the, just like the paranoia the U.S. Government has against Russia. You know it's like they say we're allies, but we're always...

CB: I've never been paranoid against Russia.

NN: Yeah, yeah. And they're cool people, they're really cool people.

CB: Yeah, and they have cool accents.

NN: Yeah, they do. But it's really too bad that all of, and you know, it's not like I signed any papers for the money, they were gifts, you know. So, and they even, the FBI even said I might be able to get the money back—which would be freakin' sweet.

CB: [laughs]

NN: But, I'm not counting on that.

CB: It Just uh, it just sounds like your dad, you know, did some favors for them, and your dad is now saying, "Hey, you know I did this for you, so can you help my family out since I helped you out?" That's-that's all it sound like.

NN: Right and that's essentially all that it was, you know.

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CB: Or, at least that's all you think it was, unless there's some hidden message in all the notes that you were passing.

NN: Um, there could have been—but I mean, that wouldn't quite explain the questions they were asking me because, you know the...

CB: Yeah.

NN: The guy was, like, reading the papers and, you know, then he asked me these rather simple questions and it's like, well, OK, I'm pretty sure there's no code in there, unless, yeah, yeah...

CB: Unless you're just not aware of it.

NN: Yeah, yeah. Unless I'm just so naïve and oblivious to everything, you know.

CB: You're so naïve and oblivious to everything that you're somehow passing along secret messages [UI].

NN: I know. [jokes] "Oh wow, I've got this money in my hands, looky here."

CB: [laughs]

NN: [jokes] "This is freakin' sweet!"

CB: Well, what it sounds like to me is with the jury, they're just trying to figure out whether, I think maybe, they're trying to figure out whether or not, they should, because they have to have, like, a jury, I'm thinking, a jury of your peers.

NN: Yeah, yeah—a grand jury that they're going to be having. But, uh, it's like I wrote out a confession, you know—what more do they need?

CB: But it just seems like they're just trying to figure out whether or not to go through with it.

NN: Ah, see that's-that's really comforting to hear from someone else, and all that.

CB: Yeah, yeah. That's-that's-that's what it seems like to me—that they're just trying, that they're just trying to make sure that hey, "OK, well he might not have been doing anything wrong, but you know, we're just going to cover all of our bases, to

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make sure.”

NN: Right, right.

CB: But anyway, I have to get back to work.

NN: OK.

CB: Keep-keep me updated on the whole “you might be going to federal prison thing.”

NN: [laughs] Hopefully not.

CB: Hopefully, you won't be in federal prison when I come to visit, when I come visit.  
And if you are, I'll try to make a stop by.

NN: Nice, nice [UI].

CB: Alright, bye.

NN: Alright, bye.

[Call Ends]

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