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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari from Spartanburg County
Honorable J. Mark Hayes, II, Post-Conviction Relief Judge
Honorable R. Keith Kelly, Trial Judge

Appellate Case No. 2022-000434

DANIEL SPADE,

Respondent-Petitioner,

vs.

THE STATE,

Petitioner-Respondent.

APPENDIX
VOLUME V OF VII

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communicating with children that age?
A Well, sometimes children will whether -- would rather point or demonstrate some things because they don't have the language for it or because it's too difficult to speak about it.
Q When it's too difficult to speak about, what particularly -- do you utilize any type of media to help children?
A Yes, drawings.
Q Why drawings?
A Well, they can't write. So, that's the only thing -- they can't like write out what happened to them, and I say that because there's -- we even see teenagers that don't want to speak about what happened, but they will write what happened. Well, four year olds can't write and give you a statement, a written statement, about what happened.
Q Can you describe the set up, just inter, interview set up that you use at the CAC?
A It's usually a pretty bare room. Usually there's paper and crayons on the table. The forensic interviewer is the only one in the room with the child. There's camera -- a camera that's not really noticeable to the child. It's actually in the, in the wall, a chair, and tables.
Q You said that sometimes you'll have the children demonstrate on their body if they're having trouble with

words.

Do you ever use dolls?

A No.

Q Why not?

A I just think that gets into some tricky territory. I, I just -- I personally just think it's best, based on research, that if the disclosure can come out without dolls, that that -- that would be the best way.

Q When you say based on research, can you elaborate?

What research are you talking about dealing with the use of, of dolls in forensic interviews?

A There's vast research about that, and there's research on both sides, and some people are supportive of it. I personally just do not feel very comfortable with the dolls.

Q Why is that?

A It -- because the children can start exploring things and exploring the holes, and you don't really know what that means. Is it something -- is there something that's happened or, or they just exploring things.

Q Are you aware of methodologies that discourage more than one forensic interview?

A Yes.

Q Obviously Minor Victim had five forensic interviews.

That's not a methodology you use in practice?

A Right.

Q Why not?
A Well, I think it makes common sense that, if a four year old or a three year old meets me for the first time, and goes alone in a room with me, it's really an unrealistic expectation for me, as an adult, to expect this child to share very difficult information with me having just met me. It's not typically boundaries or societal norms that are taught to children to do that. And so sometimes you have to bridge that, and that's what I mean about having a child feel safe.

And so a child may come in for five minutes and be gone. And if they -- if that's it, that's it. At least they know they came in, nothing bad happened. And so, to see them again, we, we've overcome that hurdle.

Q When you say a child might come in for five minutes and then be done, how do you determine when to terminate an interview?
A Well, some -- sometimes, in those cases, the kid jets out the door, you know, and they, they ended it. Sometimes a kid will, will want to be done, but then when you talk about other things, they'll hang out all day. And then so you'll talk about other things and then circle back to the difficult subject. So, each child is different.
Q What about the length of interviews?

What, what research have you -- what methodology do you

use to govern how long your interviews are gonna be?
A But it's each child's pace and what they can handle.
Q What is a common length of an interview if you can answer for a, for a four year old?
A For a four year old?
Q (WHEREUPON, there was no audible response.)
A I would say around 30 minutes to an hour.
Q Are you aware of the term coaching?
A Yes.
Q Can you describe what coaching is?
A Well, coaching is something we look for.
THE COURT: Excuse me one second. I'm gonna need to step down just for a minute.
MS. JAMESON: Thank you.
THE COURT: Don't have any discussions with anyone about the substance of your testimony. I'll be right back.
(WHEREUPON, a short recess was taken at this time.)
THE COURT: Yes, ma'am, just need to remind you that you remain under oath.
Yes, ma'am.
CONTINUED DIRECT EXAMINATION
BY MS. JAMESON:
Q I believe I was asking you to describe what coaching is.
A Coaching is something we look for particularly. In my

experience in seeing signs of coaching, it has been that a child comes in and maybe makes one blanket, repetitive statement, and doesn't have very much detail around it nor emotion, and it's not really something that they're avoiding saying. They're just saying it and that's it.

Q So, a common side effect of coaching, in your experience, is there isn't a lot of depth to the disclosure?

A Right. Right.

Q Or emotion?

A Right.

Q Do you -- how do you encounter children who have been coached not to disclose, disclose abuse?

A Yes, that, that is probably more of what we see. I can give you several examples of cases where I've done forensics on, on kids when somebody walked in and saw it happening, and I did the forensic, and the child came in saying that it did not happen.

Q How would threats from the abuser impact whether or not a child discloses sexual abuse?

A It can be very, very fearful for them to, to disclose if they've had threats made. There's all kind of threats that can be made, but certainly that is a barrier that can hinder the child being able to share about what's happened to them.

Q What is -- are you aware of the term delayed

disclosure?
A Yes.
Q What does the term delayed disclosure mean?
A It's when a child doesn't immediately disclose about what happened.
Q When you say doesn't immediately disclose, would a few days --?
A That would still be considered a delayed disclosure, yes.
Q Up to years --
A Yes.
Q -- or one, one?
A Yes.
Q How common is delayed disclosure?
A It's very common, very common.
Q How often do you see delayed disclosure in your practice?
A Oh, I would say it's probably at least 98 percent of the time.
Q So, it's rare for a child to instantly after---
A Immediately tell, it's very rare.
Q How do threats affect delayed disclosure?
A They will prolong the disclosure because there's fear about disclosing.
Q When you say prolong the disclosure, do you mean they

will prolong the amount of time between---
A Yes.
Q ---the action?
Do they have -- do threats have any impact on whether a disclosure is made in full or partial?
A Yes. Yes.
Q How's that?
A Well, it -- any kind of threats is gonna hinder a disclosure. And so a child is gonna -- if there's something they're fearing is gonna happen or some kind of negative circumstances that are gonna happen if they tell, even though they tell, it may limit how much they tell because they're still very fearful due to those threats.
Q What about the threat not to reunite a child with their primary caregiver?
Would you expect, expect to see some---
A Yes.
Q ---delayed disclosure?
A Yes.
Q Or hesitancy to disclose the abuse?
A Yes.
Q Do victims of sexual abuse often disclose everything at once or is it -- is disclosure more of a process?
A It's definitely a process. Disclosure is something that happens over time. It is not a one time event.

Q Is that one of the reasons why you don't limit interviews to one interview?
A Yes.
Q When you're interviewing a child as young as three or four for that developmental age, and there is concern that they have been sexually abused multiple times in multiple different locations, how do you determine jurisdiction or where the abuse happened?
A It's very difficult. With -- when multiple acts have happened in multiple locations in multiple, multiple jurisdictions, it's my job, as a forensic interviewer, to try to figure that kind of stuff out because, if law enforcement decides that they want to get a warrant, they're gonna need to know where things happened, and it can get very, very confusing, especially for three and four year olds.
Q Do you ever use photographs to try to determine a jurisdiction?
A Yes. Yes.
Q Why is that?
A Because that's something that -- it's not gonna -- introducing something to the child that they haven't seen before. It's something that I can confirm, through other sources, that, yes, this child lived in this home or, yes, this child was at this place, or, yes, this child was in

this location. It's not that I'm introducing and telling the child you were here. I've already confirmed, through outside sources, that, yes, this is where this child has been.

Q And you get that information from law enforcement, correct?

A Yes.

Q Throughout the interview process, do you, do you contact law enforcement after individual interviews?

A It just depends.

Q What does it depend on?

A If there's additional information that's been shared that's relevant, and sometimes law enforcement is there. I mean they're there observing the interview.

Q When you say observing the interview, not in the room, correct?

A Not in the room, no.

Q Is it common for four year olds or children around that developmental age to not be able to identify the particular city or town where the abuse---

A Yeah.

Q ---has occurred?

A Yeah, very common.

Q How do young children typically react to an abuse inquiry when they've been sexually abused by a parental

figure and they don't want to discuss the abuse?
A Well, they're very avoidant. They will -- sometimes they'll put their head down. Sometimes they might get under the table, turn away, get up, go stand in the corner, start talking about other things. They try to direct the interview and, and change the subject.
Q What do you do in those situations to try to refocus the child?
A Well, sometimes I have to give them some time, and if they want to sit and talk about their favorite activity for a little bit, we'll talk about it and then gradually work our way back to trying to understand whatever it is that they're not wanting to talk about.
Q How do young children typically act when they've been sexually abused and they are scared they're gonna get punished or in trouble for talking about their experiences?
A They're (sic) usually give very minimal information, and they're, they're usually pretty shut down.
Q You said before, when, when children have been coached to report a false allegation, they will also give very minimal, minimal information.

Can you distinguish between the two?
A Yeah. Yes, when somebody's been coached, when a child's been coached, they're giving you information. But they're, they're not telling you where it happened. They're

not -- there's, there's no emotion, and they're not telling you what went where, anything like that. It's just one flat statement.

And often, with little ones, they'll slip up and say so and so said to be sure I tell you cause it's difficult. It is difficult to coach little ones. And so even though they may be coached to say something, the person usually forgets to coach them or it's too hard to coach them that also don't tell anybody I told you to say this.

Q And that would be common for someone around the age of four?

A Oh, absolutely, yes.

Q So, that would be different than the minimal information you get when someone has been threatened with punishment or that they will be removed from the home if they tell?

A Correct.

Q Is it common for children to use denial as a strategy not to talk about an upsetting event?

A Yes.

Q Or attempt to change the subject?

A Yes.

Q When a child, a young child around the age of four, has been sexually abused in multiple locations, at various times, are they likely to disclose the abuse in a sequential

order?
A No. No, a four year old is not gonna give you chronological order. If, if they've been somewhere multiple times, it would kind of -- I use the analogy of like, if I asked you to tell me this -- the specific seat you sat in every time you went to the movies, you know, it, it -- when something's happened multiple times in multiple locations, it's just really difficult to pin that down, with little ones especially, but it can be difficult with older ones too.
Q If a child makes a partial disclosure of sexual abuse and then demands to leave the room or terminate the interview, how do you finish an interview in that scenario?
A Well, I have to determine if they're at the point where we do need to terminate or if I can give them some space or follow-up on some things. Also, if, if I'm trying to figure out if this is gonna be the last interview, that may play into if I have a couple more questions, and then can we end this.
Q How do you determine whether it's gonna be a last interview?
A Depending on what they've said, and if I have clarity about jurisdiction, and what they've disclosed if that's part of the forensic, and then if -- but also my new -- I'm happy to consult with the team to see, or if law

enforcement's involved, to see if there's other reasons that the child will need to be seen again.

Q When you say consult with a team, elaborate on that. Who, who is the team?

A Well, it just depends on the case. In this case it was law enforcement, but it could be DSS and law enforcement.

Q So, you consult with law enforcement afterwards to determine whether an additional interview is necessary?

A Yes.

Q Do young children around the age of four ever assume that adults already know what is happened?

A Oh, that's very common, yes. That's one of the difficult things about talking to four year olds is they do listen -- when you're asking them questions, they don't want to give you much information because they assume you know what they know. That's just the way their mind develops. They assume that adults know what they know.

Q And, and you testified before children as young as four might have trouble coming up with the words to express what is happened to them?

A Correct.

Q In those situations, are, are drawings helpful?

A Yes.

Q Is it important for you or any forensic interviewer to develop a rapport with the child?

A Yes.
Q Why?
A Again, to -- it's, it's a very unusual situation for a child to come in with a stranger, and talk to that stranger about difficult things. So, you want to spend some time helping them feel comfortable and helping them understand that you're just gonna be talking to them.
Q And that's something you do at the start of each interview if they're subsequent interviews?
A Yes.
Q If a child has not been sexually abused, how do they typically respond when you ask them about a specific body part, whether something happened to the body part?
Say for example the mouth.
A Oh, not -- they would say -- like if I said did you do anything -- did you have to do anything with your mouth, they may say eew or talk or chew gum.
Q And you get about 40 percent of the interviews that you've conducted there's been no disclosure of any sort then?
A Yeah, I would say at least 40. At least 40.
Q Do you tell the children you interview to correct you if you get something wrong?
A Yes.
Q Why is that?

A So that I'm not misunderstanding. I want them to know -- you know, they see an adult figure, they may think that they can't let the adult know that they did something wrong, and I want it to be very clear, that if I make a mistake or if I get something wrong, that they can, they can correct me, that it -- I'm trying to understand what they're saying, and so I want to make sure I get it right, and they can correct me, and that I do make mistakes, and that I need them to help me if I mess up.

Q Do you -- strike -- is it important for an interviewer to stress the importance of telling the truth during an interview?

A Yes.

Q How do you do that in, in your forensic interviews?

A Well, in this particular one, with, with a four year old, actually we use the -- what we call a truth/lie book, and give scenarios about what happened that the child says, if the kid told the truth or told a lie, and see if the kid that we're interviewing can get this right. Not -- I will say, usually with a four year old, sometimes, with a four year old, I have to use right and wrong cause they are -- they don't quite get truth and lie, but this child understood truth and lie.

Q You met with Minor Victim five times, correct?

A Correct.

Q April 7th, 2011?
A Yes.
Q April 8th, 2011?
A Yes.
Q April 12th, 2011?
A Yes.
Q April 14th, 2011?
A Yes.
Q And then May 5th, 2011, was your final interview?
A Yes.
Q Is five interviews uncommon for a child of this age?
A Two to four is more common. But there was a reason for specifically -- for conducting the fifth interview.
Q What was the reason for conducting the fifth interview?
A So that she would not have to go to Virginia and have another forensic assessment, and she could maintain continuity with the same person, and not have a new person introduced to interview her.
Q When you say not having to go to Virginia, is that because some --?
A She disclosed that things happened in Virginia.
Q Is it common to have interviews on two back to back days?
A It just depends on the child and what's going on. It depends on what we discussed, what the barrier is that I

might be trying to overcome.
Q Is there a reason there was such a gap of about three weeks or more between your fourth interview on April 14th, and then your final interview on May 5th?
A Yes, because to do the fifth interview regarding Virginia, I preferred to have pictures of the home. I often do that with the children, and that would help me understand what happened in Virginia.
Q And so you waited to get pictures?
A Yes.
Q And you did utilize pictures in your May 5th interview?
A Yes.
Q And that was to help determine locations and jurisdiction where abuse may have occurred?
A Right.
Q Do you recall how long, on average, your interviews were?
A With this child?
Q Uh-huh. (Affirmative).
A I would say anywhere from 25 to 45 minutes.
Q Have you had an opportunity to watch your forensic interviews---
A I have.
Q ---before --
A Yes.

Q -- coming to testify today?

In this particular case, did you notify the Jolleys of a disclosure of abuse?

A Not specifically, no.

Q What did you notify them of?

A At the end, after the fifth session, I let them know that she had made a sexual abuse disclosure. However, I, I remember not being able -- I don't usually go into much detail, but I wouldn't have with the Jolleys anyway because particularly the mom was very, well, they were both upset, but, the mom, I just felt like she couldn't even handle hearing specific details. She was very upset that to, to fathom that something like this could of happened to her child.

Q You said that it's not common for you to give specific details.

Why is that?

A Well, I don't want -- it's, it's for two reasons. To protect that the -- they're not talking to the child about the things. But also to protect the adults around the child for not being accused of talking to the child about the incidents.

Q Turning to your specific interviews a little bit more, your first interview on April 7th, it was at 1:45 in the afternoon.

How do you determine what time of day to do interviews?
A It just depends on what's, what's going on with people, and, and what scheduled it was -- what scheduling is going on, and what availability we have to get a child in, and I will also say I'm not completely certain that the times on there are accurate. But I have no reason to say that they're not.
Q But the -- do you have any reason to believe the length of time of an interview would not be accurate?
A No.
Q Just the, the---
A The time printed on the screen, yes.
Q At a first interview, what do you typically tell a child about why they're there?
A To help me understand things. That my job is to talk to kids about all kinds of things, and that I talk to kids and teenagers. And it's my job to understand about the kinds of things that happened.
Q And I believe you testified that before you reviewed truth versus lie using a truth versus lie book?
A Yes.
Q And you did that in this case?
A Yes.
Q Were crayons and, and paper present in the---
A Yes.

Q ---interviews?
A Yes.
Q In all five interviews?
A Yes.
Q Is coloring developmentally appropriate for a four year old?
A Oh, absolutely, yes.
Q Did you review with Minor Victim her name for certain body parts and what she called them?
A Yes.
Q Why did you do that?
A Because I want to understand what terms they use. It's not my job to give them information. It's my job is to obtain their information, and even if they don't label body parts, it's not my job to give them names for body parts, and my job is just to assess do they have names and what are those names.
Q And you tell children to correct you if they get anything wrong?
A Yes.
Q In your interviews with Minor Victim did she ever correct if you, if you got anything wrong?
A Yes, I would say -- I wasn't counting specifically, but I would say at least 10 times she corrected me on things.
Q A significant portion -- would you agree that a

significate portion of your first interview is establishing a rapport with Minor Victim

A Yes.

Q Is that common?

A Yes.

Q In this first interview, there's some references to, to Nathan.

Do you remember that?

A Yes.

Q Who is Nathan?

A Nathan was a little boy that's been in her class at school.

Q What sort of investigation or follow-up did you do to intimate them?

A I did talk to the mother about Nathan, and that was a situation that had been handled at school that there was a situation where Nathan had crawled under the table and touched her, and Nathan was put in a different classroom, and Nathan's parents were talked to, and they were encouraged to get Nathan in therapy was my understanding of that situation.

Q And you followed up with Minor Victim to clarify who Nathan was during the interviews---

A Yes.

Q ---correct?

A Yes.
Q And I believe she said a, a friend in her class, correct?
A Yes.
Q And then you confirmed that with, with the Jolleys -- with their mother?
A Yes.
Q And he disclosed some -- she disclosed some possible sexual abuse by, by Nathan, correct, that he had touched her privates under the table while drawing?
A Yes.
Q And she said initially on top of the clothes, and then underneath the clothes---
A Right.
Q ---correct?
A And then she clarified on top.
Q In your interviews, do you use the term bad touching?
A No.
Q Why not?
A I don't want to -- just because I'm asking about touching, I don't want to insinuate what the touch is or what kind of touching it is.
Q So, you don't want to classify a touch as a good touch or --
A No.

Q -- bad touch?
A No.
Q Towards the inter -- end of the interview, Danny D comes up for the first time.
[redacted] actually brings him up herself, correct?
A Correct.
Q Do you recall what this is in response to?
A I, I believe I was asking her if there's anybody that she's not wanting to talk about. At this point -- and she kind of goes off camera, but I do vividly remember this, this child -- she -- because she completely changed. She kind of goes to the corner and at the door, and you could tell something's going on with her, and I'm -- so, I'm asking her is there somebody she doesn't want to talk about, and that's when she brings up Danny D.
Q And she states that he calls himself father, but he's not her father, correct?
A I believe so.
Q Yes.
And you didn't challenge her on this?
A No.
Q Did you?
A No.
Q Why not?
A I'm -- I don't, I don't, I don't ask her why she calls

people certain names. I just assess of what names she calls people.

Q Is that standard practice that you don't try to clarify why someone calls a person a, a father or not their father?

A Right. I just, I just need to understand what they call them.

Q Not the reasons why?

A Right.

Q How did the first interview end?

A She talked about not wanting to talk about Danny D, and I asked her -- I think I told her I would like to talk to her again some time, would she be willing to come see me again, and I think that's, that's how it ended.

Q Did she indicate she might -- that she was willing to come talk to you again?

A I think she did, yeah.

Q What do you do if a child says no, they don't want to talk to you again?

A I -- that usually doesn't happen, but I may talk to them some more about well, I really need your help to understand about some things, and usually kids are, are okay with that.

Q If you have a child who is just completely uncooperative, and you are not able to connect with, do you get them back for a second interview?

A It just depends how uncooperative they are. I would say if they are completely uncooperative, and just -- they just aren't having it, I would probably refer them on for therapy.

Q And that is something that you've encountered in your thousand---

A Oh, yes.

Q ---or more interviews?

A Yes.

Q After this initial interview on April 7th, did you contact law enforcement?

A No, I don't believe I contacted until after the second session.

Q Why did you not contact law enforcement after the first?

A Because there was no disclosure at that point that involved a criminal matter.

Q Why did you decide to bring Minor Victim back for a second interview?

A Because she had said there wasn't something -- there was something she did not want to talk about regarding Danny D, and there was stuff she didn't want -- that was too hard to talk about I believe it is what it was, and I was trying to figure out if there was something more to understand about that or not.

Q Your second interview was the following day on April 8th, and you said it's not uncommon to bring a child back the next day?
A Right. Especially that young, yeah.
Q And this interview was approximately 26 minutes. Does that sound correct?
A Yes.
Q At the start of the interview, do you remind her why she's there, and the importance of telling the truth?
A Yes, I believe I do.
Q At the second interview, was Minor Victim eager to talk about Danny D?
A No.
Q What do you typically do when a child is avoiding a topic over something?
A Try to get there the best way I can, and tell her I need to understand what is it that she's not wanting to talk about, that it's my job to understand about those kind of things, and I use phrases like help me understand.
Q Do you use drawings to assist?
A Yes.
Q Is that common for a child of the age of four?
A Yes. Yes.
Q I believe you've been in Court for some of the previous testimony and some transcripts have been produced of these

forensic interviews.

You used drawings throughout these interviews, correct?

A Yes.

Q Or Minor Victim would point to various locations on her body to clarify things, correct?

A Yes.

Q So, would you agree the best way to review and analyze these forensic interviews would be to watch the tapes themselves?

A Yes. Yes.

Q Does Nathan come up again at the, the second forensic interview?

A Yes.

Q And possible abuse by Nathan, possible---

A Yes.

Q ---touching?

A Yes.

Q Do you clarify again who Nathan is?

A Yes.

Q Does Minor Victim make her first disclosures of abuse by Danny D?

A Yes.

Q There's a first clip I want to show you, and I have a few questions afterwards. It's about a, a three or three and a half minute clip.

A Okay.

MS. JAMESON: And, Your Honor, let me know if you can not hear it.

(Pause.)

MS. JAMESON: Moments indulgence. I'm sorry. It was working a little bit earlier.

(Pause.)

MS. JAMESON: Your Honor, if I could have a moment? It was working when we tested it. I think something might of cut off.

THE COURT: Is that the solicitor's---

MS. JAMESON: It is the clean one provided by the Solicitor's Office, yes.

THE COURT: Do you know if one of them's out in the hallway?

MS. JAMESON: We can, we can certainly check and see, yes, sir.

THE COURT: The bailiff will check.

(Pause.)

THE COURT: All right. I'll come back right.

MS. JAMESON: I apologize, Your Honor. Hopefully we can get it, and if, if not, we'll move on.

(WHEREUPON, a short recess was taken at this time.)

MS. JAMESON: It's a new laptop. So, hopefully we'll do better now.

THE COURT: Yes, ma'am.

MS. JAMESON: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY MS. JAMESON:

Q I'm gonna play a clip from you of your second interview with [redacted] starting around three minutes, and going to around 16 minutes and 45 seconds for the record, Your Honor, and then we'll have some questions about the particulars of the video we just watched.

(WHEREUPON, a portion of the video was played at this time.)

Q Okay. In this second interview, does [redacted] use drawings and demonstrations on her own body to describe the abuse?

A She does.

Q And I believe you said that's common for a four year old?

A Very common, yes.

Q And she pointed to, on the photograph, Danny D's genitals and then to herself, to her genitals, correct?

A Yes.

Q And said that's what he do to me?

A Yes.

Q Then she says Danny D pulled down her panties, and said he does it for real, and it makes her sad, correct?

A Yes.
Q She again, at another point, uses a demonstration on her body to show where Danny D's genitals touched her body, correct?
A Yes.
Q But then she switches the subject and goes into, to Nathan---
A Yes.
Q ---yet again, correct, and she says that Nathan's hand went inside of her, correct?
A Correct.
Q Which is different than what she disclosed in the first interview---
A Right.
Q ---correct?
A Correct.
Q In the first interview she had said that the hand had just been underneath the clothes or on top of the clothes, correct?
A Correct.
Q Did you attempt to clarify with her regarding who Nathan was and what he had done to her?
A Yes.
Q And why was that?
A To get understanding about that as well, to see what

she had to say about Nathan.
Q So, you were still interested in exploring who Nathan was or alternate of hypotheses for the abuse at this time?
A Yes. Yes.
Q And she also -- you then clarified did anything go inside of her regarding Danny D, correct?
A Right.
Q And, and she initially says yes, correct?
A Yes.
Q But then she instantly retracts that and says nothing?
A Yes, which is common, like I said, for tentative type of disclosures.
Q Do you ever get to a point in, in the second interview where you ask her where this abuse occurred?
A I believe I do.
Q I'm gonna show you another clip, and I have some questions for you about it. We'll watch this and we're starting at around 18:45 for the record.
(WHEREUPON, another portion of the video was played at this time.)
MS. JAMESON: I apologize, Your Honor.
(WHEREUPON, another portion of the video was played at this time.)
Q So, in this portion of the second interview, why do you ask her if it happened in the hotel?

A She had already told me, I believe at this point, that it happened in Virginia, and it happened in the hotel.
Q So, were you trying to determine a location --
A Yes.
Q -- for jurisdictional purposes?
A Yes.
Q Does she again use drawings to convey what areas of her body were touched?
A She did.
Q And then also demonstrates with her own body?
A Yes.
Q She then asked to go home right after these -- this portion of disclosures, correct?
A Correct.
Q And, and then switches the subject to saying she wants to play tic-tac-toe.

Is that right?

A Correct.
Q Is avoidance after a disclosure common?
A Very common, yes.
Q At a -- at a portion it appears that it's almost inaudible what she's saying.

Do you attempt to clarify with pictures?

A Yes.
Q Why is that?

A To try to understand what she's, she's telling me.
Q And this interview goes on for about five more minutes after this.
How do you determine when it's time to end the interview?
A I mean I can tell. She's, she's really not wanting to talk about this. So, what I typically try to do is I might ask a few clarifying questions, and then change the subject, talk -- or she's already changed the subject or I may change the subject and talk about something very neutral. I don't want them usually leaving the room, and that being the last thing we've talked about. And so I'll bring it back to something she prefers to talk about, and then end the session.
Q Why do you circle back to something that the child's more comfortable talking about towards these---
A Because I don't want her leaving the room with that being the last thing that we talked about. I just don't think it's good practice. I want her, I want her leaving the room focused on something that's happier I guess.
Q Is this in case you need to call the child back for subsequent---
A Yes.
Q ---interview?
A Yes.

Q And I believe you testified before it was after this interview that you contacted law enforcement?
A Yes.
Q Is that correct?
Did you notify the Jolleys of the disclosure at this point?
A No.
Q Why not?
A Again, because I don't want anybody talking to her about the disclosures nor do I want them being accused of influencing her about the disclosures.
Q And that's just your general practice?
A Yes. Absolutely.
Q It wasn't anything specific to this child or these parents?
A No.
Q And you decided to do a, a follow-up interview about four days later.
How did you decide to do a follow-up interview?
A Just still trying to clarify what she's saying, and to also try to figure out the jurisdictional issues. That was, that was very difficult.
Q When you say jurisdictional issues, do you mean Virginia versus conduct in South Carolina?
A Yes.

Q And where in South Carolina the abuse might of occurred?
A Yes.
Q And your third interview was about approximately a half an hour, correct?
A I believe so, yes.
Q Is there a reason there was a longer time between this interview and the first two?
The first two were on sequential days. This was four days later.
A I don't know---
Q That would---
A ---what days of the week it was. It -- I would have to look back at a calendar. I'm not sure. It may of been that this was a Thursday and Friday, and then the third one was the following week. It may have been that I wanted to give her a little bit of a break from all this and try again, i.e. give it more time before I try again. That is something I do sometimes especially when I see kids are very, very avoidable and reluctant to talk.
Q Do you remind her at the beginning of this interview the -- of why she's there?
A I believe I do, yeah.
Q And the importance of telling the truth?
A Yes.

Q That's a standard thing you do even on subsequent interviews and the third interview with the child?
A Yes.
Q And, and why do you do this?
A Just to keep it in their mind that that's my job to understand about things, and about things that's happened. I don't go over the rules each and every time cause I don't want to exhaust their attention span. But I remind them that it's my job to understand about the kind of things that, that's happened.
Q Do you review body parts and names of body parts with her again?
A You're -- are you asking me if I reviewed again the names?
Q Yeah.
Do you normally do that at the start of subsequent interviews again or, or review drawings with body parts?
A I, I can't remember if I did that with her or not. Not necessarily.
Q Were there any disclosures of abuse by Danny D in this third interview?
A Yes.
Q I'm gonna show you another clip starting around 14 minutes and 50 seconds for approximately one minute. If you'll just watch.

(WHEREUPON, another portion of the video was played at this time.)

Q So at this time she actually uses the drawings as a demonstration, correct, to disclose some additional sexual abuse, correct?

A She does.

Q And then, when you attempt to ask follow-up questions, avoids the topic again and, and goes off topic?

A Yes.

Q And, again, that's common for a child---

A Yes.

Q ---this age?

A Yes.

MS. JAMESON: And, Your Honor, the next portion, if you'll watch this, Ms. Weber, starting at 20 minutes and 25 seconds. It's another clip to show you and ask you a few questions about.

(WHEREUPON, another portion of the video was played at this time.)

Q You appear, appear to ask help me understand about that a lot to Minor Victim

Why do you ask that question?

A To see if she will clarify what I'm trying to understand.

Q Without you having to leave her?

A Right.
Q And, and sometimes she's able to and sometimes not, correct?
A Right. And it's difficult with her because she won't label parts of the body, and so I can't go back. Like sometimes with a child I may say you told me that they put that there and used specific terms. With her, she's not using any terms for the body parts. So, I can't say that with her.
Q And so is that why you try to clarify with the use of the drawings or demonstrations on her body?
A Right. And also why help me understand is frequently --.
Q Is it important to let children kind of lead the disclosure process whether they want to verbalize or --
A Yes.
Q -- use pictures?
A Yes.
Q And why is that?
A You want to go with where they're at. I'm not there to direct her on how she needs to communicate. I need to try to figure out how she chooses to communicate and go with that.
Q And adapt for that?
A Yes.

Q You asked her if it happened in a hotel or Virginia. Why were you trying to clarify where the abuse occurred?
A She had said both hotel in Virginia previously. And so I'm trying to narrow that down and for, again, for jurisdictional issues.
Q And you asked her if it happened -- if she'd seen Danny D in a hotel one time, and she actually corrects you and says no, fours times, correct?
A Yes.
Q And that's just one of the instances where she corrects you when you get---
A Right.
Q ---something wrong?
A Right.
Q Then she says she had to throw up when something went in her mouth, it was kind of yucky, correct?
A Yes.
Q And then changed the subject to say she threw up at her Mimis?
A Yes.
Q Is that common for children to use a portion of the disclosure to---
A Right.
Q ---either pivot to -- something -- a safer topic?

A Right. Right. It was much safer to talk about. That was something that cued her, for a reason, to start talking about Mimi.

Q And in addition to the help me understand that, sometimes you do have to ask more specific questions---

A Yes.

Q ---correct?

A Yes.

Q Why, why do you do that?

A Particularly with little ones. To clarify.

Q If you don't ask those clarification questions, is, in your experience, is it likely that you're going to get the clarification you need?

A No. Particularly with a child that's very reluctant to talk.

Q And not all children are reluctant, are they?

A No. Hu huh. (Negative). No.

Q After this interview, did you contact law enforcement?

A I can't recall if law -- if I contacted law enforcement or if they were there.

Q But you did have some involvement with law enforcement?

A Yes.

Q Did that play into your decision to do a fourth interview with Minor Victim

A Yes.

Q Why?
A Again, still clarifying jurisdiction, and, at this time, we were under the impression that the two last visits that were alone, one would of been in a hotel in Spartanburg, and one would of been in a hotel in Greenville. So not only was I having to clarify between what happened in Virginia, and what happened in the hotels, but what happened in the ho -- a hotel in Spartanburg versus a hotel in Greenville.
Q And you testified previously it's not common for a young child around the age of four to know the city that abuse occurred in---
A Right.
Q ---correct?
A Right.
Q And so you do a fourth interview two days later on April 14th, correct?
A Correct.
Q And that's to clarify some of these jurisdictional things?
A Right.
Q And you said, for children around the age of Minor Victim two to four interviews is pretty standard, correct?
A Well, yes, and I will also say this was a very, very difficult interview -- forensic, and if there's a way that,

that this is something else or some kind of misunderstanding, I want to figure that out as well. But the jurisdictional issues of the stuff she had, had disclosed was primarily what was being assessed.

Q Guiding towards the fourth interview --

A Yes.

Q -- correct?

When you say it was a very, very difficult forensic, can you elaborate as to why?

A Because she was so reluctant. She was so reluctant to talk about this, and she would only -- she could only tolerate staying on the subject for short bits of time. And so not only was she reluctant, but she would only give a little bit of information, and then she would change the subject, and want to talk about something else.

And so, when you're in that interview with a child, and you're in the room with a child, you have so many things going through your mind about where to go next, what to do, what not to do, staying age appropriate with them, and making sure that you're obtaining their information and not giving them any, any information again. So -- and, again, I -- is that -- it's kind of like you're wearing different hats cause I'm trying to figure out jurisdictional issues, which is a law, law enforcement issue, but I'm also trying to stay developmentally appropriate, and sensitive with her,

and give her space when she needs to back away from the subject, but also circle back around to try to figure out what happened.

Q When you say that you're trying to figure out jurisdiction, but that's a law enforcement issue, if -- you'd agree that you didn't provide this information to law enforcement, and they figure out any sort of jurisdictional---

A Yes.

Q ---questions?

A Yes.

Q You're just acting as a fact finder?

A Yes.

Q I'm gonna show you a clip of your fourth interview starting around 16 minutes and 45 seconds, and have, have you watch about four minutes of this, and ask some questions about this portion.

A Okay.

Q If you'll pay attention.

(WHEREUPON, another portion of the video was played at this time.)

Q For a certain portion of this fourth interview she appears to be hiding in the corner.

Is that something she did when you guys were talking about safer subjects such as family or pets or anything?

A No.
Q No.
Is that something that children will commonly do, they'll attempt to physically hide in the room when talking about difficult subjects?
A Yes.
Q And she's inconsistent about the amount of times the abuse happened in the hotel, correct?
First she says on the last time, and then she later says it was two times at a hotel, correct?
A Correct.
Q Did you attempt to clarify those inconsistencies with her?
A Yes.
Q And how so?
A I can't remember if it was this interview or in, in a later interview.
Q Is it common for children at this stage to have inconsistencies in their disclosures?
A Yes.
Q She then says she has to use her mouth for something, and then that it has to be wide open, and then starts to, to draw it to show you what more she do with her mouth.
Is it common to -- for children to use drawings like this to try to describe an act that might have occurred with

their mouth?
A It's not common for them to describe what she described if nothing's happened with her mouth. If something has happened, yes. She was, she was pretty demonstrative.
Q Towards the end there she said that Danny D had told her if, if I hear you one more time I will tell your mom and dad, and you'll never come back to my house.
Is it common for children to disclose threats that have been made?
A Yes. Yes.
Q One final clip I want to show you.
(WHEREUPON, another portion of the video was played at this time.)
Q Why do you use Play-Doh with Minor Victim here?
A To try to keep her attention.
Q Did you notice her attention was waning?
A Yes.
Q And this was a longer interview than most of the others, correct?
This is about 45 minutes long?
A Yes.
Q Is it common that you would use some sort of aid like Play-Doh to try to keep the children's---
A Yes.
Q ---attention?

A Yes.

MS. JAMESON: I apologize. This is the last clip, Your Honor. So, hopefully we won't have anymore.

(WHEREUPON, another portion of the video was played at this time.)

Q During this portion, you're asking Minor Victim whether photos were, were taken of her.

Had she -- why do you do this?

Has she previously disclosed that --

A Yes.

Q -- nude photographs had been taken of her?

A Yes.

Q Why do you go to this line of questioning?

A To see if there's any child pornography potentially, and to know if law enforcement, if there is, then I need to let law enforcement know so they can decide if that's something they need to get a warrant for.

Q And there's also some questioning trying to distinguish between two different hotels, correct?

A Correct.

Q Why do you go into this line of questioning with her?

A Because -- I believe my understanding was that this is still when we were thinking that there was a hotel in Greenville and a hotel in Spartanburg, and that one of the hotels had a pool and one of the hotels didn't. And so that

was what -- one of the ways to maybe decipher about that, and it wasn't until later that we learned that both of the times were in Spartanburg.

Q And she said the pictures happened at the last hotel in Virginia, correct?

A Yes.

Q And you passed that information along to law enforcement?

A I did.

Q And law enforcement, again, is the one who investigated any sort of jurisdictional issues?

A Yes.

Q Did the -- how did the interview end here?

A Probably circle back around to a more general topic and end the session.

Q But the interviews end when Minor Victim makes it clear she's -- she's done with the interview.

Would you agree?

A Do the -- what -- would it --?

Q Does Minor Victim determine when to terminate the interview?

She says she wants to go and---

A Well, she'll say she's ready to go or she wants to leave, and then, if we talk about something more, a lighter subject, then she'll stay and then sometimes I have to be the one to say let's -- to wrap up the interview.

Q Why did you decide to do a fifth interview in this case?
A Again, because of consultation with law enforcement and to prevent her from having to go do an additional forensic interview in Virginia, and bring somebody else in to, to interview her. It was best for her to have that continuity, and if law enforcement could get me pictures of Virginia, that would be very helpful for me to try to clarify some of the things that happened in Virginia, if stuff happened in Virginia.
Q And you were provided photographs in Virginia of locations by law enforcement, correct?
A Yes.
Q And did you use these in this fifth interview to try to clarify jurisdictional issues?
A I did.
Q And that was to avoid the need for a second set of forensic interviews---
A Yes.
Q ---in Virginia?
Did she disclose any more sexual abuse in this interview?
A She did. She was -- you could tell some time had passed, almost a month, and she was, in my opinion, she was just done. She was done. She didn't, she didn't -- she

will not talk about this anymore. She did give some additional information, but she was even more reluctant.

Q And that was the final forensic interview, correct?

A Yes.

Q Why was that final?

A At this point I had used the pictures and tried to figure out as much as I could about jurisdiction. And so, if anything else needed to be clarified, I felt like that could be worked on in therapy.

Q Or by law enforcement?

A Yes.

Q Did you recommend therapy for Minor Victim after the forensic interviews?

A I did.

Q Is that something that the CAC commonly does?

A Yes.

Q And after these five interviews, you didn't have any additional involvement in investigating this case, did you?

A No.

Q And you testified at the 2012 termination of parental rights hearing, correct?

A Correct.

Q And at trial, correct?

A Correct.

Q Were you qualified as an expert at trial?

A No.

MS. JAMESON: No further questions at this time, Your Honor.

THE COURT: Lawyers want to approach a moment?

(WHEREUPON, a bench conference was held at this time.)

CROSS-EXAMINATION

BY MR. GROSE:

Q You still have your CV up there?

A Yes.

Q That was what number, the blue sticker?

I guess it's probably---

A One.

Q ---1, yeah.

I want to ask you just a couple questions about this.

A Okay.

Q Like the fourth thing down, it says presenter 2019 CPTC Developmental Considerations for Engaging Children.

A Yes.

Q Okay. That means that you were a presenter?

A Yes.

Q And there's a series of presenters, 2019, and then it says 2019 Brighter Future Conference.

Since it doesn't say presenter there, am I safe in assuming that that was a conference you attended---

A Yes.

Q ---but didn't---
A That's correct.
Q ---present there?
A Yes.
Q And, likewise, if you go over to the second page between 2010/2009, it says trainer. Prosecuting child sexual abuse 209.
So, I assume that means you were a trainer?
A Correct.
Q So, if it says trainer or presenter, that's something that you were instructing, correct?
A Correct.
Q And if it doesn't, then those are just courses that you attended?
A Correct.
Q Okay. I believe that you testified that you have done over a thousand child interviews?
A Yes.
Q Are you familiar with the National Institute of Child Health and Human Development Investigative Interview Protocol?
A I am.
Q All right. Do you know how many interviews they have done to validate their protocol?
A I do not.

Q And how many they reviewed?
A How many they've reviewed?
Q (WHEREUPON, there was no audible response.)
A No, I do not.
Q Would it surprise you if it was over 50,000?
A No, it would not.
Q Okay. And if -- you're familiar with Doctor Michael Lamb?
A Yes, I am.
Q All right.
A However, that is not the model I used to --
Q Okay.
A -- do forensic assessments.
Q And you're familiar with Doctor Maggie Bruck?
A Yes, I am.
Q And what is the model that you used?
A The National Children's Advocacy Center model.
Q Okay. And, and what -- does that model have any other names?
A No.
Q Okay. You testified about being contacted by Kim Rosborough initially.
Is that right?
A We received a referral.
Q From her?

A Yes.
Q Okay. Do you have any notes from your referral, any intake forms there?
A I have the report. I have the report and the pictures --
Q All right.
A -- that were used.
Q Well, let me, let me ask you about the report for, for a second.
A Okay.
Q Okay. Because the -- I'm gonna try not to get all this messed up.

By the time you did the reports, it has the dates of all the interviews on the -- April 7, 8, 12, 14, and May 6th.

That's right?
A Correct.
Q So, this would of been done after all the interviews were done?
A Correct.
Q All right. And on there, the report, it says it has that it was referred by Kim Rosborough, and the referral allegations were what?
A That the maternal grandmother called Ms. Rosborough with concerns about a statement Minor Victim made about her bio

father.
Q And bio father means biological father?
A Yes.
Q Correct?
Okay. So, what I'm trying to, to find out is, let me step on this, is if there was anything in your file beyond this report, which we know was done at the end, anything in your file that helps us determine exactly what it was that Kim Rosborough said when she called you?
A I, I don't believe so.
Q Okay. But you would agree that the referral involved a concern about a statement made about her biological father was what the referral---
A Correct.
Q ---was about?
A Correct.
Q Okay. And at least by April 8th you were in contact with Investigator Cantrell of the Spartanburg Sheriff's Office?
A I believe that's right. I believe it was probably after that session.
Q Okay. And you -- and I think -- in the -- Ms. Jameson asked you a question about the team, who was the team?
You remember that question?
A Yes.

Q And you said the team was you and Investigator Cantrell at that point?
A Right.
Q And she was going out and doing things and reporting back to you, wasn't she?
A I, I think maybe later on when we were trying to figure out the hotel stuff. I don't recall --.
Q Yeah, let's, let's talk about the hotel stuff.
A Okay.
Q Because you, you testified that you were aware of the possibility of hotels in Greenville and Spartanburg---
A Correct.
Q ---right?
A Yeah.
Q And so that didn't come from Minor Victim
A No.
Q Okay. And at one point Minor Victim had told you that there were as many as four hotels, wasn't -- didn't she?
A Yes.
Q Okay. So, what I'm---
A I can -- actually I can't remember if she said four hotels or four times.
Q Okay.
A It seems like she said she was at the hotel four times, but I could be wrong about that.

Q Let me see if I can -- I'm gonna hand you what's marked as Petitioner's Exhibit No. 11, which is a transcript of the April 12 interview, and I'm gonna ask you to turn to Page 18 and Line 7.

You would agree that -- well, we actually, if we go back, if you were at the top of that page, you're asking did that happen one time or more than one time, and Minor Victim says more than one time, right?

A Correct.

Q And you said now I think for a minute did any of that happen in Virginia or did it happen in the hotel or both and she said both, right?

A Correct.

Q And you would agree that that's a multiple choice question, Virginia---

A Correct.

Q ---hotel or both?

Three choices, right?

A (WHEREUPON, there was no audible response.)

Q And then says did it happen in a motel both times, and she says one time, right?

A Right.

Q And then you asked -- you repeat one time.

Did you see him in the hotel one time or two times, and then what she said is that she had seen him four times.

A Correct.
Q Okay. So -- and it's not real clear if that's four hotels or four times in a hotel?
A Correct.
Q All right. And there was actually times that it sounded like she was saying the hotel was in Virginia, wasn't there?
A It, it just wasn't clear, and, if I remember correctly, she would of been three when she went to Virginia.
Q Uh-huh. (Affirmative).
A And so --.
Q But she told you she was four.
A She did. You're right. She did. But that's, that's very normal for a child to --.
Q All right. And so when Ms. Jameson was showing clips, she put up a clip from where you were the one who introduced the hotel, right?
A I -- which clip are you referring to?
Q It was one of the early ones that she showed you, and, and you, if I recall your testimony, she asked you why did you bring up hotel, and you said it's because Minor Victim had already brought it up before.
A Correct.
Q Okay. And the first time hotel came up was in the second interview on April 8th, right?

A I believe that's correct, yes.
Q Okay. I want to hand you Petitioner's Exhibit No. 10, which is the April 8th --
A Okay.
Q -- 2011 interview.
Okay. And what I want to do, and I don't know any way to do this, and I'm not trying to be, you know, insulting, but if you could look at the first eight pages and tell me when the first time hotel comes up in that interview?
A Okay. And, and I will tell you that I, I asked if there were transcripts of the videos, and Ms. Jameson told me that they were, but they had been provided by you. And I did look at the transcripts and compare them to the videos, and there were mistakes in the transcripts. So --.
Q Okay.
A So --.
Q Well, so you would agree maybe we should look at it -- actually look at the videos, right?
A Well, you just can't take just the transcripts.
Q I---
A Yeah.
Q And I agree with that a hundred percent.
A Okay.
Q Okay. But if you could look at the first eight pages and find for me the first time hotel comes up.

A Okay.
Q All right. Are you on Page 80 at Line 18?
A Yes, I am.
Q Okay. And so, if you go back to Line 17, your question was do you, and then you sort of changed thoughts, and where do you see Danny D, and her answer, at that point, was at his hotel and his house.
Is that correct?
A Uh-huh. (Affirmative).
Q Is that a yes?
A Yes.
Q Okay. And you repeat at the hotel and in his house, and then your question is, is what happened at the hotel.
A Correct.
Q And what did she say?
A He wrote -- he write on my hand.
Q All right. And then you repeat he wrote on your hand, right?
A Correct.
Q And it appears from the transcript that she nodded, right?
A Correct.
Q And what else did he do, and her answer was that's it --
A Correct.

Q -- correct?

So, if you go over to Page 9, you say that's what happened at the hotel, and then you ask are there other things that happened with Danny D that are hard to talk about.

Is that correct?

A Correct.

Q Okay. And she asked you -- Ms. Jameson asked you about coaching.

A Correct.

Q All right. Are you aware that, that one of the complaints that we're making is, is that some of your interviewing techniques were suggestive?

A Yes, I am.

Q Okay. And you would agree in this Court -- portion here that that kind of links hotel to are there things about -- that happened with Danny D that you -- that are hard to talk about, right?

A I would agree with what?

Q That you -- that your question kind of links hotel with are there other things that happened with Danny D that are hard to talk about?

A No, I don't.

Q Okay. You don't think that a question like that is suggesting to her -- to this four year old child that you

want -- that, that -- that you're not happy with that answer, you want some other answer?

A No.

Q Okay.

A I don't agree.

Q But you would agree, I think, as you testified on direct, that the Court should look at these videos?

A I do agree.

Q And you would agree that instead of picking and choosing like I've done here and, and---

A Right.

Q ---you-all did on direct, that it's probably a good idea to look at the entire video?

A Right. I would---

Q Okay.

A ---of preferred for the jury to have seen the entire videos honestly.

Q Okay. But they didn't, did they?

A No, they did not.

Q And do you know why that happened?

A I don't know.

Q You don't know?

A I don't know.

Q Okay. Okay. Do you think that there was a concern that, if a jury saw all these videos, they might be left

with doubt about whether or not this child was sexually abused?

A That was not shared with me.

Q Okay. Okay. Now -- in your direct testimony, did I, did I understand you to say that you confirmed with Heather Jolley that something potentially sexually in nature did happen with Nathan?

A When Minor Victim made a disclosure about Nathan, I asked Heather if something had been said about Nathan, and she told me about what happened at school.

Q Okay. Is this something---

A ---and---

Q ---that really happened at school?

MS. JAMESON: Your Honor, I ask that she be able to finish her answer.

MR. GROSE: Oh, that's fine.

I, I didn't mean to cut you off.

Go ahead.

A In that they had talked with the teacher, and they had moved Nathan to a different classroom.

Q Okay. And was this something that was confirmed to have had happened?

A That's what Heather told me --

Q All right.

A -- that that was her understanding that Nathan crawled

under the table and touched her, and that's why he was moved to a different room.
Q And, and touched her where?
A Under the table. Well, I don't know that they were clear. I don't know that the school was clear --
Q Okay.
A -- on that.
Q But this was a concern that came home from the school then is what it sounds like?
A I'm not sure if Minor Victim told her mom, and her mom talked to the school or if Minor Victim told her teacher, and then the teacher talked to the mom. I'm not sure about that.
Q Okay. All right. But, but it certainly sounds like it was something that could of been of something of sexual in nature?
A It could of been, yes.
Q All right. And I mean the reason I asked is because you made a statement on direct about how young children aren't suppose to know about things that are sexual in nature.
A Correct.
Q All right. And this is potentially an alternate way that Minor Victim learned about something sexual in nature?
A She indicated things very different than what she talks about with Nathan --

Q Okay.
A -- in regards to Danny D.
Q I'm not talking about Nathan right now.
A Right.
Q All right. And -- but this is a, a, a possible way that she could of learned something?
A My understanding of what happened with Nathan could be considered more of an age appropriate curiosity. I don't know. I don't -- I didn't interview Nathan. I don't know where he learned his behaviors from. That would be of concern.
Q Uh-huh. (Affirmative).
A But as far as the things Minor Victim learned, I'm not aware of the school sharing any additional sexual acts that could of possibly happened between Nathan and Minor Victim
Q All right. And, and after something like -- if a school comes home with a concern, whether -- well, there's, there's a lot that we don't know about that situation.
You would agree with that?
A I don't know all the ends and outs of what happened at school.
Q Okay.
A No.
Q And, you know, I'm learning a little bit more about it now, and I'm just trying to follow-up on that, and the -- if

whether this is natural curiosity or if this is some sort of behavior that's inappropriate that Nathan learned, I don't know, but any of those options, would it be ordinary for parents to talk with children about that kind of touching and what's appropriate and inappropriate after school---

A Yes.

Q ---expresses a concern?

A Yes. Yes.

Q And enough of a concern to change the child's classroom?

A That he changed his classroom. Minor Victim

Q Right.

A ---stayed in her same classroom.

Q That's what I meant.

A Yes.

Q Yeah.

A Yes.

Q Yeah.

A Yes.

Q Okay. Somebody, somebody---

A Yeah.

Q They got separated.

A They weren't together anymore, yes.

Q They weren't together, right?

A Yes.

Q Okay.
A You got it.
Q Okay. Now, she asked you -- Ms. Jameson asked you a question about Danny D calls himself father, but he's not my father.
You remember that?
A Yes.
Q And you said you didn't confront her about that.
A Right.
Q All right. Well, you knew that that was not true, didn't you?
A That what wasn't true?
Q Well, that Danny D is not her father. I mean Danny D is her biological father.
A Correct.
Q Okay.
A Correct.
Q And you would agree that, for whatever reason after that happened, you didn't ask any follow-up questions to learn why she was saying that Danny D was not her biological father?
A I did not. I did not.
Q All right.
A I understood that there had been limited contact.
Q Okay. Did you ever come into any information to know

that there had been Family Court litigation between the Jolleys and Danny Spade?

A I know that there had been some back and forth. I didn't know about all the exact Court involvements.

Q All right. And did you know that the guardian ad litem in the Family Court case had evidence that the Jolleys were talking about the Family Court litigation where Minor Victim could overhear it?

A I don't recall.

Q Okay. But, regardless, we can agree that, when she made that statement, there wasn't any follow-up on it?

A Yes, we can agree.

Q Okay.

MR. GROSE: Beg the Court's indulgence.

(Pause.)

Q And I think we can end agreeing that, to get a sense of what happened in your interviews, the best source is to watch the videos?

A Yes. Yes.

MR. GROSE: Thank you, Your Honor. That's all I have.

THE COURT: Any redirect limited to what he went into?

MS. JAMESON: Yes. Very briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. JAMESON:

Q You agreed that you did not confront Minor Victim about her

comment that Danny D wasn't her father.

Why didn't you confront her about that?

A Just like she called Mimi Mimi. I didn't ask her why she calls Mimi Mimi. I didn't -- I'm -- like I said, I assessed what names and terms she uses for different things. I don't ask her why she uses those terms.

Q Is this something that you do with all children or was this specific to [redacted]

A All children.

Q You were asked if you knew why the, the jury didn't watch these videos, and you said you thought the jury should have watched these videos.

Why?

A Because I think you can see all the things she did demonstrates. I think you can see that she's age appropriate, and that she is a four year old little girl that has sexual knowledge. I did not give her that sexual knowledge, but yet she is sharing sexual knowledge, and I thought that would of been important for the jury to see.

MS. JAMESON: No further questions.

RECROSS EXAMINATION

BY MR. GROSE:

Q So going back to what [redacted] called Danny D versus what he called his grandmother Mimi, your interest was, sounds like, was limited to just knowing what her, her terms were

for family members?
A For the people she talked about, what names she called people, whether it be by their first name, whether it be by a nickname.
Q Okay. And so your focus wasn't looking for evidence of negative stereotyping then?
A I wouldn't have asked a four year old child why they call somebody a certain name. I do not feel like that would be age appropriate.
Q Could you have asked, you know, a simple question tell me more about who Danny D is, and just let her answer the way she wanted to?
A And I don't know that I didn't ask her something like that.
Q Okay. Would you be surprised to know that's a, a question Doctor Lamb suggested you could of considered asking?
A No, I would not be a bit surprised.
Q Okay. And you and I have another thing we agree on, which is that I think the jury should of seen these videos too.
Thank you, Your Honor.
MS. JAMESON: Nothing additional.
THE COURT: Thank you, ma'am. You may step down.
Anything that you -- anything of yours you may take.

THE WITNESS: Okay.
THE COURT: Anything else you have to leave.
Yeah.
MS. JAMESON: I'd ask that this witness be excused.
THE COURT: Any reason why the witness can not be excused?
MR. GROSE: Not from me.
THE COURT: Thank you, ma'am. You may be excused as well. Watch your step as you're stepping down.
MS. JAMESON: And, Your Honor, the State does not have any additional witnesses to call at this time.
THE COURT: Does the Applicant intend to call anyone in reply?
MR. GROSE: May I confer for just a second?
(Pause.)
MR. GROSE: Judge, we're done.
THE COURT: All right. All right. I will probably be reaching out to the attorneys for additional assistance, but thank y'all very much.
MR. GROSE: Okay.
THE COURT: Thank y'all.
MS. JAMESON: Thank you, Your Honor.
MR. GROSE: Thank you, Your Honor.

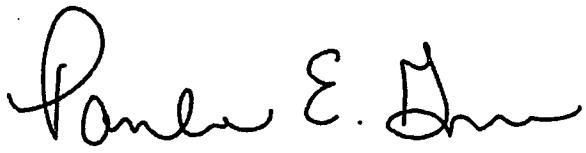
* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 20th day of May, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 19th, 2020



PAMELA E. GREEN, Court Reporter

EXHIBITS

	MARKED	ENTERED
PETITIONER'S EXHIBIT NO. 1, 12-24-2020 E-mail Packet	Motion Hearing	338
PETITIONER'S EXHIBIT NO. 2, 8-10-2007 E-mail	Motion Hearing	199
PETITIONER'S EXHIBIT NO. 3, Cellphone Audio 3/31/2011	Motion Hearing	199
PETITIONER'S EXHIBIT NO. 4, 3/20/11 Call on Sunday Evening	Motion Hearing	199
PETITIONER'S EXHIBIT NO. 5, Photo of Sign on Door	Motion Hearing	
PETITIONER'S EXHIBIT NO. 6, Order For Continuance	Motion Hearing	
PETITIONER'S EXHIBIT NO. 7, 12-11-13 E-mail	Motion Hearing	199
PETITIONER'S EXHIBIT NO. 8, USB Drive	8	17
PETITIONER'S EXHIBIT NO. 9, Transcript of Minor Child 4/7/11	8	17
PETITIONER'S EXHIBIT NO. 10, Transcript of Minor Child 4-8-11	8	17
PETITIONER'S EXHIBIT NO. 11, Transcript of Minor Child 4-12-11	8	17
PETITIONER'S EXHIBIT NO. 12, Transcript of Minor Child 4-14-11	8	17
PETITIONER'S EXHIBIT NO. 13, Transcript of Minor Child 5-6-11	8	17

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	MARKED	ENTERED
PETITIONER'S EXHIBIT NO. 14, Family Court Transcript 10/15/2012	8	17
PETITIONER'S EXHIBIT NO. 15, Curricular Vitae	32	33
PETITIONER'S EXHIBIT NO. 16, Dr. Bruck's Report	61	64
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PETITIONER'S EXHIBIT NO. 27, E-mail dated 9/10/13	380	524

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PETITIONER'S EXHIBIT NO. 29, E-mail Dated 2/11/14	385	524
PETITIONER'S EXHIBIT NO. 30, E-mail Dated 2/20/14	386	524
PETITIONER'S EXHIBIT NO. 31, Order on Defendant's Motion	588	
PETITIONER'S EXHIBIT NO. 32, Order for Date Certain	588	
PETITIONER'S EXHIBIT NO. 33, Order on Defendant's Motion	588	
PETITIONER'S EXHIBIT NO. 34, Order for continuance	588	
PETITIONER'S EXHIBIT NO. 35, E-mail Packet	588	
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PETITIONER'S EXHIBIT NO. 40, Letter Dated 7-10-18	589	

2076

Subject: Fw: Making Right of Letter Previously Sent/ Inaccuracies

From: Cara Lintner (caralintner@yahoo.com)

To: andreaamoore@gmail.com;

Date: Friday, December 24, 2010 8:18 AM

--- Forwarded Message ---
From: Cara Lintner <caralintner@yahoo.com>
To: kshabel@gc-lawfirm.com
Sent: Wed, December 22, 2010 1:52:05 PM
Subject: Making Right of Letter Previously Sent/ Inaccuracies

Ken and Andrea,

I need to make some things right that is weighing heavy on my heart. I want you both to know I only know of Danny using steriods once last year and I don't remember any side effects. The pictures I sent you and emails I have found also last year could have been taken by a hacker who also made fraudulous charges on both our credit cards at that time. I have never seen Danny on any porn sights in fact I looked after the hacker told me that he/she had met him there.....and I never found him. I did take a lot of care for [Minor Victim] except the last two times. When [Minor Victim] was here Danny had to work a couple days to keep the bills paid. I have not seen ANY anxiety when Danny and [Minor Victim] were together or with me. They've always gotten along great and [Minor Victim] has always been happy around her father.

Thank You- Im' sorry for any pain or stress this has caused anyone,

P.S. Ken please forward to Andrea as I can't find her email.

Cara Lintner

DEPOSITION EXHIBIT #2 Hall

PETITIONER'S EXHIBIT 5-15-19

DEPOSITION EXHIBIT #2 Lintner

Subject: Re: Heather's Contact Info

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: dj.davidjolley@gmail.com;

Date: Monday, November 22, 2010 10:04 PM

Thank you sooo much for all your kindnes. U have been such a great help in support and some of my healing. I hope u guys get all what u deserve for [redacted] U have helped me so much. I can't ever thank you enough! Cara

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 21:27:11 -0500
To: <caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

We are praying for your continued strength and happiness. Our offer stand for your trip here if you ever decide it is a good idea. p.s. Cara we will wire you money if you need some help getting started with your hearing on the 30th. Get an atty working for you now. I know you will be glad you did. DJ

On Mon, Nov 22, 2010 at 8:29 PM, <caralintner@yahoo.com> wrote:
I called that number but something strange happened. David didn't pick up it was some man

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 20:21:52 -0500
To: <caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

call david 864.270.0293

On Mon, Nov 22, 2010 at 8:19 PM, <caralintner@yahoo.com> wrote:
10796 avondale drive manassas va 20111

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 20:17:23 -0500
To: <caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

I'm getting somewher... what was your address?

On Mon, Nov 22, 2010 at 8:01 PM, <caralintner@yahoo.com> wrote:

I wish I was smarter and knew more! I feel so tricked. I can't understand why he did this does to me or anyone. Its so discusting the more I think about how selfish and sneaky he is...

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 19:53:44 -0500
To: <caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

it was just a thought....do you have any idea where in the world he could get that money? I know the baseball card...but that is serious cash...
I am asking Ruth for his SS# now...

On Mon, Nov 22, 2010 at 7:50 PM, <caralintner@yahoo.com> wrote:
The one u can hold stuff in. It was hollow. I took it all apart but nothing

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 19:46:19 -0500
To: <caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

It might be worth seeing if they could possibly open with a screw driver or hold anything if hollow...

On Mon, Nov 22, 2010 at 7:45 PM, <caralintner@yahoo.com> wrote:
I opened it all up and kept the reciept. I don't think they were.

Sent from my Verizon Wireless BlackBerry

From: "Jolley_David" <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 19:42:20 -0500
To: caralintner@yahoo.com<caralintner@yahoo.com>
ReplyTo: "Jolley_David" <dj.davidjolley@gmail.com>
Subject: Re: Heather's Contact Info

Any idea if any of those toys could store drugs?

-DJ

On Nov 22, 2010 7:41 PM, caralintner@yahoo.com <caralintner@yahoo.com> wrote:

I did just find a discusting shipment of sex toys! I couldn't believe it but

I will be getting mail untill the 30 of his and mine. I will open up everything and let u know

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 22 Nov 2010 19:14:55 -0500
To: <caralintner@yahoo.com>; Heather Jolley<heathersmithjolley@gmail.com>
Subject: Re: Heather's Contact Info

Cara,
I am researching things now. I will give you everything we find. Also - just a thought. Danny is restricted from going to the house you have with him. I wonder if any of his boxes have been shipped there to see if possible he is getting large shipments of steriod. Wondering if maybe that is where the extra money may be coming from...

On Mon, Nov 22, 2010 at 2:56 PM, <caralintner@yahoo.com> wrote:
I wish I knew what things cost but he's always hid sooo much from me. He just got the suv in oct and I wanna say the mustange was this past may. Bought on ebay. I think maybe 30 thousand. I'm just not positive money wise:(

Sent from my Verizon Wireless BlackBerry

From: Princess [redacted] <pink.princess.please@gmail.com>
Date: Mon, 22 Nov 2010 13:16:08 -0500
To: Cara Lintner<caralintner@yahoo.com>
Subject: Re: Heather's Contact Info

Hey girl,

How is everyone? I have continued to pray for you all and just know that the best is going to come out of all this craziness!! You will be getting a box from us very soon with all the info that we have promised you. If you need anything immediately, please let me know.

I do have another favor to ask of you per Ruth, my other lawyer. She needs to know (if you know) what cars Danny now has in his possesion, when they may have been bought, i.e. in the last year, what county the taxes would be in, and does he still own property in Florida, other cities, etc.? The reason we need to know is to have a proof of assets in his name to this point. I know a lot of that has changed since we first looked into this, but if you can supply us w/ any of that, it would be greatly helpful.

Again, you should have my letter and a copy of the court stuff we have very soon. If you think of anything further you might need or that would be helpful, don't hesitate to ask

Sincerely,

Heather

On Fri, Nov 19, 2010 at 7:14 PM, Cara Lintner <caralintner@yahoo.com> wrote:

Heather and David,

Thanks so much again for helping me out! I will be staying at this adress:
8654 Maple Glen Court
Springfield Va 22153
If you need anything let me know.....

Thanks,
Cara

From: Princess [redacted] <pink.princess.please@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Thu, November 18, 2010 8:41:21 PM
Subject: Re: Heather's Contact Info

Cara,

I thought I would email you instead of bombard you with more calls. However, Andrea let us know that you were able to get the restraining order and custody of the kids!! At least, that is what I understood her to say. I am still praying like crazy for you guys and only want the best for you.

Also, I wanted to say that I truly feel like you were sent to us a Pey's Guardian Angel as not many people would reach out and do what you have done for us. You have such a sweet heart and I know you only want to see the right actions taken here to protect everyone. That being said, I am here to do the same for you. I have asked Andrea if there is anything she can think of that we have come across in our proceedings that might help you. Hopefully I will have more information to share with you over the weekend if not the first of next week.

Do you know when you will meet w/ your lawyer again? Please keep me posted on how you all are doing and I will keep sending hugs and prayers your way

Sincerely,

Heather

On Tue, Nov 16, 2010 at 10:17 PM, Cara Lintner <caralintner@yahoo.com> wrote:
Heather,
Thank you prayer. This is been really scary and emotional for the boys and I. There will be a police report finished by the end of next week I was told. I'm very scared for my kids who have seen a lot of mental abuse from Danny to me. They have been part of all this for years and he has even pushed me with them in my arms. Tomorrow morning I will file for a temporary straining order and see a lawyer. I felt like I needed to tell you these things because I worry about Minor Victim No he has never laid a hand on any of the kids as I know but mine have seen a lot and been through a lot because they have been right there. Minor 3 has so much anxiety he won't leave my leg. I'm very scared what will happen but I want all of our kids to be safe. I;m not sure with the past steriods and his constant temper that the kids are safe. It's not up to me about anything but I hope the judges will see everything. I hope this letter is good for you guys. Take care

Cara

Sorry about spelling hope I helped. I haven't slept for days and my mind is racing with fear.

From: Princess Minor Victim <pink.princess.please@gmail.com>
To: caralintner@yahoo.com
Sent: Tue, November 16, 2010 8:08:52 PM
Subject: Heather's Contact Info

Hey Cara,

This is the best way to email me. The phone number you have is the best way to reach me by phone as well. If you need anything at all, please let me know. I am praying for you and the boys and wish you only the best.
Anything you can do to assist me w/ Minor Victim is of course appreciated as well!! His next visit is scheduled for the first weekend in December, so the faster the better :)
Just keep me posted with you.

Most Sincerely,

Heather Jolley

2082

Subject: Re: just checkin in ...

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: dj davidjolley@gmail.com;

Date: Monday, November 29, 2010 8:55 PM

Thank u! I promise no one will ever see this! I have facebook. Danny isn't on it or wasn't but if u ever wanted to get a fake account and no pic I would love for u to see updates on the boys.

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 29 Nov 2010 20:28:18 -0500
To: <caralintner@yahoo.com>
Subject: Re: just checkin in....

We would like for you to have it. Please don't give it to anyone...it is just within our family. David

www.jigglesnort.wordpress.com

On Mon, Nov 29, 2010 at 8:25 PM, <caralintner@yahoo.com> wrote:
Just got ur mess about the blog. No he has no idea.

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Sun, 28 Nov 2010 22:27:33 -0500
To: <caralintner@yahoo.com>
Subject: Re: just checkin in....

Cara,
I found the deposition. I am going to try and scan it in for you tomorrow. Also...one question...did Danny now we had a family blog? Did he know how to get to it?

On Sun, Nov 28, 2010 at 8:49 PM, <caralintner@yahoo.com> wrote:
Hi, I just finished and moved all my stuff out finally. Hopefully he will be forced to sell. I see a lawyer tomorrow who will be there tues to represent me. I also found a lawyer that is helping me step by step who's friends with my boss. My brother and and I spoke with her today also. Its been long days full of anxiety for tues. I keep praying a lot about everything and hope we all get what we deserve. I wasn't sure if u guys sent me anything in the mail yet because I haven't gotten anything.... I will let u know what happens tues!!! Thanks again, cara

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Sun, 28 Nov 2010 18:25:16 -0500

2083

To: Cara Lintner<caralintner@yahoo.com>
Subject: just checkin in....

How are you guys? Did you ever get a lawyer? Are you set for the 28th?

Subject: Fw: Affidavit

From: Cara Lintner (caralintner@yahoo.com)

To: pvlaw@aol.com;

Date: Thursday, December 2, 2010 3:19 PM

Attention Pamela Cave

---- Forwarded Message ----
From: Andrea Moore <andreaamoore@gmail.com>
To: caralintner@yahoo.com
Sent: Tue, November 23, 2010 2:13:11 PM
Subject: Affidavit

This is what I'm filing with your signature from the other one.

--
Andrea A. Moore
(864) 237-5790

Attachments

- Affidavit_of_Cara_for_Motion[1].doc (28.50KB)

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG	IN THE FAMILY COURT
Heather Jolley, Plaintiff, v. Daniel Spade, Defendant.	Affidavit of Cara Lintner C.A. Nos. 2010-DR-42-____

The undersigned, being duly sworn, deposes and states as follows:

1. I have been in a relationship with Defendant Daniel Spade ("Danny") for almost five years.

2. Danny and I have two children together and I am currently expecting my third child by him. Danny has another child, [redacted] who lives in South Carolina.

3. Danny has a terrible temper. He has been physically abusive to me throughout our five-year relationship. He has hit me, choked me, pushed me around, smacked me in the face, and pulled my hair. He curses me and calls me terrible names, even in front of our children. He has shoved me while I was holding our child and while I was pregnant. When Danny gets mad, he is like a totally different person. You cannot calm him down.

4. Danny has used steroids in the past, but I do not know for sure that he is still using them. He takes a lot of "supplements" and I do not know what he is taking. He is a very big, muscular guy.

5. Last summer, I left Danny for about three months after an incident where I had to call the police because I was so scared. The police would not do anything

because he had not physically harmed me before I called. They told me I could leave but I could not take my children, so of course I would not leave. After the police left, Danny took my phone away from me, pulled me by the hair, threw me down on our child's bed, sat on top of me, and continued this kind of treatment for hours. After this, I no longer trusted the police to help me or my children.

6. On Sunday night November 16, 2010, Danny got mad at me because I made him a sandwich with gluten-free bread instead of regular white bread and did not serve him a drink with it. He began cursing me and calling me names. It got so bad that I tried to escape from the house with my children. Danny caught me and got the baby away from me. I finally got out of the house and tried to run with my 3-year-old. Danny was chasing after us, holding the baby. After a car stopped to see if we were alright, Danny went back to the house with the baby and I went into the woods with my 3-year-old and called the police. The police came to the house but they would not let me take my baby because Danny had not hit me that night. I finally got the baby back a few days later with the help of a friend.

7. On November 18, 2010, I was granted a restraining order against Danny that also prohibits him from having any contact with our two children.

8. I am writing this Affidavit because I am concerned for the safety of Danny's daughter, Minor Victim If he is allowed visitation with her. Danny is extremely angry and volatile. My own 3-year-old is terrified of him. I fear for my own safety when Danny finds out I wrote this, and yet I could not forgive myself if I did not try to help Minor Victim mother protect her from Danny, especially because I think the only reason he was able to get as far as he has with visitation was because of my help.

Cara Lintner

Sworn to before me this
___ day of _____, 2010

Notary Public for Virginia
My commission expires:_____

Subject: Re: any idea howmuch the Range Rover was?

From: Cara Lintner (caralintner@yahoo.com)

To: dj.davidjolley@gmail.com;

Date: Sunday, December 5, 2010 11:13 AM

yes then he walked up to me pulled out a camera and took a shot of Minor 3 in I. Then walked off.

From: Jolley _David <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Sun, December 5, 2010 6:52:51 AM
Subject: Re: any idea howmuch the Range Rover was?

Kids get home on time?

-D.J

On Dec 4, 2010 10:52 PM, Cara Lintner <caralintner@yahoo.com> wrote:

8654 Maple Glen Court Springfield, Virginia 22153

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: caralintner@yahoo.com
Sent: Sat, December 4, 2010 9:58:57 AM
Subject: Re: any idea howmuch the Range Rover was?

Cara,
please send me your mailing address to where you are now...

On Fri, Dec 3, 2010 at 8:15 PM, <caralintner@yahoo.com> wrote:
He said 25
-----Original Message-----
From: The Jolley Family Jolley
To: Cara Lintner
Subject: any idea howmuch the Range Rover was?
Sent: Dec 3, 2010 7:57 PM

Sent from my Verizon Wireless BlackBerry

Subject: Re: you got this

From: Cara Lintner (caralintner@yahoo com)

To: dj.davidjolley@gmail com;

Date: Monday, December 6, 2010 8.35 AM

Danny just snapped at me a lot in front of her. It was mostly about me telling him he needs to do things with them and he would make acsuses like he worked late but came home in gym clothes or if I said he doesn't spend time with her he would just say loud "I have to work", " need to play softball". Things like that.

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Sun, December 5, 2010 8:43:13 PM
Subject: Re: you got this

did danny ever argue or have a fit in front of her

On Sun, Dec 5, 2010 at 8:40 PM, Cara Lintner <caralintner@yahoo.com> wrote:
Pam Cave my lwayer and Anne Luu his lawyer came up with this visitation schedual

Tues and Thurs. Danny gets then 12 noon untill 8pm

He then gets them every weekend switching sat. and sun. He get's them those days 10:00 am to 8:00.

He will get them xmas from 1:00pm overnight Sat. untill Sun at 8pm.

So for this is the only over night.

When Minor Victim came to vist for her 10 days. I brought Minor Victim to Dullas airport hotel along with Minor 3 (no Danny) to see his parents who where flying out to Yellowstone early the next morning. We stayed 45 min. Minor Victim did not talk once to them and hid behind me the whole time. His parents have not seen her at all at any other visits. She has never gone down with Danny. I have gone down for mostly all visits except the last two. He went by himself. When she came for 10 days in Aug. I took care of her for the last nine. I bathed her each time. Took her to burke lake on Sat. whent to puppett show. (it was about pirates). Danny might know what the puppet show was about. I took her to the pool twice. I did all these things. took off work while Danny worked. On the Sun before the week she left I took Minor Victim to Maryland to see Christy and her family. I spent the night there. Danny went to Nates wedding instead. He didn't come after. I called Heather that night so Minor Victim could talk to her with my phone. Danny was never pressent for any of this.

Things we did there he would not know played there DS, played outside on there playground,painted there nails and put stickers on them, they ate hot dogs make and cheese for

lunch. His mom had a little gift gpr [Minor Victim] at the house when we arrived a my little poney. He won't know this stuff.
Also he won't know what pull i took them to Newington Forest at my paretns we had pizza for lunch.

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Sun, December 5, 2010 3:30:07 PM

Subject: Re: you got this

Does he get any over night visits?

On Sun, Dec 5, 2010 at 12:40 PM, The Jolley Family Jolley <dj.davidjolley@gmail.com> wrote:
got it.....

On Sun, Dec 5, 2010 at 11:54 AM, Cara Lintner <caralintner@yahoo.com> wrote:
I want a new lawyer. I'm just waiting to here back the begining of this week for the lwayer I'm going with.

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Sun, December 5, 2010 11:45:22 AM
Subject: Re: you got this

whatever you do, I'd hurry and make a decision and get it going.

On Sun, Dec 5, 2010 at 11:19 AM, Cara Lintner <caralintner@yahoo.com> wrote:
I talked to a new lawyer last night. I told her the situation and how my lawyer wants me to drop the appeal. She thinks I need a new lawyer. She deals with domestic violence cases herself and it looked like mine doesn't know the right questions to help me. She doesn't do cases with children though. She knows so maney lawyers that she thinks she can def. get me a new one that is good and has the experience I need for this case. She is going to do a lot of call tomorrow. She's hoping something will be good for us in your case tomorrow as well. I'm so nervous to not have this new lawyer yet but know I need one. One she talked about was 500 an hour but I said fine.

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Tue, November 30, 2010 10:33:34 AM
Subject: you got this

We just wanted you to know we are praying for you. Your life is about to get better. Be strong and don't agree to anything. He will ask for an inch and take a yard.

Subject: Fw: Heather's Letter

From: Cara Lintner (caralintner@yahoo.com)

To: pvlaw@aol.com;

Date: Thursday, December 9, 2010 1:47 PM

---- Forwarded Message ----
From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
To: Cara Lintner <caralintner@yahoo.com>
Sent: Mon, November 29, 2010 8:27:35 PM
Subject: Heather's Letter

Cara,

I thought I would email you as I couldn't get the letter to attach for some reason. Feel free to print this out and utilize it in any way necessary.

You can read the details more clearly in the deposition, but as of February 15th 2006 I called Danny to let him know that I was pregnant. I thought that was the right thing to do whether he wanted to be involved or not. Needless to say, he was not very comforting during that conversation. Actually, he was mad about it all. I had no idea that you even existed at that time. However, as soon as I told him I was pregnant he responded that it was an awful joke if it weren't really true. After I confirmed that I wasn't lying to him, he said he couldn't talk to me anymore and hung up. He was angry about the situation and continued to deny the fact that I could even be pregnant with his child as we were not in a serious relationship, etc.
I continued to receive harsh emails and phone calls from him not wanting to be involved, questioning me about who I had been with in the interim of my finding out I was pregnant, wanting to know how I thought she could be his, blah, blah, blah. There are definitely more details that can be read in the deposition of our case, but I can tell you that my anxiety hit the roof once I knew that he truly did not want to be involved until I could "prove" that Minor Victim was his. Of course, this did not happen until after she was born and even then, he didn't come to see her until she was several months old.

As for Minor Victim she has always been an anxious child. However, this anxiety has been exacerpaded by Danny D's (the name Pey decided for him) visits and calls. She has never been 100% comfortable with any of the visits, especially when I am prepping her for the weekend. She continues to tell me she doesn't want to talk to him when he calls on his scheduled night to call, and doesn't want to visit w/ him when she knows that it is coming up.
He continues to be the "fun" one as he always takes her to Chuck E. Cheese and then swimming at the hotel. However, I can tell you that Minor Victim has recently told me that he makes her nervous when she stays with him. She stated that he doesn't give her a bath if they have gone swimming and he sleeps with is shirt off in the same bed as her. She also said that he will continuously tickle her and won't stop when she asks him to, again making her nervous (her words). She is always complaining of stomach aches, using baby talk and now experiencing panic attacks which we have had to seek counseling for.

Some quick answers for you: Danny and I first met in Atlanta through a work meeting, we started emailing through work, then talking on the phone. We saw each other again when I visited him at his condo in VA. I stayed for a long weekend there, then we continued to talk through email and weekly on the phone. (this was before you were in the picture). We met up again in FL at our annual sales conference which was in Jan. 2006. This is when I got pregnant. We had planned for him to come and visit in Feb. or March but clearly that never happened as I found out I was pregnant and unbenounced to me, he had met you. We did talk a good bit through email when I was pregnant, though most of it was fighting. I eventually asked him to quit contacting me as I felt like I was being harassed by his continued questioning of who else I had been with, how I could prove that the baby was his, etc. I was 7 or 8 months pregnant before I ever knew that you even existed. He emailed me at work letting me know that he had been seeig you, things had gotten a bit more serious as you were now his fiance and you were having a baby. Talk about feeling like you had been shot in the chest, ugh.... Not because of you, per say but b/c he had done the same thing w/ someone else and kept it from me for so long.

Danny did not stay w/ me the first time he visited. He came w/ Chrisie and they stayed at Extended Stay, which is where Danny and I both worked at the time. He was with you then as you had just had Minor 3 He was talking to you most of his visit and hardly spent any time getting to know Minor Victim He flew in from FL where he had been doing some renovations to the condo down there, or at least that is what he said. He had a concussion or something that weekend that he tried to explain also.

Danny's parents visited before he did. They came w/ Christie in Nov. 2006. They stayed for a day, though they didn't stay w/ me. Not much was discussed about Danny or you. Carol Ann only thanked me for choosing to have Minor Victim and allowing them to see her.

I don't know if any of that helps or just confuses things, but feel free to call me too if you need to. Ask me anything.

Cara, you have to know that all I ever really knew of you was what little Danny or the Spades told me and that was never greatly positive. You were one of the "bad guys" as far as I knew, wanting to make sure Danny got his way. Now I know that is not true. We all get wrapped up in our circumstances, but believe me when I say I am so glad that we have both seen the light and the truth :)

Let me know how else I can assist,

Heather

p.s. David is sending you all our notes for our trial.

Subject: Re Fwd: could we get a copy of the affidavits against us?

From: cara intner@yahoo.com (caralintner@yahoo com)

To: healhersmithjolley@gmail com,

Date: Friday, December 10, 2010 10:32 AM

I'm praying so hard. Each sentence in that letter was wrong! I keep going over it. Minor 3 had a break down with danny yest. He tried to blame that on me as well

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Fri, 10 Dec 2010 10:19:09 -0500
To: <caralintner@yahoo.com>
Subject: Re: Fwd: could we get a copy of the affidavits against us?

Yeah, they are all a little off their rocker. I think most of this is just trying to help Danny not lose everything. However, he has done all of this to himself. He is so lost as a person and really needs to talk to someone about how to get his life back in order.

I don't take any of this stuff personal b/c I know that they are grasping. He is at risk of losing EVERYTHING, including the kids he knows so well and the one that he doesn't!! Keep praying hard, I know we are :)

On Fri, Dec 10, 2010 at 9:41 AM, <caralintner@yahoo.com> wrote:
She also testified and said I'm not worried about when danny watches the boys and when I talked to her that night I told her how scared I was and worried he was feeding him ect. He sis awmd dad were also so worried his dad drove 1 half hours to see!

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Fri, 10 Dec 2010 08:58:50 -0500
To: <caralintner@yahoo.com>
Subject: Re: Fwd: could we get a copy of the affidavits against us?

Believe me, I am pissed off as well!! They know nothing of her. If she didn't want to talk to us on the phone during her visit, it is b/c she is 4 and doesn't like talking on the phone anyway, urrggghhh..... Let me say that Minor Victim has NEVER been locked in her room by me or David. Minor Victim is a very stubborn child and when she gets upset or scared, she sometimes makes things up for the extra attention. This is part of what therapy is addressing w/ her as well.
I will say that we do not allow her to sleep with us or on the couch or anywhere else in the house. We have been adimant that our children sleep in their beds by themselves. That being said, Minor Victim knows we are always there to comfort her if she is scared for whatever reason, can't go to sleep, etc. I am only saying this stuff in the instance that she really did make that comment to you.
As well, why did Danny stop skyping with Minor Victim yet he felt the need to "show her off" while he

was here to Christy/Josh via skype?? Wasn't the point to build a relationship w/ [redacted] not try to make a point to his family or anyone else for that matter.

Sorry for the long email, but I am so sick of this crap!!!!
On Fri, Dec 10, 2010 at 8:52 AM, <caralintner@yahoo.com> wrote:
I'm shaking I'm sooo disgusted! She was never ever around! One night only! The things she had the nerve to say! Everything included danny and cara. She makes me sooo sick!

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Fri, 10 Dec 2010 08:47:25 -0500
To: Cara Lintner<caralintner@yahoo.com>
Subject: Fwd: could we get a copy of the affidavits against us?

Oh My Dang!! I am picking my mouth up off the floor. David is sick after reading these, but I have had to continue to remind him that they are grasping for straws here. They have to have someone to point a finger, ugh... Anyway, they are attached. I will call you this weekend and catch up.

Keep praying as we should hear something hopefully later today :) I will let you know.

Much love,

Heather

---------- Forwarded message ----------
From: **The Jolley Family Jolley** <dj.davidjolley@gmail.com>
Date: Fri, Dec 10, 2010 at 8:17 AM
Subject: Fwd: could we get a copy of the affidavits against us?
To: Heather Jolley <heathersmithjolley@gmail.com>, Cara Lintner <caralintner@yahoo.com>

---------- Forwarded message ----------
From: **Andrea Moore** <andreaamoore@gmail.com>
Date: Fri, Dec 10, 2010 at 8:10 AM
Subject: Re: could we get a copy of the affidavits against us?
To: The Jolley Family Jolley <dj.davidjolley@gmail.com>

Sorry about that! Don't let yourself get worked up over them. It's clear how little contact they've had with her.

On Thu, Dec 9, 2010 at 9:00 PM, The Jolley Family Jolley <dj.davidjolley@gmail.com> wrote:

Subject: Re: appeal status

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: pvlaw@aol.com;

Date: Friday, December 17, 2010 4:28 PM

Thank you again. Maybe there was a miss understanding in some way. I did tell ms. O malley that I have talked back and forth with you I just haven't received any paper work of what u and ann have talked about. She asked if I had anything written and I haven't. I really do apriate everything. Honestly!

Sent from my Verizon Wireless BlackBerry

From: pvlaw@aol.com
Date: Fri, 17 Dec 2010 15:14:42 -0500
To: <caralintner@yahoo.com>
Subject: Re: appeal status

Hello Ms. Lintner....I am very disappointed to find out thru a fax that you found another attorney. As I've told you from the start, this case is yours to lose, and I am very concerned that it appears you've made misrepresentations to Ms. O'Malley regarding how the case has been handled by me thus far when I've spent hours trying to get things stabilized. I have over 100 emails back and forth with you discussing every issue that went on in this case and for you to tell Ms. O'Malley that I did not communicate with you at all and that you did not know about the temporary consent orders. This is completely untrue and very disturbing especially when I've spent hours on the phone discussing the case with you and have not billed for all that time as a courtesy to you. I do not know what to say. I will prepare the substitution order and have it to Mary Grace today. Again, in my opinion, this case is yours to lose, and, I hope, that things move forward in the best way possible for the sake of the kids. Once I receive the order back from the court, I will let you know and will provide you with my final time accounting and your file. Thank you. pam cave

"....In the business of dissolving relationships after never having been successful at the same...."

----Original Message----
From: caralintner@yahoo.com
To: pvlaw@aol.com
Sent: Fri, Dec 17, 2010 2:06 pm
Subject: Re: appeal status

Thank you pam cave for all you have done for me It has been very apriated! I've gone ahead and retained mary grace o malley from here on out. Thank you cara lintner

If there is anything I need that has been sent between you and luu please send to me
Sent from my Verizon Wireless BlackBerry

From: pvlaw@aol.com
Date: Thu, 16 Dec 2010 21:02:46 -0500
To: <caralintner@yahoo.com>
Subject: Re: appeal status

Hello .I received an email from Ann at about 6 30 pm, that Mr. Sapde was going to call you and state that he was afraid to drive the boys home tonite but that you could come get them if you wished to. He was

supposed to tell you this directly and work it out with you. She informed me by email which was supposed to be after he called you himself. I cannot get involved in what he does or doesn't do as he is supposed to work with you directly Technically, then, he is in violation of the court order. However, it is up to you to decide if safety is truly a real concern for him or just an excuse. It is not his lawyer's job to tell me or you what he is doing. He is supposed to tell you himself. pam cave

"....in the business of dissolving relationships after never having been successful at the same...."

----Original Message----
From: caralintner@yahoo.com
To: pvlaw@aol.com
Sent: Thu, Dec 16, 2010 8:50 pm
Subject: Re: appeal status

I was told dannys lawyer informed u that he was not bringing my kids back tonight. What time did she contact u?
Sent from my Verizon Wireless BlackBerry

From: pvlaw@aol.com
Date: Tue, 14 Dec 2010 23:24:12 -0500
To: <caralintner@yahoo.com>
Subject: Re: appeal status

OK..... ...be sure to go to the circuit court on the third floor.....

"....in the business of dissolving relationships after never having been successful at the same...."

----Original Message----
From: caralintner@yahoo.com
To: pvlaw@aol.com
Sent: Tue, Dec 14, 2010 6:35 pm
Subject: Re: appeal status

Thanks Ill go in morning
Sent from my Verizon Wireless BlackBerry

From: pvlaw@aol.com
Date: Tue, 14 Dec 2010 10:46:54 -0500
To: <caralintner@yahoo.com>
Subject: appeal status

Hi Cara.....I spoke with a judge's clerk in Manassas about your appeal.... you can go to the courthouse today and withdraw your appeal in the circuit court clerk's office. Abbey, Judge O'Brien's clerk, told me you can do this but you must go to the proper clerk's office. In the alternative, I can go there tomorrow and do it, but, that will add costs to your bill and there is no need for me to do it as my name is not on that case. Please let me know how you wish to proceed.....thanks. pam cave

"....in the business of dissolving relationships after never having been successful at the same...."

Subject: Re: Fwd: order

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: dj.davidjolley@gmail.com;

Date: Monday, December 20, 2010 2 10 PM

How does the guardian decide? Does she visit [redacted] and the counslor or does she put dan amd [redacted] together and then see him fake play with her a chuck e cheese? Sorry just confused a bit. Like always lol sorry

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 20 Dec 2010 14:04:03 -0500
To: <caralintner@yahoo.com>
Subject: Re: Fwd: order

no. it means she will help decide if he ever gets visitation again...

On Mon, Dec 20, 2010 at 1:29 PM, <caralintner@yahoo.com> wrote:
Does this mean that he will be with guardian [redacted] on visits soon? Hopefully his fam. Is not able to go on these to help!

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family Jolley <dj.davidjolley@gmail.com>
Date: Mon, 20 Dec 2010 13:13:47 -0500
To: Cara Lintner<caralintner@yahoo.com>; Heather Jolley<heathersmithjolley@gmail.com>; <mike.e.smith@milliken.com>
Subject: Fwd: order

---------- Forwarded message ----------
From: Andrea Moore <andreaamoore@gmail.com>
Date: Mon, Dec 20, 2010 at 1:12 PM
Subject: order
To: David Jolley <dj.davidjolley@gmail.com>

--
Andrea A. Moore
(864) 237-5790

Subject: Fw: credit card payment

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: celintner@gmail.com;

Date: Tuesday, March 8, 2011 1:48 PM

Sent from my Verizon Wireless BlackBerry

From: "Leonor, Ofelia" <Ofelia.Leonor@inova.org>
Date: Tue, 8 Mar 2011 13:36:16 -0500
To: <caralintner@yahoo.com>
Cc: Leonor, Ofelia<Ofelia.Leonor@inova.org>
Subject: credit card payment

Hello Cara,

Here is the payment confirmation dated 03/08/11

XXXXXXXXXXXX6462

RESPONSE APPROVED - REF #VXJP6E478B36

Ofelia S. Leonor

Pt. Financial Svc Rep IV

2990 Telestar Ct

Falls Church, Va 22042

work # 571 423 5815

Fax # 571 423 5885

cdJ.X.MA7.123
1466606@acl.
com

Attachments

- image001.gif (29.28KB)

2100

msn Hotmail®

dwspade@hotmail.com Printed: Friday, August 10, 2007 5:47 PM

From : Heather Smith <smith1104@hotmail.com>
Sent : Friday, July 20, 2007 11:52 AM
To : dwspade@hotmail.com
Subject : Minor Victim

OK, so I sought legal council about visitation, child support, etc. and there are several things that are misunderstood by us both. First and foremost, we have to keep Minor Victim interest at hand here and not mine and your anger at each other get in the way.

Visitation is not a right that you automoatically have. Child support is a responsibility, but does not come with any further rights. It is up to the mother (with full custody) to decide if that is a right that should be exercised. I have made it very clear fromt he beginning that I wanted you involved. However, choices have been made and little action has been taken.

Regardless, the pediatrician is writing a statement to explain to you just how severe Minor Victim stranger anxiety is. Though this is a phase, it would not be to her best interest to send her off with you, being that she doens't know you at thist time. As well, Cara cannot be with Minor Victim anywhere over night until she is considered your wife.

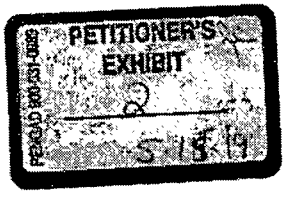
Therefore, I am offering the following: you guys can come and visit in my home for an afternoon. This will allow Minor Victim to warm up to you in a comfortable environment. She will need to stay with me over night, but you are more than welcome to come back the next day before you head back to VA.

I have several other details that I would really like to speak with you about in a civil manner that I can't write in an email (too long of a message). Therefore, if/when you have time, call me over the weekend and we can discuss this further. I am willing to work with you on this, but I need for us to be understanding that this is not about us, yet about Minor Victim

Thanks,

Heather

Need a brain boost? Recharge with a stimulating game. Play now!



audio from phone call

From: **The Jolley Family** (dj.davidjolley@gmail.com)
Sent: Thu 3/31/11 9:39 PM
To: Andrea Moore (andreaamoore@gmail.com); alexamwolf@aol.com; Kim Rosborough (krrosborough@hotmail.com)

We went back and listened to the conversation. Danny continues to accuse [redacted] of having someone tell her what to say. I can tell you that the minute she picked up the phone and her body language immediately changed. She was angry.

I did sit next to her this time as she was being a little rude in her comments. I continually told her that if she could not be nice then she needed to say bye and hang up the phone. Danny yet again felt the need to tell her what her real name was and what it was not. He also told her that her "real daddy" was going to have her come to VA and visit and he was going to come and visit her here real soon.

[redacted] was very tense and angry the entire conversation. She doesn't get angry. That is just not her demeanor. However, the last several times she has talked to him, she has had this reaction that continues to get stronger with time. On a side note, she has never been coached on what to say when talking w/ him. Typically, I hand her the phone and walk off so she want ask me what to say or talk to me when trying to talk to him.

As we were eating dinner tonight. I told [redacted] that Danny D may call tonight. Her come back to me was the he made her stomach hurt and he was not her real daddy.

This is definitely getting out of hand. We are tired of him combating us on every level. He has yet to really listen to what [redacted] says when she is trying to talk to him. As well, he is forcing himself on her saying he is coming down here when no one knows what the next steps in the case will be just yet.

AND he has yet to pay child support further and no medical bills. This puts him three months behind.

Sorry for the lengthy email, but I know you understand the sensitivity in this matter.

Here is the link to the audio:

http://www.vimeo.com/21784374

Heather



Call on Sunday evening

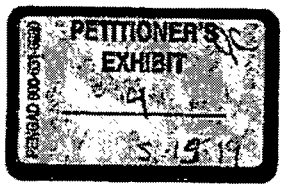
From: **The Jolley Family** (dj.davidjolley@gmail.com)
Sent: Sun 3/20/11 7:19 PM
To: alexamwolf@aol.com; Kim Rosborough (krrosborough@hotmail.com); Andrea Moore (andreaamoore@gmail.com)

Danny called 5 minutes late. Minor Victim did speak with him for a few minutes. Everytime she siad that she wanted to get off the phone, he would try to keep her on. He told her repeatedly that he was coming to take her to Chuck E Cheese. She told him she didn't want to talk any more and then hung up. He said, "I Love You" as she hung up. She looked at me and said..."He said I Love You. I said...he is just being silly. Minor Victim said, "I don't think it is silly. He is not my real dad." I then asked her who her real dad was and she said David. A few seconds later she added, "Cara is not my real mommy either." Then I hugged her and distracted her with a toy.

I think that he is showing way too little...way too late... These conversations continue to be confusing to her, calling himself daddy to her, etc. We have discussed that issue repeatedly and it never fails that he does it anyway.

Have a great week!

Heather



last name

From: **The Jolley Family** (dj.davidjolley@gmail.com)
Sent: Sun 3/20/11 7:26 PM
To: alexamwolf@aol.com; Kim Rosborough (krrosborough@hotmail.com); Andrea Moore (andreaamoore@gmail.com)

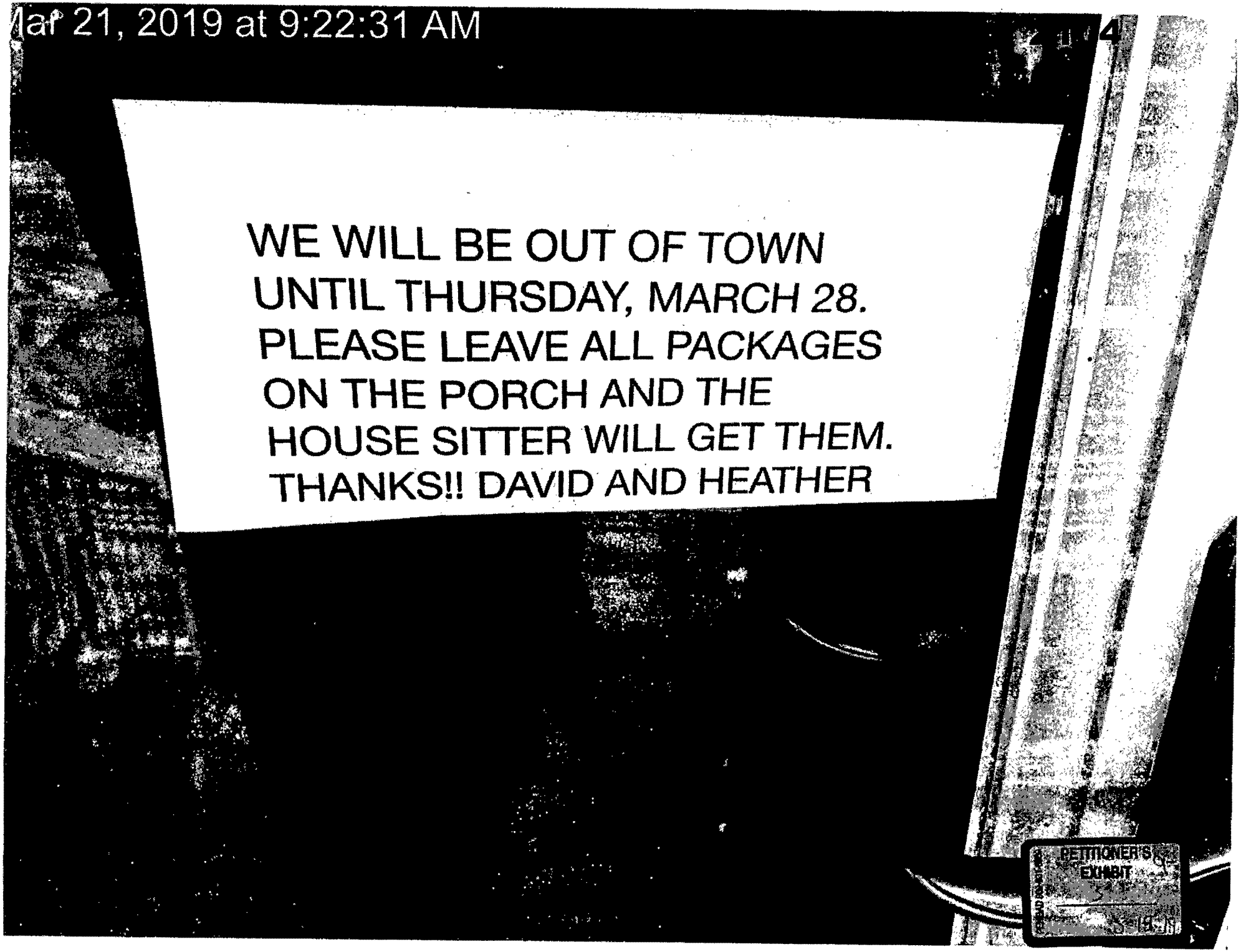
Something else that we have continued to battle and not sure how to continue to combat is Pey's last name. Because Danny will not allow us to change her name at this time, we have continued to explain that "Smith" is her last name. Minor Victim insists that it is Jolley, just as the rest of us carry that name.

Danny took it upon himself tonight to explain to her that her last name was not Jolley, it is Smith. Of all people, I don't expect him to be giving her advice when he is hardly involved in her life as it is. I know that he does this to get back at me and David. However, he needs to understand that it creates even more confusion in Minor Victim and she in turn questions us.

Just wanted to share on some of the other issues we continue to combat with him to this point.

Thank you for all each of you do. It is so greatly appreciated by my family,

Heather Jolley


Mar 21, 2019 at 9:22:31 AM
WE WILL BE OUT OF TOWN
UNTIL THURSDAY, MARCH 28.
PLEASE LEAVE ALL PACKAGES
ON THE PORCH AND THE
HOUSE SITTER WILL GET THEM.
THANKS!! DAVID AND HEATHER
PETITIONER'S
EXHIBIT

STATE OF SOUTH CAROLINA	)	
	)	IN THE FAMILY COURT
COUNTY OF SPARTANBURG	)	
Daniel Spade,	)	
	)	
Petitioner,	)	ORDER FOR CONTINUANCE
	)	
vs.	)	2010-DR-42-3372
	)	
Heather Jolley,	)	
	)	
Respondent.	)	

Date of Hearing	:	March 26, 2019 @ 2:00 p.m.
Trial Judge	:	James F. Fraley, Jr.
Attorney for Petitioner	:	Pro se
Attorney for Respondent	:	N. Douglas Brannon
Court Reporter	:	Laura McDaniel

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 APR 10 PM 2:23

This matter was before the Court for a half (½) day trial on two (2) Motion's filed by the Petitioner. The first of these Motion's was to unseal the Court's file in this matter. The underlying case was for termination and adoption. By statute, the file was sealed at the close of the trial in this matter. The second Motion was for a new trial based on newly discovered evidence and fraud upon the Court. The Petitioner was present and represented himself in this matter. The Respondent was not present but was represented by attorney N. Douglas Brannon of the Spartanburg County Bar.

At the call of the case counsel for the Respondents made a Motion to dismiss both Motion's filed by the Petitioner. The basis for the Respondent's Motion to dismiss is found in SCRCP 60b which states "any Motion to set aside an Order must be filed no later than one (1) year after the entrance of the Final Order". Additionally, Respondents base the Motion to dismiss on the following language found in SC Code Section 63-9-770(B)"...extrinsic fraud is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard." Counsel for the Respondent

PETITIONER'S EXHIBIT

informed the Court that the Final Order in this matter was clocked with the Court in December, 2012. These Motion's were not filed until October, 2018, well beyond the one (1) year restriction set forth in Rule 60b(2) SCRCP. Additionally, counsel for the Respondents pointed out to the Court that the Petitioner was present throughout the trial in this matter and did in fact present a defense in this TPR and adoption case.

After hearing Petitioner's argument against the Respondents' Motion to dismiss, this Court grants the Respondents' Motion to dismiss in regards to Rule 60b(1) (2) and (3) SCRCP. The Court further finds that the Petitioner did not base either Motion on SCRCP 60b(4). The Court declines to rule on the Respondents' Motion to dismiss in regard to SCRCP 60b(5) as well as SC Code Section 63-9-770(B). The Court will hold in abeyance ruling on the Respondents' Motion's in regard to SCRCP 60b(5) and SC Code Section 63-9-770(B) until it has heard the testimony to be presented in this matter. The ruling on that Motion is reserved.

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CLERK OF COURT
DARLINGTON COUNTY
2019 APR 10 PM 2:29

Petitioner then voiced his dismay that the Respondents were not present at this hearing despite his attempts to serve them personally with subpoena's for their appearance. Based on the fact that the Respondents did not appear, this ~~Court finds that the matter shall be continued.~~ the unusual message on Respondents house, and Respondent's attempt to serve subpoenas on Respondents, this case shall be continued.

Based on the foregoing it is therefore:

ORDERED, ADJUDGED AND DECREED that this matter shall be continued and reset for one (1) full day.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondents Heather Jolley and David Jolley shall be present for the trial of this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the ruling on the Respondents' Motions to dismiss in regard to SCRCP 60b (5) and SC Code Section 63-9-770(B) are reserved pending the testimony in this matter.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner's questioning of the Respondents is limited to questions regarding SCRCP 60b(5) and SC Code Section 63-9-770 (B).

IT IS SO ORDERED.

GIVEN under my hand and the Seal of this Court this 9 day of April, 2019.

S/James F. Fraley, Jr.

James F. Fraley, Jr.
Family Court Judge

Spartanburg, SC

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SPARTANBURG COUNTY
2019 APR 10 PM 2:23

A CERTIFIED COPY
CLERK OF COURT
SPARTANBURG COUNTY
BY: Windham Sweet D.C.
DATED 4-10-19

STATE OF SOUTH CAROLINA	)	**IN THE FAMILY COURT**
COUNTY OF SPARTANBURG	)	**SEVENTH JUDICIAL CIRCUIT**
Daniel Spade,	)	
Petitioner,	)	**CERTIFICATE OF SERVICE**
vs.	)	**2010-DR-42-3372**
Heather Jolley,	)	
Respondent.	)	

I certify that I have this 25th day of April, 2019 served a copy of the Order For Continuance on the Petitioner by depositing copies thereof in the United States mail, postage prepaid, Certified Mail, Return Receipt Requested, addressed to:

Daniel W. Spade #00358974
C/O SCDOC
990 Wisacky Hwy.
Bishopville, SC 29010

Libby S. Ridings, Paralegal
Kennedy& Brannon Law Firm
Post Office Box 3254 (29304)
104 N. Daniel Morgan Avenue Suite 201 (29306)
Spartanburg, S.C.
864-707-2020 telephone
864-707-2030 facsimile

FW: new address

2109

DANNY SPADE

Wed 12/11/2013 7:28 PM

To: Josh and Christy Trupower <trumpies@verizon.net>; Mom and Dad Spade <spadedodah@verizon.net>; Rod Spade <spaderodney@gmail.com>;

Importance: High

FYI

From: dwspade@hotmail.com
To: kshabel@gc-lawfirm.com
CC: scampbell@gc-lawfirm.com
Subject: FW: new address
Date: Wed, 11 Dec 2013 19:27:43 -0500

Ken/Shawn,

I found this email chain below between Heather and Cara dating way back to late 2007. [redacted] was only a little over, what ONE year old at this time. Even back then, at the age of ONE, and ***three years*** before they started taking her to Therapy after losing their first attempt to adopt her from me and then alleging I was abusing her due to her "behavior".....Heather indicates in her own words in the email at the bottom that [redacted] was suffering from *"ANXIETY"?!!?* Having trouble "sleeping at night" and attributing it to an emotional condition.

She was a baby.....yet even at that age her over-bearing mother indicated she was suffering from ANXIETY! And at that point, it clearly cannot be attributed to *ME*. But when it served ***their*** purpose Three Years later, it of course was all of a sudden attributed to me.

P.S. Can this be used at Trial (or shown to the Solicitor's Office pre-trial) to further show Heather's over-bearing and hyper-sensitivity in parenting our daughter dated way back to years before their allegations of abuse against me??

- Danny

Subject: RE: new address
Date: Wed, 2 Jan 2008 07:34:26 -0500
From: HSmith@nuvox.com
To: dwspade@hotmail.com

Your parents said the same thing. Funny b/c I have received things from Christy. Regardless, here I it is again:

PO Box 914
Anderson, SC 29622

Let me know if you run into anymore issues with it. I will double check w/ the Post Office as well~



Thanks,

Heather Smith
Account Executive
Nuvox Communications

864-331-8232 office
864-316-0154 cell
864-335-5835 fax
hsmith@nuvox.com

From: DANNY SPADE [mailto:dwspade@hotmail.com]
Sent: Monday, December 31, 2007 5:32 PM
To: Smith, Heather D.
Subject: RE: new address

Heather,

I sent you a XMAS card to the address you provided below and it was sent back not deliverable as addressed and was unable to forward. Is the address you provided correct?

Danny and Cara

Subject: new address
Date: Mon, 26 Nov 2007 08:04:08 -0500
From: HSmith@nuvox.com
To: dwspade@hotmail.com; trumpies@verizon.net; spadedoah@verizon.net
Hi to all!

I trust you all had a very Happy Thanksgiving! I know I ate my fair share of turkey and dressing ☺ [redacted] was not too fond of the food, but ate her weight in baked potatoes and green beans, ha!

Per our recent move, I wanted to send you the new address for us:

PO Box 914
Anderson, SC 29622-0914

We closed earlier than anticipated on our house, so we are now living in Anderson which is about an hour outside of Spartanburg. [redacted] has adjusted fairly well, but is having some anxiety sleeping at night. Hopefully this will pass soon and we can all rest a little easier!

Take care and have a great week,

Heather Smith
Account Executive
Nuvox Communications

864-331-8232 office
864-316-0154 cell
864-335-5835 fax
hsmith@nuvox.com

This email and any attachments ("Message") may contain legally privileged and/or confidential information. If you are not the addressee, or if this Message has been addressed to you in error, you are not authorized to read, copy, or distribute it, and we ask that you please delete it (including all copies) and notify the sender by return email. Delivery of this Message to any person other than the intended recipient(s) shall not be deemed a waiver of confidentiality and/or a privilege.

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This email and any attachments ("Message") may contain legally privileged and/or confidential information. If you are not the addressee, or if this Message has been addressed to you in error, you are not authorized to read, copy, or distribute it, and we ask that you please delete it (including all copies) and notify the sender by return email. Delivery of this Message to any person other than the intended recipient(s) shall not be deemed a waiver of confidentiality and/or a privilege.

I have a huge favor. Minor Victim had her session w/ her therapist (Kim) yesterday. We told her about Minor 3 and the pic he drew. Basically, just to support the fact that it is not just Pey having issues here. Kim wanted us to ask if you would mind sending us a copy of the pic Minor 3 drew so that she could have it with our files as support?

Also, we know that Danny spoke to Alex this past weekend. Alex let us know that she was going to reach out to you this week. Have you heard from her as of yet? If not, we were curious if the call was going to be set up w/ both you and Danny? I wouldn't imagine that it would be but thought it was worth asking.

We just called the child support line to verify that he still had not paid and he made his first payment of the year yesterday. Rather ironic don't you think?

Anyway, just curious about the above items. If you might let us know when you have the chance, we would greatly appreciate it!

Take care of yourself,

--
Heather and David Jolley

--
Heather Jolley

--
Heather Jolley

--
Heather Jolley

--
Heather Jolley

On Thu, Mar 10, 2011 at 9:00 AM, <caralintner@yahoo.com> wrote:
Thanks so much for understanding! I will get the to u soon.

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Thu, 10 Mar 2011 08:14:01 -0500
To: <caralintner@yahoo.com>
Subject: Re: copy of pic

I understand completely! I will make sure that Alex respects your wishes there as well. Believe me, it is all of our intentions to make sure these kids are in the best place possible. I would never do anything to put you or the kids in jeopardy further than you have already been.

Thank you so much for assisting us to this point. I am hoping we can do the same for you all as well :)

Heather

On Wed, Mar 9, 2011 at 7:57 PM, <caralintner@yahoo.com> wrote:
Hey girl. I don't mind sending u a copy for alex. I really want to make sure [redacted] is doing well. That's why I sent u the pic for her therapist. I just ask it be for there eyes only. I do not want it used in court or anything. I've had to deal with sooo much with danny from what he feels I've done and I can't handle that anymore. Hope u understand.

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Wed, 9 Mar 2011 12:16:36 -0500
To: <caralintner@yahoo.com>
Subject: Re: copy of pic

OK, would you mind sending us a copy of the letter the you received from the Spades as well? I hate to even ask, but Alex was curious if she might get a copy for her files as well.

On Tue, Mar 8, 2011 at 8:33 PM, <caralintner@yahoo.com> wrote:
I just sent pic to the jolley email. Alex did not reach out to me. But def. Haven't heard anything from danny about it.

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Tue, 8 Mar 2011 20:18:52 -0500
To: Cara Lintner<caralintner@yahoo.com>
Subject: copy of pic

Hey girl,

Subject: Fw: copy of pic

From: caralintner@yahoo com (caralintner@yahoo com)

To: heathersmithjolley@gmail.com;

Date: Wednesday, March 16, 2011 6:57 PM

Quick questin how much now is danny ordered to pay u in child support? I didn't go to work today cause I had the settlement on the home. I signed over to him plus have to pay 7 thous. In home buyer fees. It or he was pretty ugly and it was hard!

Sent from my Verizon Wireless BlackBerry

From: caralintner@yahoo.com
Date: Wed, 16 Mar 2011 13:56:03 +0000
To: Heather Jolley<heathersmithjolley@gmail.com>
ReplyTo: caralintner@yahoo.com
Subject: Fw: copy of pic

Ugh taking a break from settlement on the house. Got the worst tummy ache

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Wed, 16 Mar 2011 09:25:11 -0400
To: <caralintner@yahoo.com>
Subject: Re: copy of pic

Sure, this is my direct efax here at work: 330-486-3722. How are things going?

On Tue, Mar 15, 2011 at 1:40 PM, <caralintner@yahoo.com> wrote:
DoU have a fax number so I can send u letter? Haven't written letter yet I've been doing court stuff with house

Sent from my Verizon Wireless BlackBerry

From: Heather Jolley <heathersmithjolley@gmail.com>
Date: Thu, 10 Mar 2011 10:51:12 -0500
To: <carolintner@yahoo.com>
Subject: Re: copy of pic

I wanted you to know that I spoke with Alex. Nothing you give us will be shared with Danny. You are safe. Do you think you would be willing to write us another letter soon with an update of how things are going? How Danny is acting, How the kids are doing,etc? How Danny made you type the letter to Ken, Your worries, concerns, etc... Alex said every bit of it will help [redacted] (Minor Victim) and yet keep you out of the court stuff.

215

Welcome to TOT Presch

Subject: Re. Hey!

From: caralintner@yahoo.com (caralintner@yahoo com)

To: dj.davidjolley@gmail.com;

Date: Tuesday, March 22, 2011 8:47 AM

No not at all. He probibly won't tell me either. Is the counslor allowed to tell u what they talked about?

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family <dj.davidjolley@gmail.com>
Date: Tue, 22 Mar 2011 08:39:40 -0400
To: <caralintner@yahoo.com>
Subject: Re: Hey!

No problem. Danny talked to [Minor Victim] counselor yesterday...have you heard anything?

On Tue, Mar 22, 2011 at 8:35 AM, <caralintner@yahoo.com> wrote:
Hey girl don't want u to think I'm ignoring u. Its been crazy here. I'm gonna write u soon promise!

Sent from my Verizon Wireless BlackBerry

From: The Jolley Family <dj.davidjolley@gmail.com>
Date: Mon, 21 Mar 2011 10:16:04 -0400
To: Cara Lintner<caralintner@yahoo.com>
Subject: Hey!

Hey girl! I was just wondering how you guys were doing? How is [Minor 3] Are his panic attacks still happening? How is Danny working with you? What is going on?

Subject: Update

From: Cara Lintner (caralintner@yahoo com)

To: dj davidjolley@gmail com;

Date: Friday, March 25, 2011 1:57 PM

Danny and I are doing better than we were since Nov. We have been able to transfer the kids to each other without any arguing in front of them. He has been taking an anger management class and seeing a therepist. He has been very sick this past month with ulcers. He has been the type of person who wants it his way or no way for a long time. If it isn't the way he wants it there is a problem. This month I have seen him break down quite a bit with a lot of things. I feel he is realizing that it can't be that way for him anymore.
He doesn't like to talk to me about anything regaurding Minor Victim because he feels I caused all this and was told Alex said if I didn't write anything he wouldn't be were he is now.
My children have had it very hard since the split. Exspecially Minor 3 At the beginning Danny would yell at me when we would pass the kids over. Minor 3 would get scared and cry for me. Hide because he didn't want to go. He had to go with me to work and didn't want me to leave him.It broke my heart. He has not done this for awhile now and Minor 3 has been doing good with the transfers. Danny has seen me cry so much and be worried so much for them and what they see. Danny has been able to see how this effects the kids and has stopped and will act positive infront of them. The boys like to go see him to play. Danny has been listening to my concerns with the boys and has let me come over on his weekends to help take care of the boys. He's never been good before with making dinner or putting them to bed at a good time etc. but I feel it's important to stay on good terms with him to teach him these things and other things to keep bringing positive into there life. Minor 3 does ask to go to Daddys but wants me there to he says. I think he still gets confused with why we aren't living together. That will only come in time and age. A couple times Danny has asked to see them on more days then his visits. I let him come to my parents to play for an hour or two. I want him to know I want him to be with the boys I want him to be there for them. I as a mom just want him to think of there needs before his.
Minor 3 has been sick and he really has always been a mommys boy. Danny knows this and I was pleased last week on his visitation weekend he listened to Minor 3 wanting me and was okay that I took care of him. He made a comment "he needs his mamma". It was been baby steps but it ment so much to me he thought about Minor 3 first and not him. If I keep the kids on a routine even with all the changes I have felt it helps. I listen to all my kids concerns and watch the actions of them very closely.

From: The Jolley Family <dj.davidjolley@gmail.com>
To: caralintner@yahoo.com
Sent: Tue, March 22, 2011 8:49:05 AM
Subject: Re: Hey!

We will know next week.

2118

On Mar 22, 2011 8:47 AM, <caralintner@yahoo.com> wrote:
> No not at all. He probibly won't tell me either. Is the counslor allowed to tell u what they talked about?
> Sent from my Verizon Wireless BlackBerry
>
> -----Original Message-----
> From: The Jolley Family <dj.davidjolley@gmail.com>
> Date: Tue, 22 Mar 2011 08:39:40
> To: <caralintner@yahoo.com>
> Subject: Re: Hey!
>
> No problem. Danny talked to Minor Victim counselor yesterday...have you heard
> anything?
>
> On Tue, Mar 22, 2011 at 8:35 AM, <caralintner@yahoo.com> wrote:
>
>> Hey girl don't want u to think I'm ignoring u. Its been crazy here. I'm
>> gonna write u soon promise!
>>
>> Sent from my Verizon Wireless BlackBerry
>> -----------------------
>> *From: * The Jolley Family <dj.davidjolley@gmail.com>
>> *Date: *Mon, 21 Mar 2011 10:16:04 -0400
>> *To: *Cara Lintner<caralintner@yahoo.com>
>> *Subject: *Hey!
>>
>> Hey girl! I was just wondering how you guys were doing? How is Minor 3
>> Are his panic attacks still happening? How is Danny working with you? What
>> is going on?
>>
>

Subject: Mg omalleys ?

From: caralintner@yahoo.com (caralintner@yahoo com)

To: RLHyatt@pwcgov.org;

Date: Tuesday, August 23, 2011 5:24 PM

Sorry to bother u but mary grace wanted to know if u were willing to testify last min for Minor 3

Sent from my Verizon Wireless BlackBerry

From: "Hyatt, Robyn" <RLHyatt@pwcgov.org>
Date: Tue, 9 Aug 2011 09:49:18 -0400
To: <caralintner@yahoo.com>
Cc: <acmersk@aol.com>
Subject: RE: Minor 5

Anissa/Cara-

Thank you so much for handling this situation with such compassion. Anissa, my name is Detective Robyn Hyatt and I work with Prince William County Police, Special Victims Unit. At some point, I would like to talk to Minor 5 but was hoping that you could, if nothing else, fill out the attached statement. If you do not feel comfortable with me speaking with Minor 5 I understand but I do want to document what took place at least from what he has stated to you. If you don't mind me speaking with Minor 5, maybe we can meet when you return from the beach. The interview I conduct is in a manor that is non-leading for children and is very child friendly. At the end of the interview, okay touch verses not okay touch is addressed and we speak with the children about trusting adults that they can come to in the event someone touches them in a way that's not okay.

My contact information is below or you can also communicate with me via e-mail. The form can be filled out and faxed back to the number below, to my attention. This would be very helpful to the investigation regarding the current investigation with Minor 3

Also, I hope that both of you still allow the children to play. As long as you set boundaries and supervise them, it shouldn't be an issue. I think that it would cause more issues for Minor 3 as well as Minor 5 if the two are not permitted to play. It almost reinforces or sends the message that they are being punished for the behavior and in the future, they may not be as open. If they feel that "telling" got them in trouble, then they are less likely to open up regarding this incident or others in the future

Also, there is a great book that is age appropriate for both Minor 3 and Minor 5. It is called Some Parts are Not for Sharing by Julie K. Federico. There are also several other books available. I have a few and don't mind you reviewing them to see if they are something you would like to have for the boys.

2120

Cara, could you also please fill out the attached statement and fax it over. This is just to document the incident at the pool between Minor 3 and Minor 5. The more details the better. Thanks!

Detective R.L. Hyatt

Prince William County Police

Special Victims Unit/CID-West

703.792.7260 Desk

703.792.6527 Fax

From: caralintner@yahoo.com [mailto:caralintner@yahoo.com]
Sent: Tuesday, August 09, 2011 9:11 AM
To: Hyatt, Robyn
Subject: Fw: Minor 5

Sent from my Verizon Wireless BlackBerry

From: acmersk@aol.com

Date: Tue, 9 Aug 2011 07:35:28 -0400 (EDT)

To: <caralintner@yahoo.com>

Subject: Minor 5

Hey Cara

I talked to Minor 5 and he was embarrassed to talk about it but eventually did a little bit. I asked him very lightly how he learned that game and he said that Minor 3 taught him. He said that he taught him at the pool that day so that's good that it was the first time which is what I thought since they haven't really been together that much in a while. I asked Minor 5 if he Minor 3 told him who taught him and Minor 5 said he didn't know. I asked him how you play the game and he didn't really want to tell me...he definitely was embarrassed and didn't want to talk about it. If there are any other questions that the lady wants me to ask let me know...I know that if he barely talked to me about it he's not gonna talk to someone he doesn't know. Anyways I told him he could always tell me if he remembers how to play the game or who taught Minor 3 but I really doubt he will bring it up to me again. I wasn't sure how to approach it but I told him that they could not play that game. That his body was his and nobody else should touch it not adults and not kids or friends whoever.

We'll talk soon. Just got back last night but Minor 5 has camp this week and then next week we are at the beach But call me if you want to talk.

Anissa

2122

Subject: Re: charges

From: caralintner@yahoo.com (caralintner@yahoo.com)

To: RLHyatt@pwcgov.org;

Date: Monday, August 29, 2011 9:15 PM

I'm hoping ur on vacation with the fam and doing well! Hope nothing happened during the huracine! Just wanted to let u know dannys lawyer supeanad my dad for thurs! Also when u get a chance can u call my lawyer this wk. During child support hearing today stuff was said that could be a problem for me for the 8th. Meaning he most likely will not plea guilty to anything. Mary grace knows exactly what the judge was saying. I only get bits and pieces so def. Find out from her! Have a good wk!

Sent from my Verizon Wireless BlackBerry

From: "Hyatt, Robyn" <RLHyatt@pwcgov.org>
Date: Thu, 25 Aug 2011 15:19:16 -0400
To: <caralintner@yahoo.com>
Subject: Re: charges

South Caroline- Felony Criminal Sexual Contact with a Child. Out on a 75' bound with a trial set.

Virginia- Nov. 2009 Malicious wounding and Abduction. Nov 2010 Domestic Assault and Battery and Abduction.

From: caralintner@yahoo.com [mailto:caralintner@yahoo.com]
Sent: Wednesday, August 24, 2011 03:37 PM
To: Hyatt, Robyn
Subject: Re: Therapist

She said was going to. Thanks! I got no sleep last night. I'm so worried and upset! 1st me then now the kids

Sent from my Verizon Wireless BlackBerry

From: "Hyatt, Robyn" <RLHyatt@pwcgov.org>
Date: Wed, 24 Aug 2011 14:35:05 -0400
To: <caralintner@yahoo.com>
Subject: RE: Therapist

Thanks....I sent her a message asking her to call me

Detective R.L. Hyatt

Prince William County Police

Special Victims Unit/CID-West

703.792.7260 Desk

703.792.6527 Fax

From: caralintner@yahoo.com [mailto:caralintner@yahoo.com]
Sent: Tuesday, August 23, 2011 5:58 PM
To: Hyatt, Robyn
Subject: Therapist

Her name is marsha evans. At marsha@evansedu.com

Sent from my Verizon Wireless BlackBerry

From: "Hyatt, Robyn" <RLHyatt@pwcgov.org>

Date: Tue, 9 Aug 2011 09:49:18 -0400

To: <caralintner@yahoo.com>

Cc: <acmersk@aol.com>

Subject: RE: Minor 5

Anissa/Cara-

Thank you so much for handling this situation with such compassion. Anissa, my name is Detective Robyn Hyatt and I work with Prince William County Police, Special Victims Unit. At some point, I would like to talk to Minor 5 but was hoping that you could, if nothing else, fill out the attached statement. If you do not feel comfortable with me speaking with Minor 5 I understand but I do want to document what took place at least from what he has stated to you. If you don't mind me speaking with Minor 5 maybe we can meet when you return from the beach. The interview I conduct is in a manor that is non-leading for children and is very child friendly. At the end of the interview, okay touch verses not okay touch is addressed and we speak with the children about trusting adults that they can come to in the event someone touches them in a way that's not okay.

My contact information is below or you can also communicate with me via e-mail. The form can be filled out and faxed back to the number below, to my attention. This would be very helpful to the investigation regarding the current investigation with Minor 3

Also, I hope that both of you still allow the children to play. As long as you set boundaries and supervise them, it shouldn't be an issue I think that it would cause more issues for Minor 3 as well as Minor 5 if the two are not permitted to play. It almost reinforces or sends the message that they are being punished for the behavior and in the future, they may not be as open. If they feel that "telling" got them in trouble, then they are less likely to open up regarding this incident or others in the future.

Also, there is a great book that is age appropriate for both Minor 3 and Minor 5. It is called Some Parts are Not for Sharing by Julie K. Federico. There are also several other books available. I have a few and don't mind you reviewing them to see if they are something you would like to have for the boys.

Cara, could you also please fill out the attached statement and fax it over. This is just to document the incident at the pool between Minor 3 and Minor 5. The more details the better. Thanks!

Detective R.L. Hyatt

Prince William County Police

Special Victims Unit/CID-West

703.792.7260 Desk

703.792.6527 Fax

From: caralintner@yahoo.com [mailto:caralintner@yahoo.com]
Sent: Tuesday, August 09, 2011 9:11 AM
To: Hyatt, Robyn
Subject: Fw: Minor 5

Sent from my Verizon Wireless BlackBerry

From: acmersk@aol.com

Date: Tue, 9 Aug 2011 07:35:28 -0400 (EDT)

To: <caralintner@yahoo.com>

Subject: Minor 5

Hey Cara

I talked to Minor 5 and he was embarrassed to talk about it but eventually did a little bit. I asked him very lightly how he learned that game and he said that Minor 3 taught him. He said that he taught him at the pool that day so that's good that it was the first time which is what I thought since they haven't really been together that much in a while. I asked Minor 5 if he Minor 3 told him who taught him and Minor 5 said he didn't know. I asked him how you play the game and he didn't really want to tell me...he definitely was embarrassed and didn't want to talk about it. If there are any other questions that the lady wants me to ask let me know...I know that if he barely talked to me about it he's not gonna talk to someone he doesn't know. Anyways I told him he could always tell me if he remembers how to play the game or who taught Minor 3 but I really doubt he will bring it up to me again. I wasn't sure how to approach it but I told him that they could not play that game. That his body was his and nobody else should touch it not adults and not kids or friends whoever.

We'll talk soon. Just got back last night but Minor 5 has camp this week and then next week we are at the beach. But call me if you want to talk.

Anissa



USB Drive

Daniel Spade



STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Daniel W. Spade,)	
Applicant,)	
vs.)	Case No. 2017-CP-42-02372
State of South Carolina,)	
Respondent.)	

COPY

Transcription of Recorded Interview of

Minor Child "PS"

April 7, 2011

This transcript was produced using a digital file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina. The interview has been transcribed in its entirety based on the media supplied.

VICKIE J. STEWART, CVR (StewartVickie1@gmail.com)
312 N. Main Street
Travelers Rest, South Carolina 29690

Transcriptionist's notation:

"TW" is **Tabitha Webber**, Interviewer

"PS" is **"PS," Minor Child**, Interviewee

"US" denotes an unknown speaker

"(Inaudible)" will appear whenever breaks and/or disturbances in recording occur

"[Background interference with recording, inaudible]" denotes an interruption in the recording which is inaudible by the transcriptionist

** ** ** **

[1:47:05]

TW: And I'm going to -- you sit right there in front of the paper and the crayons, and I'm going to sit right here. And like I said, my name is Tabitha, and my job is to talk to kids and their families. And that's what I do all day long. And I'm going to ask you some questions, and sometimes I might write some things down so I remember the things we talk about, okay?

PS: (Nods head affirmatively)

TW: All right. Will you do some things with the crayons for me? Let me show you. This will probably be pretty easy for you, [Redacted]. Let's see. Okay. Tell me what colors we have here. What's that one?

PS: Brown. Green. Red. Yellow. Orange. I ---

TW: I don't know. That one might be kind of pink, you

think?

PS: (Nods head affirmatively)

TW: I'm not sure what that one is, either. Okay. Now I want you to count the crayons. Will you count those for me?

PS: One, two, three.

TW: Okay. Now?

PS: One, two, three, four.

TW: Okay. Now can ---

PS: I'm four.

TW: You're four?

PS: (Nods head affirmatively)

TW: You're four years old?

PS: (Nods head affirmatively)

TW: Wow, you're a big girl. My goodness. Can you count all these and tell me how many are here?

PS: (Speaks inaudibly and indicates)

TW: How many?

PS: (Speaks inaudibly and indicates)

TW: How many is that?

PS: One, two, three, four, five, six.

TW: Six. Wow, you know so many things. Now I want us to do something different with the crayons. Are you ready?

PS: (Nods head affirmatively)

TW: Okay. I want you to take this one and put it under your chair.

PS: Okay. I don't know.

TW: You can drop it. I want you to take this one and put it behind your chair.

PS: Okay.

TW: Okay. Take this one and put it beside your chair.

PS: Mm-hmm.

TW: And take this one and put it on top of your paper. And take this one and put it under your paper. Wow. Okay. Now can you find them all and put them inside the bowl?

PS: Okay.

TW: And now I have a book I want you to help me with. Will you help me with the book?

PS: (Nods head affirmatively)

TW: I want you to look at these pictures and tell me what you see, okay?

PS: Okay.

TW: Let me find them first. Okay, [Redacted]. What kind of animal is that?

PS: A cat.

TW: A cat. Listen to what these boys say about the cat. One of the boys is going to tell the truth and one of the boys is going to tell a lie. This boy looks at

the cat and says, "It's a cat." This boy looks at the cat and says, "It's a dog." Which one told the truth about the cat?

PS: (Indicates)

TW: Okay. Now look at this picture. What kind of food is this?

PS: Pizza.

TW: Pizza. Okay. Listen to what the girls say about the pizza. This girl looks at the pizza and says it's a hot dog. This girl looks at the pizza and says it's a pizza. Which girl told a lie about the pizza?

PS: (Indicates)

TW: Okay. What kind of toy is this?

PS: A teddy.

TW: A teddy. Listen to what the boys say about the teddy. This boy looks at the teddy and says it's a book. This boy looks at the teddy and says it's a teddy. Which boy told the truth about the teddy?

PS: (Indicates)

TW: Okay. One more. What is that?

PS: A truck.

TW: A truck. Okay. Listen to what these girls say about the truck. This girl looks at the truck and says it's a truck. This girl looks at the truck and says it's a plane. Which girl told the truth?

PS: (Indicates)

TW: Okay. Here is a judge. She wants to know what happened to these boys. One of the boys is going to get in trouble for what he says and you'll tell me which boy is going to get in trouble. This boy tells the truth; this boys tells a lie. Which boy is going to get in trouble?

PS: (Indicates)

TW: Okay. Look at this one. Here's a lady. She's come to visit these girls. This girl tells a lie; this girl tells the truth. Which girl is going to get in trouble?

PS: (Indicates)

TW: Okay. Here's a ---

PS: I'm going to the park today.

TW: You're going to the park today?

PS: With Mimi.

TW: With Mimi? Wow. This is a doctor. Listen to what these boys say. This boy tells a lie; this boy tells the truth. Which boy is going to get in trouble?

PS: (Indicates)

TW: Okay. We've got one more. Here's a grandma. This girl tells the truth; this girl tells a lie. Which girl is going to get in trouble?

PS: (Indicates)

TW: Okay. Thank you for helping me with that. And just like we were talking about in this book about telling the truth and telling a lie, in here we can only talk about truth things. We can only talk about things that have really happened, okay?

PS: Okay.

TW: Okay. And if I ask you a question and you don't know what I'm asking you and you don't understand my question, you say, "Ms. Tabitha, I don't know what you're saying," and I'll try to ask it a different way, okay?

PS: Okay.

TW: And if we're talking and you tell me something and I get it mixed up, I want you to stop me and help me get it right, okay?

PS: Okay.

TW: Because sometimes I get things mixed up that people tell me. Like if I say, "[Redacted] is three years old," what do you say?

PS: Four years old.

TW: Right. Say, "No, Ms. Tabitha. I'm four." And if I -- what are you drawing? Okay. And you're not here because you're in trouble for anything; you're just here to help me understand things, okay?

PS: Okay.

TW: And ---

PS: I can snap both -- (demonstrating).

TW: You can snap both? Wow. How do you know how to snap your fingers?

PS: I learned.

TW: So I'm going to be asking you some questions and writing some things down, and you can help me, okay?

PS: Mm-hmm.

TW: All right. And tell me, who do you live with, [Redacted]?

PS: My mom, dad and my brother.

TW: What's your brother's name?

PS: Minor 2.

TW: Minor 2.

PS: (Nods head affirmatively)

TW: Okay. How old is Minor 2

PS: Two.

TW: Okay. Are you a good big sister?

PS: (Nods head affirmatively)

TW: Do you help?

PS: Mm-hmm (affirmative).

TW: Yeah? What's your mama's name?

PS: Heather.

TW: And what's your daddy's name?

PS: David.

TW: Okay. And Mimi brought you today?

PS: Mm-hmm (affirmative).

TW: Okay. Does Mimi have another name?

PS: Dale.

TW: Dale? Okay. All right. Do you have any pets?

PS: Mm-hmm (affirmative).

TW: You do? Tell me about your pets.

PS: A dog, and her name is Daisy. She's big.

TW: She's big? Okay. Daisy. What color is Daisy?

PS: Brown and white.

TW: Brown and white? Okay. Does Daisy stay inside or outside or some of both?

PS: In -- outside.

TW: She stays outside?

PS: (Nods head affirmatively)

TW: Okay. All right. Do you have any other pets?

PS: Hmm-mm (negative).

TW: Just Daisy? Okay. And tell me some things that you like to do.

PS: I like to play in my bedroom.

TW: What do you like to play?

PS: Pop the Pig.

TW: Pop the Pig?

PS: (Nods head affirmatively)

TW: Okay. Who do you play that with?

PS: My brother.

TW: Your brother? All right. And what do you like to do when you play outside?

PS: Swing on my swing.

TW: Okay. And what do you like to eat?

PS: Spaghetti.

TW: Okay. What do you like to drink?

PS: Grape juice.

TW: Grape juice? What do you like to watch on TV?

PS: "Backyardigans."

TW: Do you have a favorite movie?

PS: Mm-hmm (affirmative).

TW: What's that?

PS: "Shrek."

TW: "Shrek"? Okay. All right. And do you visit with anybody?

PS: My grandma.

TW: Your grandma?

PS: (Nods head affirmatively)

TW: Okay. Is that Mimi or somebody else?

PS: Somebody else.

TW: Oh, okay. What's your grandma's name?

PS: Linda.

TW: Linda? Okay. Do you visit with anybody else?

PS: My auntie.

TW: Your auntie? What's your auntie's name?

PS: Karen.

TW: Karen? Okay. You visit with your grandma; you visit with your auntie?

PS: Mm-hmm (affirmative).

TW: Do you visit with anybody else?

PS: Hmm-mm (negative).

TW: Okay. Well, thank you for helping me understand that. You know lots of things. And do you go to school?

PS: Mm-hmm (affirmative).

TW: Where do you go to school?

PS: Greenville, South Carolina.

TW: Okay. What's your teacher's name?

PS: Ms. Jamie and Ms. Kelly.

TW: Ms. Jamie and Ms. Kelly? Who are some of your friends in school?

PS: Macy.

TW: Macy?

PS: (Nods head affirmatively)

TW: Okay. All right. You know lots of things. Tell me about your picture. You used a lot of pretty colors. You don't know; you're just drawing?

PS: (Nods head affirmatively)

TW: Okay. That's okay.

PS: I'm going to draw my hand.

TW: Okay.

PS: Is this pink?

TW: Mm-hmm (affirmative). Look at that. How do you know how to use a different color for all your fingers?

PS: I just used them.

TW: That's very pretty.

PS: I can make a cat out of that -- this.

TW: Wow.

PS: I can make the whiskers.

TW: You know so many things, [Redacted]. How do you know how to draw all that stuff?

PS: I just learned it at school.

TW: You learned in school? Wow. You must ---

PS: I'll make a turkey.

TW: You must have been working really hard in school.

PS: I think I can make a butterfly.

TW: I'm going to use some. I want you -- I'm going to get you to help me with some pictures, okay?

PS: Okay.

TW: Okay. Let me put this down here. I'm -- I think I'm going to use orange, okay? And I'm going to draw a picture -- I'll turn it around for you in just a minute -- of a body, and I'm going to put different parts on the body. And I want you to tell me what

names you use for different parts of the body. And I'm going to do the front and the back, okay?

PS: I know what they really are.

TW: Because everybody uses different names for different parts of the body.

PS: I really know what they are.

TW: You do?

PS: I know what you're really drawing.

TW: You do know?

PS: (Nods head affirmatively)

TW: Okay. What are those?

PS: Gingerbread mans.

TW: Okay. But what are these, what body parts?

PS: Eyes. Nose. Mouth. Ears. Hair. I don't know.

TW: Okay.

PS: Hands.

TW: Okay.

PS: I really don't know.

TW: Okay.

PS: What is that?

TW: What do you call that part of your body?

PS: I don't know.

TW: Okay.

PS: Leg.

TW: Mm-hmm (affirmative).

PS: Leg.

TW: Mm-hmm (affirmative). Now I'm going to do the back side. What's that stuff back there?

PS: Face.

TW: But what's back here? What's this stuff? Look.

PS: Gingerbread man.

TW: But look right here. [Redacted]

PS: That is a hand and place.

TW: But what's this stuff, like back here? What's this?

PS: Hair.

TW: Okay. And what do you call this part down here?

PS: I don't know.

TW: What name do you use for that part?

PS: (Inaudible)

TW: A what?

PS: A pee.

TW: A pee?

PS: (Nods head affirmatively)

TW: Okay. Remember, you're not going to get in trouble for anything in here. You just help me understand things; that's all. Okay?

PS: Okay.

TW: Okay. [Redacted], are there places on your body where other people are not supposed to touch you?

PS: Mm-hmm (affirmative). Yes.

TW: Where are those places at? Can you show me on here?
PS: (Speaks inaudibly and indicates)
TW: Okay. Anywhere on that side?
PS: (Speaks inaudibly and indicates)
TW: Okay. And has anybody touched you in those places?
PS: Hmm-mm (negative).
TW: Has anybody tried to?
PS: Hmm-mm (negative).
TW: Has anybody wanted you to touch them?
PS: Hmm-mm (negative).
TW: Would you be able to tell me about that?
PS: (Shrugs shoulders)
TW: You don't know?
PS: (Shakes head negatively)
TW: Is there something about that kind of stuff that you've told other people about?
PS: Hmm-mm (negative).
TW: Tell me about that.
PS: (Speaks inaudibly and indicates)
TW: Is there something that's happened?
PS: Mm-hmm (affirmative).
TW: Tell me about that.
PS: (Speaks inaudibly and indicates)
TW: What's that about?
PS: I don't know.

TW: What happened right there?

PS: I don't know what happened. You've got three pieces of paper -- two more.

TW: Who was it with?

PS: Nathan.

TW: With who?

PS: Nathan?

TW: Nathan? Who is Nathan?

PS: My friend in the class.

TW: Your friend in your class? And what did Nathan do?

PS: (Speaks inaudibly and indicates)

TW: What did he do right there?

PS: (Speaks inaudibly and indicates)

TW: But what did he do?

PS: (Speaks inaudibly and indicates)

TW: Did you see that part on Nathan?

PS: Mm-hmm (affirmative).

TW: Mm-hmm (affirmative)? What did he do?

PS: (Inaudible) I forgot.

TW: You forgot? What about any big people?

PS: Hmm-mm (negative).

TW: Any big people do anything with that part right there?

PS: No.

TW: Okay. What about, is there anybody that we haven't

talked about today that did something?

PS: Hmm-mm (negative).

TW: No? Don't -- I don't want you to fall. Can you sit in your chair for me? What -- let's see. If this is you, can you show me what Nathan did?

PS: (Speaks inaudibly and indicates)

TW: What did he -- what did he do right there?

PS: (Speaks inaudibly and indicates)

TW: What did he use right there?

PS: His hand.

TW: His hand? What did he do with his hand?

PS: (Speaks inaudibly and indicates)

TW: Right -- he used his hand on you?

PS: (Nods head affirmatively)

TW: Where were you at?

PS: I was sitting at the table drawing. Then he went under the table. (Speaks inaudibly and indicates)

TW: Oh. Did he touch you on top of your clothes or under your clothes or something else?

PS: Under.

TW: Under ---

PS: Under my clothes.

TW: Under your clothes? Do you remember what you were wearing?

PS: I was wearing a t-shirt.

TW: A t-shirt?

PS: And pants.

TW: Pants? Okay. And did your pants stay on or did something else happen?

PS: On.

TW: Okay. And so when he touched you there, did he touch you on top of your pants or somewhere else?

PS: Somewhere else.

TW: Okay.

PS: Outside my pants.

TW: You what?

PS: He did it on my pants.

TW: He did it on your pants?

PS: (Nods head affirmatively)

TW: Okay. And then what happened?

PS: (Inaudible) A cat.

TW: He used his hand; is that what you said?

PS: No. A cat.

TW: Oh, a cat? Yeah, I see your cat.

PS: A cat came then, outside. Get him in ---

TW: Where were you at when it happened with Nathan?

PS: In my classroom.

TW: In your classroom? And he was under the table?

PS: Yes.

TW: And did the teacher know that it happened?

PS: Mm-hmm (affirmative).

TW: How did the teacher know?

PS: She saw it just walking around. And then Nathan got under the table, like that, like that. And then he (speaks inaudibly and indicates).

TW: Did he touch you anywhere else?

PS: Hmm-mm (negative). That's it.

TW: Did he do that to anybody else?

PS: Hmm-mm (negative). Just me.

TW: Just you? Okay. Wow. Did he do that one time or more than one time?

PS: One.

TW: One time? Okay. Okay. Well, thank you for helping me understand that. Those are the kind of things I need to understand about, okay?

PS: I don't want to keep forgetting about these.

TW: Okay. Those are the things you help me understand. Thank you, [redacted].

PS: You're welcome.

TW: Are you ready to go?

PS: (Nods head affirmatively)

TW: Well, wait a minute. Come back. Do you know how to write your name?

PS: (Nods head affirmatively)

TW: Will your write your name for me?

TW: What are your bad dreams about?

PS: Somebody got real hurted.

TW: Somebody got -- somebody get real hurt?

PS: (Nods head affirmatively)

TW: Who gets real hurt?

PS: I don't know who it is.

TW: Well, who does the hurting?

PS: That (inaudible) is somebody I don't know.

TW: What's that person's name?

PS: It's a bad guy.

TW: A bad guy?

PS: (Nods head affirmatively) And his name is "L," and he hurted somebody.

TW: What's his name?

PS: "L."

TW: "L"?

PS: (Nods head affirmatively)

TW: How did he hurt somebody? What did he do?

PS: He licked -- he ---

TW: He licked?

PS: --- pushed -- no. He pushed -- he pushed somebody.

TW: He pushed somebody?

PS: (Nods head affirmatively)

TW: What was the part about licking?

PS: I just said that.

TW: Did he lick somebody somewhere?

PS: No. I just said that.

TW: Oh, okay. Did you tell your Mimi about something?

PS: Mm-hmm (affirmative).

TW: What was that about?

PS: I had a bad dream at her house.

TW: And what was -- and what happened in that bad dream?

PS: I got hurt.

TW: How did you get hurt?

PS: I was riding on my big bicycle. Then I fell and I hurted.

TW: Oh.

PS: Fell like ---

TW: That was your bad dream or that was something that really happened?

PS: It was my bad dream.

TW: Oh, okay. Okay. Thank you for helping me understand that. Was there something else that you told Mimi about somebody doing something?

PS: That's it. I'm ready to go to the park.

TW: Oh, you're ready to go to the park?

PS: (Nods head affirmatively)

TW: What park are you going to?

PS: The one next to my mama's other sister's house, next to my mama's sister's sister, Heidi. That's her

friend's -- that's her friend's name.

TW: Oh, okay. Is there anything else you need to tell me about?

PS: That's it.

TW: What was that picture about, the last one you drew?

PS: It's about a house.

TW: Well, what -- tell me what's on there.

PS: There is one, two, three little people, and they were living in the house. And then they got hurt.

TW: Okay.

PS: And that cat learns about a pet.

TW: Okay.

PS: Because my Mimi doesn't have a cat. She has two dogs ---

TW: Okay.

PS: --- Max and Abby. Max is the short one ---

TW: Okay.

PS: --- and Abby is the big one.

TW: Wow. Okay.

PS: And that's all of the story.

TW: Okay. Wait just a minute before you go. Let me ask you this. Is there somebody that you don't want to talk about?

PS: (Shakes head negatively) It is about my -- my friend.

TW: Is there a person that you don't want to talk about ---

PS: Hmm-mm (negative).

TW: --- [Redacted]?

PS: It (inaudible).

TW: There's not?

PS: His name is Danny "D," and I don't want to talk about him.

TW: His name is Daniel, and you don't want to talk about him?

PS: No. Danny "D."

TW: His name is Danny, and you don't want to talk about him. Who is Danny?

PS: His name is Danny "D."

TW: Danny "D"? Oh, okay. Who is Danny "D"?

PS: He calls hisself "Daddy," and he is not my father.

TW: He calls hisself "Daddy," and he's not your father?

PS: And I don't like it when he calls me that.

TW: Was there any of the stuff that we talked about right here in the picture you helped me with that was about Danny "D"?

PS: No.

TW: No?

PS: I'm ready to go to the park.

TW: Okay. We're going to go in just a minute. This

picture that you were helping me with and you told me about Nathan ---

PS: He did that ---

TW: Okay.

PS: --- and (inaudible) -- (speaks inaudibly and indicates).

TW: And what else? Did you say Danny?

PS: Hmm-mm (negative). Nathan.

TW: But then you said ---

PS: (Speaks inaudibly and indicates)

TW: --- something else.

PS: Danny "D."

TW: Danny "D" did what?

PS: Nothing.

TW: Okay.

PS: So I'm ready to go.

TW: Is there something that you're scared to talk about?

PS: Mm-hmm (affirmative).

TW: There is? Okay.

PS: There is about -- I don't know. I forgot. I'm ready to go.

TW: I know you're ready to go. You did a good job helping me understand some things today, though, okay?

PS: You're welcome. I've got a ponytail.

TW: I see your ponytail.

PS: My mama fixed it.

TW: Listen, before we go, it's my job to understand about things, and I may need you to come back and help again sometime, because you did such a good job helping me with things today. Okay?

PS: Okay.

TW: Do you think you could come help me again sometime?

PS: Mm-hmm (affirmative).

TW: Okay. Thank you, [redacted].

[2:19:06]

State of South Carolina

County of Greenville

Certificate

This is to certify that the foregoing transcription of a recorded interview of Minor Child "PS" on April 7, 2011 was completed by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, using a digital video file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys in any matter concerned with this transcription, and is not in any manner interested in any such matter, financial or otherwise.

That the foregoing 26 pages is a true, complete, accurate and correct transcript of the materials supplied, and that any inaudible portions were so noted in the body of the transcript.

In witness whereof, I have set my hand and official seal.

DATE: August 5, 2018

Vickie J. Stewart, CVR
Court Reporter and Notary Public for
South Carolina
My Commission Expires: 01/15/25

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Daniel W. Spade,)	
)	
Applicant,)	
)	Case No. 2017-CP-42-02372
vs.)	
)	
State of South Carolina,)	
)	
Respondent.)	

COPY

Transcription of Recorded Interview of

Minor Child "PS"

April 8, 2011

This transcript was produced using a digital file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina. The interview has been transcribed in its entirety based on the media supplied.

VICKIE J. STEWART, CVR (StewartVickie1@gmail.com)
312 N. Main Street
Travelers Rest, South Carolina 29690

Transcriptionist's notation:

"TW" is **Tabitha Webber**, Interviewer

"PS" is **"PS," Minor Child**, Interviewee

"US" denotes an unknown speaker

"(Inaudible)" will appear whenever breaks and/or disturbances in recording occur

"[Background interference with recording, inaudible]" denotes an interruption in the recording which is inaudible by the transcriptionist

** ** ** **

[9:48:29]

PS: ----- a ponytail.

TW: You do have a ponytail. I see that. Who fixed your ponytail?

PS: Mama.

TW: Your mama?

PS: Mm-hmm (affirmative).

TW: Now, tell me about that bunny. Who got that bunny for you?

PS: Mimi.

TW: Mimi? Do you like rabbits?

PS: (Nods head affirmatively)

TW: You do?

PS: (Nods head affirmatively)

TW: I didn't know you liked rabbits. We didn't talk about that yesterday, did we?

PS: My daddy's putting in a pond.

TW: Your daddy's what?

PS: Putting a pond in the backyard.

TW: Wow. Putting a pond in the backyard?

PS: (Nods head affirmatively)

TW: Is he building it himself?

PS: (Nods head affirmatively)

TW: Well, that's pretty neat. What all is going to go in the pond?

PS: Fish and a turtle.

TW: Wow. Well, that'll be fun. So you'll be able to walk right out in the backyard and see ---

PS: I'm going to ---

TW: --- the fish?

PS: --- name my fish Nemo.

TW: Oh, Nemo? Yeah.

PS: And my turtle.

TW: I like Nemo.

PS: I don't know what I'm going to name my frog or my turtle.

TW: Well, you'll have to think about that.

PS: I'm going to have a treehouse and a clubhouse.

TW: Wow. My goodness, [redacted].

PS: In the backyard. But Daisy, my big dog, she's going to jump in the pond.

PS: I wanted to go out.

TW: Well ---

PS: I made a star.

TW: You did make a star. My goodness, [redacted]. How do you know how to make a star?

PS: I just figured it out.

TW: You just figured it out?

PS: (Nods head affirmatively)

TW: What about ---

PS: I'm going to write my brother's name.

TW: Okay.

PS: Actually, I'm going to write my name first.

TW: Okay. You know so many things, [redacted]. Do you remember what my job is?

PS: (Nods head affirmatively)

TW: What's my job?

PS: To talk.

TW: To talk. And it's my job to understand about the kind of things that might have happened, okay?

PS: Watch this. I can spell my brother's name.

TW: And I talk to kids all day long about things that might have happened, even things that they don't want to talk about.

PS: That's my -- that's my name; that's my brother's name.

TW: Oh, wow. You know how to write your brother's name, too?

PS: (Nods head affirmatively)

TW: My goodness, [redacted].

PS: I can draw a cat and a dog.

TW: You can?

PS: Watch this.

TW: Well, while you're drawing, we're going to talk a little bit, okay?

PS: Okay.

TW: And remember, it's my job to talk to kids about things that sometimes they don't even want to talk about. But I'm the person that needs to understand about those kind of things, so I need your help, okay?

PS: Okay.

TW: And yesterday, you were telling me about some things that -- or you were telling me about somebody that you didn't like talking about.

PS: No.

TW: Who was that?

PS: That was Nathan.

TW: Nathan?

PS: (Nods head affirmatively).

TW: I know. But there was somebody else.

PS: Danny "D."

TW: Danny "D." Is Danny "D" a big person or a little person?

PS: A big person.

TW: Okay. And ---

PS: I made a dog.

TW: Oh, you made a dog? And how do you know Danny "D"?

PS: He calls hisself "Daddy," and he knows what he do's (sic).

TW: He calls hisself "Daddy" and he knows what he do's?

PS: (Nods head affirmatively)

TW: What does he do?

PS: He kinds of make ---

TW: Does he do some things that you like?

PS: (Nods head affirmatively)

TW: What does he do that you like?

PS: He do's get me Easter stuff. I don't like it.

TW: He do's get you Easter stuff?

PS: I don't like it.

TW: You don't like it? Are there things that Danny "D" does that you don't like?

PS: I got -- he got something that I really don't like.

TW: He got something that you really don't like?

PS: Hmm-mm (negative).

TW: What's that?

PS: It's that he calls himself Daddy; every morning when I see him and I talk to him, he calls hisself Dad.

TW: How do you talk to him?

PS: I hang up.

TW: You hang up?

PS: (Nods head affirmatively)

TW: Okay.

PS: Then I keep drawing ---

TW: But are there ---

PS: --- (inaudible).

TW: You do? But are there things that he did that you don't like?

PS: Like he -- there's a thing that he did that I -- he did and -- like I didn't like.

TW: Okay. Tell me about that.

PS: It's like -- I don't know.

TW: Do you -- where do you see Danny "D"?

PS: At his hotel and his house.

TW: At the hotel and his house? What happened at the hotel?

PS: He wrote -- he write on my hand.

TW: He wrote on your hand?

PS: (Nods head affirmatively)

TW: And what else did he do?

PS: That's it.

TW: That's what happened at the hotel? Are there other things that happened with Danny "D" that are hard to talk about?

PS: Some things are hard about and talked about.

TW: Okay.

PS: And it's about the learning stuff that he really knows.

TW: Learning stuff that he really knows?

PS: Mm-hmm (affirmative).

TW: What's that about?

PS: About I pushed -- it's about -- how do you spell Flopsy?

TW: How do you spell Flopsy? Is that what you said?

PS: (Nods head affirmatively)

TW: Who is Flopsy?

PS: My rabbit.

TW: Your rabbit? Do you want to write the name?

PS: (Nods head affirmatively)

TW: Okay. F.

PS: F.

TW: L.

PS: L.

TW: O, p, s ---

PS: Oh, start over.

TW: L -- F, l ---

PS: F, l ---

TW: O, p, s, y, Flopsy.

PS: I can draw her last name, because it's [redacted].

TW: Okay.

PS: Hey, that's not how you draw it. Silly me. I (inaudible) -- I can make a (inaudible).

TW: You can?

PS: P, d. P, d.

TW: Wow.

PS: (Inaudible)

TW: [redacted], does anybody give you hugs?

PS: Sometimes.

TW: Sometimes? Who hugs you?

PS: My mama.

TW: Where does your mama hug you?

PS: (Indicates)

TW: Up there? Does anybody else give you hugs?

PS: My dadda and my brother.

TW: Okay. And does anybody give you kisses?

PS: (Shakes head negatively)

TW: No? Does anybody push you?

PS: (Nods head affirmatively)

TW: Who pushes you?

PS: Nathan.

TW: Nathan?

PS: Actually, his name is Nate.

TW: Nate?

PS: (Nods head affirmatively)

TW: Does anybody else push you?

PS: Kylie (phonetic).

TW: Kylie? Who is Kylie?

PS: My friend.

TW: Does she go to your school?

PS: Mm-hmm (affirmative).

TW: Okay.

PS: In my classroom.

TW: In your classroom? Okay. Well, thank you for helping me understand that. Does anybody ---

PS: I'm ready to go.

TW: You're ready to go? Well, you're doing such a great job helping me understand things.

PS: When am I really going to go?

TW: I don't know.

PS: In a minute.

TW: Does anybody give you touches that you don't like?

PS: Somebody gives me hugs that I really don't like.

TW: Tell me about that.

PS: (Inaudible)

TW: Who gives you ones that you really don't like?

PS: Nathan.

TW: And anybody else?

PS: Nobody.

TW: Do any big people give you hugs that you don't like?

PS: My mommy and dadda and my brother.

TW: They give you ones that you don't like or you like?

PS: I like.

TW: Do any big people give you ---

PS: I've got fire.

TW: I see. Do any big people give you ones that you don't like?

PS: No.

TW: No? Okay.

PS: I got a dress.

TW: You got a dress? I ---

PS: That's because I pee-peed in my pants.

TW: Oh. When did that happen?

PS: Today, when Daddy was trying to show my mom something outside (inaudible). But -- and then I sort of -- I was watching out the window. Then I pee-peed in my pants.

TW: Oh.

PS: Then I had to change it. My shoes were wet.

TW: Oh, okay. You do such a good job drawing. How do you know how to draw fire?

PS: I just scribbled on the top and scribbled on the

bottom.

TW: Wow. Who taught you how to draw fire, or do you just know?

PS: I just know.

TW: You just know. My goodness, [redacted].

PS: I can draw. I can spell fire.

TW: Fire? Okay. Wow. You know how to write all kind of things, [redacted].

PS: And I can write "me."

TW: You can write you?

PS: Actually, I can write "me."

TW: You?

PS: Actually, "me."

TW: "Me"? Okay.

PS: M-e.

TW: Yeah? My goodness. You know lots of things.

PS: Ow. My bum-bum. That hurt.

TW: Well, [redacted], yesterday you were telling me stuff about Nathan. Remember we used this picture? And then I was asking you if there were other people that you didn't want to talk about?

PS: (Nods head affirmatively)

TW: And you were telling me about Danny "D." What is it about Danny "D" that you don't want to talk about?

PS: Doing something that really hurts my feelings.

TW: Doing something that really hurts your feelings? Help me understand about that.

PS: (Speaks inaudibly and indicates)

TW: He did something with that?

PS: He did -- (speaks inaudibly and indicates).

TW: Oh. Is that what you have or what Danny "D" has?

PS: That's what he did to me.

TW: What did he do with that?

PS: He made -- he did -- he saw these.

TW: He saw those. Okay.

PS: Then he saw these.

TW: Okay.

PS: Then he saw these.

TW: What did he do with that?

PS: He just pulled my panties and pulled them down.

TW: He pulled your panties down?

PS: Mm-hmm (affirmative).

TW: And did he put that somewhere?

PS: He did it for about ---

TW: What did that feel like?

PS: It made me sad.

TW: It made you sad? What part of your body did that touch? Can you show me?

PS: (Speaks inaudibly and indicates)

TW: Okay. And what did that feel like ---

PS: When do I get out?

TW: You're doing a good job helping me. Hold on, [redacted]. When that touched you there, did it touch you on top of your clothes or under your clothes or both?

PS: Both.

TW: Did anything go inside of you?

PS: (Nods head affirmatively)

TW: What went inside of you?

PS: Nathan's hand.

TW: Nathan's hand? Now, yesterday when we were talking about Nathan, you said Nathan touched you on top of your clothes, on your pants. Did he go inside your pants?

PS: He went outside.

TW: Okay. Well, what about with Danny "D"?

PS: (Nods head affirmatively)

TW: What went inside you?

PS: Nothing.

TW: Nothing? Is it hard to talk about that?

PS: (Nods head affirmatively)

TW: Where were your panties?

PS: (Speaks inaudibly and indicates)

TW: Did they stay on or did they come down or did they do something else with Danny "D"?

PS: Stay on.

TW: They stayed on?

PS: (Nods head affirmatively)

TW: Okay.

PS: Because they had sticky things on them. I cut my foot. I cut my foot.

TW: You cut your foot?

PS: Right -- you can't barely see it, but I have a boo-boo ---

TW: You do.

PS: --- that hurts, hurts, hurts.

TW: When ---

PS: One time when me and Daddy were ready to go in the store shopping to get spray for the bugs in our house -- at ants, I mean Flopsy, one of the rabbits, had blood on their paw.

TW: Oh, really?

PS: (Nods head affirmatively)

TW: Oh, no.

PS: I think Flopsy just did that real fast, and it just got bloody.

TW: Oh, wow.

PS: I think she smacked the gate.

TW: Okay. Well, [Redacted], you've done a good job helping me. But you know what? I wasn't there with

you when Danny "D" did those kind of things to you. Was I there when that happened?

PS: Hmm-mm (negative).

TW: No. But I need to understand it ---

PS: I have a sparkle.

TW: You do have a sparkle. I need to understand it like I was right there with you, but I wasn't there. That's why I need your help. Where were you at when Danny "D" those things to you?

PS: Watch this.

TW: You know how to snap.

PS: And (inaudible). I can make a (inaudible).

TW: What -- I see. Where were you with Danny "D" when that kind of stuff happened?

PS: Chuck E. Cheese.

TW: Chuck E. Cheese? Have you been to Chuck E. Cheese? Can you sit up for me?

PS: Mm-hmm (affirmative). I've been to Chuck E. ---

TW: You've been to Chuck E. Cheese? What about this stuff you're talking about?

PS: He saw my bum-bum.

TW: He saw your bum-bum?

PS: (Nods head affirmatively)

TW: And what -- what room were you in? You were talking about him putting something on -- putting this on

you?

PS: Yes.

TW: Was that at the hotel or was that somewhere else?

PS: At the hotel.

TW: The hotel? Was anybody else in the room with you, or was it just Danny "D"?

PS: This is what he did.

TW: Okay. You show me.

PS: He -- I'll draw a picture of ---

TW: That will help me. You're so good at drawing. You show me what he did. And what did he do?

PS: Well, I've got to draw Danny "D" first. He touched me there and then he touched me with the other hand in there and said "yay."

TW: And then he put his other hand in there and said "yay"?

PS: Because he touches this.

TW: He touches that? Okay. What does that ---

PS: When am I ready to go?

TW: What does that feel like to your body when he touches that?

PS: Sad.

TW: Sad?

PS: He touched -- he touched -- this is what he touched.

TW: What did he touch -- what did he touch these with?

PS: His hand.

TW: His hand? What did he touch this with?

PS: His hand.

TW: Did he use anything else?

PS: (Shakes head negatively)

TW: Okay.

PS: When am I ready to go?

TW: You're doing such a great job helping me ---

PS: Am I going ---

TW: --- understand. When you draw pictures, it helps ---

PS: Am I going -- I can play tic-tac-toe.

TW: When you draw pictures for me, it helps me to know what happened, [Redacted], so you're doing a good job helping me. Thank you. And when he touches you here ---

PS: It hurts my feelings.

TW: What does he use to touch you there?

PS: His hand.

TW: And what else?

PS: Oh, I won.

TW: You won?

PS: You lost.

TW: [Redacted], I need you to think real hard for a minute, okay? You're doing great work. What else does he use to touch you there?

PS: He uses his hand.

TW: You told me his hand. Does he use something else?

PS: No. That's it.

TW: Huh?

PS: I'm ready to go.

TW: What about this part? Is this a part on you or on Danny "D"? Does Danny "D" have this or do you have that?

PS: Danny "D."

TW: Okay. And what did he do with that part?

PS: I don't know.

TW: Okay.

PS: I'm ready to go.

TW: You're doing a -- you've done a great job.

PS: I'm ready to go.

TW: Did you see that part on Danny "D"?

PS: Uh-huh (affirmative).

TW: What was he wearing?

PS: His pants.

TW: And did they stay on or did they come down or come off or something else?

PS: They came off.

TW: Okay. What about your pants?

PS: Huh-uh (negative).

TW: Huh-uh what?

PS: They didn't come off.
TW: Did they come down?
PS: Mm-hmm (affirmative).
TW: They came down?
PS: Down, up and down.
TW: Okay.
PS: I'm ready to go.
TW: Okay. Well, you've done such a great job helping me. I want us to finish talking about this picture.
PS: And that is a (inaudible).
TW: And I want us to finish talking about this one, too.
PS: And this is Flopsy's name.
TW: You have a rabbit named Flopsy?
PS: This is Flopsy.
TW: That's Flopsy?
PS: (Nods head affirmatively)
TW: You have -- do you have a rabbit at home?
PS: And this is -- I've got two real ones.
TW: You've got two real ones?
PS: (Nods head affirmatively)
TW: Oh, my.
PS: In -- on the playground.
TW: What are their names?
PS: Thumper and Flopsy.
TW: What does Thumper look like?

PS: He is gray and white.
TW: And what does Flopsy look like?
PS: All gray.
TW: All gray?
PS: They're boys.
TW: They're boys?
PS: I don't want a girl one, because Daddy thinks they're big.
TW: They're big? Who got you those rabbits?
PS: Daddy.
TW: Daddy? Oh, wow. Were they big when you got them, or were they little babies?
PS: They were like -- they were like -- they're like this big. We're getting them more fatter.
TW: What about when you got them; how big were they?
PS: I didn't get them. My dada did.
TW: Your dad got them? Okay.
PS: He got them -- he got them from the farm.
TW: He got them from the farm? That's nice. Well, thank you for telling me about your rabbits and for showing me your rabbit today and for showing me these pictures.
PS: This is Pinkie.
TW: You have helped me so much, [Redacted].
PS: I want to take those ones home.

TW: He's not?

PS: Hmm-mm (negative). He's like this little.

TW: Okay.

PS: He can grow, grow, grow.

TW: Okay. Wow. My goodness. Okay. Yeah, you can cut the light out.

[10:14:33]

State of South Carolina

County of Greenville

Certificate

This is to certify that the foregoing transcription of a recorded interview of Minor Child "PS" on April 8, 2011 was completed by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, using a digital video file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys in any matter concerned with this transcription, and is not in any manner interested in any such matter, financial or otherwise.

That the foregoing 24 pages is a true, complete, accurate and correct transcript of the materials supplied, and that any inaudible portions were so noted in the body of the transcript.

In witness whereof, I have set my hand and official seal.

DATE: August 12, 2018

Vickie J. Stewart, CVR
Court Reporter and Notary Public for South Carolina
My Commission Expires: 01/15/25

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Daniel W. Spade,)	
Applicant,)	
vs.)	Case No. 2017-CP-42-02372
State of South Carolina,)	
Respondent.)	

COPY

Transcription of Recorded Interview of

Minor Child "PS"

April 12, 2011

This transcript was produced using a digital file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina. The interview has been transcribed in its entirety based on the media supplied.

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Travelers Rest, South Carolina 29690

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** ** ** **

[4:31:53]

TW: Hey.

PS: Hey. (Inaudible)

TW: All righty. Look at you. You know how to do so many things. And do you remember that this is the talking room?

PS: (Nods head affirmatively)

TW: Yep. And it's my job to understand about all kind of things from kids, and that's what I do. And you help me to know things. And what's that?

PS: A star.

TW: A star. That's right. You know how to make a star. You made one of those last time, didn't you?

PS: (Nods head affirmatively)

TW: And you know how to write your name?

PS: (Nods head affirmatively)

TW: Yeah.

PS: And a dog and cat.

TW: And a dog and cat. That's right.

PS: And a butterfly and a flower.

TW: A butterfly and flower.

PS: I'm not really good at flowers.

TW: You're not?

PS: Yes. But butterflies.

TW: But butterflies? I don't think ---

PS: I've got ---

TW: --- you drew a butterfly for me.

PS: I (inaudible) my face.

TW: I see.

PS: Somebody (inaudible). Oh, I'm dizzy.

TW: Did you have a Spring Fling today?

PS: Mm-hmm (affirmative).

TW: What was at the Spring Fling?

PS: They had cantaloupe.

TW: Cantaloupe?

PS: And handbags, and a -- that's it.

TW: That's it? Okay.

PS: And painted my face.

TW: And painted your face.

PS: Everybody else had a tiger or cat and -- a tiger or cat.

TW: Okay. But you got a butterfly, right?

PS: Mm-hmm (affirmative).

TW: Okay.

PS: And Regan's.

TW: And Regan's?

PS: Regan is my friend.

TW: Oh, okay. All righty. Well, you remember this is the talking room?

PS: Mm-hmm (affirmative).

TW: And that in here it's real important that we only tell the truth, and if I get something mixed up, that you tell me and you help me get it right; do you remember that? Because sometimes I get things mixed up and I might need your help, okay?

PS: (Nods head affirmatively)

TW: And do you remember you were helping me understand some things last time, some things that happened?

PS: And things that don't happen.

TW: And things that what?

PS: Nothing.

TW: What were some of the things that you were helping me understand about last time?

PS: Telling the truth.

TW: Telling the truth.

PS: And talking to parents.

TW: And talking to parents?

PS: (Nods head affirmatively)

TW: Yeah? And do you remember -- you were telling me about something that happened to you, and you drew me a picture. What was that about?

PS: (Shrugs shoulders)

TW: Who was in that picture?

PS: Nathan and me.

TW: Nathan and you? Yeah? And you drew me another picture with somebody else.

PS: That was Danny "D."

TW: That was Danny "D"?

PS: Mm-hmm (affirmative).

TW: Okay. And help me remember. What happened with Nathan?

PS: He -- I forgot.

TW: You forgot? Well, you remember it's my job to understand about those kind of things? And you're not in trouble for anything; you're just helping me understand things, okay?

PS: (Nods head affirmatively) Nathan didn't really see my bum-bum.

TW: Nathan didn't really see your bum-bum?

PS: Hmm-mm (negative).

TW: Who did see it?

PS: Somebody else. I don't know.

TW: Somebody else? Okay. Well, what happened with Nathan?

PS: Nathan didn't do anything.

TW: Nathan didn't do anything? Okay. What about with Danny "D"?

PS: Let me think. No.

TW: What was the picture you drew for me last time about Danny "D"?

PS: Being mean.

TW: Being mean?

PS: (Nods head affirmatively)

TW: If I show you the picture again, do you think you can help me understand some things about it? Because the picture really helped me to know some things. Do you think you can do that for me, [Redacted]?

PS: Mm-hmm (affirmative).

TW: Okay. Let's see.

PS: This is my mama's.

TW: That's your mama's?

PS: This one's mine.

TW: Okay.

PS: I wrote my name on that.

TW: Remember this picture that you drew for me?

PS: That was tic-tac-toe.

TW: That was tic-tac-toe. You're right.

PS: Why did you write an "X" on there?

TW: That was just to remember some of the things you told me. Who is this?

PS: Me.

TW: And who is this?

PS: Danny "D."

TW: And what's he doing right here?

PS: Touching me.

TW: Touching you? Those are the kind of things I need to understand more about. Did he -- where were you at when he was touching you like that?

PS: His house.

TW: At his house? Where does he live?

PS: In -- he lives in Virginia.

TW: Okay. And did it happen at his house in Virginia?

PS: (Nods head affirmatively)

TW: Or somewhere else?

PS: In North -- just in Virginia.

TW: In Virginia?

PS: Minor 2 s name is Minor 2 I can do it with my eyes closed Minor 2

TW: You did it. You're right. And who is Minor 2

PS: My brother.

TW: Your brother?

PS: He's a little brother.

TW: Your little brother.

PS: But he's getting big like me. He's like this tall right now.

TW: Wow.

PS: He's that tall.

TW: Okay.

PS: One time when we were going to school, Minor 2 was dancing like that.

TW: He did? Well, I need to understand some more about what you were telling me about Danny "D," okay? What -- help me understand what else happened with Danny "D."

PS: (Speaks inaudibly and shrugs shoulders)

TW: And if we draw a picture of you and we draw a picture of Danny, do you think you can show me where he touched you and what he used?

PS: I can make a monster sound. Watch.

TW: Oh, make a monster sound? Okay.

PS: Hold on.

TW: I hear you.

PS: That's a pig sound.

TW: That's a pig sound? Did you -- [Redacted], did you visit with Danny somewhere -- with Danny "D"?

PS: I think I did.

TW: You saw him in Virginia, you said? And so you were telling me about somewhere else you were with him. Where was that at?

PS: That was at his house.

TW: And then last time you told me about somewhere else you saw him. Where did you have to visit with him at?

PS: Virginia.

TW: Virginia?

PS: One, two, buckle my shoe, three, four, shut the door ---

TW: Did anything happen in Virginia?

PS: --- five, six, pick up sticks -- no, no, no, no, no, no, no.

TW: Well, last time you were telling me something about a hotel.

PS: That was about he -- let me think -- that's it. That's all I wanted to speak about.

TW: That's all you want to speak about? Well, remember, it's my job to understand about the kind of things that happened with Danny "D."

PS: Did I just -- oh, my gosh. How did I draw two of them?

TW: You did it on both sides, didn't you?

PS: I didn't even write my mama's name. No fair. How

about I write it on top?

TW: Okay.

PS: Really -- there. That way, it won't get (inaudible). [Redacted]

TW: Okay.

PS: Oh, that's -- that's for me. And I'll write "H."

TW: All right. Wow, you know how to write so many things, [Redacted].

PS: I can write (inaudible). I can even write Disney World.

TW: You can?

PS: My daddy's going to take me to Disney World.

TW: He is? Wow.

PS: Guess what?

TW: What?

PS: At Disney World, you get to have a tea party with the princesses.

TW: Oh, wow. My goodness. Do you think that would be fun? [Redacted], do you think you can spend some time helping me understand what happened with Danny "D"?

PS: Sometimes, no.

TW: Because it's something you don't want to talk about?

PS: Something is -- are just going bad.

TW: Some things are just going bad?

PS: Some are going good.

TW: And some are going good? Okay. Let's see.

PS: What are you going to draw?

TW: I'm going to draw another picture of you, and then I want you to help me to draw a picture of ---

PS: Danny "D"?

TW: Mm-hmm (affirmative). That one you can't see too good. Let's get this color. Okay. Let's do ---

PS: Are you ---

TW: --- you first.

PS: --- drawing a gingerbread man?

TW: Yeah, kind of like it.

PS: I can't even see that color.

TW: It's a little bit hard to see, isn't it? We'll make that the back side, and we'll do the front side too kind of like we did before. And then we'll do one for you ---

PS: One for ---

TW: --- and one -- that's ---

PS: Danny "D."

TW: Danny "D," yeah. Let's use a different color.

PS: That color.

TW: Okay.

PS: That's kind of purplish.

TW: Yeah. Does he have long hair or short hair or ---

PS: He has ---

TW: --- something else?

PS: He has a little bit ---

TW: Just ---

PS: --- short hair.

TW: A little bit short hair, like up here?

PS: Yeah.

TW: Okay. And then what (inaudible)?

PS: There's a little bit more hair.

TW: Okay. You (inaudible). Okay.

PS: That's it.

TW: Okay. That's the right one? And then what's right here where this ---

PS: Ears.

TW: And then what do you call these right here?

PS: I don't know.

TW: Okay. And then ---

PS: Hands.

TW: Uh-huh (affirmative). And what's that?

PS: I don't know.

TW: And what does he have right here?

PS: I'll show you.

TW: Okay.

PS: There.

TW: Okay. And then what about down here?

PS: (Inaudible)

TW: Okay. Now this one's you. That'll be Danny "D" and this one is you. And your hair ---

PS: I can draw my hair. It's more red.

TW: Okay. You draw it for me. Here you go.

PS: We need a red hair -- we need a red one.

TW: Okay. All right. All right. What do you have right there? And what kind of face do you have with your mouth when Danny "D" ---

PS: Oh, I didn't give a mouth.

TW: What kind of mouth do you have -- wait a minute. Wait a minute. What kind of mouth do you have when Danny "D" was doing that kind of stuff to you?

PS: A sad face.

TW: You show me. Okay. Now, show me what kind of things was Danny "D" doing to make you sad like that?

PS: He was (inaudible) and with that hand, it was -- this was what it (indicating).

TW: He was touching you there with his hand?

PS: (Nods head affirmatively)

TW: And what else did he touch you with?

PS: He touched me with ---

TW: Can you show me on here, if this is Danny "D"? Point to -- he touched you with his hand, and what else did he touch you with?

PS: His feet -- his feet.

TW: Are you coloring?

PS: I'm (inaudible) colors.

TW: All right. You're coloring the feet. What about ---

PS: Hold on. I'll color the inside. I forgot. That's much more lighter.

TW: Okay.

PS: There.

TW: Okay. Now, will you get -- let's get a different color crayon. Will you get this one and -- let's see -- let's get one -- how about green? Okay.

PS: I like green.

TW: All right. I want you -- now, you said he touched you with his hand. Will you circle his hand so I'll remember that?

PS: His left hand here.

TW: Okay. Now, circle what else he used to touch you. And there was something else you told me about last time.

PS: Watch my feet. Watch. I can make a squeak sound.

TW: I heard it. Listen to me. Can you point to what else he used? You're doing a great job helping me understand, [Redacted]. Remember, it's my job to understand about these things.

PS: I like your pen.

TW: You can use my pen if you want to.

PS: I'll use it. I'm going to write my name.

TW: Okay. And ---

PS: How do you spell Danny "D"?

TW: Do you want me to tell you?

PS: (Nods head affirmatively)

TW: Okay. D.

PS: D.

TW: A.

PS: A.

TW: N.

PS: N.

TW: N, Y, and then a D. Yeah. Danny "D."

PS: I can draw a circle B. That kind of looks like "O."

TW: I know what you're talking about, though. Now, circle -- on your body, circle where he touched you. You can use my pen. And what did he use to touch you there?

PS: His hand and his foot.

TW: And the last time, you were telling me about something else. Do you remember that?

PS: He touched me with his (indicating). He did it so it was lighter ---

TW: Yeah.

PS: --- like kind of like right here.

TW: Okay. And right here, what did he use?

PS: His hand and foot.

TW: And what else?

PS: I guess I don't know.

TW: Okay. The last time, you were telling me something else. That's why I wanted to make sure I understood it right, okay?

PS: When that (inaudible) -- I like smooshed-up carrots.

TW: You like smooshed-up carrots?

PS: (Nods head affirmatively)

TW: Okay.

PS: Anytime I'm (inaudible).

TW: I can't understand you with your thumb in your mouth.

PS: Sometimes I do, sometimes I don't.

TW: Sometimes you do, sometimes you don't? Well, [Redacted], last time, you were helping me understand, and you were telling me about him touching you with his hand right, and you pointed to something else that he used to touch you.

PS: (Indicates)

TW: Right. Careful. Don't get it on your shirt.

PS: (Indicates)

TW: Oh, what did he touch you there with?

PS: His hand and his foot.

TW: His hand and his foot?

PS: And with his ---

TW: With his what?

PS: You might say like that, I think.

TW: And we didn't finish the back side, did we?

PS: Hmm-mm (negative). And (inaudible) -- how about we finish the (inaudible)? I'll do the back of the hair.

TW: How about using the crayon for that? I thought the crayon you want to use is the back of your hair.

PS: Oh, I need red. It'd be red, because I've got red hair.

TW: And you were telling me something about inside. Did Danny "D" put anything inside you?

PS: He put ---

TW: Show me what he put inside you.

PS: (Shakes head negatively)

TW: Can you show me on this side?

PS: I'll get my pictures up.

TW: I'm confused. Will you help me?

PS: I'm sure.

TW: Okay. Point to what Danny put inside you -- Danny "D."

PS: He put his arm, his hand and his foot.

TW: Where did he put it?

PS: Right here, here, here and (indicating).

TW: And did that happen one time or more than one time?

PS: More than one time.

TW: And you said -- now, think for a minute. Did any of that happen in Virginia, or did it happen in the hotel, or both?

PS: Both.

TW: Both? Okay. Did it happen in the hotel both times?

PS: One time.

TW: One time? Did you see him in a hotel one time or two times?

PS: I seen him four times.

TW: Four times? Do you remember which hotel it happened at?

PS: It happened in Virginia, so (inaudible) Virginia, I think, or -- it was -- it was Virginia.

TW: Virginia?

PS: Oh, A is after Minor 2 There's Minor 2 And this is mine. [Redacted]

TW: [Redacted], did you have to use your mouth for anything?

PS: I -- sort of.

TW: Help me understand about that.

PS: It was sort of very yucky.

TW: It was sort of yucky? Where did your mouth have to go?

PS: (Indicates)
TW: That's your mouth. What did it have to do?
PS: Bite.
TW: Where?
PS: (Indicates) Like his clothes, his pants.
TW: It had to bite him here, here and here?
PS: No. His pants.
TW: His pants?
PS: (Nods head affirmatively)
TW: But you said you had to use your mouth, and it was yucky. Tell me what you're talking about.
PS: I was throwing up.
TW: You was throwing up?
PS: One time I throwed up at my Mimi's.
TW: Did something come out of Danny "D"?
PS: Not while I was -- I need to go.
TW: You're doing such a good job helping me, [Redacted].
PS: I want to go. You can't see that. I can draw a lion.
TW: You can draw a line?
PS: You can't see that, but it's a lion.
TW: Well, listen to this. Did ---
PS: I can snap both of my ---
TW: You're good at snapping your fingers. You can do both.

PS: I can't whistle.

TW: You can whistle?

PS: I can't.

TW: You can't whistle? That's kind of hard, isn't it?

PS: (Nods head affirmatively)

TW: Yeah. You'll practice, and one day you'll get it, just like snapping your fingers. I bet you had to practice a lot to learn how to ---

PS: And I'll have ---

TW: --- snap your fingers.

PS: And then I'll have a band.

TW: And then you'll have a band? Okay.

PS: And then I'll have -- I don't know.

TW: Okay.

PS: I've got two bunnies.

TW: Well, Miss [Redacted], you were telling me about your mouth. Did Danny "D" use his mouth for anything?

PS: He used his mouth to bother me.

TW: Where?

PS: On my chin.

TW: And where else?

PS: I'm ready to go.

TW: Are you done talking about Danny "D" today?

PS: (Nods head affirmatively)

TW: Okay. Well, maybe you can help me on another day.

Will that be okay?

PS: Okay.

TW: Because you do such a good job helping me, [Redacted]. [Redacted], before we go, did Danny "D" take any pictures of you?

PS: (Shakes head negatively) Not sort of.

TW: Sort of?

PS: No.

TW: Not sort of. Did he take any videos of you?

PS: Let me think. Did he? Did he? I think.

TW: You think he did?

PS: Yeah, I think he -- (inaudible) somewhere. I don't know.

TW: Hold on a second.

PS: What is that?

TW: That's just a light to help me remember things.

PS: Oh.

TW: Yeah. Before we go, can you think about that a minute, about the pictures or the videos?

PS: It's like -- I don't know. I just want to go.

TW: You just want to go? Do you remember if Danny took any pictures or videos?

PS: I'm taller than the door.

TW: You're getting taller and taller.

PS: Than the door.

TW: Are you ready to go for today?

PS: Mm-hmm (affirmative).

TW: Okay.

PS: I'm going to eat -- I'm going to eat dinner.

[5:00:48]

State of South Carolina

County of Greenville

Certificate

This is to certify that the foregoing transcription of a recorded interview of Minor Child "PS" on April 12, 2011 was completed by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, using a digital video file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys in any matter concerned with this transcription, and is not in any manner interested in any such matter, financial or otherwise.

That the foregoing 22 pages is a true, complete, accurate and correct transcript of the materials supplied, and that any inaudible portions were so noted in the body of the transcript.

In witness whereof, I have set my hand and official seal.

DATE: August 13, 2018

Vickie J. Stewart, CVR
Court Reporter and Notary Public for South Carolina
My Commission Expires: 01/15/25

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Daniel W. Spade,)	
Applicant,)	
vs.)	Case No. 2017-CP-42-02372
State of South Carolina,)	
Respondent.)	

COPY

Transcription of Recorded Interview of

Minor Child "PS"

April 14, 2011

This transcript was produced using a digital file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina. The interview has been transcribed in its entirety based on the media supplied.

Transcriptionist's notation:

"TW" is **Tabitha Webber**, Interviewer

"PS" is **"PS," Minor Child**, Interviewee

"US" denotes an unknown speaker

"(Inaudible)" will appear whenever breaks and/or disturbances in recording occur

"[Background interference with recording, inaudible]" denotes an interruption in the recording which is inaudible by the transcriptionist

** ** ** **

[11:32:30]

TW: All right. So you -- who came with you today? Who else is down there?

PS: (Inaudible) (Shrugs shoulders)

TW: You don't know?

PS: Hmm-mm (negative).

TW: Okay. All right. What are you going to do today?

PS: (Inaudible)

TW: You know how to use all kind of colors; I remember that. Do you remember what my job is?

PS: Mm-hmm (affirmative).

TW: What's my job?

PS: (Inaudible)

TW: You don't know?

PS: Hmm-mm (negative).

TW: What do you help me with?

PS: (Inaudible)

TW: You help me to understand things, and you answer questions for me, and you help me to know about things that happened, and if I get something mixed up, you help me get it right, don't you? Because sometimes I get things mixed up. What're you drawing?

PS: (Inaudible)

TW: What in the world is that? What is that?

PS: I don't know.

TW: You don't know. Are you finding you some colors you want?

PS: (Nods head affirmatively)

TW: Yeah? You know how to use lots of different colors.

PS: Mm-hmm (affirmative).

TW: You help me understand things when you draw pictures, too, don't you?

PS: I need a pen.

TW: You need my pen? Is that what you want?

PS: (Inaudible)

TW: Be careful not to get it on your pretty clothes, though, okay?

PS: (Nods head affirmatively) I've got to draw this. And I made my skin orange.

TW: Okay.

PS: I'm going home early.

TW: You're what?

PS: I'm going home early.

TW: You're going home early today?

PS: (Nods head affirmatively)

TW: Oh, okay. Tell me about your picture.

PS: (Inaudible)

TW: Who is that?

PS: (Indicating).

TW: You. Wow. And you drew a flower on there just like you have a flower on today. Look at that.

PS: I've got two of them.

TW: I see.

PS: One is not so clean; one of them is.

TW: Wow.

PS: They glow in the dark.

TW: And you made the hair red, just like your hair?

PS: That was just to see how I look. And now I need the pen.

TW: Now you need the pen. Okay. Let me fix it. There you go.

PS: I'll just spell my name ---

TW: You're going to spell it backwards? Wow.

PS: Hey, that's not it.

TW: That's not it?

PS: I still -- I did D -- I did my name. Now I'm doing D, e, a, n.

TW: Okay. And who is Minor 2

PS: My big -- my little brother.

TW: Your little brother. How old is Minor 2

PS: Two years old.

TW: Two years old. And you're the big sister?

PS: One time -- this is about the purple (inaudible). He said, "Park your car and you lock your door."

TW: Oh, okay. Redacted, do you remember some of the stuff you were helping me understand before?

PS: Mm-hmm (affirmative).

TW: What was that about?

PS: I hardly can't see that, like the line.

TW: You can't see that line?

PS: Or that polka dot.

TW: Or that polka dot?

PS: I'm going to draw my fingernails.

TW: Do you remember it's my job to understand about things that happen to kids?

PS: Mm-hmm (affirmative).

TW: And you help me. Who were you telling me about last time?

PS: A porcupine (inaudible).

TW: A porcupine?

PS: Peak.

TW: A porcupine peak?

PS: That's what the fireman says. Woopsy-daisy. (Inaudible)

TW: What's the person's name that you were telling me that you don't like to talk about?

PS: Danny "D" and Nathan.

TW: Danny "D" and Nathan. And which one is a big person?

PS: Danny "D."

TW: Danny "D"? And Nathan -- do you know how old Nathan is?

PS: He is -- (indicates).

TW: Five?

PS: (Nods head affirmatively) One, two -- watch this -- one, two, three, four -- one, two, three, four, five.

TW: That's how old Nathan is?

PS: Yes; five.

TW: He's five. Okay. And how do you know Nathan?

PS: Because he's in -- he's in my classes and he knows a lot about me. He used to be in my class, but he's not anymore.

TW: He used to be in your class, but he's not anymore?

PS: Mm-hmm (affirmative).

TW: Okay. And how do you know Danny "D"?

PS: (Inaudible) Watch. Oh, you can't see that.

(Inaudible)

TW: How do you know Danny "D"?

PS: Because he tried ---

TW: He tried to ---

PS: Are we ---

TW: --- what?

PS: --- going to use that blue thing today?

TW: The blue thing today?

PS: (Nods head affirmatively)

TW: What do you mean?

PS: I'm talking about when somebody doesn't tell the truth and someone do tell the truth.

TW: Oh, the truth and the lie? Yeah. We already did that. We're going to do other stuff today, okay?

PS: (Inaudible)

TW: I still need to understand about the things you were telling me about Danny "D" and about Nathan. Do you remember the picture you drew for me? [Redacted]?

PS: Yes.

TW: You do?

PS: This is what I'm going to draw now. (Inaudible)

TW: Tell me about touches. What were you helping me understand about touches?

PS: I'm going to try to draw what ---

TW: You're going to draw what happened?

PS: I need a different page.

TW: Okay. You help me with so many different things when you draw, [Redacted]. Help me understand what happened with Danny "D."

PS: Something tried to make me feel bad when we have -- (inaudible).

TW: Tried to make you feel bad and what?

PS: And better.

TW: And better?

PS: I can make different fire.

TW: Oh, that is a different fire.

PS: I (inaudible) and go up, down, up, down, up and up and then down, over. Fire.

TW: Okay.

PS: That's really fire.

TW: That's really fire?

PS: Yeah.

TW: Okay.

PS: That is. But that's not.

TW: Do you think you can -- you did such a good job helping me last time when you drew a picture of you, and you showed me what Danny "D" did.

PS: I got something in my mouth.

TW: What do you have in your mouth?

PS: Gum, gum, gum, gum, gum.

TW: [Redacted], when you draw a picture of you and you draw a picture of Danny and you showed me what happened, can you show me that again?

PS: I'll say, "What was that feeling like?"

TW: "What was that feeling like?"

PS: (Inaudible)

TW: He said, "What's that feeling like?"

PS: No. I did.

TW: You said that?

PS: Da-da-da-da.

TW: And who is this?

PS: Hold on. Let me draw Danny "D's" face. Actually, I'm going to draw Danny "D" on ---

TW: Where did Danny "D's" face go? What were you showing?

PS: This is going to be a ginger bread man.

TW: What's this right here? Hold on. Is this Danny?

PS: Actually, that's -- I don't ---

TW: Tell me about what's going on right here. What's that?

PS: That's a [Redacted] for my name, because I'm going to write my name.

TW: You're going to write your name? And this is you? And what kind of face do you have?

PS: See, that is me walking. There go my leg -- my foot,

I mean.

TW: What kind of face do you have?

PS: A sad face.

TW: And why do you have a sad face?

PS: Because ---

TW: I just don't want you writing on your shirt. Why do you have a sad face? What's going on that's making you have a sad face in this picture?

PS: Hey, look. It makes it blinking.

TW: [Redacted] ---

PS: It makes it ---

TW: What makes you sad?

PS: He made me do stuff that didn't go wrong and did go wrong.

TW: He made you do stuff that did go wrong?

PS: And do ---

TW: And do?

PS: --- stuff that do happen.

TW: Stuff that do happen? Well, that's the kind of stuff I need to understand about. Where did that happen at?

PS: Hotel.

TW: Hotel? Did it happen -- where at in the hotel did it happen at?

PS: It was in Virginia.

TW: It was in ---

PS: Virginia, a hotel.

TW: A Virginia hotel? Was it in -- what kind of room was it in?

PS: It was in the swimming pool.

TW: The swimming pool? Did something happen in the swimming pool?

PS: (Shakes head negatively)

TW: Or the hotel had a swimming pool?

PS: The hotel had a swimming pool.

TW: What else did the hotel have?

PS: I don't really know.

TW: In the hotel room when that kind of stuff happened with Danny "D," did it happen on the floor or the bed or somewhere else?

PS: Somewhere else.

TW: Where at in the room did it happen?

PS: It was in the sunroom.

TW: In the living room?

PS: It was in the sunroom.

TW: Was that at the hotel or was that at Virginia or is that somewhere else?

PS: It was at Virginia.

TW: Virginia? Okay. Does Danny "D" have a sunroom in Virginia at his house?

PS: He really does -- he does.
TW: He does? What did he do in the sunroom, [Redacted]?
PS: He pulled off ---
TW: He pulled off what?
PS: He pulled -- he sort of -- I don't know.
TW: Do you remember this stuff you were showing me before?
PS: I'm going to get these pictures.
TW: Thank you. Do you remember that stuff you were showing me before?
PS: That was -- he was there (indicating).
TW: Mm-hmm.
PS: That.
TW: And you're telling me that happened in Virginia and it happened in the hotel room?
PS: It happened in Virginia.
TW: What about the hotel room, with the swimming pool?
PS: I was with (inaudible). (Inaudible) I don't know.
TW: Okay. The -- does his house have a pool, or just was it that at the hotel?
PS: No. It was in Virginia.
TW: The pool was in Virginia or at the hotel?
PS: It was at the hotel.
TW: At the hotel? Okay.
PS: (Inaudible)

TW: Right. And

PS: Hey, my (inaudible) matches my shirt.

TW: Did it happen the first time you were at the hotel with Danny "D"?

PS: It was at the last time.

TW: The -- but did it happen the first time and the last time, or something else?

PS: It was in the last time.

TW: It was in the last time and the first time?

PS: It was just the last time.

TW: How do you know it was just the last time?

PS: I heard it on the computer.

TW: You heard what on the computer?

PS: That he didn't really -- I don't know.

TW: You don't know?

PS: Hmm-mm (negative).

TW: Did he have a computer in the hotel?

PS: Yes.

TW: Yes? What did he do with it?

PS: Used it.

TW: Did he show you anything on it?

PS: No.

TW: Did he ever show you pictures of people?

PS: Hmm-mm (negative).

TW: Okay. Did he take pictures of you?

PS: Mm-hmm (affirmative).

TW: Did he take pictures of you with your clothes on or off or something else?

PS: Off.

TW: Off? Okay. And did you stay in a hotel with him one time or more than one time?

PS: More than one time.

TW: Did it happen in the hotel that one time or more than one time?

PS: More time.

TW: More than one time?

PS: I think.

TW: Okay.

PS: It was two than times.

TW: It was two times? [Redacted], last time you were telling me that you had to use your mouth for something. What was that about?

PS: It was about -- I don't really know.

TW: Did he use his mouth for something?

PS: Hmm-mm (negative).

TW: This stuff that we were talking about that you were showing me with this, do you remember ---

PS: Your mouth is really wide open. Watch.

TW: Your mouth has to be wide open?

PS: No.

TW: What goes in the mouth?
PS: This is going to be my tongue, this is my teeth, and that is my mouth.
TW: What did he want you to do with your mouth?
PS: He wanted me to -- (indicates). He wanted me to get this and go like on his foot (indicates).
TW: Where else?
PS: (Indicates)
TW: And what did that taste like?
PS: It tasted like -- I don't really know.
TW: Did anything come out of him right there?
PS: (Nods head affirmatively)
TW: What come out?
PS: His ---
TW: What color was it?
PS: It wasn't colored anymore. It was brown.
TW: It was brown? Do you know what color it was?
PS: I'd say it was orange.
TW: Where did it go?
PS: I don't know.
TW: Did he say anything?
PS: Mm-hmm (affirmative).
TW: What did he say?
PS: "If I hear you one more time, I am going to tell your mom and dad never come back to my house."

TW: Okay. Did he say what would happen if you told about this kind of stuff?

PS: No.

TW: Did he ever tell you anything would happen to somebody if you told your mom or dad about this kind of stuff?

PS: Almost done. That was the future (indicates).

TW: Now, you did a good job showing me what you had to do with your mouth. Did he have to do anything with his mouth?

PS: Hold on. This is his tongue. This is his teeth. Sorry. That was his teeth.

TW: The pen sometimes won't write on the crayon. There you go.

PS: Oh.

TW: What did he want to do with his mouth?

PS: I don't know.

TW: Did he put his mouth anywhere? You can show me with something else.

PS: He put his mouth on the inside clothes.

TW: Tell me about this picture. What are you drawing?

PS: (Inaudible) (Shrugs shoulders)

TW: You don't know? Oh, I thought you were going to show me what he did with his mouth. Can you show me?

PS: He tried to pull on my mouth. He turned it -- I

don't know what I'm trying to say.

TW: What about his mouth? Look here, [Redacted]. Did he put his mouth somewhere on you?

PS: He put his mouth on my -- (indicates).

TW: Where else?

PS: It was on the ---

TW: How about let's do another picture of you. We'll do a different one and you can show me, because I want to make sure I don't get it mixed up, okay? Let's do a picture of you right here.

PS: That looks like a ginger bread man.

TW: Yeah, it kind of does. And let's do a picture ---

PS: Of Danny "D."

TW: --- of him.

PS: They're ginger bread mans.

TW: Okay. Do you want to finish it for me?

PS: Sure. I like to.

TW: This is you, so show me what your hair looks like. Okay. And remember, we're not going to put clothes on them, so you can show me what happened, so we can see all the parts.

PS: He has ---

TW: Okay. And show me what -- what does his part look like right there?

PS: It looks like -- it's ---

TW: Okay. And what does your part look like right there?

PS: (Indicates)

TW: Okay. And I was asking you about his mouth. Can you draw a line and show me where he put his mouth?

PS: That was his tongue. That was his teeth.

TW: Okay. Okay. But where did he put his mouth?

PS: He put it on my (indicates).

TW: Okay. And where did he put this?

PS: I don't know.

TW: (Inaudible) a little bit. These are yours, silly.

PS: Okay.

TW: Will you do a favor for me? I've got to go out and check something and I'm going to be right back. Will you turn this one over and write your name, and I want you to write Minor 2 s name and your mommy and daddy. Do you think you can remember how to write all those names?

PS: Okay. Okay.

TW: Okay. I'll be right back, okay?

PS: Okay.

[Interviewer leaves the room at 12:01:43]

[Interviewer reenters the room at 12:04:26]

TW: There you are. Thank you for waiting on me. Let me see how you did with your drawing -- your writing. Let's see. [Redacted]

PS: [Redacted], [Redacted], [Redacted], [Redacted], [Redacted].

TW: Then Minor 2

PS: Mama.

TW: And Heather.

PS: Dada.

TW: And Dada. Okay. Wow. You know how to write so many things. Well, I've got something else for you to use while we're talking. Do you want to see the Play-Doh again?

PS: Mm-hmm (affirmative).

TW: Okay.

PS: Hey, I didn't even get to see that yesterday.

TW: You didn't? Okay. Let's move some of these over here.

PS: What are we going to do with that?

TW: You can use -- let's find a paper we can put down when you play -- you can play with this one right here. Yeah. We'll put the Play-Doh on here. Okay. All right.

PS: This is kind of hard Play-Doh.

TW: It's a little bit hard? Yeah, it is a little bit hard, isn't it? Maybe it was left out too long. Do you think?

PS: Mine's hard, too.

TW: Is it?

PS: (Inaudible)

TW: [Redacted], do you remember the hotels you were talking about? What did you eat while you were at the hotel?

PS: I was eating chocolate chips and ---

TW: Do you remember?

PS: (Shakes head negatively)

TW: That's okay. What about ---

PS: I made a rolly ball.

TW: I see.

PS: I'll make one for you.

TW: You were telling me -- you can make another one?

PS: I can make one for you.

TW: Okay. Thank you. You remember you were telling me that Danny "D" was taking pictures of you without clothes on?

PS: (Nods head affirmatively)

TW: Can you tell me more about those pictures?

PS: Here you go.

TW: Thank you.

PS: Let me have that big ball. I'll make more. I'll make more.

TW: What parts of your body was he taking clothes -- taking pictures of?

PS: I'll stand up. (Indicates)
TW: Okay.
PS: And -- (off camera).
TW: Okay. Thank you ---
PS: I -- hey.
TW: Oh, I'm sorry. You didn't want me to mash that one?
PS: Play-Doh on the floor, no, no, no, no, no.
TW: Thank you. Did both of the hotels you stayed at have a pool?
PS: No. One has a pool, not the other one.
TW: And not the other one? Okay.
PS: I'm going to get (inaudible), and then (inaudible).
TW: Did he take pictures at the first hotel?
PS: It was the last hotel.
TW: It was the last hotel? What about Virginia? Did he take pictures in Virginia?
PS: Mm-hmm (affirmative).
TW: He did?
PS: I think he did. He did it -- he did.
TW: And how old were you when you were in Virginia?
PS: Still four.
TW: Still four?
PS: When it's my birthday, I'm going to be five.
TW: Oh, okay. Wow.
PS: Probably at my house, there's going to be a petting

zoo.

TW: Oh, wow.

PS: And then I'm going to invite some of my friends at the (inaudible) in. Oh, come on, Play-Doh.

TW: What did the first hotel have?

PS: It had -- I don't know. That was so fast. That was a really big cough.

TW: What kind of things did he do with you when you were in Virginia?

PS: He kind of pulled -- he was trying to ---

TW: Was he doing the kind of stuff we were talking about?

PS: He was doing the -- he was trying to hurt my belly.

TW: Okay. And what about in -- the first time in the hotel?

PS: That was the playroom.

TW: That was the playroom?

PS: (Nods head affirmatively)

TW: And what happened there?

PS: It tried -- I don't know.

TW: Well, what about the last hotel room?

PS: That was the -- there's only one.

TW: There's only one? Okay. There was only one hotel?

PS: No. There's only one playroom.

TW: Only one playroom?

PS: How many -- you get one, two, three, four, five.

TW: Okay.

PS: One, two, three, four, five. One, two, three, four, five, six. I get six.

TW: Oh, okay.

PS: See, I get five. A cute little -- did you get six? You got ---

TW: One, two, three, four, five -- I got six, because I got this little tiny one.

PS: And I've got these.

TW: Okay.

PS: And I got 20.

TW: Okay. Do you think you can make some more out of this?

PS: Only 20.

TW: Okay. I'm going to go see something else, okay?

PS: All right. I'm going to see ---

TW: I've just got to go check on something, and I'll be right back, okay?

PS: Check on what?

TW: I've just got to check about something. That's all. I'll be right back.

[Interviewer leaves the room at 12:11:26]

[Interviewer reenters the room at 12:12:14]

TW: How many have you got now?

PS: One, two, three. One, two, three, four, five, six, seven, eight, nine, ten -- I'm going to finish making this one -- twelve, eight, seven, six.

TW: Wow. Look at all those. You've been busy. Wow. When you were telling me about the pictures and you were showing me, what did he use to take the pictures?

PS: I was going to make a book.

TW: You was going to make a book?

PS: But I'm going to make a cool book.

TW: [Redacted], what did Danny "D" use to take the pictures?

PS: I don't know.

TW: Did you see the pictures on the computer or anything?

PS: I saw the pictures and I saw the ---

TW: Where did you see the pictures?

PS: I saw it at my house.

TW: The pictures without your clothes on?

PS: No. It ---

TW: That Danny was taking?

PS: It was at my house.

TW: Did you see those pictures or other pictures?

PS: I saw the other pictures.

TW: Other pictures? Okay. Do you know what Danny used to take the pictures? Was it ---

PS: I -- it was just plain air.
TW: It was what?
PS: It was just -- it was ---
TW: Were there any videos?
PS: There was just pictures.
TW: Just pictures?
PS: (Nods head affirmatively)
TW: Let's see what pictures you might want to take with you today.
PS: I didn't finish my whole library book.
TW: There are some I have to keep so that I can remember.
PS: That's mine.
TW: That's you, your ---
PS: And the name ---
TW: I have to keep that one.
PS: The name book. Do you ---
TW: You can keep that one.
PS: And that one.
TW: I think I need to keep this one. You can do another one, if you want.
PS: I'll do it.
TW: Okay. And you can keep this one, and this one. And boy, I sure would like to keep this one, because it shows me what you look like when you're happy.
PS: I want ---

TW: Can you draw another one to take with you and let me keep this one?

PS: I'll draw one more, and that's it.

TW: Okay.

PS: Put all the Play-Doh in the box.

TW: Okay.

PS: There's some on the floor.

TW: Thank you. You're good at helping. Are you drawing another one?

PS: I'm not drawing me. I'm drawing a fairy.

TW: A fairy? Okay. I'm going to go put the Play-Doh up, and I'll be right back. You finish your fairy.

[Interviewer leaves the room at 12:16:07]

[Interviewer reenters the room at 12:17:08]

PS: There.

TW: All right.

PS: I've got to finish, though.

TW: All right. You ready? Have you got them all?

PS: I think I got that one. What did I do with it?

TW: This one. What about ---

PS: Oh.

TW: Yeah. Okay.

PS: I'm going to keep these, too.

TW: Okay.

PS: I'll finish the rest at home.

TW: Okay. We'll take them downstairs.

PS: I want to take this.

TW: Thank you for helping me today, [Redacted].

PS: You're welcome.

[12:17:59]

State of South Carolina

County of Greenville

Certificate

This is to certify that the foregoing transcription of a recorded interview of Minor Child "PS" on April 14, 2011 was completed by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, using a digital video file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys in any matter concerned with this transcription, and is not in any manner interested in any such matter, financial or otherwise.

That the foregoing 27 pages is a true, complete, accurate and correct transcript of the materials supplied, and that any inaudible portions were so noted in the body of the transcript.

In witness whereof, I have set my hand and official seal.

DATE: August 15, 2018

Vickie J. Stewart, CVR
Court Reporter and Notary Public for South Carolina
My Commission Expires: 01/15/25

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Daniel W. Spade,)	
Applicant,)	
vs.)	Case No. 2017-CP-42-02372
State of South Carolina,)	
Respondent.)	

COPY

Transcription of Recorded Interview of

Minor Child "PS"

May 6, 2011

This transcript was produced using a digital file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina. The interview has been transcribed in its entirety based on the media supplied.

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Transcriptionist's notation:

"TW" is **Tabitha Webber**, Interviewer

"PS" is **"PS," Minor Child**, Interviewee

"US" denotes an unknown speaker

"(Inaudible)" will appear whenever breaks and/or disturbances in recording occur

"[Background interference with recording, inaudible]" denotes an interruption in the recording which is inaudible by the transcriptionist

** ** ** **

[10:25:58]

TW: Let's make sure that pen you've got works. Okay. There you go. Who do you have with you today?

PS: (Shrugs shoulders)

TW: You don't know? Does it work? Let's see. Let me see if I can -- let met get it started. Okay. Now you do it. Okay. Start again? Do you need another pen? I think that pen is running out of ink, Miss [Redacted]. Let me see if I can find another one for you. Let's see. Do you want to see if that one will work? Does that work? Let me see. All these pens are running out of ink. What are we going to do, [Redacted]?

PS: (Shrugs shoulders)

TW: I bet this one will work, the shiny one. See? Try that one. Is that one doing better? Who are you

drawing for me?

PS: (Shrugs shoulders)

TW: So tell me about the pond. What does it look like? Tell me about your picture.

PS: (Shrugs shoulders)

TW: You don't know? You know how to draw all kinds of things, [Redacted].

PS: It's a (inaudible). I got it.

TW: Okay. What is that?

PS: A bird.

TW: A bird? How do you know how to draw so many things? You know how to draw so many things, [Redacted].

PS: There.

TW: What is that one?

PS: A butterfly.

TW: A butterfly. I see.

PS: I'm going to draw a big picture.

TW: Okay. Oh, that's a big butterfly.

PS: It's not a butterfly.

TW: Oh, it ---

PS: It's a dragonfly.

TW: Oh, a dragonfly. Thank you. You still remember that, when I get mixed up or get something wrong, you help me get it right. Thank you, [Redacted]. What's that one?

PS: A butterfly.

TW: A butterfly.

PS: I'll try to draw a ladybug.

TW: You know how to draw so many things.

PS: I'll try to draw a ladybug.

TW: Do you like to go outside and find butterflies and bugs?

PS: One time I found a real butterfly.

TW: You did?

PS: Actually, I found a real ladybug.

TW: A ladybug? What color was it?

PS: It was gray.

TW: It was gray?

PS: Oh, my gosh. Blue -- we need some black. Here's black.

TW: Oh, you do know how to draw a ladybug. Look at that. My goodness, [Redacted].

PS: And I can draw a caterpillar.

TW: A caterpillar?

PS: I know -- I think I can draw one. I'll see. That's like a fish. Hold on. I can draw a fish.

TW: Yeah.

PS: That doesn't look like a fish.

TW: It kind of looks like a fish.

PS: But not really, because it's soon to be a

caterpillar. I've seen green caterpillars before. Sometimes they're green. One time I saw a pink caterpillar.

TW: You did?

PS: (Nods head affirmatively) I colored a caterpillar, a rainbow caterpillar, I mean.

TW: Wow.

PS: Hold on. I ---

TW: Okay.

PS: --- forgot to draw ---

TW: Oh, yeah. My goodness, [Redacted]. Look at all that stuff you know how to draw. That's a lot.

PS: I think I can draw -- how do you draw -- how do you spell bugs?

TW: Bugs? B, U ---

PS: Hold on. What is (inaudible) -- U ---

TW: Mm-hmm. G, S. Bugs.

PS: That's a short word.

TW: Mm-hmm (affirmative), that is a short word.

PS: How do you spell life?

TW: Life? L, I, F, E.

PS: "Bug's Life."

TW: Yeah. You know so many things, [Redacted]. Do you remember it's my job to understand about things, and you help me understand things? Do you remember that,

[Redacted]? It's been a while since we talked, hasn't it? Do you remember some of the things that you were helping me understand before when we talked?

PS: I don't know.

TW: You were telling me about some things that happened to you, and who was that about?

PS: I don't know.

TW: What's the person's name that you were telling me about? What do you call that person?

PS: I don't know.

TW: You were telling me about somebody that's hard to talk about.

PS: (Inaudible)

TW: Who is that person that's hard to talk about?

PS: I do not know.

TW: You're hiding. You're hiding. Well, [Redacted], you remember this is a safe place to talk and you're not in trouble for anything and you're just here to help me understand things, because that's my job? And you do a great job helping me understand things, and you draw pictures that help me understand things.

PS: How do you spell -- I can spell my name backwards.

TW: You can?

PS: I did (inaudible).

TW: You do that. I forgot something. I'm going to be

right back, okay?

PS: (Nods head affirmatively)

[Interviewer leaves the room at 10:37:00]

[Interviewer reenters the room at 10:37:23]

TW: I almost didn't see you. Are you hiding? Did you spell your name backwards? Miss [Redacted]? Hey, silly girl. You are silly. Is this your name backwards?

PS: Mm-hmm (affirmative).

TW: Oh, how do you know how to do that, [Redacted]? Do you remember some of the pictures you were helping me with before?

PS: I don't know.

TW: Well, come look and see what you remember. Come sit right here. Let me see if I can find what you were working on last time.

PS: Why is there crayons on these papers?

TW: Do you remember that one from last time?

PS: I'll finish it.

TW: Who is this? Who is this one?

PS: Me.

TW: And who is this one?

PS: Danny "D."

TW: Danny "D"?

PS: Mm-hmm (affirmative).

TW: Well, you remember the stuff you were telling me about? Okay. You remember the stuff you were telling me about this kind of stuff?

PS: Yes.

TW: And I got some pictures ---

PS: Of what?

TW: Of Danny "D's" house in Virginia that you had to go to. And I want to show you pictures and see if you can tell me what the rooms are and what, if anything, happened, what kind of things happened, in the rooms I show you, okay? First I want to show you a picture of his house, and you tell me if that's the right house.

PS: I think.

TW: You think that's Danny "D's" house?

PS: Yeah, it's his -- this is his house.

TW: What room is this?

PS: That's the living room.

TW: The living room? What happened in that room?

PS: I don't know.

TW: Okay. What room is this?

PS: The den and the ---

TW: Is that still this room, or is that a different room?

PS: I think that's the den, and that's the living room.

TW: Okay. Let's keep going. What about that?

PS: I think that's his table, and that is his other table -- that's his table.

TW: Okay. Well, what's this room?

PS: And that is -- actually, that's the den.

TW: That's the den?

PS: Yeah. And that is, too. Where did you find these?

TW: Somebody in Virginia got them for me so that I could help understand some things.

PS: That's his kitchen.

TW: And what's this?

PS: His -- that is his attic.

TW: That's the attic?

PS: (Nods head affirmatively)

TW: Is that -- what does that go down to?

PS: I think it goes down under the house.

TW: That goes down under the house?

PS: Actually, that's the stairs.

TW: Okay. Did you go down under there when you were ---

PS: No. That's the stairs, actually.

TW: That's the stairs? Okay. All right. What's this room?

PS: I think that is -- that part is -- that part is the playroom.

TW: This part is the playroom?

PS: And then this part is the TV room.

TW: Okay. TV room? And what's that? Is this still the TV room, or is that another room?

PS: I think that's the TV room. That's ---

TW: And then what is this room?

PS: I -- oh, my gosh. That's the playroom.

TW: That's the playroom?

PS: They're both the playrooms.

TW: Okay. Thank you for helping me. Okay. Did anything happen in these rooms?

PS: No.

TW: The stuff you were telling me about?

PS: Yeah.

TW: And you said something that happened in Virginia, and some of it happened in the hotel?

PS: Actually, no, nothing happened.

TW: Nothing in that room?

PS: No.

TW: What's this room?

PS: That's Danny "D" and Carole's (phonetic) room.

TW: Danny "D" and Cara's (phonetic) room?

PS: And that's Danny "D" and Carole's room.

TW: Okay. Both of those are?

PS: Actually, that's Cara's room; that's Danny "D's" room.

TW: Who is Cara?

PS: Cara is the mom.

TW: The mom? Okay. What's this?

PS: That one -- that is the dressed room and that is the laying down room.

TW: That's the laying down room?

PS: Mm-hmm (affirmative). And that's the dressed room.

TW: Dressed room? Okay. What about -- one of these is sideways -- what about this?

PS: That's the bathroom and that's the bathroom.

TW: Okay.

PS: That's upside down.

TW: Yeah. Okay. And what room is this?

PS: That room is the bed and the door and -- that's the door and ---

TW: Who sleeps in here?

PS: Carole -- I think it's both of them, Carole and Danny "D."

TW: Okay. Do you know if anybody sleeps in here?

PS: I don't know.

TW: Okay.

PS: I (inaudible) silly.

TW: What about that one?

PS: That's Baby [redacted]'s room and that's Baby [redacted]'s room. (Inaudible).

TW: Okay. And what's this one?

PS: That room is ---

TW: This one.

PS: That's Minor 3 s (phonetic) room and that's Minor 3 s room.

TW: How old is Minor 3

PS: I think he's four or nine. Yeah, he's nine.

TW: He's nine?

PS: Yeah. I think he's five.

TW: You think he's five?

PS: Yeah.

TW: How old is Baby Minor 4 ?

PS: Two.

TW: Two? Okay. So Minor 3 is five and Baby Minor 4 is two; is that right?

PS: Right.

TW: Okay.

PS: Which one is two?

TW: Baby Minor 4 . What about this room; what's that?

PS: That one was the working room, and that one's the working room, too.

TW: Working room?

PS: Working room, working room, work, work, working room.

TW: Thank you for helping me understand what rooms those are. Okay. Now ---

PS: You know I (inaudible) draw me (inaudible).

TW: Okay.

PS: But you don't have to draw my body, because I can.

TW: Okay. You want me to do like the other one?

PS: Yeah. I'll draw the rest.

TW: Okay. And you draw the rest? And remember, you use these pictures to show me what kind of things happened.

PS: Yes, I remember. They look like ginger bread mans.

TW: Yeah, they kind of do. You want that one to be you?

PS: Yeah. And that one's ---

TW: Danny "D." Okay.

PS: Thank you.

TW: You're welcome.

PS: These aren't the same pens. Here's where I'm bringing red, because I have red hair.

TW: Yep. You want the red one?

PS: That's pink. Ooh, that one's red.

TW: Mm-hmm (affirmative), I think it is. Let's see.

PS: Oh, yeah, it is. It's a little bit pink.

TW: How about this one?

PS: Let's see if this one is. Oh, yeah, it does.

TW: Okay.

PS: I think -- and now I'm going to draw Danny "D's" hair. His hair is a little bit brown.

TW: A little bit brown?

PS: Oh, I forgot to draw my ears.

TW: That's okay. You can draw them.

PS: (Inaudible) There, that's my necklace.

TW: That's your necklace? What about your other body parts?

PS: Ooh, I forgot -- that's his big part of his hair ---

TW: Okay.

PS: --- and that's his little part.

TW: Okay.

PS: It sounds like somebody is knocking ---

TW: It does.

PS: --- at the door. I'll add purple eyes.

TW: Okay.

PS: (Inaudible) I forgot the nose, button nose. I (inaudible) to have a sad face on.

TW: Who has a sad face on?

PS: That's how I'm just (inaudible). That's me and that's him.

TW: Okay. And remember, the way that you help me understand ---

PS: Watch this.

TW: I see you're making silly sounds. --- is, you circle for me the places where ---

PS: Oh, I forgot. There.

TW: Okay. Circle -- let's use a different color crayon,

so I'll know what you're showing me. We haven't used orange yet. How about orange?

PS: We never drawed orange.

TW: No. I'm saying you could use that to circle for me the places where ---

PS: I'll circle with this.

TW: --- you were touched -- this is you -- and circle the places where you were touched.

PS: I was sad.

TW: Okay. And where else were you touched?

PS: That's it.

TW: There were other things you were showing me before.

PS: That's it, I think. That's it.

TW: Is that it, or are there just other parts you don't want to talk about?

PS: Hmm-mm (negative). That's it.

TW: What about on Danny "D"; what did he -- circle the things he used.

PS: I'm going to put the pen back.

TW: Okay. Now, you'll remember that this is -- this one is Danny "D."

PS: I can write my name ---

TW: Okay. And you ---

PS: --- just ---

TW: --- write your name.

PS: Watch this. That's a "D." I forgot. I'll start all over that day.

TW: You can write me one right here.

PS: I'll write it on the back.

TW: Okay.

PS: How do you spell Danny "D"?

TW: D, A, N, N, Y, and D. Okay.

PS: That's a long name. Actually, (inaudible), because D, a, n, n, y, D ---

TW: Mm-hmm (affirmative).

PS: Hang on. I'm going to do my name. See? I wrote it backwards.

TW: You did write it backwards. Okay. Now, finish helping me understand about this picture.

PS: That's -- that's this. All right. I'm going to draw a different -- I've been drawing this one for a long time.

TW: Well, let me ask you something about this one. What on Danny "D" did he use?

PS: Circle and circle.

TW: And what else?

PS: I'm done with this picture.

TW: What were you telling me about that part down there?

PS: (Inaudible)

TW: What happened with that part? Can you draw a line

for me?

PS: A line where? What part?

TW: Did that part go somewhere?

PS: (Indicates)

TW: Okay. Will you do the same thing with the hands? Will you draw a line for me?

PS: (Indicates)

TW: And what about this one?

PS: (Indicates)

TW: Okay. And what about ---

PS: (Indicates)

TW: Okay.

PS: Oh, I forgot to draw the ear.

TW: Okay. Did his ear go somewhere?

PS: It didn't. I'm drawing the ear.

TW: What about -- listen a minute -- what about his mouth; where did it go?

PS: I'm drawing pictures. His hair goes to my -- his hair and ear rhyme.

TW: Okay.

PS: I can rhyme glasses and masks.

TW: Okay. Well ---

PS: Masks and (inaudible).

TW: These kind of things that happened, that Danny was doing that you were telling me about ---

PS: He's not -- he's nice now.

TW: He's just nice now? But what about before?

PS: He was still nice.

TW: He was still nice?

PS: I want to go now.

TW: You want to go now?

PS: I've got this.

TW: [Redacted], you're doing a good job helping me understand. When these kind of things happened, what rooms did they happen in?

PS: I think they happened -- hold on.

TW: Can you use these pictures and show me what rooms they happened in?

PS: I think they -- (indicates).

TW: That room?

PS: I'm going home now. There're going to be some ---

TW: Hold on.

PS: What's ---

TW: Let's finish looking. How about any of these other rooms? Look with me.

PS: That's in the -- that's the only room, the playroom, it happened.

TW: It happened in the playroom? Okay. What about this room, the TV room?

PS: Did you hear that? Watch this.

TW: Yeah, I heard that noise. Did those kind of things happen in the playroom -- I mean in the TV room? See, I got mixed up.

PS: Because it happened (indicates) ---

TW: Okay.

PS: --- in the TV room, and that's it.

TW: Wait a minute. What about the kitchen?

PS: That was it.

TW: What about ---

PS: Let's see if I can (inaudible) this.

TW: What about the den? Didn't you say this was the den? I forgot to write in some of these.

PS: Yeah, that's the den.

TW: That's the den? Okay. Anything happen here?

PS: That's it.

TW: Okay. What about -- and you said this is this table and this is the living room?

PS: Mm-hmm (affirmative).

TW: Anything happen in here?

PS: Actually, that's the den, silly.

TW: That's the den?

PS: (Nods head affirmatively)

TW: Okay. I thought this one was the den. You help me get it right if I get confused.

PS: Actually, that's the living room.

TW: And this one's the den?

PS: Yeah.

TW: Okay. Did anything happen in the living room?

PS: Nothing. Nothing happened.

TW: Nothing in living room?

PS: I really want to go home.

TW: I know you're ready to go. You're doing a great job helping me, [Redacted].

PS: Actually, I'm not going home. I'm going to my Mimi's to spend the night.

TW: You are? Wow, [Redacted].

PS: I can make a W with my hands.

TW: [Redacted], you're working really ---

PS: Watch this. Do that.

TW: Okay. Oh, that is a W. You know so many things.

PS: And I can make an A.

TW: You can make an A?

PS: But I can't do a line, because it makes a triangle.

TW: Oh. [Redacted], has anybody else done these kind of things to you?

PS: (Shakes head negatively)

TW: Did anybody tell you what to say about Danny "D"?

PS: I don't know.

TW: Did anybody tell you to talk about these things?

PS: I don't know.

TW: I know you're ready to go, but you're doing a good job helping me work and figure things out. If I ---

PS: Watch this. I'm okay.

TW: You're okay? Okay. You're silly.

PS: I am a robot.

TW: You are a robot?

PS: I need a (inaudible).

TW: Look at this ---

PS: I'm (inaudible).

TW: --- a minute, [Redacted]. If you look at these pictures, if I let you draw on these pictures, can you show me where you would be at and where Danny would be at? You think you could do that?

PS: I think I can't. Birthday cake, birthday cake.

TW: From looking at the book? Where would Cara be at when Danny did those kind of things? Was she home, or somewhere else, or where would she be at?

PS: She would be at -- I don't know.

TW: Okay. Would she be home when Danny did these kind of things?

PS: I don't know. She'll be at work when she does that -- when he does that.

TW: Oh. Where does Cara work?

PS: She works at Virginia.

TW: Virginia? Okay.

PS: Actually, she works at China.

TW: Okay.

PS: I like -- I liked the Disney movie ---

TW: You did? Look at this. Do you think you could draw on these for me?

PS: (Inaudible) Cool pens. I didn't even use that pen.

TW: Mm-hmm (affirmative).

PS: This pen ---

TW: That one didn't write too good.

PS: Oh, yeah. I forgot.

TW: Do you want to see if that one writes?

PS: Yes, I'll see.

TW: Okay.

PS: I'll write on a piece of paper. It works.

TW: Okay. Do you think -- that one might work on the pictures. Do you think you could show me -- wait a minute. Listen. Listen. This is for showing, so I want to make sure you understand. Do you think you could show me, when this kind of stuff would happen, where would you be at and where would Danny be at?

PS: I will be at different pictures. I will be right here.

TW: Okay.

PS: That works.

TW: Okay.

PS: There's going to be a little scribble right there.
TW: Okay. And where would Danny be at?
PS: Right there, I think.
TW: So in this same spot in the room?
PS: Actually, I was right there.
TW: Okay.
PS: I'll make a star. I made a star.
TW: What about in this one?
PS: Cara.
TW: But when this kind of stuff would happen? This kind of stuff.
PS: Cara did it too. Cara, and I was right -- some of this room ---
TW: Cara did what?
PS: She spanked me.
TW: She spanked you?
PS: And I was hiding.
TW: And you were hiding?
PS: Under [redacted] bed.
TW: Under Danny "D's" bed?
PS: No. [redacted] bed.
TW: [redacted] bed?
PS: Look. Watch this. I'm drawing my pinkie. Look ---
TW: The stuff that happened with Danny "D," how old were you?

PS: I was -- I was still four.

TW: You were still four?

PS: And then for my birthday, I'm going to be five. I can't do a (inaudible).

TW: When -- last time, you were telling me something about your mouth. What was that about?

PS: Somebody bited me.

TW: Somebody bited you?

PS: Yeah. They bited and done that. I'm ready to go home -- I mean my Mimi's.

TW: You're ready to go to your Mimi's?

PS: Actually, look what happens.

TW: I see. You put it right there?

PS: I'll put ---

TW: Let's see. Will you write your name on the back of this one ---

PS: I'll try.

TW: --- for me?

PS: Which one; this one or this one?

TW: On the back of this one.

PS: The bugs one?

TW: Mm-hmm (affirmative).

PS: Why?

TW: So that I'll remember you did that one.

PS: Because you'll really keep it?

TW: Mm-hmm (affirmative). Or you can -- if you want to take it downstairs, you can.

PS: I want to.

TW: You do want to?

PS: Because I want to give it to my mom and Mimi. This pen -- this pen keeps breaking. Oh, I made a hole. I made a hole.

TW: You made a hole?

PS: Oh, I messed up the picture of my bug.

TW: Okay. Now I'm going to go back out and try to find one thing ---

PS: And then I'm going?

TW: Yes. Yeah. But you can finish drawing in the meantime.

PS: What's on this side? Okay.

TW: That's a paper you had. I'll be back, okay?

PS: I'll draw -- I think this pen keeps breaking.

TW: That one may not be a good one to use. Let's find another one.

PS: I already have one.

TW: Okay. Okay. I'll be right back, Miss [Redacted].

[Interviewer leaves the room at 11:07:28]

[Interviewer reenters the room at 11:08:31]

TW: [Redacted]? There you are, silly girl. Okay. Come here. What did you draw?

PS: I did.

TW: What's this?

PS: A ladybug and me.

TW: Wow.

PS: I (inaudible).

TW: Okay. Come here. I have some real pictures to show you. These are not for drawing on; these are just to make sure I understand some people right, okay? Let me find them. Okay. Tell me who is in that picture.

PS: Me, Daddy and Minor 2. That's Minor 2 that's me, and that's my daddy and that's my mama.

TW: Okay. Now tell me who's in that picture.

PS: That's me, that's Danny -- that's really Danny "D" ---

TW: That's really Danny "D"? Okay. I just wanted to make sure I understood that right. Okay. So ---

PS: I showed you what he looked like.

TW: You did show me what he looks like. I wanted to make sure I understood that right.

PS: And what does the other pictures look like?

TW: And this is ---

PS: Butterfly.

TW: --- a butterfly?

PS: Me.

TW: [Redacted], are there any other things you need to

tell me about today?

PS: Probably you can't see that little dot right there.

TW: A dot right there?

PS: Probably you can't see it, can you?

TW: Barely see it, just barely.

PS: Can you see that one?

TW: Mm-hmm (affirmative).

PS: Can you see that one?

TW: Barely. That's really hard to see. Are there any other things you need to tell me about ---

PS: What are ---

TW: --- today?

PS: --- those other pictures?

TW: Which other pictures?

PS: That you had in that book.

TW: The real pictures?

PS: No. What else do you have?

TW: That's all I have, except for the pictures you drew for me before.

PS: I didn't see Danny "D." I didn't see that one.

TW: You didn't see it?

PS: (Shakes head negatively)

TW: Is there anything else you need to help me understand about Danny "D"?

PS: No.

TW: Do you like talking about Danny "D"?

PS: I'm ready to go home.

TW: You're ready to go home? Okay. Well, thank you for coming to see me today. And you remember you're not in trouble for anything. You just do a good job helping me understand things.

PS: I scribbled.

TW: And that's my job, okay, Miss [Redacted]? I see you scribbling. Can you put the lid back on that?

PS: Oh. I have to take ---

TW: That's okay. I'll get it. I'll get it.

PS: Hold on. There's some (inaudible) pictures I -- I'll leave these (inaudible) pictures.

TW: Okay.

[11:11:38]

State of South Carolina

County of Greenville

Certificate

This is to certify that the foregoing transcription of a recorded interview of Minor Child "PS" on May 6, 2011 was completed by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, using a digital video file provided by the Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys in any matter concerned with this transcription, and is not in any manner interested in any such matter, financial or otherwise.

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In witness whereof, I have set my hand and official seal.

DATE: August 16, 2018

Vickie J. Stewart, CVR
Court Reporter and Notary Public for South Carolina
My Commission Expires: 01/15/25

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

FAMILY COURT
2010-DR-42-03372

HEATHER JOLLEY AND DAVID JOLLEY,
PLAINTIFFS,

vs.

DANIEL SPADE,
DEFENDANT.

TRANSCRIPT OF RECORD

VOLUME I

October 15, 2012
Spartanburg, South Carolina

B E F O R E:

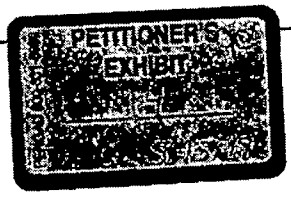
THE HONORABLE JAMES F. FRALEY, JR., JUDGE.

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Circuit Court Reporter



I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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All Exhibits were retained by the Clerk of Court for Spartanburg County.

PROCEEDINGS

THE COURT: Yes, sir, Mr. Brannon.

MR. BRANNON: Your Honor, this is the matter of Heather Jolley and David Jolley v. Daniel Spade. It's case #2010-DR-42-3372.

Your Honor, we'll be moving forward today on the amended complaint that was filed on January 9, 2012.

Your Honor, before we get started in this matter, I would move to sequester witnesses in this case.

THE COURT: Any objection, Mr. Shabel?

MR. SHABEL: None, Your Honor.

THE COURT: Ms. Wolf?

MS. WOLF: None, Your Honor.

THE COURT: If you are a potential witness in this case --

Who's your first witness?

MR. BRANNON: My first witness is Tab Webber, Your Honor.

THE COURT: Okay. If you are a potential witness in this case, except for Tabitha Webber, and you are not a party to this case -- parties may stay -- I'm going to ask you to leave at this time. I'm, also, going to place a gag order on all -- everybody in the courtroom that this case is not to be discussed with any witness until this case is concluded.

MR. SHABEL: Thank you, Your Honor.

(Pause.)

MR. BRANNON: Your Honor, I --

THE COURT: And I want -- several people just left. All, the attorneys, just make sure you look and make sure there are no potential witnesses in the courtroom, other than the parties and Ms. Webber.

MR. BRANNON: Your Honor, I want to make it clear, there is one lady in the courtroom. She's here from Virginia. We had her on our witness list, but I told Mr. Shabel we no longer intend to call her as a witness. So that's why she is in the courtroom.

THE COURT: Okay. What is her name?

MS. MOORE: Shavon [phonetic] Spurlock, Your Honor. She's the social worker in Virginia.

THE COURT: Okay. Ms. Spurlock will not be a witness, so she's entitled to stay in the courtroom.

MR. BRANNON: Your Honor, my next motion -- myself and Ms. Moore have tried to keep Mr. Shabel up-to-date on the procedure of our case. We sent him a witness list. In fact, we updated that witness list with Ms. Spurlock's name.

At this point, Your Honor, I have not been provided a witness list by Mr. Shabel. I don't know who he intends to call.

So, Your Honor, I would move the Court to prohibit Mr. Shabel from calling anyone as a witness in his case with the exception of his client, who is a party to the action.

THE COURT: Mr. Shabel.

MR. SHABEL: Your Honor, neither Mr. Brannon, nor Ms. Moore sent me interrogatories, the standard interrogatories where they could have very easily asked what the standard discovery was, give me a list of your witnesses. They chose not to do that.

The last pre-trial order in this case was filed on May 15th of 2012. We were before Judge Sinclair. And there is nothing in there requiring that a witness list be transferred over. None of the witnesses that I intend to call are experts. The only witnesses that I really intend to call, other than my client, are either, A, on Mr. Brannon's very list or my client's father.

THE COURT: Mr. Brannon, do you have any authority in support of your motion?

MR. BRANNON: Well, Your Honor, I believe the calling of Mr. Spade's father would be overly prejudicial since I have not had the opportunity to prepare for his testimony.

But as far as authority, no, Your Honor. And I will -- I want the Court to be aware that everything that Mr. Shabel said about the discovery process is true. And,

in fact, Mr. -- Judge Sinclair's order did not require the exchange of a witness list. So I don't have any authority upon which I stand, other than the potential prejudice that Mr. Spade's father's testimony could provide in this case.

THE COURT: Your motion is denied.

MR. BRANNON: Thank you, Your Honor.

Your Honor, co-counsel, Ms. Moore, and I have filed a 19-1-180 motion in this case. We do so to protect the minor child involved in this matter. We do not believe it's in her best interest that she be required to testify in this case.

And, based on our filing of the 19-1-180 motion, Your Honor, I would intend to call Ms. Tabitha Webber with the Children's Advocacy Center at this time.

MR. SHABEL: May it please the Court, Your Honor.

THE COURT: Mr. Shabel.

MR. SHABEL: Your Honor, before the witness testifies, I would object to the 19-1-180 motion being heard so far as it's my understanding and belief that Section 19-1-180 applies only to actions instigated by the Department of Social Services in any county of the state.

THE COURT: Where does it say that?

MR. SHABEL: Your Honor, it does not state that in the actual statute, but I cite statutory interpretation.

I have one case to present to the Court as well.

THE COURT: Yes, sir.

MR. SHABEL: Number one, Your Honor, an action brought to Title 63 concerning an act of alleged abuse or neglect is defined by 63-7-20. 63-7-20 is the standard definition statute that is designed primarily for the purpose of DSS abuse and neglect.

And I don't believe it was the intent of the legislature to open up Section 63-7-20 for private actions involving custody of a minor child when very, specifically, Your Honor, it is the preference of the Court that children not be brought into the Court to testify in private custody matters.

THE COURT: But doesn't 19-1-180 help prevent bringing a child into court to testify?

MR. SHABEL: It's the testimony that would be presented of the child against the parent. Whether it comes in from the child, actually, testifying or a child's statement, it's irrelevant.

Your Honor, I'm handing the Court South Carolina DSS v. Wilson, 352 S.C. 445, 574 S.E.2d 730. It's the Supreme Court's ruling in 2002. Your Honor, I would refer the Court to the first column on Page 4 that I've handed you.

THE COURT: Let me get there.

(Pause.)

THE COURT: All right.

MR. SHABEL: And the second complete paragraph that begins, South Carolina code. It's in the left column.

THE COURT: Yes.

MR. SHABEL: South Carolina code annotated Section 19-1-180 provides for the --

MR. BRANNON: Excuse me. Our case -- I have a copy of the case, but it's different.

MR. SHABEL: I just handed you --

MR. BRANNON: Okay. I got you.

Thank you.

MR. SHABEL: You're welcome.

South Carolina code annotated Section 19-1-180 provides for the admission of out-of-court statements made by a child who is less than 12 years old or who functions cognitively, adaptively, or developmentally under the age of 12 at the time of the Family Court abuse and/or neglect proceeding. This is not an abuse or neglect proceeding as brought by the Department of Social Services.

THE COURT: Is that the issue that was, actually, on appeal?

MR. BRANNON: No, Your Honor. That's dicta.

MR. SHABEL: I believe it's dicta, Your Honor, but I think it's important of dicta. And I, also, think the Court needs to be aware that, as of this moment, there's

been no ruling in the Department of Social Services case. Although, I will tell the Court on Friday afternoon at 5:45, I was contacted by the Department of Social Services in Greenville saying, we filed an action -- an intervention action against your client. Would you accept service?

So there's an action already pending in Greenville County Family Court that can address this very same issue, Your Honor.

THE COURT: Well, the --

Did you want to respond, Mr. Brannon?

MR. BRANNON: Only, Your Honor, the case that -- we have Wilson, Your Honor. It just printed out in a different column. That's why it took me a second to find it. Your Honor, that's not the holding in that case. That's just dicta.

Your Honor, I am relying completely on the statute itself. And it simply says --

THE COURT: 19-1-180?

MR. BRANNON: 19-1-180, yes, Your Honor.

A Family Court proceeding brought pursuant to Title 63 concerning an alleged act of neglect as defined in 63-7-20. Well, Your Honor, 63-7-20, clearly, defines sexual abuse. And we are alleging one of the grounds for termination is the severity and degree of the abuse put

upon the child. We're alleging sexual abuse in this case. It's, clearly, the termination action -- the termination portion of this action is, clearly, filed under Title 20 -- Title 63.

Your Honor, for the record, both adoption and termination are actions filed under Title 63.

THE COURT: Well, basically, it says -- 19-1-180(a) says it applies to an action where a child under the age of 12 is not able to testify for various reasons at the time of a Family Court proceeding.

MR. BRANNON: Correct.

THE COURT: At the time of a Family Court proceeding brought pursuant to Title 63. Your action is for termination of parental rights.

MR. BRANNON: Correct.

THE COURT: And that's Title 63, is it not, Mr. Shabel?

MR. SHABEL: It is, Your Honor.

THE COURT: Okay. Concerning an act of alleged abuse or neglect. So I think the question is whether the TPR action where that is alleged as a grounds for termination of parental rights is an act of alleged abuse or neglect. They're talking -- are they talking about the action itself?

MR. BRANNON: I believe they are.

MR. SHABEL: I believe it's vague. And I believe you have to go to the intent of the legislature. And I don't believe the intent of the legislature was to involve this action to private custody or termination.

THE COURT: I've never had this issue brought up before. I've had 19-1-180 in many cases, many DSS cases. But I don't think I've ever had a private --

MR. BRANNON: Your Honor, statutory construction is the controlling rule here. Your Honor, it's not the intent of the legislature. It's statutory construction. It says, A Family Court action. It doesn't matter who brings it.

THE COURT: Under Title 63?

MR. BRANNON: I'm sorry.

THE COURT: Under Title 63?

MR. BRANNON: Under Title 63, a Family Court action. It doesn't say who has to file it. It doesn't say who has to bring it. It doesn't limit it. It says a Family Court action.

THE COURT: Anything else you want to say, Mr. Shabel?

MR. SHABEL: Mr. Brannon has correctly stated part of the statute, but not all of the statute. A Family Court proceeding brought pursuant to Title 63 concerning an act of alleged abuse or neglect, concerning an act of alleged

abuse or neglect.

Does that mean it has to be -- you could just cite it somewhere in the complaint, or does that mean it has to be the focus of the complaint? I think that's where the vagueness comes in. And I think that's where the statutory argument comes in, because the statute is not clear.

MR. BRANNON: Your Honor, until Ken got to the --

THE COURT: Well, it, certainly, concerns -- it doesn't say -- what does concern mean?

MR. SHABEL: Exactly, Your Honor.

MR. BRANNON: In this case, it concerns the sexual abuse of Minor Victim

MR. SHABEL: It concerns the termination of my client's parental rights.

THE COURT: Well, it's a close call. I'm going to overrule your objection.

MR. SHABEL: Thank you, Your Honor.

MR. BRANNON: I call Ms. Tabitha Webber.

WHEREUPON,

TABITHA WEBBER,

after first having been duly sworn, testified as follows:

THE COURT: Thank you, ma'am.

Please have a seat.

MR. BRANNON: May it please the Court.

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. BRANNON:

Q Ms. Webber, where do you work?

A At the Children's Advocacy Center in Spartanburg.

MR. SHABEL: Your Honor, at this time, I have another motion.

THE COURT: Yes, sir.

MR. SHABEL: I would like to exclude this witness from testifying based on a conflict of interest.

If I may briefly, Your Honor. This is not -- normally, this would not be appropriate. But I would note that the parties prior record does reference this.

Back in 2007, these parties went to mediation. Lynn McMillan conducted the mediation. Lynn McMillan is an employee of the Children's Advocacy Center, along with Ms. Webber, and I believe does, also, have some supervisory role. So I don't believe this witness can testify due to a conflict of interest.

THE COURT: Doesn't that go to the credibility of the witness, rather than qualification?

MR. SHABEL: I think it goes to the ability of this witness to conduct an expert testimony involving a child that someone else at that agency mediated for visitation. Yes, I believe it does go to --

THE COURT: Do you have any authority for that?

MR. SHABEL: No, Your Honor.

THE COURT: Mr. Brannon.

MR. BRANNON: I think Mr. Shabel would have to prove that there was an exchange of information between these two employees. Ms. McMillan and Tabitha Webber are not attorneys. They don't have the same prohibitions that we as attorneys do. Ken could have -- Ken has the burden to prove that there was some sharing of information that would have benefited her and the investigation and could have affected the outcome of her evaluation.

THE COURT: Lynn McMillan had what role in the case?

MR. SHABEL: Lynn McMillan mediated visitation back in -- I believe it was in October of 2007. I don't want to misquote the date. But she mediated the case and got the parties to agree to a visitation schedule. Ultimately, it led to -- ultimately, there was another action filed shortly after that mediation, but we'll get to that later.

THE COURT: What's the purpose of this witness?

MR. BRANNON: Your Honor, Tabitha Webber conducted the forensic interview wherein the child disclosed sexual abuse by Mr. Shabel's client. There were, actually, five interviews conducted.

But, Your Honor, I need to back up just a little bit.

I think that this motion, quite frankly, is disingenuous in that Mr. Shabel represented Mr. Spade at the time of this mediation and was -- I would -- he had to be, at least, partially involved in the selection of the mediator.

So, now, he's making -- he's using one of his decisions from four years ago, maybe five years ago to prevent me from calling an integral witness in the case.

MR. SHABEL: By the time my client became aware that these charges were against him, the child had already seen Ms. Webber five times with -- without my prior knowledge. Had I known that this was happening before the forensic interview process began, I would have stood up and objected.

THE COURT: In the prior case, Ms. McMillan was a mediator?

MR. SHABEL: Yes, Your Honor.

MR. BRANNON: The only issue before the mediator, at that point, was what, if any, visitation Mr. Spade should have.

THE COURT: Overruled.

MR. BRANNON: Thank you.

MR. SHABEL: I reserve the right to readdress that motion on cross-examination and determine what involvement Ms. McMillan had.

THE COURT: Yes, sir.

BY MR. BRANNON:

Q Ms. Webber, you work at the Children's Advocacy Center; is that correct?

A Correct.

Q What is your title?

A I'm the clinical director and forensic evaluator.

Q How many staff members are employed at the Children's Advocacy Center?

A We have contract therapists and forensic interviewers. But, on staff, there's probably about five.

Q And how many contract employees?

A Probably about 12.

Q And you are the clinical director. So does that mean that you oversee the 12 contracts and the other four employees?

A Yes.

Q Okay. Thank you.

Please tell the Court where you got your undergraduate degree.

A The University of South Carolina.

Q And what was that undergraduate?

A Psychology.

Q Do you have any postgraduate degrees?

A Yes, a Master's Degree in Social Work. And I'm a

licensed independent social worker in clinical practice by the State.

Q And when did you get your Master's Degree?

A In 1998.

Q Okay. And after you get your Master's Degree, do you have to do some additional training before you get your LSI?

A LISWCP?

Q Yeah.

A Yes.

Q What additional training after graduation with a Master's Degree did you do?

A Two years of training under supervision, under a supervisor for licensed independent social worker.

Q Now, what does a licensed independent social worker do? And, specifically, I want to ask you, are there categories or different specialties within that classification?

A You specialize based on the training. And it's not separated out within the licensure.

Q And based on your license and your training, what type of -- what is your specialty?

A Children, child abuse, pediatric therapy, pediatric psychotherapy, and forensic assessments.

Q Thank you for that.

You're helping me.

Now, tell me what training you had postgraduate to get you to where you are now to your specialty.

A I've had over -- probably 500 to 1,000 hours in forensic interviewing and child development linguistics, child abuse, child neglect, pediatric psychotherapy, and play therapy.

Q Okay. What is a forensic interview?

A A forensic interview is a non-leading, non-suggestive assessment when there has been an allegation of sexual abuse, physical abuse, or witness to a violent crime.

Q All right. Do you subscribe to any publications, treatises, or any of those things?

A Well, I'm a member and get publications from the American Professional Society on the Abuse of Children, as well as NASW, the National Association of Social Workers.

Q And to maintain your license, are you required to take additional annual training? As a lawyer, we have to do CLE's. Do you guys have to do those things?

A Yes.

Q Okay.

A We do as well.

Q And what number of hours per year are you required to do?

A 20 per year.

Q And do you maintain those 20 hours each year?
A Yes, I do.
Q All right. In your role at the Children's Advocacy Center, not in your administrative role, but as a therapist or as an interviewer, do you see both adult and children patients or clients?
A As a forensic interviewer, I interview parents. But I do the forensic assessment on children only.
Q All right. Do you treat adults and children?
A Just children.
Q So you -- your practice is specialized to children only; is that correct?
A Yes.
Q And how long have you been able -- how long have you been in practice on your own, meaning with no one supervising you?
A I have been a licensed independent social worker since, I believe, 2006 or 2007. I've been licensed by the state for 14 years.
Q And during the 14 years, do you have an estimate of the number of children that you have interviewed in the forensic interview setting?
A Over 700.
Q Okay. Have you ever been admitted as an expert in a court in the State of South Carolina?

A Yes.
Q Was it in Family Court?
A Yes.
Q Have you, also, been admitted as an expert in General Sessions?
A Yes.
Q Have you ever been admitted in a court outside of the state courts of South Carolina?
A No.
MR. BRANNON: Your Honor, at this point, I would move to admit Tabitha Webber as an expert in the area of child abuse assessment and interviews.
THE COURT: Mr. Shabel?
MR. SHABEL: No objection to the offering as stated.
MS. WOLF: No objection, Your Honor.
THE COURT: I so find.
BY MR. BRANNON:
Q Ms. Webber, do you happen to know a child named Minor Victim [redacted]
A Yes, I do.
Q Now, Minor Victim is not her first name; right?
A Right.
Q What's her first name?
A Kimberly.
Q How did you get to know -- how did you come to know

Minor Victim [redacted]

A She was referred to the Children's Advocacy Center for forensic assessment. And I conducted that forensic assessment.

Q Now, what you just said is very important. She was referred?

A Right.

Q Who was she referred by?

A Kim Rosborough from Turning Leaves Therapy group.

Q Now, in your role as a forensic interviewer, you don't advertise for abused children, do you?

A No.

Q Okay. You get referrals; correct?

A Correct.

Q Who are those referrals, typically, made by?

A Law enforcement, the Department of Social Services are, typically, who our referrals come from. Sometimes a pediatrician or emergency room will call, but usually law enforcement or DSS.

Q In a given year, if you -- and I'm asking from zero to 100 percent. In the calendar year 2011, what percent of your referrals came from the Department of Social Services? And I understand that's an estimate, please.

A An estimate would be probably about 45 percent.

Q And what percent then came from law enforcement?

A Probably another 50 percent.
Q Okay. So you're looking at a margin of about five percent referrals that came from other than DSS or law enforcement?
A That would be correct, yes.
Q Okay. So is it -- did the fact that -- Kim Rosborough, who is not an employee of DSS and who's not a law enforcement officer, did the fact that she referred this child to you, did that stand out in your mind?
A Yes. Because it's unusual to get a referral from a therapist, as opposed to DSS or law enforcement.
Q Okay. When you got the referral from Ms. Rosborough, how much information came along with the referral?
A Very little information. It was just that there were some concerning statements that had been made to a family member and that law enforcement -- we always question why there has not been -- law enforcement or DSS has not been involved when we get a case.
Q When you were -- when Minor Victim was referred to you, is it true that law enforcement had not yet been called?
A That's true.
Q Okay. Now, when did you first meet with Minor Victim
A On April the 7th of 2011.
Q Okay. How long did that meeting last?
A Probably about 40 minutes or so would be an estimate.

Q During your first interview with Minor Victim how old was she?

A She was four years old.

Q Okay. Did she make a disclosure of sexual abuse or abuse of any kind by anyone?

A During that session?

Q Yes.

A She talked about a little boy at school. But then she, also, said there were other things that she did not want to talk about.

THE COURT: Just a minute, Mr. Brannon. I think we need to clarify, on the record, what we're doing now. It's my understanding from our conference in chambers that this case is, I guess, in a sense bifurcated.

MR. SHABEL: That's correct.

THE COURT: The first part of the bifurcation is totally to determine whether or not any hearsay statements of the child are admissible.

MR. SHABEL: That's correct, Your Honor.

And that's why I'm not standing up and objecting.

THE COURT: I just wanted to make sure the record is clear, because I'm not sure we put that on the record.

MR. SHABEL: No, we didn't, actually. We did talk about it in chambers. We're bifurcating.

THE COURT: Okay.

MR. BRANNON: But, Your Honor, I imagine that my friend and colleague. Mr. Shabel, is going to give this witness a hard time because she saw Minor Victim five times. So I'm going to take the Court through the five visits so you know the process so that he doesn't poke holes.

THE COURT: I'll consider all of Mr. Shabel's objections. Until he objects, you're fine.

MR. BRANNON: Okay.

BY MR. BRANNON:

Q During the first visit, I asked you if she disclosed any abuse by any person, and you said she named a classmate; correct?

A Right, right.

Q But then she allegedly said there were some things that she didn't want to talk to you about; is that correct?

A Well, she, specifically, mentioned Danny D.

Q During your series of interviews with Minor Victim did you come to find who the person Danny D is?

A Yes.

Q And who is Danny D?

A Daniel Spade, her biological father.

Q Thank you.

But in the first interview, Danny D, she didn't want to talk about that; correct?

A No, she did not.
Q How long?
A Again, probably around 40 minutes.
Q Now, I want to ask you, are there procedures -- are you trained to conduct your interview in any typical -- under any typical method or methodology?
A Yes.
Q What is that methodology?
A To ask questions that are not leading, that are not suggestive, and to go at the child's pace. If the child begins to shut down and is ready to go, I have to respect that.
Q All right. Did you follow your methodology and your training during the first interview?
A Yes, I did.
Q And did you follow that methodology and training in each subsequent interview with Minor Victim
A Yes, I did.
Q Okay. When did you meet with her a second time?
A It was the following day on April the 8th.
Q Okay. Now, is it typical to meet with children on successive days?
A Young children, yes.
Q How long did the second meeting last?
A The second meeting was probably a little bit longer,

but similar time frame.

Q All right. I'm going to ask you again. During the second meeting, did you follow your methodology?

A Yes.

Q Did you ask appropriate, non-suggestive questions?

A Yes.

Q And during the second interview, did Minor Victim open up to you about Danny D?

A Yes, she did.

Q Did she make a disclosure of sexual abuse?

A Yes, she did.

MR. SHABEL: Objection, Your Honor.

THE COURT: What's your objection?

MR. SHABEL: It calls for a legal conclusion and bolstering of witness.

THE COURT: Sustained.

Rephrase.

MR. BRANNON: May I be heard, Your Honor?

THE COURT: Yes, sir. I'm sorry.

MR. BRANNON: I'm very aware of the current case law. I can't ask a question about did she make a credible disclosure, but I can absolutely ask her if she made a disclosure.

THE COURT: You can ask that question. That's not what you asked.

MR. SHABEL: He asked did she make any disclosure of sexual abuse. That, he cannot ask.

THE COURT: And that's why I sustained.

BY MR. BRANNON:

Q Did Minor Victim make a disclosure during the second interview?

A Yes, she did.

Q Was she specific as to the perpetrator?

A Yes, she was.

Q Who was that perpetrator?

A Danny D.

Q I want to go back -- and I'm going to bounce --

MR. BRANNON: First off, forgive me for arguing that point, Your Honor. I'm sorry.

THE COURT: I should have given you an opportunity. That's okay.

BY MR. BRANNON:

Q Do children -- does age play a role in forensic interviewing and disclosures?

A Absolutely, yes.

Q At this point, you moved from the first interview to the second interview. Minor Victim is four years of age. Did the interviews progress as you might expect, based on your education, experience, and expertise?

A Yes, they did.

Q Okay. At the time of the second interview and the disclosure that was made by Minor Victim did you have any indication that coaching had been -- that Minor Victim was under the influence of coaching by anyone?

A I did not have it, but I was still assessing her at that time.

Q Okay. So you didn't have it, but you were still looking; is that correct?

A Yes.

Q All right. The disclosure made by Minor Victim in the second interview, was it made in appropriate language? In other words, age-appropriate language?

A She did use very age-appropriate language. And, actually, she would -- she was the kind of child that would demonstrate some things. Because she didn't necessarily have the terminology to describe what she was trying to communicate to me.

Q Okay. So it was age appropriate and, sometimes, it was demonstrative, rather than spoken; correct?

A Correct.

Q All right. Did she express to you knowledge of an event that maybe a typical four-year-old would not have?

A Yes.

Q Let's move to the third interview. When did that take place?

A On April the 12th.
Q Okay. How long did it last?
A Approximately around the same time. That one may have been a little bit longer.
Q Did you follow your same procedures and your methodology?
A Yes, I did.
Q Did Minor Victim make a disclosure in the third interview?
A She did. She continued to disclose.
Q In her continuing to disclose, was she specific as to a person?
A She was.
Q And who was that person?
A Danny D.
Q Was she specific as to a location where this allegedly took place?
A Yes.
Q And what was the location?
A The hotel, and his home in Virginia.
Q Thank you.
So she, actually, gave two locations; is that correct?
A Correct.
Q Now, I want to go back. I'm jumping, but you said that in the first interview, she named another child, a

classmate?

A Correct.

Q You're now into your third interview. Have you been able, based on your experience and expertise, to eliminate the classmate as a potential perpetrator?

A Yes.

Q Okay.

A There is a very clear difference between what she is disclosing about Danny D and the classmate.

Q Okay. Now, why would a four-year-old blame another four-year-old for something that an adult had done? Do you know?

MR. SHABEL: Objection, outside the scope of this witness's expertise.

MR. BRANNON: Let me rephrase the question.

BY MR. BRANNON:

Q In your more than 700 interviews with children, have you seen a child similar in age to Minor Victim implicate another child?

A Yes, I have.

Q And based on your experience and expertise, is there training that would lead you to hash that out or to break that apart?

A Well, I've seen children talk about other things that are easier to talk about, especially if they're being

avoidant and do not want to talk about the disclosure itself or what happened to them. They will sometimes use what we call a scapegoat. Because that's easier to talk about.

Q So, based on your experience and expertise, it's not unusual for a child Minor Victim age to name someone else?

A Right. But she did talk about something that Nathan did. It was very different than what Danny D -- she disclosed about what happened with Danny D.

Q So, basically, she was telling you two things that had done -- that had been done that she didn't like by different people?

A Right.

Q Okay. So the statement about Nathan, does it in any way discredit the statements made about Danny D?

A No, it did not.

Q Okay. Now, tell me about Minor Victim affect or her demeanor when she was making these disclosures in both the second and the third interview?

A She would become very avoidant, put her head down, sometimes get up and fidget. She would make sometimes regressive, almost like baby talk at times. She would change her voice. And she was real good at distracting me and changing the subject matter so as not to have to talk about Danny D.

Q And do you believe that talking about these disclosures with you put Minor Victim in a position of duress or stress?

A Yes, yes.

Q Okay. Let's talk about the fourth interview. When was it?

A On April the 14th.

Q Okay. Was there a disclosure made?

A Yes.

Q Talk about the fifth interview, is that the final interview?

A Yes. The fifth interview was on May the 6th, and, specifically, that interview, which, as you can tell, was much later, almost a month later, was to clarify jurisdictional information for locations for law enforcement. And law enforcement had obtained pictures of the home in Virginia. And that session was, specifically, to assess the things that had happened in Virginia.

MR. BRANNON: I'm not moving to admit, at this point, Your Honor. But I may approach the witness?

THE COURT: Yes, sir.

BY MR. BRANNON:

Q Does this appear to be the report that you generated in this matter?

A Yes.

Q And are the photographs that you speak of included in this packet of material?

A Yes.

Q Does it appear that this is a true and identical copy of the original in your file?

A Yes.

Q The photographs of a motel room and of a home allegedly in Virginia, are those photographs that you had at the time of the fifth and final interview?

A Of the home, yes.

Q Okay. Thank you.

Now, was there a disclosure made in the fifth interview?

A Yes.

Q Let's go back to -- you and I had a conversation yesterday, didn't we?

A Correct.

Q When -- at the end of the first interview with Minor Victim you told me something along the lines of she was ready to go; correct?

A Correct.

Q What did she do at the end of the first interview that let you know she was ready to go?

A She stood at the door and clung to the door knob and said, I'm ready to go.

THE COURT: Which interview was that? I'm sorry.

THE WITNESS: The first.

THE COURT: Okay.

BY MR. BRANNON:

Q So Minor Victim was able to let you know what she wanted; correct?

A Correct.

Q All right. You said in the second interview that she did make a disclosure; is that correct?

A Correct.

Q Then in the third interview, there was a disclosure. The fourth interview, there was a disclosure. Was there a disclosure in the fifth interview?

A Yes, but she did not give as much detail. There had been a lapse in time. And, in my opinion, she was done. She was done talking about this. She had -- she was ready to go.

Q I understand. My question now is from the second to the third to the fourth interview, did the disclosures become more graphic?

A Yes.

Q Did they become more detailed?

A Yes. She would give information, and then she could not stay there mentally, emotionally. She would have to go to another place. And she would start talking about

rabbits, or she would start talking about things she liked to do. And I would have to give her a break and talk about other things and be very, very, very patient with her in an attempt to bring her back and clarify and understand what she was telling me. Sometimes, she could come back to it, and, sometimes, she couldn't.

Q She would go to a place and she couldn't stay there?

A Right.

Q And you said emotionally?

A Right.

Q What do you mean by that?

A She would start hiding her face, putting her head down, talking very low, get up, stand in a corner in the room, just avoid. She was not able to continue the discussion.

Q And when you were conducting these interviews, was anyone else in the room, other than you and Minor Victim

A No, no one else.

Q And so talking to you about these disclosures was stressful to her; correct?

A Yes.

Q It was emotional to her; correct?

A Yes.

MR. SHABEL: Objection, leading.

THE COURT: Sustained.

BY MR. BRANNON:

Q Was it emotional to her?

A Yes, it was.

Q Was [redacted] disclosure a disclosure of sexual abuse?

MR. SHABEL: Objection, same objection as earlier. It calls for a legal conclusion and improper bolstering.

MR. BRANNON: Well, Your Honor, if you look at -- under the statute, 19-1-180, under (d)(4), any apparent motive the child may have to falsify or distort the event, including bias, corruption, or coercion. If I can't ask that question, I can't meet that statutory prong.

MR. SHABEL: He's asking her to define it as a legal term of sexual abuse. That's the problem. That's improper under the case law.

THE COURT: Sustained.

BY MR. BRANNON:

Q Okay. Did [redacted] disclose sexual touching?

A Yes, she did.

Q Did [redacted] disclose sexual contact?

A Yes, she did.

Q Okay. I would imagine that there are ways, other than having been sexually abused, that a four-year-old would know about sexual touching?

A Yes.

Q Were you able to eliminate any other way for [redacted]

to have this knowledge than sexual abuse?

A Yes.

Q Please tell the Court how you determined that.

A That she had not been exposed to inappropriate sexual material and her disclosures were of herself. She's not talking about what she saw other people do. She's describing what happened to her body.

Q Did you ever see any of the court orders involved in the case or any other case along with this action?

A No.

Q Did you have the personal information or the personal knowledge that Minor Victim had had visitation with Danny D in a motel and at his house in Virginia?

A Yes.

Q So you had that information; correct?

A Yes.

Q All right. So there is evidence, extrinsic evidence, outside evidence that shows Danny D -- this man was alone with Minor Victim for different periods of time; correct?

A Yes.

MR. SHABEL: Objection -- strike that. I can deal with it on cross. I apologize.

BY MR. BRANNON:

Q All right. Now, I want to go back to your referral. Did Kim Rosborough say sex abuse?

A No, she did not.
Q Did you talk with Heather Jolley?
A Yes.
Q Did she ever say sex abuse?
A No, she did not.
Q Did you talk to David Jolley?
A Yes, I did.
Q Did he ever say sex abuse?
A No, he did not.
Q Did Kim Rosborough tell you that Danny D or Daniel Spade sexually abused this child?
A No, she did not.
Q Did either of those people tell you that?
A No, they did not.
Q Okay. When do kids learn to lie?
MR. SHABEL: Objection. Outside the scope of this witness's expertise.
MR. BRANNON: I'll rephrase the question.
BY MR. BRANNON:
Q Do you have any idea when kids learn to lie?
A Yes.
Q And based on whatever that knowledge is, do children -- do their lies relate to their age and their personal experiences?
A They can.

Q Okay. Do you have -- based on your five interviews with Minor Victim is there any indication that Minor Victim disclosures lack veracity?

A No.

Q Were they age appropriate?

A Yes.

Q Were they specific as to place and person?

A Yes.

Q Were they graphically detailed?

A Yes.

Q Did you find after your five -- let me back up. I asked you at some point early on in direct examination did you find any signs or symptoms of coaching. Do you remember that question?

A Yes.

Q And you said you didn't see them in the first interview, but you were still looking?

A Assessing.

Q Through the five interviews, did you ever find any signs or symptoms of coaching?

A No, I did not.

MR. BRANNON: Approach for a minute, Your Honor?

THE COURT: Yes.

(WHEREUPON, a bench conference was held.)

MR. BRANNON: Your Honor, at this point, I'm going to

ask Heather and David Jolley to leave the courtroom. They've indicated to me that there's certain testimony they don't want to hear, so I'm going to ask them to step out.

THE COURT: Any objection?

MR. SHABEL: No.

THE COURT: That's fine.

(WHEREUPON, Heather and David Jolley exited the courtroom.)

BY MR. BRANNON:

Q Please tell the Court what Minor Victim disclosure was in the second interview.

A I can talk about her disclosures through the whole assessment.

Q Please do it the best way you can. Let me rephrase the question.

A Okay.

Q Please tell the Court about Minor Victim disclosure.

MR. SHABEL: I would object, but I think I know you're going to rule afterwards.

THE WITNESS: She disclosed that Danny D touched her private area, her genital area with his hands, and put it in there. He touched her breasts with his hands. His mouth went on her private and her mouth. Her mouth went on his private. And she said it was yucky and she was

throwing up.

She, also, disclosed that he took pictures of her without her clothes on and, specifically, pointed to her vaginal area and her buttock area. And she disclosed that these things happened at the home in Virginia and in the motel room.

BY MR. BRANNON:

Q You know one of the first requirements of the statute is that this child be under 12 years of age. Is Minor Victim under 12 years of age today?

A Yes, she is.

Q Okay. We've talked about this. You saw stress or duress during the interviews when she was talking about Danny D; correct?

A Yes, I did.

Q Based on your experience not only with Minor Victim but as a forensic interviewer and an assessor of child abuse, do you think that Minor Victim is capable of getting on this witness stand with that man sitting in the courtroom and telling the Court what happened?

A Based on my experience with her?

Q Yes.

A No, I do not.

Q Okay. Do you believe that she is afraid or fearful of Danny D?

A Yes.
Q And do you believe that it would be emotionally traumatic for her to have to get on the witness stand and say those things?
A Yes.
Q Okay. Now, let's talk about a deposition. Have you ever been deposed?
A Yes, I have.
Q So you know that in a deposition, there's a court reporter?
A Correct.
Q And there's a bunch of lawyers?
A Right.
Q And one lawyer gets to go first and then the other lawyer gets to go; right?
A Right.
Q And the people involved in the lawsuit get to be in the deposition, don't they?
A Correct.
Q So would it make any difference if Minor Victim were required to testify in a deposition with Danny D in the room, but no judge or in a courtroom?
A No.
Q Do you believe -- and would that both be for fear and emotional trauma as well?

A Yes.

Q I've hit my shin before and I suffered trauma. I need to know if the trauma that -- if Minor Victim were forced to testify under any means, would that trauma be severe emotional trauma? And I'm asking that question based on your experience, expertise, and time in the seat.

A Yes, based on my dealings with her. Now, I will clarify that I do not have any recent dealings with Minor Victim. I have no idea how she's doing as of today. But based on my dealings with her when I did the forensic assessment, yes.

Q Was Minor Victim specific through these five interviews as to a duration of time when the abuse occurred?

A Well, it's difficult to obtain duration of time. It's more based on location and being able to corroborate the dates and times that she was at those locations. She continued to say things happened when she was age four. However, it's quite possible that she was three during some of those.

Q Right. But she was specific as to a motel?

A Correct.

Q And as to a home?

A Correct.

Q So if we have other evidence to indicate when Minor Victim was alone with Danny D in a motel and when Minor Victim was

alone with Danny D in a home in Virginia, we can narrow the times; correct?

A Exactly.

Q All right. What are some symptoms of fear? When one is afraid to talk about someone or to see someone, what would they -- a child, what would they display?

A Particularly, a child Minor Victim age, they would put their head down, start talking low, put their head in their hands, try to hide their face. They may start crying and not be responsive.

Q Okay. Did Minor Victim display those symptoms of fear in her discussions with you about Danny D?

A She put her head in her hands and she, also, during one session had brought in a stuffed animal that was attached to a little blankie. And she would put the blankie over her head and over her face.

Q So I've asked you about severe emotional trauma if forced to testify. And I asked you, first, do you believe she would be afraid. She displayed the symptoms of fear when talking about Danny D; is that correct?

A Correct.

Q Now, you talked about types of therapy and you talked about play therapy. Did you use pictures to help Minor Victim describe to you what happened?

A Yes, I did.

Q And are those pictures -- are some of those pictures in this package of information?

A Yes, they are.

Q Okay. Can you explain what these pictures mean? Can you do that?

A Yes.

Q Okay. I'll --

MR. BRANNON: May I hand this --

THE COURT: Yes, sir.

THE WITNESS: Typically, during a forensic assessment, I will need to determine what terms children use for different parts of the body. Because I do not want to give them language. I want to obtain their language.

So I will do a general gingerbread drawing and have her label the different parts of the body so I know what terms she uses. And, also, those are used to demonstrate when there is a disclosure what parts of the body were touched and what they were touched with.

So there are drawings in here of Minor Victim There are drawings in here of Danny D. And she's indicating where she was touched and what she was touched with. But she -- not only would she do this to mark it down, she would point to his genital area and then point to her own genital area on her own body. So that's something that

you don't see in the drawings, but you would see in the video, the recorded video of the forensic assessments.

BY MR. BRANNON:

Q And is that both -- is that combination of drawings and pointing, is that age appropriate?

A Absolutely.

Q And does it add to the veracity of the statement?

A Yes, yes. And she very, clearly, described feelings as well. And she would make a frown, a sad face and tears and say that's how she felt when Danny was doing those things to her body.

MR. BRANNON: Your Honor, I'm going to move to admit both the report and photos.

THE COURT: Any objection?

MR. SHABEL: For purposes of the 19-1-180 motion, no objection.

THE COURT: Plaintiff's Exhibit No. 1 is entered without objection for the 19-1-180 motion. It's marked and submitted.

MR. SHABEL: Thank you, Your Honor.

(WHEREUPON, Plaintiff's Exhibit No. 1 was marked for identification and admitted into evidence.)

BY MR. BRANNON:

Q This Court has the ability to find that Minor Victim is not available to testify, based on a substantial likelihood

that the child would suffer severe emotional trauma. I believe you testified that you believe that if she was forced to testify either in Court, or through deposition, or videotape that she would suffer severe emotional trauma; is that correct?

A Yes.

Q I believe you've, also, said that she would be unable to testify because she's afraid of what happened and of Danny D; correct?

A Correct.

Q Because of fear; correct?

A Correct.

Q Okay. Does -- do -- Minor Victim disclosures made over five meetings with you, do they have guarantees of trustworthiness, in fact, specifically, particularized guarantees of trustworthiness?

MR. SHABEL: Objection. Legal conclusion, improper bolstering.

MR. BRANNON: I'm copying a statute.

MR. SHABEL: It doesn't mean she can testify to the statute. That's for the Judge to determine.

MR. BRANNON: Okay. I'll rephrase.

BY MR. BRANNON:

Q Based on what she said, did you believe her?

MR. SHABEL: Objection. Way improper. That's

specific in the case law. He cannot ask that question.

MR. BRANNON: I'll rephrase the question again.

THE COURT: Try again.

BY MR. BRANNON:

Q In her disclosures made to you, were there signals or markers that lead you to believe whatever it was she said was truthful?

MR. SHABEL: Same objection.

BY MR. BRANNON:

Q Okay. Based on your experience as a forensic interviewer, have you learned signs, or symptoms, or signals of false statements?

A Yes.

Q And have you learned signs, signals, or symptoms of truthful statements?

A Yes.

Q Did Minor Victim disclosures to you have those signs, symptoms, or signals of false statements or true statements?

MR. SHABEL: Objection. Same objection.

MR. BRANNON: Your Honor, it's a requirement of the statute. I mean --

MR. SHABEL: Again, just because it's a requirement of the statute doesn't mean this witness can improperly bolster her testimony with her opinion because of her

interpretation of the statute.

MR. BRANNON: I'm not asking her if it's true. I'm asking her if it had the symptoms or the signals of veracity.

MR. SHABEL: It's like saying does this guy look blue to you. You still get the same point.

MR. BRANNON: I'm pretty sure it's the intent of the legislature that I've got to ask some question to get there, though. Okay. Rephrase.

THE COURT: Do you want to rephrase again, Mr. Brannon?

MR. BRANNON: Yes.

BY MR. BRANNON:

Q Are there signals of coaching?

A Yes.

Q What are they?

A Usually, it's a very repetitive statement and there is no detail surrounding it. And it's just one statement, that there's not additional information around it.

Q One broad statement with no fine detail; correct?

A Right.

Q Did Minor Victim disclosures have fine detail?

A Yes.

Q Did she express knowledge of facts that she should not otherwise have?

A Yes. And there was a ring of truth to her disclosures throughout the assessment.

Q If a child has been coached, are they, typically, avoidant of the topic?

A No.

Q In other words, they'll walk in and they'll tell you what they've got to tell you; right?

A Right.

Q And if the child had been coached, tell me the demeanor of a coached child.

A It's -- there's not much there. It's just they come right out and say it. They're kind of flat about it and matter of fact about it. And there's not much emotion behind what they're saying.

Q Okay. Did Minor Victim show appropriate emotion for the disclosures that she made?

A Yes, she did.

Q And was she avoidant?

A Absolutely. Very avoidant, highly avoidant.

Q How many interviews do you, typically, do with each child?

A With this age range, anywhere between one and six, typically, between two and four.

Q Okay. So this was atypical at the top end; correct?

A Four would have been the number of interviews had I

not needed to clarify jurisdictional issues.

Q But either way, it was at the top end?

A Yes. It was at the top end.

MR. BRANNON: No further questions at this time, Your Honor.

THE COURT: Mr. Shabel.

MR. SHABEL: May it please the Court.

CROSS-EXAMINATION

BY MR. SHABEL:

Q Please reread your summary of the specific disclosures this child has made in your forensic interview process. And I want to go one at a time, if I could, because I'm a little slow.

A And, again, this is just a summary. The video should speak for the entirety.

Q I understand.

A That Danny D put his private in her private, and touched her private with his hands, and put it "in there." He touched her breasts with his hands. His mouth went on her private and her mouth. Her mouth went on his mouth -- I'm sorry, his mouth went on her private and her mouth. Her mouth went on his private and it was yucky, and I was throwing up. He took pictures of her without her clothes on. And she pointed to her vaginal area and buttocks when asked what parts of her body he took pictures of.

Q Okay. So, basically, to sum up, penal penetration; correct?
A Correct.
Q Fondling of the breasts; correct?
A Correct.
Q Digital penetration; correct?
A Correct.
Q Oral sex, him on her; correct?
A Yes.
Q Oral sex, her on him?
A Correct.
Q Okay. You testified that you had a fifth interview to clarify jurisdictional issues?
A Correct.
Q It was not your intention to have that fifth interview; correct?
A I didn't know. I didn't know at that point. I wasn't totally against -- I needed to make that decision.
Q You could have gone either way?
A Exactly.
Q Okay. But, ultimately, law enforcement came to you and wanted a fifth interview, and you did it; correct?
A I wanted pictures. And if they could obtain pictures, I was willing to continue the assessment.
Q And did you tell anyone what you were going to do

with those pictures in that fifth interview?

A Detective Cantrell.

Q Okay. Did you talk to Mr. or Mrs. Jolley about what you were going to do in that fifth interview?

A I let them know that I needed to see her again.

Q Right.

A Because there was more information I needed to clarify.

Q All right.

A I don't recall, specifically, telling them.

Q Okay. How many of those five things occurred in Virginia, and how many occurred in the hotel in South Carolina?

A Which ones occurred in the motel verus which ones occurred in the -- in Virginia?

Q Yes.

A That would be hard to determine.

Q You can't make that determination with this child, can you?

A I would have to review the video, specifically, and -- again and try to isolate those incidents. But, also, I referred her for therapy for further clarification because she's so young. But that is, certainly, hard to determine.

Q Okay. For the record, you last met with Minor Victim in

May of 2011?
A Correct.
Q At that time, Minor Victim was over four and a half years old; correct?
A Yes.
Q Can you say when the last time she saw Danny D was prior to your forensic interview process?
A Well, she had seen him through -- I guess they were using web cams to communicate. So she had seen him that way.
Q Okay. My bad. I phrased that improperly.
A Okay.
Q Can you tell the Court when the last time was that she was with Danny D?
A My understanding of that is when she was in the motel.
Q Okay. And do you know when that was?
A I don't remember the date.
Q Okay. Would it not be significant to know when you're interviewing a child of this age how long it had been?
A Right, right. And they did tell me that.
Q So it makes a big difference if it happened last month; correct?
A Yes.

Q Versus three months ago; correct?

A Well, versus a year ago.

Q Right, or six months?

A Right.

Q All right. So the more -- the closer it is to when it's happening -- let me strike that. Because that didn't even make sense to me. I'm going to try it again.

The shorter distance between your interview and --

MR. BRANNON: I object. Leading.

MR. SHABEL: It's cross-examination, Mr. Brannon.

MR. BRANNON: Well, when did you get a robe?

THE COURT: Overruled.

MR. SHABEL: Thank you, Your Honor.

BY MR. SHABEL:

Q The shorter distance between the incident and the interview, the greater chance the child has -- the greater memory the child has of the incident; correct?

MR. BRANNON: I object to leading. He asked and answered a question in the same statement.

MR. SHABEL: It's cross-examination.

THE COURT: I think he's allowed to do that in cross-examination, Mr. Brannon.

MR. BRANNON: Well, he can ask questions. He can't answer them, too. That's what he did.

MR. SHABEL: I'll add the word "correct" at the end.

BY MR. SHABEL:

Q Is that correct?

A I need the question again now. I'm sorry.

Q Isn't it true that the shorter distance between the interview and the incident gives the child a better memory of the incident?

A Each child is different, but, yes, it can.

Q Okay.

A It's just that each situation is very different.

Q When do you know that this child was last in Virginia?

A It was -- I believe it was the summer when she was three.

Q So she's testifying as to what happened in the summer of 2010, in conversations with you in April and May of 2011; correct?

A Correct. And if I can --

Q Go ahead.

A If I can talk about what I mean by each child is different.

Q Sure.

A A specific example that's not this case -- stop me if you need to --

THE COURT: Don't worry. We will.

MR. SHABEL: Doug and I are very good at stopping.

THE WITNESS: A case where the last time a child had seen the suspect was when the child was two and a half. And I saw the child over six months later when the child was three. The child made a disclosure, but, also, the Defendant made a full confession. So I talk about the memory in relation to lapse of time.

BY MR. SHABEL:

Q Okay. Now, the child makes a disclosure of penal and digital penetration?

A I had preferred for that to be further clarified in therapy. She does do that in the way a four-year-old would, but it could become clearer.

Q Okay. So, really, from the conclusion of your interview, you weren't convinced one way or the other. You wanted more time, you wanted more therapy; correct?

A I wanted for her to go to therapy and for things to be further clarified, which is what, typically, happens.

Q Okay. But you weren't able to say then that this child has disclosed penal penetration?

A Yes. She did disclose that.

Q But you just said you wanted more clarification?

A Yes.

Q Well, which is it, she disclosed, or you needed more clarification?

A Both.

Q So she disclosed, but you're convinced there's more and you want more?

A I think she needs more time. Because she's four years old, and she can further explain some of the things that happened to her.

Q More time to talk about it in therapy?

A So that she can further explain it.

Q More time to talk about it in therapy?

MR. BRANNON: Objection, Your Honor. I've been in Ken's shoes. But he's, clearly, prepping for a criminal case here. He's -- please instruct him to ask one question one time.

MR. SHABEL: When she answers the question, I'll move on.

THE COURT: Overruled.

BY MR. SHABEL:

Q More time in therapy?

A More time in therapy to clarify, yes.

Q More time to talk to people?

A About what?

Q About the allegations.

A I don't understand. What --

Q I'll move on.

A The purpose is to go to therapy to --

Q Sure. At what point in the process of a forensic

interview do you, as a forensic interviewer, make a referral for a physical examination?
A It's different, depending on the case.
Q Did you see enough here to make a referral for a physical examination?
A Yes, I did.
Q And that would have been helpful to verify some of the things that were said; correct?
A Oh, no, not necessarily.
Q But it could help; correct?
A It could. But the reason I make a referral is because I don't necessarily expect -- as you know, over 90 percent of the cases of sex abuse, there is no medical evidence. I referred because it's -- not only does the child need to be checked out --
Q Okay.
A -- but to help her have a healthy understanding of her body as well, and to understand that she's okay.
Q But based on the fact that there was, at least, some allegation of digital or penal penetration, you thought in this case a physical examination was a good idea?
A I would have referred her whether she made the penetration allegation or not.
Q Okay. Do you know whether or not a physical examination was ever done on Minor Victim

A Yes.
Q Okay. When?
A I believe it was after the forensic assessment. I do not know the exact date.
Q Do you know the name of the doctor who did it?
A Yes.
Q What was the name of the doctor?
A Dr. Nancy Henderson.
Q Thank you.
Who -- let's talk about the first visit. Who brought Minor Victim
A I believe it was Mimi, the maternal grandmother.
Q Okay. Anybody else?
A No.
Q Who brought her to the second visit?
A I believe it was her mother and her father -- the stepfather.
Q Who brought her to the third visit?
A I believe it was the mother and the stepfather.
Q And the fourth?
A The mother and the stepfather.
Q And the fifth?
A The mother and the stepfather.
Q The mother and stepfather were the ones that brought this child on four --

A Right.

Q Where she made a disclosure?

A Correct.

Q Neither mother nor stepfather brought this child when the child didn't make a disclosure; correct?

A Well, she made a disclosure about --

Q About Danny D?

A Correct.

Q Okay. Does it bother you that this child kept referring to Mr. Spade, her biological father, as Danny D?

A No. Because of the history that she had not had a lot of contact with him.

Q Who said she hadn't had a lot of contact with him?

A The mother.

Q Are you aware of any prior actions involving this child?

A No.

Q Are you aware of any efforts that Mr. Spade has made in the Family Court to try to have visitation with his daughter?

A I know they had told me there had been some back and forth, and him wanting visits. And it was at a slower pace, initially, and then they started some overnight visits.

Q Were you ever made aware that Mr. and Mrs. Jolley

intended to terminate Mr. Spade's parental rights?

MR. BRANNON: I object to relevance.

MR. SHABEL: It goes to coaching. It goes to the credibility of the statements. It goes to bias.

THE COURT: Overruled.

BY MR. SHABEL:

Q Were you aware that Mr. and Mrs. Jolley had attempted to terminate Mr. Spade's parental rights to Minor Victim before these allegations came out?

A Actually, I think I was.

Q Okay. Were you aware, obviously, that they were unsuccessful?

A Obviously, yes.

Q Okay. Did the child make disclosures of all of those five things we talked about in each of those last four interviews?

A I would have to review the video in its entirety.

Q You can't recall?

A Right.

Q Did this child ever deny things in one interview and admit them in the second?

A She would -- yes, there was a time she said nothing had happened.

Q And that was in the first interview?

A Right.

Q And it was, also, in part of the second interview, wasn't it?
A I'd have to review to.
Q So you would agree that saying something didn't happen and then saying something did happen the very next day is a little bit of a different story; correct?
A It's completely normal for this age group.
Q But it's two completely different stories, whether it's normal for this age group or not. They're two completely different stories; correct?
A To say it didn't happen and then it did happen, yes.
Q Okay.
A But when she said it didn't happen, she was, also, saying there were things that happened that were too hard to talk about.
Q Do you have follow-up meetings with any of the parents after forensic interviews?
A Yes.
Q Do you talk about what was talked about?
A Not specifically, but that there was a disclosure.
Q Did you have that conversation with the grandmother after that first interview?
A No.
Q So you didn't say, yes, there was or, no, there wasn't a disclosure in any way, shape, or form?

A No. And not with the parents either until I'm -- until the assessment is complete.

Q I understand. I understand. Mr. Brannon asked you a very good question. You said based on the fact that you talked about the trips to Virginia and the hotels. And he asked you if there was extrinsic evidence that he was alone with Minor Victim correct?

A Correct.

Q Well, how do you know he was, actually, alone with Minor Victim during those days?

A Well, obviously, I wasn't there.

Q Exactly. You know that Minor Victim went to Virginia; correct?

A Correct.

Q And you know that Minor Victim stayed at a hotel that Mr. Spade was at; correct?

A Correct.

Q But you don't know whether or not this child was alone with him at any point, do you?

A Besides what Minor Victim has told me?

Q Correct.

A No.

Q So there is no extrinsic evidence to establish that she's been alone with Mr. Spade, is there, to your knowledge?

A To the extent that me being there with her to witness it, no.
Q All right. Or that you have any evidence to say that he was there or wasn't there by himself?
A Well, the parents and the detective -- I mean, Heather and David and then --
Q Heather and David know he was there alone?
A And Detective Cantrell corroborated the hotel and where he had stayed.
Q Where he stayed alone or with someone else, you don't know that for sure?
A Yeah. I was not a witness to it, the hotel room.
Q Okay. Is there a difference between a child who is lying and a child who's being told to say something?
A If they're being told to say a lie. But if they're being told to say something -- if they're being told to tell the truth --
Q Okay.
A -- that's different.
Q You have no idea what conversations were being made between Minor Victim and her parents before these forensic interviews, do you?
A No.
Q And you, also, do research with emotional abuse; correct?

A Correct.

Q And you know there are emotional abuse elements in coaching; correct?

A Correct.

Q And you know there are different ways to coach; correct?

A Correct.

Q And you know that it's not every single time that a child will just all of a sudden blurt it out; correct?

A Correct. In my experience, that has been the case.

Q But the research, also, establishes that a child who is afraid to talk is afraid to, also, tell what somebody else wants them to say?

MR. BRANNON: Objection. He's testifying. He's quoting research.

MR. SHABEL: I'm asking if her familiarity with the research, also, indicates that is an option.

MR. BRANNON: Then ask it that way.

BY MR. SHABEL:

Q Is there, also, research to establish that a child is afraid to talk -- is afraid to talk because she's being told what to say and doesn't want to say it?

A I'm not familiar with that, no.

Q Okay. How often do you go to the national ADSAP conventions?

A I go to training yearly. Whether or not it's ADSAP or other training is --

Q And your testimony is this has never come up in any training whatsoever?

A That -- let me make sure I understand you correctly. That children who are told to lie --

Q Children who are told what to say.

A Children who are told what to say are reluctant to say those things?

Q Because they know it's a lie?

A Because they know it's a lie. I cannot recall any specific research like I can the other way around.

Q But, in fairness, in your opinion, that issue has never come up?

A In what?

Q In fairness, that issue has never come up with you before; correct?

A It may have.

Q In your work, you often make referrals to subsequent counseling; correct?

A Correct.

Q Kim Rosborough is often an individual you and the members of the Children's Advocacy Center send referrals to for post-forensic interview; correct?

A We usually give a list. And it's up --

Q But Kim Rosborough was definitely on that list?
A Yes, yes.
Q In this particular case, did you give the parents -- and by "parents," I mean the mother and stepfather, did you give them a list of people to go to?
A I talked about different people. They were, specifically, wanting somebody in Greenville for convenience.
Q Okay. They weren't saying they needed somebody for criminal proceedings; correct?
A No.
Q They weren't saying anybody -- because of the nature of the criminal case, we want to go to somebody specific?
A No.
Q It was just -- according to them when they told you, it was just for the purpose of convenience?
A Correct.
Q Okay. But Kim Rosborough is an individual that you put on the referral list for people to go to should they choose?
A Yes.
Q And you know from your own experience --
A Well, I say Turning Leaves Therapy.
Q Turning Leaves Therapy, correct. But she's one of the owners of Turning Leaves Therapy?

A Correct.
Q And you know from her experience, she is someone that is trained, also, in the same elements that you are; correct?
A Correct.
Q Did you at any point in your forensic interview process ask her for anything?
A When she was -- when Minor Victim was, initially, referred in, our case manager handles those referrals.
Q Okay.
A And I asked if there was any specific information regarding allegations and therapy.
Q Okay.
A And Carey Rothschild was the case manager at the time. And she checked into that. And since there was not, there wasn't anything that I needed from him.
Q So you were aware that the child had been in therapy?
A Correct.
Q But you were, also, aware that there had not been a disclosure in therapy?
A Correct.
Q Were you aware of how long this child had been in therapy?
A Yes.
Q How long had this child been in therapy prior to the

forensic interview process?

A I don't remember offhand. It seems like almost a year, maybe.

Q Thank you.

Were you aware of where she was in the therapy at the time of the forensic interview?

A I don't know what point. I know there had been issues with anxiety.

Q Were you aware --

A But it wasn't clear what those were stemming from.

Q Were you aware that a therapeutic visit with Mr. Spade was --

MR. BRANNON: Your Honor, he's testifying.

MR. SHABEL: I asked if she was aware. She can answer if she's aware or not.

THE COURT: Repeat the full question.

MR. SHABEL: I didn't get to the full question. I'll start the question over.

THE COURT: State the full question.

BY MR. SHABEL:

Q Were you aware that a therapeutic visit between Minor Victim and Mr. Spade was being arranged at around the time of your initial forensic assessment?

A Yes, I was.

THE COURT: Do you object to that question?

MR. BRANNON: No.

Thank you.

BY MR. SHABEL:

Q You did not feel it was appropriate to get any of the notes that Kim Rosborough had made in the course of nearly a year of therapy?

A No. That's not, typically, something we would do, unless there had been a disclosure.

Q But it would, also, be important to know whether or not she denied abuse, wouldn't it?

A Well, Kim, understanding the field, if there had been issues -- she knew Minor Victim was going for a forensic assessment. She knows what a forensic assessment entails. And if there was information -- that's why our case manager checks to see if there's information that we need.

Q But you never got the records?

A No, no.

Q Mr. Brannon asked you if Mr. Spade is in the room could she testify in court?

A Yes, he did ask me that.

Q And your answer was?

A No.

Q Same question, but Mr. Spade is not in the courtroom?

A I still think she would have a very difficult time.

Q She could talk to you about it; correct?

A She had a very, very difficult time talking to me about it.

Q I understand it was difficult, but she could; correct?

A Yes, she did.

Q And she could talk in front of a camera about it, but it would be difficult; correct?

A Well, in my setup, the camera isn't obvious to her, so I don't know.

Q Mr. Brannon asked you about a deposition. I'm asking you about an in-camera hearing?

A Would it be difficult for her? Yes.

Q But she could do it?

A I don't know if she could do it or not. I highly doubt that she can, based on my experience with her.

Q But it would, certainly, not be the same level of fear or the same level of apprehension as if Mr. Spade were here; correct?

A Correct. And, again, I don't know, based on how she's currently doing. Because I'm not currently involved with her.

Q Your opinion is based solely on May 11th -- or May 7th of 2011?

A My opinion is based on that.

Q Sure.

A Even somebody else bringing up his name, she's going to shut down, based on my experience with her.
Q She's going to shut down?
A Yes.
Q Shut down is a lot different than being traumatized; correct?
A Well, you're asking me whether or not she can do it.
Q There's a big difference between just shutting down and being traumatized; correct?
A Correct, although they sometimes often go hand in hand.
Q Sometimes, not all the time?
A Right.
Q By the way, are you aware of any contact Mr. Spade has had with his daughter in locations other than a hotel in South Carolina and in Virginia?
A Chuck E. Cheese.
Q Okay. Did Minor Victim tell you about that?
A Yes.
Q She didn't make any allegations that anything happened at Chuck E. Cheese, did she?
A No.
Q Did you ask her?
A I asked her where these things -- when she makes a disclosure, I ask her where these things occurred.

Q Now, when you go through the process and say where the things occurred and show her the pictures, do you say, did Danny D do this in here, did Danny do -- how does that come across?

A No. After she makes the disclosure -- and, typically, using the drawings, I will say, can you tell me where you were at when these things happened.

Q And she mentioned both places in the first -- in the second, third, and fourth interview; correct?

A Yes.

Q So when you got to the fifth interview --

A Yes.

Q -- and we were getting down to the photographs and you said, okay, how could you make the determination based on the fifth interview what happened where?

A I had pictures of the house, inside the house.

Q All right. Did she ever tell you something happened here that didn't happen there?

A What do you mean?

Q Well, you mentioned she said all of this occurred in the hotel, in Virginia, and all this occurred -- all of this occurred at the hotel in South Carolina and in Virginia. Were there things that you could clarify as to having happened in one place, but not the other?

A I'd have to review the video again.

Q Okay. But nothing stands out in your mind?
A No.
Q What does the CART team stand for?
A The child abuse response team.
Q And who, typically, is involved in that process?
A Usually, it's law enforcement, DSS, if they're involved, the doctor. The therapist may be invited as well. Usually, it's the authorities involved in the case.
Q To kind of sum up what's been happening?
A And make recommendations, yes.
Q When was the CART team staffed in this particular case?
A I don't recall. I think it was about a month after I finished her assessment.
Q Was Lynn McMillan at that CART staff?
A Probably so. She usually conducts them.

MR. SHABEL: I renew my motion, Your Honor.

THE COURT: Do you want to respond?

MR. BRANNON: Yes.

EXAMINATION

BY MR. BRANNON:

Q Do you know for a fact that she was there?
A I would have to look. She probably was.
Q Okay. What type of information does Lynn McMillan at one of these CART team meetings provide to you as the

forensic interviewer or to law enforcement? What does she do?

A She doesn't provide any information. She conducts the meeting and asks people, you know, for their part -- for their information. And then she documents the recommendations.

Q Well, let me ask you this. Do you know if -- did you know before today that Lynn McMillan mediated something between these parties?

A No, I did not.

MR. BRANNON: Thank you.

I move --

THE WITNESS: Her mediation is not a factor of her employment at the Children's Advocacy Center. She does that more as a private practice. That would not be something that is part of the Children's Advocacy Center.

MR. BRANNON: I ask the Court to deny the motion then.

MR. SHABEL: I think I've got an even bigger problem just knowing Ms. McMillan didn't disclose the fact that she mediated this --

THE COURT: How does that disqualify this witness, Mr. Shabel?

MR. SHABEL: I think it puts the Children's Advocacy Center in a very difficult position in so far as we have

one woman whose job was to resolve an issue, potentially, between mother and father about visitation rights, and at the same time, the agency with a designated duty under statute to assist in the investigation of allegations of abuse.

THE COURT: Doesn't that go to the credibility and the bias of the witness, rather than disqualification?

MR. SHABEL: I think it goes to both. But, certainly, if the Court denies my motion for disqualification, I think it should weigh that into effect as far as the credibility of the witness, yes.

THE COURT: Mr. Brannon?

MR. BRANNON: Well, Your Honor, if anyone is disqualified in this case, it would be Lynn McMillan. But, Your Honor, again, I ask the Court to deny his motion to suppress this witness or exclude this witness. She -- Tabitha Webber testified she didn't even know Lynn McMillan mediated. Lynn McMillan provided no information necessary to the CART team. She was simply the director of the meeting.

And, Your Honor, there was no allegation of any kind of abuse at the time that the mediation was held. And, in fact, the parties reached an agreement whereby Mr. Spade was given visitation. So Lynn didn't have any information that concerned child abuse during the time of the

mediation. The most she could have done was say that he got visitation.

THE COURT: Do you want to weigh in, Ms. Wolf?

MS. WOLF: Not on this issue, Your Honor.

THE COURT: I'm going to deny your motion.

MR. SHABEL: Thank you, Your Honor.

FURTHER CROSS-EXAMINATION

BY MR. SHABEL:

Q Let me go back a little bit to the Danny D. How do children learn to call people certain things?

A Typically, their parents.

Q People they live with?

A Yes.

Q So, from your experience and expertise, the words Danny D, somebody --

A It could be, or it could be that that is what she came up with. I've had kids do that as well, especially for grandparents or people that they don't live with, they'll come up with their own --

Q Do you know which was the case in this particular set of circumstances?

A No, I do not.

MR. SHABEL: Thank you, Your Honor.

That's all I have for this witness, Your Honor.

THE COURT: Ms. Wolf.

MS. WOLF: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. WOLF:

Q Ma'am, did you ever ask Minor Victim how do you know -- did you ever ask her how do you know what she had been telling you?

A Yes. And I asked her if she had been told what to say.

Q Okay. Then of the information that you received in making your investigative or your forensic, is there any effort made to corroborate independent of your conversations with the child?

A Yes.

Q Does that involve any contact with the alleged abuser?

A No.

Q Why not?

A I leave that up to law enforcement. That's their job to investigate the offender.

Q And the information that you receive, do you then pass that on to the child's family?

A No.

Q So you don't tell them what you found in your investigation?

A I let them know that she made a disclosure. But I don't tell them specifics about the disclosure.

Q Why not?

A Each case is different. In this case, I did not tell specifics.

Q Why not?

A In my opinion, the parents were very, very upset about the abuse that had happened, particularly, the mom was --

Q How could they be upset about something they didn't know about?

A When I told them that she had made disclosures, the mom was very upset.

Q What, specifically, did you tell them?

A That she made disclosures.

Q Did you specify, though, what the disclosure was?

A No.

Q You didn't say it was physical, you didn't say it was sexual?

A They knew it was sexual. They didn't know what went where, what touching happened.

Q What information did you have that caused you to believe they knew that it was sexual?

A Because I said she made sexual abuse disclosures. They knew it was sexual abuse disclosures.

Q Because you told them?

A Yes.

Q But you didn't tell them, specifically, what type of touching?

A Right.

Q And did you tell them there was, also, physical abuse?

A No.

Q But you never gave any specifics, just that this child has been sexually touched?

A Correct.

Q Okay. You testified that there was a medical exam done by Dr. Henderson?

A Correct.

Q What makes you believe that?

A That a medical exam was done? Because it's in our chart and I referred her for the medical exam.

Q Do you know if she, actually, went to it?

A Yes.

Q How do you know she, actually, went?

A Because I've seen a copy of the medical exam.

Q Do you know when she went?

A I don't remember the date.

Q Do you know if that report has been made available to the -- any of the parties or the attorneys?

A I don't know. Usually, they are obtained through Greenville Hospital System. So if they were not requested

from Greenville Hospital System, they would not have been made available.

Q So would Dr. Henderson have done that at CAC, or would the child come to the hospital?

A No, at the Children's Advocacy Center. She is an employee of the Greenville Hospital System and does her evaluations at the Children's Advocacy Center, as well as other places.

Q And you're certain in this file you did see a completed report signed by Dr. Henderson that Dr. Henderson did do a physical examination of this child?

A Yes, I'm certain.

MS. WOLF: Very good.

Thank you.

THE COURT: Redirect.

MR. BRANNON: Thanks.

REDIRECT EXAMINATION

BY MR. BRANNON:

Q Who brought Minor Victim to the first interview?

A Mimi.

Q She didn't disclose in the first interview, did she?

A Not specifically.

Q Who did Minor Victim make her first disclosure of any sexual nature to?

A My understanding was that it was Mimi.

Q Thank you.

Mr. Shabel talked to you about the time between the event and the disclosure. And the younger the child, the closer the two in time would bolster their memory, or something to that effect. Do you remember that?

A Yes. I remember him asking me.

Q You remember that?

A Yes.

Q But different people disclose at different rates; correct?

A Correct. Disclosure is a process. It's not a one-time event. And each child is different in the way they disclose.

Q Thank you.

The process -- in adults, the process is, typically, verbal; correct?

A Correct.

Q In a child, the process is what?

A Oh, many different ways. It can be verbal, it can be demonstrative.

Q Behavioral?

A Behavioral. It can be accidental, often with young children.

Q Now, earlier you said -- Mr. Shabel asked you how long Minor Victim had been seen by Kim Rosborough; right?

A Correct.

MR. BRANNON: May I approach the witness, Your Honor?

THE COURT: Yes.

BY MR. BRANNON:

Q This is the information sheet for the very first appointment for Minor Victim with Kim Rosborough. What's the date?

A October 5th, 2010.

Q And I'll bet you didn't know this, but the first appointment, she didn't even see Minor Victim she just saw mom and stepdad. Okay. But it's October 5th, 2010; right?

A (There was no response.)

Q Look at this note right here. What's the date on that note?

A March 31st.

Q Okay. And that's where Kim learns of the disclosure to Mimi; right?

A Yes.

Q Okay. So March 31st, you said maybe a year with Kim. It's six months, isn't it?

A Yes.

Q Okay. And what we know is during this six months -- why did she go see Kim?

A Because of behaviors, anxiety.

Q Like what?

A She was having tantrums, being fearful at night.
Q Wetting her bed?
A Wetting her bed.
Q She couldn't sleep in her bed?
A Regressive behaviors.
Q Talking like a baby?
A Correct.
Q All of those are potential exemplars of abuse; correct?
A Correct. They can be, yes.
Q So maybe this two-and-a-half, three-year-old child was telling everybody, he's doing this to me, but she didn't know how to say it; right?
A That's possible.
MR. SHABEL: Objection.
THE COURT: Sustained.
MR. BRANNON: Withdrawn.
BY MR. BRANNON:
Q Did Minor Victim ever mention this to any other individual as it relates to sexual touching or sexual activity?
A Well, I'll have to tell you what she said --
MR. SHABEL: Objection, outside the scope of redirect.
MR. BRANNON: You said it. You brought it up.
THE COURT: What did he bring up?

MR. BRANNON: I wrote it down. Just a minute.
BY MR. BRANNON:
Q He asked -- Mr. Shabel asked if there were any other people in the rooms; right? Was there any other person in the motel or any other person at the house; correct?
A Correct.
Q Okay. When she's disclosing what occurred -- I'll rephrase the question.
When she's disclosing what occurred in the motel in South Carolina, did she describe anyone else being there?
A No.
Q When she described what occurred at the house in Virginia, did she describe anyone else ever being there?
A She talks about Kara. But she says Kara was at work.
Q Okay. And do you know who Kara is?
A She says that's the mom in the home.
Q Okay. Got you. Now, when you get a referral -- in this case, you got a referral from Kim Rosborough. Did you call Minor Victim mom and stepdad? I mean, how did they get in touch with you?
A No. They talked with the case manager, Carey Rothschild.
Q Who called who?
A When the referral comes in, Ms. -- Carey would contact the parents and let them know about an appointment

time.

Q Okay. But when your staff member calls Minor Victim mom and stepdad, she sets up an appointment; correct?

A Correct.

Q And then there's an assumption that somebody is going to bring the three-year-old to see you; right?

A Right.

Q So there are five meetings. Somebody had to bring her; right?

A Right.

Q Okay.

A The initial meeting, my understanding was that there were such -- my understanding was that the parents did not want to jump to any conclusions about abuse, and that this was a very, very -- could be very detrimental for somebody to be accused of this.

Q Okay.

A And that for a neutral party to bring her to that first session so that it could start off more neutral was my understanding from them.

Q Okay. So they were concerned about what a false allegation might do; correct?

A Right.

MR. BRANNON: Thank you.

Your Honor, this is going to be a really strange

motion. I'm going to introduce a videotape that I don't have here right now. It's in my office. It's the video of the CAC interviews. I need to do that through Ms. Webber.

Will you allow me to introduce the video, even though I don't have it with me?

MR. SHABEL: The video, just to establish the chain of custody, for lack of a better expression, was copied and was provided to me by way of the Solicitor's Office. The Solicitor's Office refused to make an additional copy for Mr. Brannon, and instructed me to allow him to review the video in preparation for trial.

So what we talked about was the allowance of the Court -- the video being offered into evidence for purposes of consideration of the Court. And then, at the conclusion of the trial, I could get the video back for purposes of criminal defense.

MR. BRANNON: Well, let me go back. Your Honor, do you want to see the video?

THE COURT: Well, that's going to be up to you as much as it is to me. If you put it into evidence, I will review it -- I'll view it.

MR. BRANNON: I'm not going to ask that it be played in court. I don't want to take that time out of my trial time. But I'm moving to introduce it, if the Court would

be interested in seeing it at some other point.

I understand completely that Mr. Shabel wants that video back for his future trial prep. I understand that.

THE COURT: That's the only copy?

MR. BRANNON: And I can't get a copy.

THE COURT: How did -- you don't object to me viewing the video?

MR. SHABEL: I'll leave it to the Court's consideration how it wants to proceed. I just want -- if the Court does accept the video, I just need the disk back.

THE COURT: The evidence -- does it need to be in evidence?

MR. BRANNON: Well, then, Your Honor, I would ask the Court to order the Children's Advocacy Center to produce another copy for the Court's record.

MR. SHABEL: That, I can do.

THE COURT: You'll have no objection to that? Why don't we do it that way.

MR. BRANNON: That's fine.

THE COURT: Then I can view it once we get it. Do you see any problem with that, Ms. Webber?

THE WITNESS: No, sir.

MR. BRANNON: Okay. Thank you.

MR. SHABEL: And you don't need to recall this

witness to bring that in. That's just a waste of time.

MR. BRANNON: Okay.

BY MR. BRANNON:

Q Would testifying in this case in any way, shape, or form be in Minor Victim best interest?

A No.

Q Would she be fearful to the point, in your opinion, that she couldn't testify about this?

A Yes.

Q And if forced to testify in any fashion, would she suffer traumatic emotional difficulties?

A Yes. I do believe -- I believe she needs to be -- any time this issue is brought up to Minor Victim based on my experience, she needs to be in a therapeutic environment. And that's really it.

MR. BRANNON: Thank you.

Nothing further, Your Honor.

THE COURT: I have a couple of questions.

THE WITNESS: Yes, sir.

EXAMINATION

BY THE COURT:

Q You testified earlier -- and what I'm going to ask you about is specific sexual acts that the child describes. And, basically, I think you summarized or put into your words what the child said such as, you know,

mouths against private parts, breast fondling, touching the vaginal area, penal penetration, digital penetration, oral sex both ways, that type of thing. Can you put it in the child's words for me?

A When she -- she would not label the private parts. I think she called -- at one time, she called the genital area pee pee. And that was as far as she would go. She did a lot -- and you'll see in the video, she did a lot of circling and pointing.

She even picked a picture of him up and laid it on a picture of her and showed to indicate. And then she would draw lines. You will see in some of the drawings that there was a picture of him and a picture of her. And she would draw a line from his hands to her vagina, from his hands to her breasts.

THE COURT: What I'm going to do, I'm going to stop you.

I have this Plaintiff's Exhibit No. 1. It's many pages. Does anyone have any objection to me numbering these pages --

MR. SHABEL: No.

THE COURT: -- for further reference, and let her describe which pictures she's referring to.

MR. BRANNON: No objection whatsoever. And I wanted the Court to know those pictures are -- they're in there.

Would you like me to number them for you, Your Honor?

THE COURT: Yes, why don't you, if you would.

THE WITNESS: And if I could have -- is there another copy of that?

THE COURT: We can get you a copy.

Are hers put in the same order as that one?

MS. MOORE: They should be, Your Honor.

THE WITNESS: Can I number as well, so when we're --

MR. BRANNON: No, Tab. I started with number one on the front page, the advocacy cover sheet.

MS. MOORE: So the picture is number two.

THE COURT: Do you need a pen?

THE WITNESS: Yeah. That would be great.

MR. SHABEL: Your Honor, the version I have is numbered at the top.

MR. BRANNON: They are?

MR. SHABEL: Yes.

MR. BRANNON: They're numbered all right.

BY THE COURT:

Q The pages are numbered at the top. When you refer to a diagram or picture that Minor Victim drew, will you refer to the page number, so I can follow along with you?

A Okay. And I will write a lot of times what she was indicating. On Page 2, she has taken a darker colored crayon on the mouth and made the mouth open.

Q Who is this? Is this the child or the father?
A This is Minor Victim
Q Okay.
A And she -- you'll see to the right, I wrote in cursive, Danny D touched with hand. And she's saying something else, and I couldn't understand her. But she's pointing to the private. And she said that it was inside and that it hurt. And you see down low, she drew Danny D.
Q In the right-hand bottom corner?
A Yes, sir.
Q Okay.
A And then to the left where I say, Touched with hands, I'm drawing those lines to the parts of the body she's indicating that he touched with his hands, which is the breast, the belly, and the vaginal area. Do you see what I'm talking about on that left side?
Q Yes.
A And then the next picture is just a picture of her that she drew. And then the next picture --
Q Page 4?
A Yeah. Page 4, she is indicating where she was touched. Let's go to --
Q What did she indicate there?
A The breasts.
Q I assume the two top dots in the rectangle --

A She drew the box, the darker crayon, the box around the breasts. And she's marking the belly as well. And the genital area, she starts to draw the male genitalia and then she marks that out and says, no, that's me and marks it as more of a vaginal area.

On Page 6 is where she indicates how she felt. And she's circled the places where she was touched. You can see the breasts, the belly, and the genital area. And she -- when I asked what was used to touch those places, she circles a hand, but she draws the -- she's the one that drew the frown and the tears.

And then on Page 7, when I do the gingerbread drawing, I don't want to assume she knows what his genital area looks like. And so she drew that to show me what he looked like there. I will often say, Does this person look the same as you, or is it different? She said, It's different. And that's what she drew on Page 7.

Q The Danny D that's written there, is that her writing?

A Yes, sir. And then on Page 8, she is to the left, Danny D is to the right. I did the outlines and she did the rest.

Q What's she trying to show there?

A She is -- I'm asking her to show me what he used to touch her where. And so she was doing that, but she's

pointing. And she, also -- do you see those jagged lines at the mouth? She's showing that the mouth has to be open. And then she drew the genital areas. You'll see.

And then on Page 9, I think that was probably an irrelevant drawing she was doing. Page 10, she's showing me what Danny D was doing to her and her facial expression. I think Page 11 is just a general drawing. Page 12 is a picture of what she looks like when she's happy. She drew that. On Page 13, she's drawing another picture of herself there. And then she would repeatedly draw pictures of fire throughout the session. Page 15 is --

Q Do you know what this fire is about?

A I don't know. She would often draw it around the time when she was telling me about Danny D, but I don't know what the fire is about.

And then the last one, as you see, is still me trying to understand, specifically, what went where, basically. And the left picture is her, the right picture is Danny D. She's drawing the lines and doing the circles, and marking, and showing what went where, his hands going to her breast, his genital area going to her genital area, his mouth going to her mouth.

THE COURT: If counsel has any questions to follow-up my questions, I'll allow you to do so.

Mr. Brannon, do you have anything?

Mr. Shabel?

MR. BRANNON: No.

RECROSS-EXAMINATION

BY MR. SHABEL:

Q On Page 12?

A Yes.

Q It's a picture of Minor Victim

A Yes.

Q She's got a smile on her face?

A Yes.

Q Take a look at Page 15. It's a picture of her and Danny D on the same page?

A Yes.

Q Is Minor Victim frowning, or is she smiling?

A She's -- she looks to be smiling.

Q Thank you.

On Page 8, another picture of Danny D and her on the same page. Is Minor Victim smiling or frowning?

A And you would have to look at the video to recall if at the time she was drawing the eyes, the nose, the mouth, if we were even talking about the allegations.

Q Okay.

A But, in this one, she changes both the mouths to being open, so.

Q Okay. But, initially, is she smiling?

A Initially, it looks like there was a regular smile there.

Q And is there a page -- strike that.

One last question. On Page 4 --

A Okay.

Q -- I'm a little unclear as to who drew what on this page.

A Okay.

Q Did she draw the box at the top around the two circles?

A Yes.

Q Did she draw the black box in the middle?

A Yes, and the part at the bottom, too. She drew all that.

Q But she drew the "X," because you thought she thought she was drawing?

A Yes.

Q And, again, is Minor Victim smiling or frowning in this picture?

A I drew the mouth on that picture.

MR. SHABEL: Okay. That's all I've got.

THE WITNESS: Because I didn't want to indicate a frown or a smile, so I usually do a straight line. I don't want to assume the feeling.

MR. SHABEL: Thank you, Ms. Webber.

THE COURT: Thank you.

You may step down.

MR. BRANNON: Your Honor, I'm sorry. Can I follow up on his questions?

THE COURT: Any objection?

MR. SHABEL: As long as they're follow-up to mine, no.

THE COURT: All right.

FURTHER EXAMINATION

BY MR. BRANNON:

Q The picture with Minor Victim and Danny D side by side where Minor Victim drew the lines, Mr. Shabel pointed out that there appears to be a smile on the child's face; correct?

A Correct.

Q I believe you said this already. Who drew the face?

A She did.

Q And were you talking about sexual contact at the time she was drawing the face?

A I don't recall at that time when the eyes, and the mouth, and those things were put on, if that was when she had gotten to show me what touched where.

Q Did you ever get an indication that Minor Victim enjoyed the sexual contact that she was talking to you about?

A No.

MR. BRANNON: Thank you.

Nothing further.

THE COURT: You may step down, Ms. Webber.

Thank you.

Watch your step.

Can I ask counsel to approach, please?

(WHEREUPON, a bench conference was held.)

THE COURT: All right. It's about lunch. We'll take a lunch recess until about 2:45. That's about an hour and a half.

(WHEREUPON, a lunch break was taken.)

(WHEREUPON, Plaintiff's Exhibit No. 2 was marked for identification only.)

THE COURT: Yes, Mr. Brannon.

MR. BRANNON: Your Honor, that disk, the CAC tape, was just delivered by Ms. Webber.

THE COURT: And you're offering that into evidence?

MR. BRANNON: I am. And it's marked as Plaintiff's Exhibit No. 2, yes, Your Honor.

THE COURT: And that's a duplicate copy?

MR. BRANNON: Yes, it is.

THE COURT: Any objection, Mr. Shabel? I think we've already addressed it.

MR. SHABEL: No, Your Honor.

THE COURT: It's been entered into evidence.

MR. BRANNON: We don't have our guardian.

THE COURT: Where is the guardian?

(WHEREUPON, there was no response.)

THE COURT: Bailiff Humphries, can you see where the guardian is?

I withdraw my ruling since she wasn't in here.

MR. BRANNON: I'm sorry, Your Honor. I didn't --

THE COURT: I didn't notice either.

MR. SHABEL: I wasn't paying attention either.

(Pause.)

(WHEREUPON, Ms. Wolf entered the courtroom.)

THE COURT: Let's start over, Mr. Brannon.

MR. BRANNON: Your Honor, before you is a compact disk labeled Plaintiff's Exhibit No. 2. That is the disk that was delivered to me by Ms. Webber, the witness who testified before lunch today. And I would move to admit that disk in evidence.

THE COURT: Any objection, Mr. Shabel?

MR. SHABEL: None.

THE COURT: Ms. Wolf?

MS. WOLF: None.

THE COURT: Plaintiff's Exhibit No. 2 is entered into evidence.

(WHEREUPON, Plaintiff's Exhibit No. 2 was admitted into evidence.)

MR. BRANNON: Your Honor, I would call Ms. Meredith Thompson-Loftis to the witness stand.

THE COURT: Ms. Loftis, raise your right hand and place your left hand on the Bible.

WHEREUPON,

MEREDITH THOMPSON-LOFTIS,

after first having been duly sworn, testified as follows:

THE COURT: You may have a seat.

DIRECT EXAMINATION

BY MR. BRANNON:

Q Please state your full name for the record.

A Meredith Thompson-Loftis.

Q Ma'am, where do you work?

A I work for North Main Counseling in Greenville, South Carolina.

Q And what do you do at North Main Counseling?

A I am a licensed professional counselor. I work with individuals, children, adolescents, families.

Q So you have a bunch of letters behind your name; right?

A Yes, sir.

Q Let's see, it's MALPC; correct?

A Yes, sir.

Q What is the MA?

A Master of Arts in Counseling.

Q And what is the LPC?
A Licensed professional counselor.
Q Ma'am, do you have to go to college to get those letters?
A Yes, sir.
Q Where did you go to college?
A I went to Pennsylvania State University. I have my Bachelor's of Science in Human Development and Family Studies with a focus on children and adolescents. I have a Master of Arts Degree from Webster University in counseling. And then I've been licensed by the State of South Carolina as a licensed professional counselor since 2001.
Q Okay. Thank you for that.

Now, after you got your Master's Degree, did you have to do some additional training under someone's supervision to get to be a licensed counselor?
A I did. Under state requirements, you have to have -- I believe it was 1,500 hours at the time, in addition to 250 supervised hours. And then you can apply for licensure.
Q Okay. Since you obtained your license, are you required to do continuing education? As lawyers, we have to do CLE's, continuing legal education. Do you have to do any continuing education in your field?

A Yes. We're required to get 20 hours per year.
Q All right. And have you maintained those requirements since being licensed?
A Yes, I have.
Q Do you regularly review or are you privy to treatises, and articles, and so on and so forth in the area of family and children's counseling?
A Yes.
Q Okay. And have you ever been introduced as an expert in Family Court or criminal court in South Carolina?
A I've been approved as an expert in Family Court, General Sessions Court, and in Federal Court.
Q In Federal Court where?
A In Greenville.
Q All right. When you were introduced or accepted as an expert in Family Court, let's say in Greenville, was it in the area of family and children's counseling?
A Yes.
Q Okay. And the same in General Sessions, was it in the area of family and children's counseling?
A Yes, and, also, in posttraumatic stress disorder.
Q And in Federal Court, was it, likewise, the same expertise?
A Yes.
Q Now, as a licensed professional counselor, what do

you do?

A I counsel children. My focus is on children and adolescents. The majority of my practice focus is on divorce reaction, trauma, ADHD, sexual abuse, and physical abuse.

Q Okay. But, now, is it your job to determine if it happened, or to get them through whatever it is that is causing their trouble?

A My job is to help them process what their diagnosis is, what they've been referred for.

Q So you aren't here to tell the Court that something did or did not happen; is that correct?

A Correct.

Q All right. What percentage of your -- do you call them clients or patients?

A Clients.

Q Okay. What percentage of your total clients since becoming licensed is children?

A About 75 percent.

Q And how many patients -- how many clients have you seen of that 75 percent that was children -- how many children have you seen since becoming licensed?

A I would say over 300.

Q Okay. And of those 300, can you give me a guestimation or an estimation of the percentage that you

were dealing with sexual abuse?

A Probably about 50 percent.

MR. BRANNON: Your Honor, at this point, I would move to admit Ms. Thompson-Loftis as an expert in the areas of family counseling and children's -- or child therapy.

THE COURT: Mr. Shabel?

MR. SHABEL: No objection as indicated.

THE COURT: Ms. Wolf?

MS. WOLF: No objection.

THE COURT: So admitted.

BY MR. BRANNON:

Q Ma'am, do you know Minor Victim [redacted]

A I do.

Q I want to spend some very detailed time on how you got to know her. Okay. So, please, tell the Court how you first heard that name.

A Minor Victim was referred by the Children's Advocacy Center of Spartanburg.

Q Let me stop you. What does that mean? What does "referred" by mean?

A I received a phone call from the Children's Advocacy Center stating that Minor Victim had been seen for a forensic, and would I be willing to treat her following her forensic. And I said, Yes.

Q Okay. So you were made aware that she had been seen

at the Children's Advocacy Center?
A Yes.
Q For a forensic interview?
A Yes.
Q And I guess then that further counseling was necessary; correct?
A Yes.
MR. BRANNON: Your Honor, may I have Plaintiff's Exhibit No. 1?
THE COURT: Yes.
BY MR. BRANNON:
Q Have you ever seen this?
A No.
Q So you don't know what's in here?
A No, I do not.
Q When you got the referral from CAC, do you even know who it was that called?
A I could not tell you. Someone who was working the referrals desk.
Q Now, how do you -- how does that referral come into your office?
A They would call and leave a message on my voice mail, and I would call them back.
Q You -- what you knew is that Minor Victim had been through a forensic with Tab Webber?

A That's correct, yes.
Q Can you tell the Court what kind of detail did you have derivative of that forensic interview?
A The only details I had were her name, that she had been seen for a forensic at the CAC, who the alleged perpetrator was, and who was going to be bringing her to counseling.
Q Okay. But you use the word "perpetrator," what kind of perpetrator was he?
A A sexual abuse perpetrator.
Q Okay. So in the referral, they, at least, let you know that there was some disclosure of inappropriate sexual contact then; correct?
A Yes.
Q Okay. That's where I'm -- I need to know what you knew before you saw Minor Victim
A That was about the limits of what I knew, that she was -- that she had disclosed sexual abuse. I did not get any details. I did not read the report. And that she was referred for treatment.
Q And, now, the first visit, who was there?
A The first session was present -- I believe it was her mother and her father -- her mother, and her stepfather, and Minor Victim herself.
Q And did you see all three of them together? Did you

see the adults and then Minor Victim How did that first visit work?

A I met with one of them separately from Minor Victim because Minor Victim could not be left alone. We tried to allow her to wait in the waiting room, but she was unable to stay alone. She had a lot of fear. We went ahead and I met with one parent. And then I turned around -- I believe it was the mom. And after that, I met with Minor Victim separately.

Q Now, how old was Minor Victim the first time you saw her?

A I saw Minor Victim in 2011, so she, I believe, was about five.

Q Okay. Now, is it unusual for a five-year-old to be fearful of waiting in the waiting room by his or herself?

A In some cases, yes. But, most of the time -- we have a pretty child-friendly waiting room, and most children tend to enjoy staying in there. She did not, though.

Q Okay. Now, did either David Jolley or Heather Jolley give you any detail of alleged sexual abuse or inappropriate sexual contact between Minor Victim and her father?

A The only thing that they told me was that she had made a disclosure at the -- at her forensic at the Children's Advocacy Center.

Q But you already knew that; right?

A Uh-huh.
Q That came through the referral?
A Correct.
Q So am I correct in stating that you didn't learn anything new from David or Heather?
A Not regarding the forensic, no.
Q The forensic. Okay. Or the disclosure?
A The disclosure, correct.
Q All right. Do you continue to see Minor Victim today?
A I do.
Q How often do you see her?
A Once every two weeks.
Q Okay. Who is Danny D to Minor Victim
A That's what she calls her biological father.
Q Do you have any idea how Danny D -- how her biological father got the name Danny D?
A I have no idea.
Q Have you talked to Minor Victim about that?
A I don't believe I have. That's just what she's always said.
Q But you don't know if Heather or David told her to call him that, or if that's what she named him; correct?
A In my opinion, that's what she called him. And that's how I referred to him.
Q You just left it at that; correct?

A Yes.
Q All right. Tabitha Webber testified that she referred Minor Victim because she believed there needed to be some clarification, as well as therapy. That was her testimony an hour ago. Number one, has Minor Victim made a disclosure to you of inappropriate sexual contact?
A Yes.
Q And you've been seeing her now for how long?
A In May, it was a year. So almost a year and a half.
Q The first time Minor Victim made a disclosure of inappropriate sexual contact to you and the last time you met with her, were things clarified? I'm not suggesting that they're crystal clear, but has the information become more clear?
A Yes.
Q The first time there was a disclosure, tell me about Minor Victim demeanor.
A She was extremely fearful, very avoidant in her speech, often muffled her speech by talking into a pillow or talking into her arm, extremely nervous, insecure.
Q Okay. Is she still fearful -- let me rephrase.
Based on your experience and expertise, do you believe -- is it your professional opinion that Minor Victim is afraid of Danny D?
A Yes.

Q Okay. Is she continuing to be fearful of Danny D today?

A Yes.

Q If required to come and sit in that chair where you're sitting today to tell this Judge about the things that she has told you, do you believe that Minor Victim is capable of doing that?

A No, I do not.

Q Now, the statute that I am arguing from allows the possibility that Minor Victim would not come into the courtroom, but she would be required to testify by deposition. Do you know what a deposition is?

A Yes.

Q Do you believe there's any way that Minor Victim could testify in any fashion if Danny D is sitting in the courtroom?

A No.

Q. Or in the room, excuse me, in the room?

A Not at this time, no.

Q Do you believe that Minor Victim could testify or talk about those things that she's talked to you about as far as inappropriate sexual contact with any stranger in the room?

A No, I do not.

Q If required to sit in that chair, if I asked her to

say her name, based on your experience with her and your training and expertise, what would she do?

A She would hang her head, or she may crawl underneath here.

Q Would she answer me?

A No.

Q All right. I'm going to change speeds here.

What type of inappropriate sexual contact has Minor Victim disclosed to you?

MR. SHABEL: At this point, Your Honor, I have an objection. My objection is under 19-1-180, Subsection C. It states, The proponent of the statement shall inform the adverse party of the proponent's intention to offer the statement and the content of the statement sufficiently in advance of the proceeding to provide the Defendant with a fair opportunity to prepare a response to a statement before the proceeding at which it is offered.

Your Honor, at the motion hearing, I received from the proponents of the hearsay statement a one-page letter from Ms. Loftis. In that one page are five lines summarizing disclosures, not stating the disclosures, summarizing them in language that is not age appropriate, in language that is very specific, and does not indicate anything about what the child, actually, told her.

As of today, I have not seen any statements that this child has directly made to Meredith Thompson-Loftis. And under 19-1-180, Subsection C, it is the Plaintiff's responsibility to give that to me.

Therefore, while this witness may be allowed to testify as to her opinion as to whether or not the child could be available to testify under 19-1-180, this witness cannot testify to anything this child said, because I have not been provided with the actual statements.

THE COURT: All right. Let me read C again.

MR. BRANNON: Your Honor, I've got it a little bigger, if you want it out of that book.

THE COURT: Oh, I can see.

Thank you for offering.

MR. SHABEL: Your Honor, if you want, for purposes of profer, the letter, I'll be happy to hand it to you.

MR. BRANNON: I'm going to introduce it.

(Pause.)

THE COURT: May I see what you're referring to, Mr. Shabel?

MR. BRANNON: Your Honor, may I ask her a couple of questions, and then I'm going to hand it to you.

THE COURT: Does that suit you?

MR. SHABEL: With the right to object to the questions, that's suits me.

BY MR. BRANNON:

Q Ma'am, have you ever seen this?

A Yes.

Q Did you prepare it?

A Yes.

Q Has it been altered in any way from when you prepared it?

A No.

Q Is this a letter you were asked to write by the Jolleys legal staff?

A Yes.

MR. BRANNON: I move to admit this document.

THE COURT: Any objection to that?

MR. SHABEL: I have an objection to one sentence for purposes of 19-1-180.

THE COURT: See if y'all can agree on anything that needs to be redacted.

MR. BRANNON: No objections.

MR. SHABEL: Redact that portion that I've got a problem with.

(Pause.)

THE COURT: Look at it, Mr. Shabel. I just want to get on the record that you have redacted the one sentence.

MR. SHABEL: Your Honor, it has been redacted appropriately.

THE COURT: Do you agree, Mr. Brannon?

MR. BRANNON: Yes.

BY MR. BRANNON:

Q Would you agree that there's been one portion of one sentence redacted, but no other defacing has been made?

A Yes.

MR. BRANNON: I move to admit, Your Honor.

THE COURT: Any objections?

MR. SHABEL: For purposes of the 19-1-180 motion and for purposes of my objection, no objection.

THE COURT: Plaintiff's Exhibit No. 3 without objection for the sole purpose of 19-1-180, Subsection C.

(WHEREUPON, Plaintiff's Exhibit No. 3 was marked for identification and admitted into evidence.)

MR. BRANNON: Now, Your Honor, as to paragraph -- whatever that paragraph is --

THE COURT: Let me read that before I hear your response.

Which paragraph is it? Is it the third paragraph?

MR. SHABEL: Yes.

THE COURT: Okay. Let me read that.

(Pause.)

THE COURT: Okay. Mr. Brannon.

MR. BRANNON: Your Honor, we told him the nature of the sexual disclosures made to Meredith Loftis before the

last pre-trial in this case. Your Honor, in fact, that document was prepared for the -- for arguing at the motion -- the 19 -- we thought we were going to argue the 19-1-180 back in May. And that's when Judge Sinclair deferred it to you. That letter -- that document was prepared by Ms. Loftis for that motion hearing. We tell them the nature of the sexual allegations in graphic detail.

Now, I've read the statute. It doesn't say it has to be a quotation of the statement. It, certainly, doesn't say it has to be in age-appropriate language. It has to be sufficient to allow him to prepare a defense to this matter.

THE COURT: The word says, You shall inform the adverse party of the intention to offer the statement and the content of the statement.

MR. BRANNON: And I believe that letter tells him what the content of the statement is.

THE COURT: It doesn't say the exact quote.

MR. BRANNON: No, it does not.

And if you refer back to my question, it was, What did she tell you? And what she's going to tell you is that she said anal sex, attempted vaginal penetration, oral sex, both him to her and her to him. That's what she's going to tell you. And that's what that paragraph

in that letter says.

MR. SHABEL: Your Honor, if I may?

THE COURT: Yes, sir.

MR. SHABEL: The whole debate in these cases is whether or not a child has made age-appropriate comments. If this is, in fact, the statement that the child has made --

THE COURT: The content of the statement.

MR. SHABEL: The content of the statement. If the content of the statement that the child made is he performed anal sex on me. He made me have oral sex on me. We've got a completely different case.

But I guarantee you if Mr. Brannon is allowed to further this examination, those aren't going to be the words that this child used. And I'm entitled to know the content of the statement, not Ms. Loftis' summary of what the statements mean.

THE COURT: Well, couldn't you have told Mr. Brannon if you were concerned about that?

MR. SHABEL: Your Honor, the statute is clear. I don't have to ask him.

THE COURT: Well, it says the content of the statement. It doesn't say to quote the statement, or an exact quote of the statement.

MR. SHABEL: What we have, Your Honor, is

Ms. Loftis' interpretation. We don't have any statement of the child.

MR. BRANNON: But this is a civil case, Ken. We have the right to discovery. You deposed Kim Rosborough. You could have deposed her. I told you what she was going to say. I met the statute requirements.

MR. SHABEL: The proponent of the statement shall provide. It is not my responsibility to ask. It is the proponent's responsibility.

THE COURT: It says, Shall provide the content of the statement. What does "content" mean?

MR. SHABEL: The content does not mean somebody else's summary of the statement. The content means what the child said. Words that the child used. Anything that came from the child, not the summary of the therapist.

THE COURT: Y'all excuse me a moment. I'll be right back.

(WHEREUPON, a break was taken.)

THE COURT: I thought I'd consult some dictionaries. I consulted Black's Law Dictionary, but the word is not in there, believe it or not. I've got Webster's Dictionary, the 1988 edition. There are several definitions of intent. I think the one I was looking at is all that is contained in something, everything inside, all that is contained or dealt with in a writing or a speech. That's

about it. It doesn't help us very much.

MR. BRANNON: It does not say verbatim. It doesn't say specific language.

MR. SHABEL: It does say the content of the statement.

THE COURT: How does it prejudice you, Mr. Shabel?

MR. SHABEL: It prejudices me --

THE COURT: It looks like there was an intent to comply, even if your definition is correct. How does it prejudice you?

MR. SHABEL: It prejudices me because I have no idea what the child, actually, told her. I know what she's going to summarize. I haven't had the opportunity to prepare for what the child, actually, told her and when. So I think it is a significant trial prejudice.

Now, if the Court wants to order her to provide me a copy of her file and adjourn this case until Wednesday morning, we might have a completely different scenario.

THE COURT: Overruled.

MR. BRANNON: Thank you, Your Honor.

BY MR. BRANNON:

Q Starting with the earliest disclosure after you began to treat Minor Victim what did she disclose in the way of inappropriate sexual contact?

A She stated, Danny D did bad things to me. Danny D

spanked me in the mouth with his private part while touching -- while he was touching my private part. He hurted me by touching my bottom. He took my panties down and put his hand on it with his whole hand. And then he sticked his hand in my mouth. He touched [redacted] pee pee part and my bottom with his hand at the same time. He took his pee pee part and put it in my mouth. He put his pee pee part in my pee pee and in my butt part. He took a picture of my private part. He took a picture of his private part.

When he touched me, he hurted me. He squished me with it. He took a picture of me while he was touching my private part. He touched my pee pee part with his pee pee part. He stuck his private part in my bottom, and that felt bad. At a pool in the bathroom, he made me touch his private part. I didn't want to. He put it in my mouth and he said I wouldn't go home if I didn't do it. So I did and he took me home.

Q Okay. Those were the disclosures made in the first session, or early on, or are those the disclosures made throughout your therapy sessions?

A Those were disclosures made throughout therapy.

Q Has she made consistent disclosures throughout your therapy sessions with her?

A Yes.

Q Has she been consistent as to the perpetrator of the alleged abuse?

A Yes.

Q Has she told you a location or a place on a map where this has taken place?

A She said in Greenville most of the time at a hotel is what I've gotten from her, but not a specific date. She wouldn't be able to do that.

Q Did she talk to you about a trip to some other state?

A To Virginia.

Q Did she make any allegations of inappropriate contact in Virginia?

A Yes.

Q Okay. You used words like pee pee part and private part. Are those age appropriate or maturity-appropriate words for a four or five-year-old child to describe this type of behavior?

A Yes.

Q I'm concerned about the personal knowledge of the alleged acts and, specifically, Minor Victim personal knowledge of the alleged acts. Did she say these things to you?

A Yes.

Q Did you in any way, shape, or form prompt her to use the word pee pee part or private part?

A No.
Q Were these her words?
A Yes.
Q Based on your experience and expertise, does a four or five-year-old child have the capability to talk about these topics unless they have been abused?
A I don't believe that a child of four or five could talk about these topics in this much detail unless they had been abused.
Q You've been seeing her for more than a year now; correct?
A Yes.
Q And you see her two times a week; right?
A Two times a month.
Q I thought it said biweekly. I'm sorry. Have you been able to come up with any motive or ulterior reason for Minor Victim to say these things?
A No.
Q The time frame for this alleged abuse, do you have in your file anywhere or the knowledge that there was a time in Minor Victim life where she never saw Danny D? Do you know that?
A I do know that there was a period of time.
Q And do you know there was a time when she last saw Danny D, in fact, that trip to Virginia? So do you know

that there was an end date to when she saw Danny D?

A Yes.

Q This is going to sound like a stupid question, but it's in the statute. Does she allege the abuse took place between Danny D being granted visitation and the last time she saw him?

A Yes.

Q I want to talk to you about coaching. Define couching.

A Coaching is when you prepare a child or in some capacity you would be able to tell a child what to say.

Q All right. Are there indications of coaching in an interview with a child?

A No.

Q Let me rephrase. If a child had been coached and you're interviewing the child who had been coached, are there red flags? Are there indications that the statement is false, or the statement has been coached?

A Yes.

Q What are those red flags?

A One would be someone told me to say something, if she said so and so said this happened. Another red flag could be that they are extremely nervous or avoidant, which could, also, mean they're fearful. You know, there could be unspecific language of a child of that age, the

inability to -- the inability to -- you know, saying something that was inappropriate for their language, something they would not know.

Q What about the detail with which they disclose?

A They wouldn't have that kind of detail. They wouldn't be able to give how things felt, what they saw, more details as far as the way things looked.

Q And what about the child making the disclosures affect at the time of making the disclosure? Is there a difference between a child who's been coached and a child making a credible disclosure?

A I think a child who's making a credible disclosure is a lot more compelling. They're a lot more sincere, a lot more detailed. Their affect would be, you know, one of fear, avoidance, insecurity.

Q When Minor Victim made these disclosures to you, what was her affect?

A She was avoidant and fearful.

Q Did she give you details?

A She did.

Q Did she, in fact, give you graphic detail?

A She did.

Q And when she made the disclosures from week to week or from month to month, did they have a consistent core?

A They did.

Q And, now, I said earlier about clarification. We just talked about a consistent core. But does clarification in this sense mean that the consistent core is expounded upon? Is that what clarification means?

A It can be, yes.

Q Okay. So tell me what the goal of therapy is for a child who has been sexually abused?

A It would be to clarify exactly what has happened and then be able to treat the behaviors that are -- that the child is exhibiting or having as a result of the trauma.

Q Okay. And, now, before you can treat as a therapist, do you have to diagnose?

A I do, yes.

Q Okay. Did you diagnose in this situation?

A I did.

Q And what was your diagnosis?

A Initially, she was diagnosed with sexual abuse of a child following her assessment, based upon the assessment referral from the Children's Advocacy Center and, also, adjustment disorder with mixed anxiety and depressed mood.

Q Okay. Talk to me about the last one. What is mixed anxiety and depressed mood? What does that mean?

A She was having a tremendous amount of anxiety in her behaviors at home, at preschool at the time, and, also, in social situations.

Q Okay. Explain to me how -- and I'm certain that there's not one course. But if a child Minor Victim age has been sexually abused and she's showing these signs that you've just described, how might one act out?

A Anger, fear, tantrums, crying, nightmares, toileting regression, hair pulling. There's a tremendous amount of motorical [phonetic] behaviors.

Q What about sleep?

A Nightmares, night terrors, inability to stay asleep.

Q All right. Now, Minor Victim came to you when? What was her -- when was she first there to see you?

A May 17, 2011.

Q Okay. Do you know Kim Rosborough?

A I do.

Q Okay. You guys are colleagues, or peers; correct?

A Correct.

MR. BRANNON: May I approach the witness?

THE COURT: Yes, sir.

BY MR. BRANNON:

Q This is the intake sheet from Kim Rosborough's office for [redacted] Do you see the date?

A Yes.

Q 10-5-2010; correct?

A Correct.

Q Okay. Now, let me back up. Did you know that Minor Victim

had been seen by Kim Rosborough prior to her CAC assessment?

A I found that out after I started seeing her.

Q After the fact. Now, do children who have suffered abuse, typically, become more verbal as they get older?

A They become more verbal as they get older, but, also, as they become safer and they feel like they're in a safe and trusting environment.

Q But by safe, do you mean more acquainted with the individual that they might be talking to you? Is that what you're talking about?

A Sometimes, yes, or, also, just in a situation in their own personal life where they may feel like there's no further threat to them, and then they're able to disclose.

Q Like maybe the abuser is no longer around?

A Correct.

Q All right. Now, did you, at some point, find out that Minor Victim had stopped sleeping in her bed?

A I did.

Q Did you find put that Minor Victim had regressed in her toilet training?

A Yes.

Q Did you find out about her temper tantrums?

A Yes.
Q Her panic attacks?
A Yes.
Q Her language regression back to baby talk, did you find out about those things?
A Yes, sir.
Q Are all of those symptoms of abuse?
A I believe they are.
Q Okay. And in October of 2010, Minor Victim was three years old; right?
A Yes.
Q Might it be, based on your experience and expertise, that she was trying to tell you something -- trying to tell us something?
A I believe so, yes.
Q Okay. Have you ever known a four-year-old that could fake incontinence?
A No.
Q Have you ever known a four-year-old that could fake a panic attack to the point that her parents -- or her mom and stepdad would take her to a therapist?
A No.
Q Did you come to find out through your therapy and fact gathering that Minor Victim was, in fact, alone with Danny D in a motel?

A Yes.

Q And that she was, in fact, alone with Danny D in a home in Virginia?

A Yes.

Q Based on your experience and expertise, is it your opinion that the disclosures made by Minor Victim have a ring of truth?

A Yes.

Q Can she testify about Danny D in front of Danny D?

A Not at this time, no.

Q And if made to testify about it at all in front of strangers, what would the traumatic effect be on Minor Victim

A I think that Minor Victim would regress to a point further than what she was. I think she could be emotionally traumatized. It could affect your academic, social, and cognitive functioning. I believe it would cause her to have such a tremendous amount of insecurity that she would be unable to function.

Q Would you suggest -- or would you rate the emotional trauma as severe, if required to testify at all about this topic?

A Yes.

MR. BRANNON: I don't have anything else, Your Honor.

THE COURT: Mr. Shabel.

CROSS-EXAMINATION

BY MR. SHABEL:

Q Ms. Loftis, I believe Mr. Brannon said you at the beginning and you told us here that your job was to help children through these diagnoses; correct?

A Yes.

Q That your job was not to determine whether or not things did or did not happen; correct?

A Correct.

Q So why are you concerned with whether or not Danny D was alone if your job is not to determine whether or not it happened?

A I'm not concerned that he was alone. I'm not concerned -- I'm just -- was stating what she had reported.

Q Mr. Brandon asked you about your fact finding. What sort of fact finding did you do to determine whether or not Mr. Spade was alone with his daughter?

A That would come at the beginning of a general assessment that I do with all clients, which is time lines and general family history.

Q And with whom did you obtain that information?

A Mr. and Mrs. Jolley.

Q So your information about whether or not Daniel Spade was alone with his child came from two adults?

A And Minor Victim

Q And Minor Victim How would Danny -- excuse me, how would Mr. and Mrs. Jolley know whether or not Mr. Spade was alone with his child?

A I can't answer that. You'd have to ask them.

Q Okay. Did they indicate to you that they had firsthand knowledge that he was alone with Minor Victim

A I don't believe so, no.

Q Thank you.

How many of the sessions -- you've seen Minor Victim pretty much every other week since May of 2011; correct?

A Correct.

Q How many of the sessions did Mr. Jolley attend?

A He didn't attend any of the sessions. Minor Victim was --

Q Let me rephrase the question. That's my fault. I apologize.

How many of those sessions from May of 2011, did Mr. Jolley bring Minor Victim to?

A I don't know. They took turns. I don't have a specific number.

Q Okay. So you cannot testify today whether there were disclosures more with one parent versus the other?

A No.

Q But that would, obviously, be reflected in your file; correct? You'd know who brought her; correct?

A Yes.
Q This child was suffering anxiety at preschool?
A I believe so, yes.
Q Mr. Spade wasn't at preschool; right?
A No.
Q Mr. Spade didn't call the preschool; right?
A No. But it's not unusual for children to act out motorically in all their different --
Q Are you aware that some of these reactions are getting videotaped?
A I don't know that.
Q Doesn't that concern you, as a child therapist, that this is being videotaped?
A No.
Q Do you think it's appropriate for a parent to videotape reactions of this nature?
A I think it depends on the circumstances.
Q Let me make sure I'm absolutely clear on something, Ms. Loftis.

MR. SHABEL: Can I see Plaintiff's Exhibit No. 1?

BY MR. SHABEL:

Q You have never seen this document before in your life?
A No, I have not.
Q You have never seen anything that Tabitha Webber has

produced, have you?
A No, I have not.
Q So you can't say with any degree of certainty whether or not what she has told you is consistent with what Ms. Webber was told, can you?
A Not from that document, no.
Q You have no idea whether or not she has disclosed the same things to Ms. Webber as to you, do you?
A I do know that -- and this would be a third-party conversation -- via the detectives in Virginia --
Q Okay.
A -- and in Spartanburg have all -- have confirmed that her disclosures are the same.
Q Okay. So your testimony is she disclosed anal sex to Tabitha Webber?
MR. BRANNON: Objection. That's not what she said.
MR. SHABEL: She said that they were the same.
MR. BRANNON: No. She said she was told by detectives. She didn't say that.
MR. SHABEL: I'll rephrase the question.
THE COURT: Rephrase.
BY MR. SHABEL:
Q It's your understanding from having talked to the detectives and having talked to whomever you talked to, it is your belief that she disclosed anal sex to Tabitha

Webber?

A No. That's not what I said.

Q Okay. Don't you think it's a big difference to disclose it with one person and not the other?

A No, not -- when a child is in timid disclosure, they tend to piece meal disclose, which means they tell bits and pieces over time. So one of the whole reasons for a referral from the advocacy center is, also, to clarify, which would be to -- it's not unusual for children to bring out more details of abuse, even more specifics.

Q Tell me when she first disclosed anal penetration.

A It was probably about four to five months into treatment.

Q So that would have been in October of 2011?

A I believe so, yes.

Q It is your opinion that this child could remember anal penetration that occurred one year ago?

A Yes.

Q It is your testimony that this child who is now, what, age six?

A She is six.

Q Could remember what happened in October of 2010 with -- and I'm quoting from your letter, Ms. Loftis, graphic and detailed account of abuse?

A Yes. I believe --

Q It is your testimony that this child can remember that far back?
A Yes.
Q Nearly a third of her life ago?
A Yes.
Q Have you been -- let me start over.
Have you been given any information about a medical examination that this child took?
A No.
Q Have you been told whether one was done?
A I don't know.
Q Have you asked whether or not one was done?
A I'm not sure. I don't remember.
Q Wouldn't a medical examination provide additional verification to your counseling?
A Not really. Typically, most medicals, even done up-front in a forensics fashion, don't really reveal a whole lot.
Q But they could reveal something?
A They could. But from a -- from my perspective, I'm dealing more with angers, not physical ailments. So that information is not necessarily -- one of the reasons I wanted to stay away from the forensic and from looking at those documents was so that I could be able to talk with Minor Victim and her be able to tell me exactly what it was

that occurred versus reading it from someone else.

Q In your very first meeting with Minor Victim what, if anything, did she disclose about Danny D?

A Nothing.

Q What, if anything, did you discuss with her about Danny D?

A I believe I asked her who was in her family. And we just -- Minor Victim was extremely fearful. The first month and a half to two months that she was attending sessions, it was hard to keep her in the room. She was extremely worried that the person who brought her was going to leave.

She -- every time -- my office is, actually, located between two fire stations in Greenville. And any time a fire truck would go by, she would panic. She would have extreme anxiety. The child was extremely fearful. She did not really talk about a whole lot, other than just general family and therapeutic things before she opened up.

Q Were you told -- let me start over.

So it took a couple of sessions for you to get to know her?

A It took a bunch of sessions.

Q Right. Over a period of months?

A Yes.

Q Do you know -- and I'm not asking -- this is not a trick question. I'm just asking if you know. Do you know how long it was with Tabitha Webber before she made a disclosure?

A I don't know the actual session or how many times it took. I don't know the answer to that.

Q From your experience with Minor Victim what would you expect?

A Minor Victim would need to have --

MR. BRANNON: I object. What would she expect of what?

MR. SHABEL: I'll rephrase the question.

BY MR. SHABEL:

Q Knowing you haven't seen Tabitha Webber's report, knowing what you know of Minor Victim and how long it took you to meet -- to get Minor Victim to talk about Danny D, what would you expect as to how long it would take Minor Victim to start talking about Danny D?

MR. BRANNON: I object to relevance. I object to cross categories of experts. How would a therapist know what is expected in a forensic interview when that's not what she's conducted? He's asking her to guess about something that she has no personal knowledge of.

MR. SHABEL: She has personal knowledge of how long it took Minor Victim to talk about Danny D.

MR. BRANNON: To her.

MR. SHABEL: To her. I think from her experience as a counselor, she can testify as to how long it would take with other counselors, too.

MR. BRANNON: I object to relevance. And the same motion -- same --

THE COURT: Overruled.

BY MR. SHABEL:

Q What would you expect?

A I would expect with Minor Victim and knowing how fond she was of Tabitha that it probably didn't take long at all. One of the first things Minor Victim talked about was Tabitha and Tabitha's house, as she called it. She often still, to this day, talks about how she thinks she's -- Tabitha is her friend because they both have red hair.

Q Can you -- and, again, if you can't, you can't. But can you offer an explanation as to why it took you several months, but it took Tabitha 24 hours?

A I believe because the context of the relationship was completely different. I believe that prior to seeing me, she had seen Kim Rosborough. And I believe that she was fearful that Mr. Spade was going to be present. I think it took her a while to --

Q Wait a minute. I'm sorry. I didn't mean to interrupt you.

A That it took a while to open up because of the fact that Mr. Spade could have been present, or would have been present. And she was fearful that in that situation that he could show up at my office.

Q Why was she fearful that Mr. Spade was going to show up in a therapy session, Ms. Loftis?

A In my therapy session?

Q Yes.

A Probably because she was getting ready to disclose sexual abuse. And she was fearful that he would be there.

Q But why would Minor Victim have known that Danny D was going to be at a therapy session to begin with?

A At my therapy session?

Q At any therapy session. You testified that she was afraid Danny D was going to be at the therapy session. Why would she even be afraid that he would -- was she told this?

A I don't know. I don't think -- I think you're misinterpreting what I'm saying. What I'm trying to say is it could have been a number of things as to why she wouldn't open up.

I think that she was able to -- just needed that extra time. She was in a new environment. She was extremely -- I don't know -- just fearful.

Q That lady over here, Ms. Wolf, do you know what her

role in this case is?
A She's the guardian.
Q How many times have you, as this child's therapist, contacted the guardian ad litem to update her on the therapy?
A Ms. Wolf contacted me, and we played phone tag for sometime. And -- but since that time, we've not talked.
Q When did the phone tag begin?
A I don't know offhand.
Q When were you informed that Ms. Wolf was the guardian ad litem?
A At the beginning.
Q You didn't feel it was appropriate to get the guardian ad litem involved in your therapy?
A No. Most guardians usually contact me.
Q Were you ever told not to contact the guardian ad litem?
A No.
Q Were you ever asked not to contact the guardian ad litem?
A No.
Q So you were aware that there was a child advocate out there, and you chose not to contact her?
A I was in communications with law enforcement on a regular basis after she started disclosing. So I didn't

feel the need.

Q But not the court-appointed guardian ad litem?

A No.

Q Does this child get clingy?

A I'm sorry.

Q Does this child get clingy?

A Yes.

Q Can you testify as to whether or not she is more clingy with one parent than another in this particular case?

A I think she's clingy with both parents, with both mom and stepdad.

Q Again, not a trick question. If mom and stepdad are together, is she more clingy with one?

A To mom.

Q Where was the motel?

A In Greenville somewhere, Greenville area. I don't know a specific --

Q Who told you Greenville?

A She did. She said here, so I'm assuming Greenville.

Q You've been in contact with law enforcement, haven't you?

A Yes.

Q From your conversations with law enforcement, where are my client's current criminal charges pending?

A In Spartanburg.
Q Does that not cause you concern about the child telling the truth?
A Mr. Shabel, she was five, six years old. And I don't believe that a five- or six-year-old necessarily has the capacity when they say, here, they mean in the situation that they are in. Here is different than riding in the car for five or six hours to Virginia, which would be Virginia. She assumes Greenville, Spartanburg, the whole area, Simpsonville is all her home.
Q So she cannot testify to Greenville versus Spartanburg, but she can testify to what happened two years ago? She can talk about that? She can remember that?
A That's not what I said.
Q Well, you testified earlier she could remember what happened two years ago.
A She can.
Q So she can remember what happened two years ago, but can't tell the difference between cities?
A The difference is what happened two years ago was an extreme trauma to her versus asking a child what specific time of day something happened and what zip code it happened.
Q Since you have begun your therapy with Minor Victim have

you discussed with mom or stepdad the level of regression the child has had currently?

A I don't understand your question.

Q Maybe I don't either. Let me try it again.

Since you've been involved with Minor Victim and since you've began discussing things that Danny D has done, have you discussed with mom and stepdad about any of the regressive behaviors at the house, the bed wetting, the sleepless nights?

A Yes.

Q Have they gotten better?

A They have improved some, yes.

Q Okay.

A She has periods where they go back and forth.

Q But, overall, she's better now than she was in May of 2011?

A Yes.

Q Despite the fact that she keeps talking about it with you, she's better now than she was?

A We don't talk about it every single time she comes into my office.

Q But you talk about it?

A If she wants to, yes.

Q Okay. It's easier for her to talk about it with you now than it was in May of 2011?

A Yes.
Q It's going to continue to get easier to talk about it as time goes on?
A Yes.
Q The trauma of talking about it is going to be less and less as time goes on?
A Yes.
Q So, clearly, the trauma she would face now is much less than the trauma she would have faced a year ago in testifying; correct?
A The trauma she would face now --
Q The trauma she would face in October of 2012, to talk about these allegations is a lot less than it was a year ago; correct?
A Being compared to a year ago, yes.
Q Okay.
A But it's still there.
Q But it's not as significant, is it?
A But it's still pretty severe.
Q But it's less?
A Less than severe?
Q Less than what it was?
A Less than extreme, yes. Less than extreme, but severe.
Q Let me ask you this. Do you think you being in the

room would allow her to talk about things?

A I think me being in the room would help, but I don't know that it would make that much of a difference. I still think that Minor Victim would shut down.

Q Okay. You would agree there's a difference between shutting down and facing trauma; right?

A Yes.

Q Does this child have aggressive behaviors every time she talks to you about the abuse?

A No. Sometimes, but no.

Q Not all the time?

A No.

Q So it's not a guarantee that she's going to talk about it with you and then all of a sudden have these aggressive behaviors?

A No.

Q And you would agree it would be much easier on this child to testify outside the presence of Mr. Spade than it would be to testify in his presence?

A Correct.

Q In your therapy, to what extent have you, actually, discussed the possibility of this child talking about this in front of strangers?

A About -- I guess about three or four weeks ago, she and I had a conversation about talking about things that

she's told me. I've always told Minor Victim that everything she says in my office stays in my office. She became very upset, very nervous.

By report of her parents, there were many incidents of panic and anxiety both at school and at home. So I've since stopped talking about that.

Q Okay. Did you tell mom and dad that that's what you talked about?

A No. I don't believe so. Maybe after the fact, but not before.

Q You didn't warn them that's what you were going to talk about?

A No.

Q But after you talked about it, you told them, hey, we started talking about this?

A I believe so, yes.

Q And who reported the symptoms?

A I think it was Mr. Jolley.

Q Thank you.

I want to go back to something you said at the very beginning. Did Mr. Jolley first contact you about an appointment to see Minor Victim

A No.

Q Did Mrs. Jolley contact you about an appointment to see Minor Victim

A I believe she did, yes.
Q Okay. But you testified that the referral came from the CAC?
A The referral came from the CAC. But the actual appointment that was scheduled was with Mrs. Jolley.
Q So you don't know how you got chosen?
A I'm on their list, I guess.
Q How difficult is it on a child to switch therapists mid stream?
A I think it depends on the child.
Q Okay. I'll rephrase the question. For Minor Victim for a child Minor Victim age, developmentally, how difficult is it to change therapists mid stream?
A I think it's difficult.
Q Do you think that Minor Victim -- did the Jolleys ever express an issue with Kim Rosborough to you?
A Did they ever express an issue?
Q Yeah.
A What kind of issue?
Q Complaints, concerns about her therapy, concerns about her bill, anything?
A No, not that I can remember, no. Other than they felt like it was too expensive to continue going to Spartanburg with the gas and, also, the rate. And that I took victim assistance, so it was more affordable for her

to go --

Q Okay. Do you find that a little strange?

A No. The economy is tough, money is tight.

Q Do you have any personal knowledge as to what they told Kim Rosborough as to why they didn't go back to her?

A Personal knowledge, no.

Q Kim Rosborough could have done the same job you did; correct?

A Kim could do an excellent job, yes.

Q How much communication have you had with the Solicitor's Office?

A The Solicitor's Office? None.

Q But you've been in regular contact with law enforcement?

A Correct.

Q Nicki Cantrell?

A Yes.

Q At what point in your therapy did you begin to try to determine what, actually, occurred in which location, or is that something you've done? Maybe I'm jumping the gun a little bit.

A I'm not sure I understand the question.

Q At any point in your therapy with Minor Victim have you tried to get into what, actually, occurred at a hotel in Greenville and what, actually, occurred in Virginia?

A She's been pretty specific. Usually, she'll say -- I'll ask where did that happen, and she'll usually tell me.

Q Has she disclosed that certain things happened in Virginia that didn't happen in South Carolina, or has it been, basically, the same thing in both states?

A My understanding is that it's mostly the same in both states.

Q Do you think it's difficult for a child to differentiate between locations?

A At times, yes.

Q So she can't really tell you the difference between Greenville and Spartanburg, but she can tell you the difference between a hotel and home?

A I think she can identify specific differences with a hotel. There's usually a pool or, you know, there's a lot of different amenities that she could identify versus being at her home.

Q Who else was there in Virginia, according to Minor Victim

A I believe her stepmother and her two -- three -- well, I guess it would have been the two brothers at the time. I don't know that Savannah was born yet.

Q Okay. Other than Mr. and Mrs. Jolley, have you spoken with any other family members regarding Minor Victim

A Regarding Minor Victim no.

Q Have you, at this moment, seen any of Kim Rosborough's file?
A No, I have not.
Q Have you ever had an appointment that was cancelled by the Jolleys?
A I'm sorry.
Q Have you ever had an appointment cancelled by the Jolleys, or rescheduled by the Jolleys?
A Probably once or twice, not very often, though.
Q They've been very regular?
A Very compliant with treatment.
Q You've had no problems with cooperation?
A No, not at all.
Q You've had no issues with them demanding certain things out of you?
A No.

MR. SHABEL: I believe that's all I have, Your Honor.

THE COURT: Ms. Wolf.

MS. WOLF: Thank you.

CROSS-EXAMINATION

BY MS. WOLF:

Q Ma'am, could you give me the specific details in as many of Minor Victim own words that you recollect and your notes reflect as to what was done to or with her when she was in a hotel location, any hotel anywhere that involved

the Defendant?

A Specifically, one time -- one specific disclosure would be that at a hotel pool that they were in the bathroom. She said, He made me touch his private part. I didn't want to. He put it in my mouth. He said I wouldn't go home if I didn't do it, so I did and he took me home.

Q Any other details about what the Defendant did or said during that interaction?

A None, other than what I just said.

Q Any other disclosures about what happened in a hotel or other public location?

A She's talked about -- on multiple occasions, she's talked about being in a hotel and that things happened in a bathroom, not so much a bathroom in the pool area, but in a bathroom where she would say, you know, he hurted me by touching my bottom, or he hurted me by -- or he did bad things to me.

Q Any other descriptions about what the Defendant was wearing?

A No.

Q At any time in your work with her has she ever given a description about what the Defendant was wearing at the time that he did something to her?

A Yes. On one occasion, she talked about him wearing a

mask.
Q When was that occasion?
A When was that occasion?
Q When was that disclosure made to you, and are you able to put that in the context of the timeline that she says?
A It would have been -- I mean, it's -- I don't know exactly where or when, specifically. I mean, as far as a specific date of when that would have happened, I don't know.
Q Do you have in your notes when in the work you did with her that the first disclosure came to light?
A In my notes, I would, yes.
Q Do you have those notes with you?
A No.
Q Is there a reason why you don't have them with you?
A They weren't subpoenaed.
Q If you were brought back to testify at the second half of this case, would you bring your notes with you?
A Yes.
Q Do you review them before you testify in Court?
A I do.
Q At this point, based on any review that you've done, can you give me an estimate -- in your recollection, did that disclosure about a mask come at the beginning, the

middle, or the most recent interaction you had with this child since 2011?

A The middle.

Q And do you recall any details about that mask?

A That it was a wolf mask.

Q Did she describe it?

A She did. She drew a picture of it.

Q And did she say where that happened when she saw that mask?

A No.

Q Are you thinking, no, because you don't recall or, no, she did not tell you what location that occurred in?

A No. I don't believe she told me what location that occurred in.

Q You indicated that around a month or so ago you had a conversation with Minor Victim about her telling other people what had happened?

A Yes.

Q And did you bring that up in the therapeutic setting, or did she bring it up?

A I brought it up to her.

Q Why did you bring it up to her at that time?

A In the event that she may have to come testify in court, I wanted her to be prepared that she could know what to expect.

Q And have you done anything to prepare her to testify in court?
A No, not since that time.
Q When were you aware of the timeline of this proceeding?
A I've known about the court date for a while. I just brought it up about a month ago.
Q Had you been told by Mr. Jolley or Mrs. Jolley that about a month ago is when my home visit was scheduled?
A I don't know anything about your home visit. I'm sorry.
Q That's okay. Did you discuss with either of the Plaintiffs the -- discuss with them what they could or could not tell me, or should or should not tell me about what Minor Victim had been talking about in therapy?
A I don't believe I've told them anything about what they can or cannot say, other than to not talk to Minor Victim
Q Okay. But you haven't given them any prohibitions about communicating with anyone else?
A I have -- in my mind -- and this is how I am with all of my clients, I respect their privacy just like I respect Minor Victim And if anyone asks, I'm more than happy to give a summary or talk to someone that they sign a release to. But I'd ask that they respect Minor Victim privacy and not expand on specific details.
Q Would that include family members talking amongst

themselves?

A Correct.

Q And did you have that specific conversation with the Jolleys in this case?

A I have had that conversation with the Jolleys.

Q And do you feel they were responsive?

A They've always been responsive, yes.

Q A good portion of your testimony this afternoon has been in light of this hearsay motion to allow the child's statements to come in. And while it might seem kind of bizarre because you just put all those statements in, they may not or may come in as part of the actual case in chief.

And in your testifying this afternoon, you've made a conclusion based on your expertise and your work with my client as to the stress it would put her under, the fact that she should -- we would expect to see regressive behavior. There's all kinds of negative consequences if she is made to come to court and tell what happened. Is that your position?

A Yes.

Q What is it about telling her story to someone other than you that would make it so horrible for her?

A Well, I think it depends on the context in which she's telling it. If she's had an opportunity to know that person or to trust that person, the environment that

she's in, if it's a familiar or unfamiliar environment could affect that.

It's not so much a matter that she couldn't tell anyone else or talk to anyone else about it. It's just a matter of what setting and what avenue would be the most appropriate for her.

Q So she could speak about it. It's just a matter of the when, the where, and the how, and who's there?

A In a setting like this, no.

Q What setting do you think would be the least disruptive of this child's therapeutic evolvement -- evolution, excuse me?

A I don't know at this time that it wouldn't be disruptive -- or there isn't a situation where it wouldn't be disruptive to her.

Q Based on the work you've done with her -- and I guess we're assuming she came to you in May of 2011, and you started your work with her then?

A Yes, ma'am.

Q And then, roughly, five or six months into your work with her, you began to elicit the disclosures from her, or she began giving them to you?

A Minor Victim disclosed, yes.

Q Okay. But it was about five or six months in?

A No. It wasn't about five or six months. It was only

about a month or two.

Q And based on your experience with this child and your expertise, how would you expect this child to react if she were to start talking to her alleged abuser?

A How would I expect her to react?

Q Uh-huh. What behavioral response would you expect having -- if she's gone through what she says she's gone through -- let's just say the abuse is done and finished, and she's in a safe and protective place, not having any more contact with that abuser, what would you anticipate her physical reaction and responses to be should she all of a sudden begin communication with that abuser?

A Fear, insecurity, physical regression, toileting issues, and extreme nightmares, panic attacks.

Q What about the actual conversation, would you expect her to be able to talk quietly or appropriately?

A I don't know that she could talk at all.

Q Did the Plaintiffs in this case provide you with any of the transcripts that they had prepared of the child's conversations with Mr. Danny D?

A No.

Q Did they provide you any of the audio recordings of the conversations?

A No.

Q Are you aware that those existed?

A No.
Q Would you be surprised to know that those existed?
A No.
Q Would you be interested in listening to them as part of your ongoing treatment of my client?
A Would I be open to listen to them?
Q Uh-huh.
A Sure.
Q Would you be surprised to hear her talking very calmly and directly as recently as three weeks prior to her interviewing with you about her abuse?
A Would I be surprised to know she talked calmly?
Q Uh-huh. There wasn't any fear in her voice. There was no panic, no freaking out, no...
A Well, at that point, she hadn't disclosed; correct? I don't think that that's -- I think that's kind of the answer.
Q But had she already disclosed and continued to have conversations with him, are you expecting a different response from this child than if those conversations occurred?
A Yes.
Q When are you -- when were you told the disclosure first came?
A When was I told the disclosure first came?

Q Yeah. According to what you know and believe of this case, when was this child's first disclosure that something had happened, was wrong and bad, and she had been hurt by this man?
A I know when she told her maternal grandmother is what I was told.
Q Who told you that?
A I believe Mr. and Mrs. Jolley did.
Q Do you know what date that was?
A It would have been back on May 17th, because that's the day I did her intake.
Q May 17th?
A 2011.
Q Would you be surprised to know it was, actually, March?
MR. BRANNON: Wait a minute. You have the witness confused.
THE COURT: Sustained. That's an improper question.
MR. BRANNON: Okay. Well, it's an improper question.
MS. WOLF: But do you know why the Judge said it was an improper question?
MR. BRANNON: Because you have the witness confused
BY MS. WOLF:
Q Let me unconfuse you, if I can. According to the information you've been provided by any party in this

action, what was the date that the child first disclosed that she had been harmed by the gentleman known as Danny D?

A I don't know offhand. I'm assuming it's March since you said that.

Q Since I said it?

A Yeah.

Q Would that be reflected in your notes?

A I believe it would be, yes.

Q You could probably find that note, perhaps, at a later date?

A Correct.

Q And you have no objection to bringing those notes with you the next time you come?

A I have no objection.

Q You take funding. Is it SOVA?

A SOVA. It's the South Carolina Victim's Assistance.

Q And you understood that one of the reasons that the Jolleys terminated their work with Ms. Rosborough was because they were able to utilize those funds to receive treatment from you?

A Correct, yes.

Q Do you know whether or not Ms. Rosborough takes those payments?

A I don't know if she does or not. I don't believe she

does.
Q If she did, it really wouldn't make any difference; right? People could come to you for whatever reason?
A Sure.
Q Is it part of the practice -- or your practice to review any prior therapeutic notes?
A Sometimes, yes, and sometimes, no.
Q And, in this case, you decided not to. Is there a reason?
A No.
Q Do you think it would have helped you?
A No.
Q Is there any other information you felt would have been helpful with your work with Minor Victim
A No. I think my work with Minor Victim has gone very well.
Q And, finally, did you, at any time, sit down with any of the adults in this case, and I'm meaning this child's mother, stepfather, or maternal grandmother, or grandfather, and delineate exactly the information given to us today, this is what this child said was done to her?
A I've given Mr. and Mrs. Jolley a summary of what's happened to Minor Victim But I've not given very specific statements to them.
Q Why not?
A Mr. and Mrs. Jolley didn't want to know. It was too

painful for them. But just hearing the summary itself was enough for them. They didn't need to hear specific details.

Q Did you make that decision, or did they?

A They did.

MS. WOLF: Those are all the questions I have. Thank you.

THE COURT: Mr. Brannon.

REDIRECT EXAMINATION

BY MR. BRANNON:

Q Ms. Loftis, did you ever receive a subpoena from this lawyer for your file?

A No.

Q Did you ever receive a subpoena from that lawyer for your file?

A No.

Q How many phone calls have you had from Mr. Shabel?

A None.

Q How about the guardian?

A She and I played phone tag on maybe two or three occasions.

Q All right. So before coming into this courtroom, you hadn't talked to him about this case?

A No.

Q Or her about this case?

A No.
Q Mr. Shabel said would you be surprised if the disclosures are the same here and the ones you testified to? Would you be surprised?
A Would I be surprised if they were the same?
Q Yeah.
A No.
Q You talked about clarifying. I brought that up early on in your direct. And then you mentioned the same word in cross-examination by Mr. Shabel. Is clarification a part of your therapy?
A Yes.
Q Does clarifying the issues help your clients or your patients in their therapeutic recovery?
A Yes.
Q What is the purpose of the type of therapy that you provide?
A It's to help the child get better, to help improve their behavior, to help them feel better about themselves, to feel less anxious.
Q And one of the things that has to happen in your therapy is those clients or those patients have to get comfortable with you; correct?
A That's correct, yes.
Q You've seen Minor Victim two times a month for a year;

correct?

A About a year and a half, yes.

Q Okay. Do you believe she's comfortable with you?

A Yes.

Q But even though she's comfortable with you, when she speaks of Danny D, do you see fear?

A Yes.

Q Do you see pain?

A Yes.

Q Do you see emotional trauma?

A Yes.

Q When she is in therapy with you, are you the only one in the room?

A Yes.

Q And with you and she being the only two humans in the room and talking about him, she's still fearful?

A Yes.

Q Still stressed?

A Yes.

Q Still emotionally strained?

A Yes.

Q Is there any setting, other than a therapeutic setting, where Minor Victim would not be severely traumatized by being forced to testify, or to talk about these things? Is there a setting, other than therapeutic, where she

could talk about this and not be severely traumatized?
A Not at this time.
Q Is there a setting where she could talk about it and not be fearful of Danny D?
A No.
Q You were asked questions about medical exams. You were asked if you had ever seen the medical exam resulting in this case; correct?
A Yes.
Q Based on your years of experience, your education and training, what percent of medical exams on a child have actual evidence of sexual abuse?
MR. SHABEL: Outside the scope of this witnesses expertise. I would object. She's a family and child counselor, not an expert in child sexual abuse.
MR. BRANNON: I asked her based on her expertise and experience, what percent. If she doesn't know the answer, I think she can tell me she doesn't know the answer.
THE COURT: Overruled.
THE WITNESS: Based upon my experience and my expertise, I would say a minimal amount of medicals, actually, exhibit that or reveal that.
BY MR. BRANNON:
Q Okay. And is there a timing mechanism in disclosures that make disclosures more truthful? In other words,

abuse disclosure, true, abuse delay disclosure, not true. Is there a timing element that makes a disclosure truthful?

A A timing element as far as -- can you explain that a little more? I'm not sure I understand.

Q Let me back up. Is it true that some victims of sexual assault wait years to disclose?

A That's correct, yes.

Q And some disclose the day after it happened; correct?

A That's correct, yes.

Q Is the one that disclosed the day after it happened anymore truthful than the one that disclosed 20 years later?

A No.

Q Just based on your experience as a momma, do injuries on children heal?

A Yes.

Q Okay. What we know is that Minor Victim first went to see Kim Rosborough in October of 2010?

A Yes.

Q What we know is that Minor Victim didn't see Danny D -- Minor Victim hasn't seen Danny D since then, two years. And what we know is that Minor Victim didn't disclose sexual abuse until she saw Tab Webber; right?

A That's correct.

Q Wouldn't it then be true that any injury could have had time to heal?

A That's true, yes.

MR. BRANNON: I don't have anything further.

THE COURT: You may step down.

Watch your step.

MR. BRANNON: I call the guardian in this case, Your Honor.

THE COURT: I'll tell you what, let's take a recess for maybe 10 minutes.

MR. SHABEL: Your Honor, may I ask how long the Court intends to go this afternoon, so that I can arrange day care?

THE COURT: How many more witnesses do you have on this issue?

MR. BRANNON: One. And I've got one question for that witness.

MR. SHABEL: I've got extensive questions for that witness. And I have one witness myself.

THE COURT: Well, it's up to you then.

MR. SHABEL: Yes.

THE COURT: I will probably stop after this witness. And I want to deliberate on this issue.

Do you foresee any complications by the way I rule on this issue that we'd have to come back?

MR. SHABEL: I have one witness on that other issue.

THE COURT: You do?

MR. SHABEL: Yes. So we'll have to come back anyway.

MR. BRANNON: May Ms. Loftis be excused?

THE COURT: Any objection?

MR. SHABEL: Yes.

THE COURT: What's your objection?

MR. SHABEL: I don't want this testimony to stand for purposes of this trial.

MR. BRANNON: I thought --

THE COURT: We need to clarify that. I was thinking you meant for the day.

MR. SHABEL: For the day, yes, absolutely for the day. I'm sorry. I didn't understand what you meant.

THE COURT: Ms. Loftis, you may be excused for the day. Is she under subpoena?

MR. BRANNON: Yes.

THE COURT: Okay. If you're needed back, you have to come back. And the subpoena is still valid. You're free to go for the remainder of the day.

(WHEREUPON, a break was taken.)

THE COURT: Mr. Brannon.

MR. BRANNON: I call Alex Wolf.

THE COURT: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

ALEX WOLF,

after first having been duly sworn, testified as follows:

THE COURT: Have a seat please, Ms. Wolf.

Watch your step.

DIRECT EXAMINATION

BY MR. BRANNON:

Q Ma'am, you're the court-appointed guardian ad litem in this matter; is that true?

A That is true.

Q Do you believe that it would be in your client's best interest to testify in this matter as to any abuse alleged by her against her father?

A I do not believe it would be in her best interest to be made to testify.

MR. BRANNON: Thank you.

No further questions.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SHABEL:

Q Ms. Wolf, when were you appointed as guardian ad litem?

A In 2011. I don't have that order in front of me, but it was following the first temporary hearing.

Q During the initial portion of the case, was there any

discussion of allegations of sexual abuse?

A No.

Q Visitation with my client, what was ordered at that time?

A At the time of the --

MR. BRANNON: Objection. Outside the scope of this motion.

MR. SHABEL: Your Honor, one of the arguments for 19-1-180 is to eliminate any source of bias. And given a little leeway, I'm going to work on that bias argument with respect to --

THE COURT: Eliminating any sort of bias of?

MR. SHABEL: Why the child would make statements.

THE COURT: Overruled.

BY MR. SHABEL:

Q What was my client's visitation under court order when you first got this case?

A He was having unsupervised overnight visitation. They were sort of at the tail end of a previous piece of litigation --

Q Which you were, also, the guardian for; correct?

A I was.

Q All right.

A This litigation was filed because there were difficulties with that visitation. There had been

extended visitation with the child and the birth father. And now there were some concerns that visitation should become supervised, or otherwise suspended.

Q And it was otherwise suspended as far as the face-to-face visits; correct?

A It was. There was a temporary order issued by this Court in December of 2010. And, at that time, the visitation was suspended, although there was still phone contact.

Q And over the course of the first three months of your appointment, did you receive copies of transcripts from the phone conversations between my client and the child?

A I did. I had said for either party to forward me anything that would help me kind of gauge where this child was in relation to her contact with her father. And, specifically, the Plaintiffs did make telephone recordings, and, also, did some transcriptions of some of those recordings for my benefit.

Q And approximately how many did you receive combined, according to transcripts?

A There was only one transcript with multiple paragraphs. There were four recordings sent to me by e-mail. I had difficulty downloading those. And so then they, actually, sent me two CDs with the recordings, actually, live from their original files.

Q Did you hear any sense of fear --
A I did not.
Q -- in those conversations?
A I did not.
Q Did you hear anything from Mr. Spade that would have invoked fear in this child, in your opinion?
A I did not.
Q Do you know approximately when the last phone call you received what -- approximately when the last phone call you received that was recorded?
A I'll have to check my notes, but I'm nearly positive it was March 31st of 2011.
Q March 31st?
A Yes, sir.
Q Does that date have any other significance in this case?
A The timing has significance. The day prior to that, my client's grandfather came to my office unannounced, showed up at the door.
Q And is that the first time that the words sexual abuse entered this case?
A That's the first time they became apparent to me in my work as the guardian, yes.
Q And, yet, the day after that meeting, you -- there was a recording of a phone conversation between my client

and the child?

A Dated the 31st of March.

Q And, again, no sense of fear in the child?

A No. To the contrary, she was a bit defiant with him.

MR. BRANNON: Excuse me. She was a bit what?

THE WITNESS: Defiant.

MR. BRANNON: Thank you.

BY MR. SHABEL:

Q Now, prior to this point, was this child in therapy?

A Yes.

Q With whom?

A Kim Rosborough.

Q Had you been actively involved with Ms. Rosborough discussing the steps for therapy?

A I had not been actively involved with her so much as tracking the progress. Most of the time, it would be Mr. Jolley that would provide me information as to what was going on, what was happening.

Q March 31st, 2011, what was your understanding of the next phase of therapy?

A The information I was provided on the 30th was that Heather, David, and Danny were -- it was the intention of Kim Rosborough to have Heather, David, Danny, and Minor Victim in some type of group setting.

Q And was that the first time since you had been

involved in the case that a face-to-face visit was imminent or, at least, planned?

A Yes.

Q Prior to March 30th of 2011, describe the level of cooperation you received from the Jolleys in your investigation?

A 120 percent.

Q Since March 30th of 2011, please, describe the level of cooperation you've received from the Jolleys in your investigation?

A From April 2011 through August of 2012, zero.

Q Did you make efforts?

A I did.

Q Did you write a letter to their counsel in June of 2011, explaining some of your efforts?

A I did.

Q Would you recognize a copy of that letter if you saw it?

A I would.

Q Is this, in fact, a copy of that letter?

A That is.

Q And, in fact, are you not explaining to their counsel that you tried to contact the Jolleys to check on the status of your client?

A That's correct. My e-mails were unreturned. My

phone messages were not responded to.

Q And what was the decision as a result of your conversation with their lawyer?

A I was advised by their attorney that she would let me know when I needed to do any work further.

MR. SHABEL: I offer this letter as Defendant's Exhibit No. 1.

MR. BRANNON: No objection.

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification and admitted into evidence.)

BY MR. SHABEL:

Q Ms. Wolf, considering your experience as guardian ad litem, did that lack of cooperation concern you?

A It did.

Q Why?

A The timing was of concern. I had known that Kim Rosborough was working towards bringing the parties together. And, yet, on the eve of those arrangements being made -- and I guess I should say that the Defendant had, also, advised that he had a telephone conference scheduled with Ms. Rosborough concerning the appointment that would bring everybody together. And then all of a sudden, I get a grandfather on my door, which was okay. I gave him specific instructions on how I wanted him to proceed.

And then the next contact I get was a rather terse e-mail from Mr. Jolley not in response to anything I had done or said, but in response to the situation as he perceived it. And then everything went down from there. It was don't talk to the guardian, don't give any information to the guardian.

In fact, the information I tried to find out within 24 hours of talking to another individual in my investigation, I would get a phone call from Petitioner's counsel. And every move I made seemed to be followed up by some problem that caused the Petitioner's counsel to call me and complain, or try to correct what I had done.

Q You said until August of 2012 there was no cooperation?

A That's correct.

Q That's, basically, in excess of a year?

A Correct.

Q What changed in August of 2012?

A The case was getting ready for trial. The Jolleys had relocated during the course of litigation. And I needed to be able to do my home visit to be able to tell the Court I had seen their current home.

Q From where did they relocate, and to where? City and state is all.

MR. BRANNON: I object. Not necessary. Irrelevant.

MR. SHABEL: I'm on cross, Your Honor. He called this witness.

MR. BRANNON: Your Honor, the answer to this question is violative of my client's security. And it doesn't impact this Court's decision in any way, shape, or form. If necessary, we stipulate to this Court's jurisdiction. Venue is properly before this Court.

MR. SHABEL: My question was not about venue. One of the statements by one of the therapists is there had been a change of therapy based upon a convenient location. And I think I need to determine whether or not that convenient location continued to exist during the entire course of therapy. All I'm asking for is city and state. I'm not asking for physical address.

THE COURT: What about county and state?

MR. SHABEL: County and state would be sufficient, Your Honor.

THE COURT: What's the objection to that?

MR. BRANNON: I mean --

THE COURT: What's the safety that you're concerned about?

MR. BRANNON: Approach?

THE COURT: Yes.

MS. WOLF: Can I come, too?

MR. BRANNON: Yes.

(WHEREUPON, a bench conference was held.)

MR. SHABEL: Your Honor, for now, I withdraw the question.

BY MR. SHABEL:

Q Ms. Wolf, I think you were discussing the fact that the Jolleys had moved, and you needed to do a home visit?

A Yes.

Q Go from there.

A I made a couple phone calls back and forth to Meredith Loftis before going to the home. At this point, there had been no specifics provided to me as far as what the child was alleging. There had been a statement from Plaintiff's counsel that a wolf mask had been worn. And my concern was that, one, my last name is Wolf. And so I didn't want anything having to do with me or my name being associated with something negative this child may or may not have experienced.

So I was not able to get Meredith on a conference call. So I went ahead and scheduled the home visit with the intention of just going to the house, looking at it, making sure my client had all of her needs being met, and trying not to do anything that would cause her to feel uncomfortable.

Q By the way, when were you, actually, told that Meredith was involved?

A I did not know Meredith's identity. I only knew that when the child went to the CAC that she was no longer going to be seeing Kim Rosborough, but there was another therapist. And that name was not provided to me. And that was, also, sort of along the timing of don't call us, we'll call you when we've got information. So I did not pursue any further more aggressively with counsel.

Q Were you present in my office in April of 2012, for a deposition with Kim Rosborough?

A I was.

Q Without going into the details of Kim Rosborough's testimony, would that be the day that you learned Meredith Loftis' identity?

A Yes.

Q Thank you.

Tell me about home the home visit.

MR. BRANNON: Objection. The home visit has nothing to do with the 19-1-180.

MR. SHABEL: Let me rephrase the question and make it have something to do with it.

BY MR. SHABEL:

Q Was there anything in the home visit that caused you concern about the Jolleys level of cooperation with your investigation?

A Mr. Jolley was hypervigilant, clearly uncomfortable

when I tried to speak with the child. When he was present, she answered -- he answered all of my questions for her. Silly questions, like what's the name of the bunny rabbit. Everything he had an answer for. And he would not let me pursue anything further.

I was allowed to go upstairs with my client unattended. And, in fact, Mrs. Jolley, while I couldn't see behind me, I could hear her talking to him, discouraging him from following me. It was very tense and uncomfortable.

Q Did they make any demands of you when you walked up to the room?

A No, no. Like I said, my client went up first and then I followed. And I could hear Mr. Jolley talking to his wife. And she was talking with a very soothing, very calm voice. And they did not follow me up the stairs.

Q Anything else from the home visit that caused you concern?

A Just that sense of hypervigilance. Although I had, at that time, very little information about what allegedly was done to my client.

Mr. Jolley had taken my client to the zoo earlier that day. She mentioned something about seeing a wolf. And the next thing I know, Mr. Jolley's voice was in the background, we don't talk about those things around here.

And it was just like boom, shut down, everything shut down.

Q She was talking to you about something that happened that day?

A Yeah.

Q A trip to the zoo?

A Right.

Q And she mentioned a wolf?

A Right.

Q And that got Mr. Jolley upset?

A Yeah. Not -- you know, not yelling. But just, you know, the response wasn't so much from my client as it was immediately from him, We don't talk about that around here. And I don't know how I could explain it, but that whole ambiance was just very, very severe.

Q Was the child afraid to talk to you?

A No.

Q Was the child ready to talk to you?

A Yes.

Q Did the child, at any point, seem reserved?

A Only when Mr. Jolley said, We don't talk about wolves around here. And that was before we went up to the bedroom. And she showed me this really cool bedroom.

Q And she hadn't seen you in how long?

A Oh, God, like two plus years.

Q But despite the fact that she hadn't seen you in two plus years, she walked you up to the bedroom?

A Yeah. And I do think that had a lot to do with Heather talking to her. Because I was surprised that she would remember me, but Heather has done a fabulous job with that. So I'm very confident that Heather kind of paved the way and made things more comfortable for us.

Q Did you ask her her name?

A Minor Victim name?

Q Yeah. Let me ask you this. There's been some testimony about the ability of this child to talk to strangers about basic questions.

A Well, I'm a way cool guardian. But, no, she was -- kind of once I got her away from her stepfather -- and even the second part of the interview, Heather was reading a book to us on the couch. And, at that point, the stepfather was in the other room on his cell phone talking. And she was real interactive and real comfortable, no problems.

Q To the extent that you were allowed to talk to her and to the extent she was allowed to answer, did she seem afraid of you?

A No.

Q Did she seem afraid to talk with you?

A No.

Q Ms. Wolf, in the course of your investigation, have you been granted access to any information that would allow you to assist this Court in making a decision on this motion?

A Say that again.

Q In the course of your investigation, have you been granted access to any information that would allow you to assist the Court in making a determination on this motion?

A I'm sorry. It's such a broad question. And you've got pretty much 99 percent of what my work has been able to accomplish, which is those audios and tracking the situation until the CAC became involved.

Q Have you seen any personal evidence of fear of Danny D?

A Fear of?

Q Danny D?

A No. And I have not seen my client with Danny D, except for years ago when we had the initial litigation.

Q At Chuck E. Cheese?

A Yeah.

MR. SHABEL: Thank you.

THE COURT: Redirect.

REDIRECT EXAMINATION

BY MR. BRANNON:

Q Show me your request for a signed HIPAA where you requested that Heather Jolley sign a HIPAA release so that

you can get either Kim Rosborough's records, or Ms. Loftis' records, or the CAC records. Show me your request for a signed HIPAA.

A I didn't send a HIPAA request.

Q All right. So without a HIPAA request, can Meredith Loftis talk to you about Minor Victim

A I don't know. She was more than willing to --

Q But she didn't, did she?

A Yeah. Because we couldn't do Friday afternoons.

Q But you never requested -- you never made the request for a HIPAA release; correct?

A Correct.

Q All right. Aside from the ambiance being broken and David saying, We don't talk about wolves at your home visit, Heather has done a wonderful job and made Minor Victim comfortable. And y'all sat there and Heather read a book to you; right?

A Actually, Heather and Minor Victim [redacted] does really well.

Q Cool. So y'all read a book. And Minor Victim becomes very comfortable; right?

A Uh-huh.

Q So when did she walk up to you and tell you like she was coached to that Danny D made her suck his weiner?

A I didn't have any conversations with the child about

what --

Q That's right. She made no disclosure to you, did she?

A I did not ask her.

Q But a coached child doesn't need to be asked. A coached child is just gonna tell you; right?

A I'm a guardian, sir. I'm not a psychologist.

Q Okay. But she made no disclosure to you?

A Correct. And I, specifically, did not inquire of her.

Q Okay. You didn't ask her about bad things; right?

A Right.

Q Did you say Danny D?

A No.

Q Okay. Did you say your real daddy?

A No. Because she calls the stepfather her real daddy.

Q Okay. Did you in any way refer to him?

A No.

Q Okay. So you were there to see her house, to see her room, and to watch her read a book; right?

A I was there to see the house. I was there to watch her interact with her stepfather.

Q Uh-huh.

A And to gauge the level of -- for lack of a better word -- hostility in that home towards the Defendant.

Q Towards him?

A Yes.

Q Okay. Now, let's talk a little bit about hostility, if you will. When grandpa shows up at your door, what did he say to you?

MR. SHABEL: Objection. Calls for hearsay.

MR. BRANNON: Well, it's not being offered for the truth of the matter asserted. She gave directions to the Jolleys. What did he say that that led her to give directions.

MR. SHABEL: It's not offered for the truth of the matter?

THE COURT: I don't think it is. Overruled.

BY MR. BRANNON:

Q What did he say?

A What did the grandfather say to me?

Q Yeah.

A He said he had heard a recording of Danny's last call where he heard Minor Victim tell Danny, You did something wrong. He told me he confronted Minor Victim mom, Heather, about that specific statement "you've done something wrong." He said, Heather, have you or the stepfather been saying something to Minor Victim

He said that the grandmother confronted the child about why did you say that, meaning why did you say that

on that phone conversation. And she said that the child told her he put his weenie in my face. The grandfather told me that, according to Heather, he understood that "Kim seems inclined to get Heather, Danny, and David together." That's what he said.

Q Okay. I got what he said. What did you tell them to do -- what did you tell him to do?

A I told him to immediately contact Kim Rosborough, and advise her of the information he had just given me. He said he would do that. He said, do not tell Heather or her husband what he had said, that it would make them very upset.

Q Okay. So you answered my next question. Because my next question was going to be, did they even know what Minor Victim said to Mimi, the grandmother?

A From what I could understand from the grandfather, as of 5:00, I think it was on Thursday, no. However, within 48 hours, there was a very terse e-mail from the stepfather to me saying, "Now, we all know what he did." And that was game over from that point.

Q Okay. But when Papa comes to your office on your front porch and he tells you about putting the weiner in the face, these people don't even know about it yet; correct?

A According to the grandfather, they don't know about

it yet.

Q All right. I don't know how to say this or ask this, other than just blatantly saying it. Isn't it true that you were given some information during your investigation of this case that you then went directly to Mr. Spade or his attorney and gave him the same information to assist him in his criminal defense? Isn't that true?

A That is absolutely not true.

Q Did you say to this lady right here, my co-counsel, that you want to assist -- you want to work with Minor Victim to prepare her to testify in the criminal case?

THE COURT: Hold on before you answer that.

Could I have counsel approach?

(WHEREUPON, a bench conference was held.)

MR. BRANNON: Your Honor, based on the bench conference, I would withdraw -- in fact, I will withdraw the last series of questions that I asked Ms. Wolf back to the home visit and failure -- and the fact that Minor Victim didn't make any disclosures. And anything after that, I would withdraw.

THE COURT: Is that a motion to strike?

MR. BRANNON: Yes, a motion to strike, yes.

THE COURT: Any objection?

MR. SHABEL: No.

THE COURT: That motion is granted. There was some

talk at the bench conference. I think, Mr. Brannon, you thought we should go ahead and break at this point?

MR. BRANNON: Yes, Your Honor.

I would move to --

MR. SHABEL: With her still being on the stand?

MR. BRANNON: Yes.

THE COURT: With her still being on the stand, and you finishing your cross-examination tomorrow?

MR. BRANNON: Well, Wednesday.

THE COURT: Wednesday, yes.

Thank you.

Is that agreeable with you, Mr. Shabel?

MR. SHABEL: It's agreeable with me, if it's agreeable with Ms. Wolf.

THE COURT: Is that agreeable with you?

MS. WOLF: That's fine.

THE COURT: Okay. That's fine.

Do you have some sort of motion?

MR. SHABEL: Yes, Your Honor.

This is a pending action. There are numerous witnesses from various members of the family and other agencies across this country. I would ask the Court to instruct the people who participate in this trial, either as a witness or observer, not to discuss these allegations with anyone until the conclusion of this trial.

THE COURT: That's very broad. Do you want me to restrict it more to any potential witness?

MR. SHABEL: Your Honor, I have reasons to believe there are agents from SLED, as well as an individual from the Virginia Child Protective Services. I don't think it's appropriate for them to be discussing this case with their superiors until such time that the Court has made a ruling.

MR. BRANNON: Well, Your Honor, I don't have any objection to a specific gag order. But once the person from Virginia goes to Virginia, can you gag her anymore?

THE COURT: Okay. I'm not going to be as broad as you've requested, Mr. Shabel.

What I am going to do is, Ms. Wolf, since you're still on the stand and haven't completed your testimony, I'm going to put a gag order on you that you not talk to any person about this case.

As to the other people in the courtroom, you are not to talk to any potential witness about this case, except I'm going to allow the lawyers if there's -- to make the minimal communication with witnesses as to when to be here. You're not going to talk about the substance of the case. That does not prohibit you, however, from talking to your clients. But not any other witnesses that's not a party. No party can talk to any other witness about this

case. The only person the party can talk about this case to is their lawyer.

MR. SHABEL: Yes, Your Honor.

THE COURT: Anything else?

MR. SHABEL: No, Your Honor.

MR. BRANNON: And I would ask the Court what time on Wednesday?

THE COURT: We'll resume at 9:00 on Wednesday morning.

(WHEREUPON, the proceedings were concluded at approximately 5:00, to be reconvened on Wednesday, October 17, 2012.)

CURRICULUM VITAE

The Johns Hopkins University School of Medicine

Maggie Bruck **April 2018**

DEMOGRAPHIC INFORMATION

Current Appointments

Full Professor Part-Time Department of Psychiatry and Behavioral Science, Johns Hopkins University
Adjunct Professor of Psychology, McGill University

Personal Data

Division of Child and Adolescent Psychiatry
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Education and Training

B.A.	1967	Wheaton College	Psychology
M.A.	1969	McGill University	Experimental Psychology
Ph.D.	1972	McGill University	Experimental Psychology

Professional Experience

Research Associate	Department of Psychology, McGill University	1972
Research Associate	McGill-Montreal Children's Hospital Learning Center	1972
Senior Staff Member	Center for Applied Linguistics, Arlington, Virginia	1975-76
Research Director	McGill-Montreal Children's Hospital Learning Center	1976-93
Associate Member	Department of Psychology, McGill University	1976-92
Associate Professor	Department of Pediatrics, McGill University	1991-2000
Associate Professor	Department of Psychology, McGill University	1992-1998
Full Professor	Department of Psychology, McGill University	1998-2000
Adjunct Professor	Department of Psychology, McGill University	2000-
Associate Professor	Psychiatry, Johns Hopkins Medical School	1999-2002
Acting Director	Division of Child and Adolescent Psychiatry Johns Hopkins School of Medicine	2009-2012
Full Professor	Psychiatry Johns Hopkins Medical School	2002-2015
Part Time faculty	Psychiatry Johns Hopkins Medical School	2015-



RESEARCH ACTIVITIES

Publications

Peer-Reviewed Scientific Articles

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65. Bruck, M. (1999) A *Summary* of an Affidavit prepared for Commonwealth of Massachusetts v Cheryl Amirault LeFave. *Applied Developmental Science, 3,* 110-127.
66. Bruck, M., Ceci, S.J., & Francoeur, E. (2000). A comparison of three and four year old children's use of anatomically detailed dolls to report genital touching in a medical examination. *Journal of Experimental Psychology: Applied, 6,* 74-83.
67. Caravolas, M., & Bruck, M. (2000). Vowel Categorization Skill and its Relationship to Early Literacy Skills Among First Grade, Quebec-French Children. *Journal of Experimental Child Psychology, 76,* 190-221.
68. Bruck, M., Melnyk, L., & Ceci, S.J. (2000). Draw it again Sam: The effects of repeated drawing on the accuracy of children's reports and source monitoring attributions. *Journal of Experimental Child Psychology, 77,* 169-196.
69. Bruck, M., Ceci, S.J., & Hembrooke (2002). The nature of children's true and false narratives. *Developmental Review, 22, 520-554.*
70. Bruck, M., & Ceci, S.J. (2004). Forensic Developmental Psychology: Unveiling Four Scientific Misconceptions. *Current Directions in Psychology.13,* 229.232. (Also appears in *Annual editions: Child Growth & Development* (2007) E. N. Junn & C.J. Boyatzis (eds.) Wiley-Blackwell Publishing)

71. Melnyk, L., & Bruck, M. (2004). Timing Moderates the Effects of Repeated Suggestive Interviewing on Children's Eyewitness Memory. *Applied Cognitive Psychology, 18,* 613-631.
72. Bruck, M., & Melnyk, L. (2004) Individual Differences in Children's Suggestibility: A Review and Synthesis, *Journal of Applied Cognitive Psychology, 18,* 2-48. Also republished 25th anniversary of the journal in 2011.
73. Dickinson, J., Poole, D., Bruck, M. (2005) Back to the Future: A Comment on the Use of Anatomical Dolls in Forensic Interviews. *Journal of Forensic Psychology Practice*, 5, 63-74.
74. London, K., Bruck, M., & Ceci, S.J., & Shuman, D.W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell?. *Psychology, Public Policy and the Law*, 11, 194-226.
75. Bruck, M., London, K. Landa, R., Goodman, J. (2007) Autobiographical memory and suggestibility in children with Autism Spectrum Disorder, *Development and Psychopathology, 19,* 73-95.
76. Bruck, M., & Ceci, SJ, Principe, G (2006). The child and the law. In K.A. Renninger and I.E Sigel (Vol. Eds.) *Child psychology in practice*, Volume 5. In W. Damon and R. Lerner (Gen. Eds.), *Handbook of child psychology*, 6th edition (pp. 776–816). New York: Wiley.
77. Ceci, S.J., Kulkofsky,S., Klemfuss, Z., Sweeney, C., & Bruck, M. (2007). Unwarranted Assumptions About Children's Testimonial Accuracy. *Annual Review of Clinical Psychology, 3, 3, 311-328.*
78. London, L., Bruck, M., Wright, D., & Ceci, S (2008) A Review of the contemporary literature on how children report sexual abuse: Findings, methodological issues. *Memory, 16,* 29-47.
79. Krain, A., Vasa, R., Bruck, M., Mogg, K., Bradley, B., Sweeney, M., Bergman, L., Hofflich, S., & Pine, D. (2008) Attentional bias towards threat in pediatric anxiety disorder. *Journal of the American Academy of Child & Adolescent Psychiatry, 7,* 1189-1196.
80. Ceci, S. J. & Bruck, M. (2009). Do IRBs pass the minimal harm test? *Perspectives on Psychological Science. 4,* 28-29.
81. Vasa, R. A., Pine, D. S., Masten, C. L., Vythilingam, M., Collin, C., Charney, D. S., Neumeister, A., Mogg, K., Bradley, B.P, Bruck, M., & Monk, C. S. (2009). Effects of yohimbine and hydrocortisone on panic symptoms, autonomic responses, and attention to threat in healthy adults. *Psychopharmacology, 204,* 445-455
82. London, K., Bruck, M. & Melnyk, L. (2009). Post-event information affects children's autobiographical memory after one year. *Law and Human Behavior 33,* 344–355.
83. Bruck, M. (2009). Human figure drawings and children's recall of touching. *Journal of Experimental Psychology: Applied, 15,* 361-374.
84. London K, Bruck M., Poole, D.A. & Melnyk, L. (2011). The Development of Metasuggestibility in Children. *Applied Cognitive Psychology, 25,* 146-155.
85. Poole, D., Bruck, M., & Pipe, M. (2011). Forensic interviewing aids: Do props help children answer questions about touching?. *Current Directions in Psychological Science, 20,* 11-15
86. Vasa, R.A., Pine, D.S., Thorn, J.M., Nelson, T.E., Spinelli, S., Nelson, E., Maheu, F.S., Ernst, M., Bruck, M.,& Mostofsky, S.H. (2011). Enhanced Right Amygdala Activity in Adolescents during Encoding of Positively-Valenced Pictures. Developmental Cognitive Neuroscience, *1,* 88-99.
87. Poole, D.A. & Bruck, M. (2012). Divining Testimony? The Impact of Interviewing Props on Children's Reports of Touching. *Developmental Review, 32,* 165-180.
88. Bruck, M., & Ceci, S.J (2013). Expert Testimony in a Child Sex Abuse Case: Translating Memory Development Research. *Memory. 21,* 556-565.
89. Lynn, S.J., Lilenfeld, S.O., Herckelbach, H., Giesbrecht, T., McNally, R., Loftus, E.F., Bruck, M., Garry, M., & Malaktaris (2014). The trauma model of dissociation: Inconvenient truths and stubborn fictions. Comment on Dalenberg et al. (2012). *Psychological Bulletin.3,* 896-910.

90. Buck, J.A., Warren, A.R., Bruck, M., & Kuehnle, K. (2014,). How Common is "Common Knowledge" About Child Witnesses Among Legal Professionals? Comparing Interviewers, Public Defenders, and Forensic Psychologists with Laypeople. *Behavioral Sciences and the Law*, 32, 867-83.

91. Lytle, N., London, K., & Bruck, M. (2015) Young children's ability to use 2-dimensional and 3-dimensional symbols to show placements of body touches and hidden objects. *Journal of Experimental Child Psychology, 134,* 30-42.

92. Bruck.M., Kelley, K. & Poole, D. (2016). Reports of body touching in medical examinations: the benefits and risks of using body diagrams. *Psychology, Public Policy, and the Law, 22,* 1-11.

Invited Editorials, Reviews

93. Bruck, M. (1974). A review of *The Psychology of Second Language Learning*, P. Pimsleur and T. Quinn (Eds.). *Linguistics*, April, 121-125.
94. Bruck, M. (1975). A review of *Out of the Mouth of Babes*, D. Olmstead. *Linguistics*, March, 88-91.
95. Bruck, M. (1984). A review of *The bilingual child*, D.R. Omark and J.G Ericksen (Eds.). *Applied Psycholinguistics*, 5, 81-84.
96. Bruck, M. (1985). A review of *Bilingualism and language disability: Assessment and remediation*. N. Miller (Ed.). *Applied Psycholinguistics*, 6, 453-454.
97. Bruck. M. & Ceci, S.J. (1996). Issues in the scientific validation of interviews with young children: Commentary on Steward, Steward Farquhar, Myers & Reinhart "Interviewing Young Children about Body Touch and Handling". *Monographs of the Society for Research on Child Development. (No. 248)*
98. Ceci, S. J. & Bruck, M. (1998). The ontogeny and durability of true and false memories: A Fuzzy Trace account. *Journal of Experimental Child Psychology, 71*, 165-169.
99. Ceci, S. J. & Bruck, M. (2000, Summer). Why judges must insist on electronically preserved recordings of interviews with children. *Court Review*, vol. 37, issue #2. pp. 10-12.
100. Bruck, M. & Poole, D (2002). Co-editors for special issue on Child Witnesses for *Developmental Review*

Book Chapters/Monographs

101. Swain, M., & Bruck, M. (1976). Proceedings of the Research Conference of Immersion Education for the Majority Child. Canadian Modern Language Review, 490-610.
102. Bruck, M. (1979). Problems in early French immersion programs. In B. Mlacak & E. Isabelle (Eds.) *So you want your child to learn French*. Ottawa: Mutual Press.Bruck, M. (1984). Feasibility of an additive bilingual program for the language impaired child. In Y. Lebrun & M. Paradis (Eds.), *Early bilingualism and child development*. Amsterdam: Swets and Zeitlinger.
103. Bruck, M. (1984). A communicative approach to language proficiency assessment in a minority setting. In C. Rivera (Ed.), *Communicative competence approaches to language proficiency assessment: Research and application*. Clevedon, England: Multilingual Matters.
104. Bruck, M. (1985). The long-term prognosis of childhood learning disabilities: A Canadian perspective. In P. Gerber & K. Garnett (Eds.), *Life transitions of learning disabled adults: Perspectives from several countries*. World Rehabilitation Fund.
105. Bruck, M. (1986). Social and emotional aspects of learning disabilities: A review of the issues. In S. J. Ceci (Ed.) *Handbook of the cognitive, social, and physiological characterIstics of learning disabilities*. Erlbaum.

106.Bruck, M. (1989). Prevalence and etiology of adjustment problems of children with learning disabilities. In J.J. Dumont, H. Nakken & H.. *Learning disabilities: Cognitive, social and remedial aspects* (pp.73-86). Amsterdam: Swets & Zeitlinger.

107.Bruck, M., & Waters, G. (1990). A component skills analysis of the reading and spelling skills of children who show significant discrepancies in their reading and spelling abilities. In T. Carr & B.A. Levy (Eds.) *Reading and its development: Component Skills Approaches* (pp. 161-206). Academic Press.

108.Ceci, S.J., & Bruck, M. (1995). The bio-ecological theory of intelligence: A developmental-contextual perspective. In D. Detterman (Ed.). Current Topics in Human Intelligence (Vol 4) *Theories of Intelligence* (pp. 65-84). Norwood, NJ: Ablex.

109.Ceci, S. J., Leichtman, M. D., & Bruck, M. (1995). The suggestibility of children's eyewitness reports: Methodological issues. In F. Weinert & W. Schneider (Eds.), *Memory performance and competencies: Issues in growth and development* (pp. 323-348). Englewood Cliffs, NJ: Erlbaum.

110.Ceci, S.J., Bruck, M. (1996). Memories of childhood trauma: Therapeutic considerations for assessment and treatment. In S. Kaplan (Ed.). *Family violence: A clinical and legal guide*. (pp. 241-276). American Psychiatric Association: Washington, D.C.

111.Bruck, M., & Ceci, S.J. (1996). The description of children's suggestibility. In N. Stein, P.A. Ornstein, C.J. Brainerd & B. Tversky (Eds.), *Memory for everyday and emotional events*. Hillsdale, NJ: Erlbaum.

112.Schwartz, S., & Bruck, M. (1997). The relationship of central auditory processing disorder and learning problems. In C.K. Leong & M. Joshi (Eds.). *Cross-language studies of learning to read and spell: Phonological and orthographic processing*.(pp. 89-102). The Netherlands: Kluwer.

113.Bruck, M., Genesee, F., & Caravolas, M. (1997). A cross-linguistic study of early literacy acquisition. In B. Blachman (Ed.) *Dyslexia and its Treatment* (pp. 45-62). Mahwah, NJ: Erlbaum.

114.Bruck, M., Ceci, S.J., & Hembrooke, H. (1997). Children's reports of pleasant and unpleasant events. In D. Read and S. Lindsay (eds.). *Recollections of trauma: Scientific research and clinical practice* (pp.199-219) New York: Plenum Press.

115.Ceci, S.J., Hembrooke, H. & Bruck, M. (1997). Children's Reports of Personal Events. In D. Cicchetti & S. Toth (Eds.), *Rochester Symposium on Developmental Psychopathology: Developmental Perspectives on Trauma: Theory, Research, and Intervention*. Norwood, NJ: Ablex.

116.Bruck, M. (1998). Outcomes of Childhood Dyslexia. In R.M. Joshi & C. Hulme (Eds.) *Reading and spelling: Development and disorder*.(pp. 179-200) Mahwah, NJ: Erlbaum.

117. Bruck, M. (1998). The trials and tribulations of a novice expert witness. In S. Ceci and H. Hembrooke (Eds.). What Can (and Should) an Expert Tell the Court? (pp. 85-104) American Psychological Association: Washington D.C.

118.Ceci, S. J. & Bruck, M. (1999). In the Aftermath of the Sterns: Old wine in new bottles? Introduction to Recollection, Testimony, and Lying in Early Childhood: With 1999 Addendum Clara and William Stern (Translated from the German by James T. Lamiell) Washington, DC: APA Books.

119.Ceci, S.J., Bruck, M., & Battin, D. (2000). The suggestibility of children's testimony. In Bjorklund, D. (Ed). *True and false memories*. Mahwah, NJ: Erlbaum.

120.Bruck, M., & Ceci, SJ (2002). Reliability and Suggestibility of Children's Statements: From Science to Practice. In D. Schetkey and E. Benedict (Eds.) *Comprehensive Textbook in Child and Adolescent Forensic Psychiatry*.(137-148). Washington DC: American Psychiatric Association (Winner of the 2002 APA Manfred Guttmacher award for the best publication in forensic psychiatry)

121.Caravolas, M., Bruck, M., & Genesee, F. (2003). Similarities and Differences between English-and French-speaking poor spellers. In N Goulandris (ed.) Dyslexia in Different Languages (pp. 181-207). Whurr Publishers: London.

122.Ceci, SJ., & Bruck, M. (2007) Lofus' lineage in developmental forensic research: Six scientific misconceptions about children's suggestibility, In M. Garry & H. Hayne (eds.) *Do*

Justice and Let the Sky Fall: Retrospection: Elizabeth F. Loftus and Her Contributions to Science, Law, and Academic Freedom. Mahwah, NJ: Erlbaum.

123. Bruck, M., Ceci. S.J., Kulkofsky, S., Klemfuss, Z., & Sweeney, C. (2008). Children's testimony. In M. Rutter, D. Bishop, D. Pine, S. Scott, J. Stevenson, E. Taylor, & A. Thapar (eds). *Rutter's Child and Adolescent Psychiatry*. London: Blackwell.
124. Bruck, M., & Ceci, S.J., (2011). Forensic Developmental Psychology in the Courtroom. In M. Ziskin, D. Faust & S. Anderer. *Coping with Psychiatric and Psychological Testimony*. New York: Oxford University Press.
125. Bruck, M., & Ceci, S.J., (2015) Children's testimony: a scientific framework for evaluating the reliability of children's statements.) In, A., Thapar, D.S., Pine, J.F., Leckman, M.J. Snowling, and , E Taylor. (eds.) *Rutter's Child and Adolescent Psychiatry*, 6th Edition (pp.250-260): Wiley Blackwell.
126.

Books

127. Cohen, A., Bruck, M., & Brown, F. (1977). *Bilingual education: Evaluating evaluation*. Center for Applied Linguistics.
128. Ceci, S., & Bruck, M. (1995). *Jeopardy in the Courtroom: A scientific analysis of children's testimony*. American Psychological Association.

Extramural Sponsorship.

1976-1979 The effect of French immersion programs on children with language learning disabilities. Language Program's Branch of the Secretary of State of Canada
1978-1980 The adult functioning of the learning disabled child. Health and Welfare Canada
1979-1980 Quebec Ministry of Education. Children with learning disabilities in French immersion programs.
1980-1982 Quebec Ministry of Education. Educational alternatives for the poor achieving French immersion student.
1981-1983 Social Science and Humanities Research Council. Precursors and consequences of switching out of French immersion.
1982-1983 Good, poor and disabled readers' acquisition of word recognition skills. Le Programme de Formation de Chercheurs et d'Action Concertee (FCAC).
1983-1985 Good, poor and disabled readers' acquisition of word recognition skills. .Le Programme de Formation de Chercheurs et d'Action Concertee (FCAC).
1982-1987 National Health Research Scholar Award . National Health and Welfare Canada.
1985-1988 Acquisition and retardation of literacy skills. Fonds Pour la Formation de Chercheurs et L'Aide a la Recherche (FCAR). Team grant with M. Seidenberg.
1986-1988 Literacy skills of adult dyslexics. Social Science and Humanities Research Council.
1986-1989 Acquisition and use of morphological knowledge for reading and spelling. Natural Sciences and Engineering Research Council of Canada (NSERC)
1987-1992 National Health Research Scholar Award. National Health and Welfare Canada. (
1988-1991 Computational and behavioral studies of word recognition. Fonds Pour la Formation de Chercheurs et L'Aide a la Recherche (FCAR). Team grant with M. Seidenberg.
1989-1992 Relationship of phonological awareness to the acquisition of literacy skills. Natural Sciences and Engineering Research Council of Canada.
1989 Reading assistant programs for children and adults. National Literacy Secretariat. (
1992-1995 The role of phonological and visual skills in reading acquisition. Natural Sciences and Engineering Research Council of Canada.
1992 Equipment grant. Natural Sciences and Engineering Research Council of Canada.
1993-1996 Bilingualism: From infancy to adulthood. Fonds Pour la Formation de Chercheurs et L'Aide a la Recherche (FCAR). Team grant with F. Genesee & L. Polka.
1995-2000 Developmental and cross-linguistic studies of speech perception and literacy acquisition Natural Sciences and Engineering Research Council of Canada.
2001-2005 Accuracy of recall of children with mental retardation. NICHD.
2005-2009 Relationship of Metacognition and Suggestibility in Middle Childhood. NSF
2007-2012 Do Human Line Drawings Promote Children's Accurate Reporting of Touching, NICHD

EDUCATIONAL ACTIVITIES

Teaching

Classroom Instruction: Undergraduate Courses

1971-1973	Educational psychology. Faculty of Education, McGill University
1972	Tests and measurement (summer session). Faculty of Education, McGill University
1973	Language development (summer and winter sessions). Sir George Williams University
1978-79	Research methods in psycholinguistics. Psychology Department, McGill University
1980	Childhood psychopathology. Psychology Department, McGill University
1981	Childhood psychopathology. Psychology Department, Concordia University
1990	Psychology of language. Psychology Department, McGill University
1992-1998	Experimental problems. Psychology Department, McGill University
1993-1996	Reading Ability and Reading Disability. Psychology Department, McGill University
1996-1998	Children in the Courtroom. Psychology Department, McGill University
2000	The Child Witness. Summer Session. Psychology Department, McGill University
2001	Psychology and the Law. Psychology Department, Johns Hopkins University

Graduate Level Courses/Seminars

1985-1993	Selected topics in child development. Community, Developmental, and Epidemiology Program, Department of Pediatrics, McGill University
1986, 1987	Graduate clinical seminar. Psychology Department, McGill University
1992-93	Graduate Cognitive Seminar. Psychology Department, McGill University
1996, 1998	Graduate Developmental Seminar. Psychology Department, McGill University
1999-	Normal Developmental Seminar Series Child and Adolescent Psychiatry, Johns Hopkins. I co-teach th course with a number of other faculty.

CME Instruction

1999-	Research Seminar; Division of Child and Adolescent Psychiatry. Johns Hopkins SOM. I run this weekl seminar.
1999-	Critical Readings, Child and Adolescent Psychiatry Divisional Conference. I organize this monthly meeting.

Mentoring

Supervision of Graduate Students' Theses at McGill University

Schacter, D. Prevalence and correlates of behavior problems in learning disabled children (Awarded M.Sc., 1988).
Caravolas, M. The effect of input on children's phonological awareness: A cross-linguistic study (Awarded M.A, 1991).
Hayduk, S. The association of low level visual deficits and dyslexia in adults (Awarded MA, 1993).
Dumarty, J.L. Speech perception in bilinguals. (Thesis project carried out in the Department of Psychology, McGill University, 1994. Franco-Quebec exchange program).
Caravolas, M. Six-year-olds' phonological and orthographic representations of vowels: A study of 1st grade Quebec-French children (Awarded Ph.D., 1996).
Hayduk, S. The effect of strategic influences on orienting visual attention to spatial locations: A developmental perspective (Awarded Ph.D. 1997).
Melnyk. L. Children's suggestibility (Ph.D. 2002).

Training Grant Participation

Research training in child psychopathology & treatment. (1999-2004). Co-director with PI Dr. Riddle.

Editorial Activities

Editorial Board Appointments

1990-2008	Applied Psycholinguistics
1995-	Journal of Experimental Child Psychology
1995-	Psychology, Public Policy and the Law
1995-1999	Child Development
1997-2000	Journal of Experimental Psychology: Applied
2001-2005	Associate Editor Journal of Experimental Child Psychology
2005-2017	Law and Human Behavior
2006-	Applied Cognitive Psychology

ORGANIZATIONAL ACTIVITIES

Institutional Administrative Appointments

1984	Cyclical Review Committee for Department of Otolaryngology, McGill University
1989-1993	Graduate Faculty Social Sciences Research Grants Subcommittee, McGill University
1990-1993	Assistant Director Learning Center of Quebec (McGill-Montreal Children's Hospital Learning Center)
1993-1996	Chair: Graduate Faculty Social Sciences Research Grants Subcommittee, McGill University
1993-1996	Graduate Faculty Council, McGill University
1994-1999	Student Standing Committee, McGill University
1994:	Senate Advisory Committee for Appointment of Dean of Dentistry, McGill University
1996-1997	Graduate Fellowships (Montreal Children's Hospital Research Institute)
1997	Committee on Non-medical research involving human subjects. McGill University
1999-	Executive Committee Division of Child and Adolescent Psychiatry, Johns Hopkins SOM
1999-	Research Director Division of Child and Adolescent Psychiatry, Johns Hopkins SOM
2004	Promotions and Tenure Committee, Dept of Psychiatry, Johns Hopkins SOM
2006	Committee on Diversity, Dept of Psychiatry, Johns Hopkins SOM

Professional Societies

American Psychological Society (Fellow)
Society for Research in Child Development
(1991-1993, 2003, 2005, 2007 Review Committee for biannual meetings)

Advisory Committees, Review Groups

1984-88	Member of grant review panel. National Health and Welfare Canada Development Program
1988	Member of grant review panel. National Health and Welfare Canada Development Program. Special Competition Drug and Alcohol Abuse
1988	Member of Review Committee annual meeting American Psychological Association (Division 7), 1989 Annual Meeting
1990-	Member of Review Committee for 1990, 1991, 1993, 2003 Meetings of Society for Research in Child Development,
1993-	Advisory Committee Massachusetts General Hospital Institute of Health Professionals
1994-95	Review Committee for Post-doctoral Fellowships. FCAR
1995	Review Committee Psychology Department, Memorial University
1995	Review Committee NICHD (Learning Disability Center Grants)
2001	Scientific Advisory Committee of the Acquiring Literacy in English project funded by NICHD and OERI. Center for Applied Linguistics
2002. 2005-	Grant review panel for OERI
2002	Review Panel for CIAR (Canadian Institute for Advanced Research) Program in Human Development
2003	Grant Revlew Panel for NIH

2005- Reader for Radcliffe Institute Fellowships
2006 Grant Review Study Section NIH (LCOM)
2010 College of CSR Reviewers (NIH)
2012 Grant Review Panel for NSF

RECOGNITION

Awards, honors

1982-1992 National Health Scholar Award. For two consecutive five-year periods, I received salary support and some research money from this Canadian Health Agency.

1994 Robert Chin Memorial Award. This annual Child Abuse Research Award was given to S. Ceci and M. Bruck for our paper "The Suggestibility of the Child Witness: An Historical Review and Synthesis" *Psychological Bulletin, 113*, 403-439. The award is presented by the Society for the Psychological Study of Social Issues.

2000 William James Book Award to S. Ceci and M. Bruck for *Jeopardy in the courtroom: A scientific analysis of children's testimony*. The William James Book Award, from the American Psychological Association, is given for significant intellectual advances in bridging the gaps among psychological subfields, or in relating psychology to other areas of human knowledge.

Invited Talks, Panels (1996-

Invited Addresses on Child Witnesses:1996
Psychology Department. University of Arizona, February, 1996
Child Psychiatry, Jewish General Hospital, April 1996
Invited Feature presenter (one of sixteen) NATO Advanced Study Institute "Recollections of Trauma: Scientific Research and Clinical Practice." Port de Borgenay, France, June

Invited Addresses on Child Witnesses:1997
Department of Psychology, University of Toronto, March
Judicial Council of California, March,
American Bar Association and American Psychological Association, April.
North Shore University Hospital-New York University School of Medicine, October.

Invited Addresses on Child Witnesses:1998
Department of Psychology, Johns Hopkins University, February
Department of Psychology, Temple University, March
Department of Psychology, Washington University, November
St. Louis Psychoanalytic Institute, November

Invited Address on Child Witnesses: 1999
Department of Psychology. SUNY Binghamton, January.
Preconference Workshop on Memory, Society for Research on Child Development, April
ABA/APA Conference: Psychological Expertise & Criminal Justice, Washington, DC, October.

Invited Addresses on Child Witnesses 2000
Delaware Psychological Associate, Wilmington, March
Fordham University, New York City, May
American Psychological Association, Washington, DC, August
National Child Abuse Defense & Resource Center, 9th International Conference, Kansas City, MO. September
Prosecution, Persecution, and the Culture of Accusation, Harvard Law School, Cambridge, Mass. November

Invited Addresses on Child Witnesses 2001
Iowa Public Defender's Seminar. Sioux City, Iowa, June 2001
MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. Boston, July 2001.

Invited Addresses on Child Witnesses 2002
Wrongful Convictions: A Call to Action, Harvard University Law School, April 2002
Prosecuting Attorneys Association of Michigan, Ypsilanti, May 2002

Invited Addresses on Child Witnesses 2003
Connecticut Public Defenders and Connecticut Criminal Defense Lawyers Association, Hamden, Connecticut. January
Astrazeneca Foundation of Spain (International psychiatry research exchange). Baltimore, MD. January.
American Psychological Society. Invited Speaker. Atlanta, May

Invited Addresses on Child Witnesses 2004
Lipsitt-Duchin lectures. Brown University, Providence Rhode Island, October 2004
Hebb Colloquium McGill University, Department of Psychology, November 2004

Invited Addresses on Child Witnesses 2005
Department of Psychology, University of North Carolina, November 2005

Invited Addresses on Child Witnesses 2006
Kentucky Bar Association, Covintgon Kentucky, June 2006.
Department of Psychology, University of North Carolina, November 2006

Invited Addresses on Child Witnesses 2007
Distinguished Visiting Professor at the NYU Department of Psychiatry and the NYU Child Study Center, April 2007
Carleton College. May 2007.
New York City Family Court Judges' Association, June 2007

Invited Addresses on Child Witnesses 2008
13th National Family Law Conference, Adelaide Australia, April 2008
National Child Abuse Defense & Resource Center, Las Vegas, September 2008

Invited Addresses on Child Witnesses 2009
Centre D'Expertise Marie Vincent. Montreal April 2009.

Invited Addresses on Child Witnesses 2010
Joint National Association of Criminal Defense Lawyers/Innocence Network conference on "Litigating Non-DNA Post Conviction Innocence Claims". Atlanta, April 2010
Brittingham Visiting Scholar. University of Wisconsin/Madison. April 2010

Invited Addresses on Child Witnesses 2012
Psi Chi Chapter, York College of Pennsylvania, March 2012
28th Advanced Family Law Seminar, Richmond Va. April 2012

Invited Addresses on Child Witnesses 2013

Cornell University, Law School, Human Development and Family Sciences, February 2013
New Jersey Judicial College. November 2013

Invited Addresses on Child Witnesses 2014

The Center for American and International Law, February 2014
University of California Irvine, Science to Fight Injustice Lecture Series, March 2014
National Child Abuse Defense & Resource Center, Las Vegas, September 2014

Invited Addresses on Child Witnesses 2015

Keynote Speaker. International Congress on Children and the Law. Porto, Portugal, June 2015

Invited Addresses 2016

National Child Abuse Defense & Resource Center, Las Vegas, October 2016
Weill Cornell Medical College, Department of Psychiatry Child and Adolescent Grand Rounds October 2016

OTHER PROFESSIONAL ACCOMPLISHMENTS

Selected Amicus Briefs or Affidavits submitted to Appellate State or Federal Courts

(Note. I have written the following documents to provide the Court with a summary of the scientific evidence on the reliability of children's reports. These documents also highlight how the scientific evidence is important for considering the facts of the case at hand.

1993	State of New Jersey vs. Margaret Kelly Michaels.
1997	State of Florida vs., Harold Snowden
1997	Commonwealth of Massachusetts vs. Cheryl Amirault LeFave
1998	Fuster-Escalona v. Singletary
1999	State of New Jersey v J Krivacska
2000	Ellis v Regina (New Zealand)
2000	Oregon v Ryan D Smith
2001	Maine vs. Ardolino
2002	Christopher Lillie, Dawn Reed v New Castle City Council, Richard Barker, Judith Jones, Jacqui Saradjian, Roy Wardell
2004	Commonwealth v Garcia
2008	Richard Lee v. Robert Lampert
2013	Nancy Smith (Ohio)
2017	State of NJ v. Gil

Certified as an Expert Witness

United States

California (State v. Kniffen)
Colorado (State v. Garcia)
Georgia (State vs Bryan Icenhower; State vs. Thomas Zerbarini)
Illinois (State vs. Von der Ohe)
Maine (Ardolino)
Maryland (Aanenson; Oden; Freeman; Friar)
Massachusetts (Commonwealth v. Amirault; Commonwealth v. Timmie Jones; Commonwealth v, Bernard Baran; Commonwealth v. Fales; Commonwealth v McHugh; Commonwealth vs. Ramirez; Commonwealth v. Robert White)
Mississippi (Smith v. Smith)
New Jersey (hearing in Merzolf-Pierce; DYFS appeal in Latendresse; Miller vs. Miller; Frye Hearing in State of New Jersey v. Gil; DCCP vs. Coleman)

North Carolina (North Carolina v. Robert Fulton Kelly)
Pennsylvania (Commonwealth v. Hurley)
South Dakota (U.S. vs. Rouse)
Texas (Texas vs. Adamec)
Vermont (Pegues)
Virginia (Commonwealth v. McGlauglin; Commonwealth v. Charles Calfee; Commonwealth v.Englebrecht; Commonwealth v. Duncan; Commonwealth v Shroder; Canedo vs. Canedo; Shulz vs. Shulz; Commonwealth v. Durham)
U.S Army (U.S v Chang; U.S v. Allen; U.S vs. Costigan; Mayberry)

Canada/England/Ireland/Australia
Saskatchewan Canada (R. v. Linda Sterling)
London, England (Lillie/Reed)
Dublin, Ireland (Langwallner vs. McCormack)
Australia (Bernstein vs. Meyer)

Qualifications of Dr. Maggie Bruck, Ph.d

I am a Professor of Psychiatry (part-time), at Johns Hopkins University School of Medicine in Baltimore, MD. I am also an adjunct professor of psychology in the Department of Psychology at McGill University in Montreal, Quebec. I specialize in research in the fields of cognitive and developmental psychology. My particular research concerns the accuracy and distortion of children's autobiographical memory. I have also conducted research on factors that distort reports of adults.

I have extensive experience reviewing my peers' scientific contributions by serving as a member on: (i) national grant review panels in Canada and the United States; (ii) scientific meeting review boards; (iii) advisory committees; and (iv) editorial boards of scientific peer-reviewed journals.

I have received almost two dozen research grants. I have published more than 90 articles in peer-reviewed journals, 25 book chapters, and I have co-authored with Stephen Ceci, Ph.D., *Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony*, American Psychological Association: Washington, D.C. (1995). We were awarded the William James Prize for excellence in psychology for *Jeopardy in the Courtroom*. Dr. Ceci and I also won the Robert Chin Memorial Award for the most outstanding article on child abuse in 1994 for our article "The Suggestibility of Child Witnesses: A Historical Review and Synthesis" (published in *Psychological Bulletin*, 113, 403-439, 1993).

I have also presented more than 40 peer-reviewed papers at professional conferences and given more than 50 invited addresses. These have included talks and panels regarding the psychology of child witnesses to state and national bar associations, university departments, prosecuting attorney's associations, law schools and judicial conferences, in the United States, Canada, and Australia.

I have completed more than 2000 assessments of electronically recorded forensic interviews with young children. I have been certified as an expert witness in 15 states in the U.S, in Canada, in England, and in Australia. I have submitted affidavits or amicus briefs in approximately 15-20 cases involving the scientific evidence on the reliability of children's reports.

My C.V is attached to this document in Appendix A.

I have been asked by the attorney of Mr. Spade to provide an outline to the court of the testimony that would is necessary for the jury in the case of *The State vs. Spade* to have an understanding of the issues in evaluating the testimony of children's testimony. Specifically, a qualified expert would present a <u>scientifically based opinion</u> on the reliability of the children's accusations of improper touching as well as the techniques used to elicit children's disclosures. This type of expert would <u>not</u> provide opinions concerning the credibility or the truthfulness of children's reports. Rather, an expert would focus on the factors in this case that are known to taint memory and thus render reports unreliable or untrustworthy. Having reviewed the documents (see below), it is my expert opinion that there is more than sufficient evidence for the necessity of an expert to provide an scientific framework for examining reliability in children in general and



then specifically the factors that tainted (rendered unreliable) the testimony of the child (PS) in this case.

In writing this report I have relied upon the following documents. Without this testimony, the jury in the criminal trial would have no evidence, framework or opportunity to evaluate the few statements of PS that were presented by the prosecution at trial.

I have reviewed the following documents for the purpose of preparing my testimony.

Child Advocacy Interviews conducted by Tabbitha Webber
April 7, April 8, April 12, April 14, May 6, 2011
Includes all videotaped forensic interviews plus child's drawings drawings during these Interviews

Spade Trial Transcript 2014

Transcripts of TPR Hearing 2012

Rosborough, Kimberly – Affidavit
Rosborough, Kimberly – Affidavit Deposition April 2010
Rosborough, Kimberly - Clinical Notes

Loftis Records 10-31-13
Loftis Records 02-20-14

Email - Heather to Kim Rosborough (2011 05 31
Emails - Jolley Family to Mult (2011-03-20)
Emails - Jolley Family to Mult (2011-03-31)
Emails between Heather and Cara
Jolley, Heather - Affidavit (Jolley v. Spade)
Jolley, Heather - Affidavit (Spade v. Smith)

Mimi's notes on visitations she supervised
Smith, Dale - Affidavit (Spade v. Smith)
Smith, Dale - Transcript TPR2 Hearing (?). pp. 377-405

Spade, Danny - Affidavit (Jolley v Spade)
Spade, Danny – Deposition

Police Investigative Report

Proposed Testimony of Expert

A. Children's and Adults' Reports of Past Events are Rarely Error Free.

- They can be distorted by a number of external factors, such as the length of time between an alleged event and the recall of that event. This is due to forgetting or confusing of events.
- Reports can also be tainted by bias of the adult questioning the child (i.e. this includes adults' beliefs, their motivations, their approach to collecting and handling actual evidence). In these cases, when questioned by a biased interviewer, children come to report the beliefs of that person rather than facts about a specific event.
- Children's reports can be distorted by a range of suggestive techniques (e.g. repeated questions, repeated interviews, questioning the child until she gives an appropriate answer).
- Because of problems just mentioned, one of the general rules in evaluating children's reports is to focus on the first interview before there is a chance for forgetting or for bias and suggestion to intrude on the questioning of the child. However, if the first interview has been preceded by encounters with potentially biased interviewers who have access to the child and by suggestion, then the first interview may not be reliable.
- In the present case, the child witness did not make any sexual accusations in her treatment sessions with Kim Rosborough. She did not make any accusations against her father in her first CAC interview, although she repeatedly throughout the interviews disclosed touching by a classmate called Nathan. This evidence was never presented to the jury either through cross-examination of the state's experts (in fact there was no cross examination of 2 of the experts) or by an expert by the defense (there was no such expert).

B. The Importance of Electronic Documentation of Interviews

- In order to determine the presence of suggestion and bias in interviews with children it is crucial that all forensic and clinical reports (to be used for legal purposes) be electronically recorded. The reason for this practice is because interviewers do not (and cannot) write down every utterance made by the interviewer and the child. Based on the scientific research, it is known that skilled interviewers omit much material from their reports, and they make errors in their reports of what the child said or did. The determination of the degree of bias and of suggestion can only be accurately determined by examination of the whole interview along with verbatim information for each utterance made by the child and the interviewer Written notes are a poor substitute because these do not always contain the crucial information, and they are often inaccurate. For this reason, one should be skeptical about the degree of accuracy of therapists' notes or their testimony which is not backed up by video of the actual encounters.
- Because of these problems, interviews with children must be electronically recorded. Furthermore, adults' memories of their conversations with children must not be taken as an actual rendition of what happened.

C. The Issue of Credibility

- One of the most consistent findings in the scientific literature is that adults cannot accurately determine the accuracy of children's reports when asked to judge their credibility through transcripts or videotapes of interviews. They cannot determine

whether or not coaching occurring. At best, accuracy is around 50%. This holds for the non-expert and the expert. Furthermore, when children report events that have been suggested to them in previous interviews or interactions, they are judged as highly credible. Detailed linguistic analyses of their narratives show that the suggested narratives have most (and sometimes even more) of the qualities that are used to define true narratives.

D. The Issue of Delayed Disclosure (or Partial Disclosure)

It is common for children not to disclose wrong doing until they are directly asked. The problem is that no disclosure can have different causes. The first is that there was no event and so there is nothing to disclose. The second is that sometimes children are afraid, embarrassed or feel guilty to reveal actual wrong doing. Given the present scientific evidence, one cannot simply determine the cause of such delays unless one can link delayed disclosure with prior suggestive influences. In the present case, two of the three experts were allowed to testify (minimally) about delayed disclosure attesting to the fact that it reflected children's reticence. The alternative hypothesis was not tested by cross examination.

E. Scientific Foundation Applied to the Present Case

1. The child's first disclosure in the case was made in the CAC interviews. These interviews contained a number of highly suggestive techniques which are counter to guidelines on how to conduct a good interview. In the present case, these include: repeated questions, repeated interviews, use of drawings, the failure to test alternative hypotheses, and the failure to let the child terminate the interview. All of these techniques have been shown to result in false allegations in scientific studies. As applied to the actual forensic arena, they speak to issues of reliability. Specifically, the use of these techniques "taint" the child's statements making them unreliable and thus inadmissible.
2. Unbeknownst to the jury, the child did not make any direct disclosures of abuse against the defendant that were consistent until the fourth CAC interview. Even at that time, there were inconsistencies, recantations etc. This evidence was not presented to the jury who were simply told that the child had "disclosed sexual abuse" and that it happened at the hotel pool" (testimony of Tabitha Webber). The existing evidence made it appear that this was the only statement of the child and that it was made spontaneously. The Jury did not learn that it took four interviews to get this statement from her. Furthermore, although Tabitha Webber testified that the child made a number of claims consistent with abuse, none of this evidence was presented at trial.
3. The CAC interviews did not follow most of the scientific guidelines issued by a number of agencies on the conduct of forensic interviews with children. The one major exception was that the interviews were videotaped. These videotapes should have been shown to the jury with scientific commentary by an expert witness.
4. Despite the absence of electronic recordings or detailed noted of the 71 or more therapeutic sessions conducted by Ms. Loftis, one can still state that her procedures were highly unusual: in terms of their frequency, the reluctance of the child to make any statements of abuse until many months into therapy, the techniques used to get the child to disclose and the content of the actual disclosures. An expert would

provide the court with scientific information on the suggestibility of the therapy itself and how it contributed to the child's numerous statements of abuse that extended to children and adults other than Danny.

5. The only words that the Jury heard from the child at trial were: "he stuck his private in my mouth"; "it happened at the hotel, at the pool, in the bathroom", "he said if I didn't do it he would take me home". There was no obvious attempt from the defense to clarify or provide hypotheses about the sources or the reliability of these statements. Given the amount of prior interviewing, the suggestive techniques used in these interviews, and the amount of time (4 years) that had elapsed between the alleged abuse and the courtroom appearance, it is my expert opinion that the child's courtroom statements are not reliable.

To summarize, an expert witness on the reliability of children's statements and on the conduct of forensic interviews (both of which were absent from the 2014 criminal trial) were crucial for the defendant to receive a fair trial where the Jury could inspect and understand the interpretations of the young child's disclosures of sexual abuse.

Maggie Bruck

Maggie Bruck Ph. D
May 9th 2019

CAC Interview #1 April 7 2011

P, 15-16—multiple questions about bad touching finally comes out and says Nathan

Any big people do anything with that part right there?

PS: No.

PS: I was sitting at the table drawing. Then he went under the table. (Speaks inaudibly and indicates)

TW: Oh. Did he touch you on top of your clothes or under your clothes or something else?

PS: Under.

TW: Pants? Okay. And did your pants stay on or did something else happen?

PS: On

TW: Okay. And so when he touched you there, did he touch you on top of your pants or somewhere else?

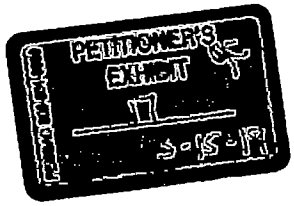
PS: Somewhere else.

TW: Okay.

PS: Outside my pants.

TW: You what?

PS: He did it on my pants.



Just you? Okay. Wow. Did he do that one time or more than one time?

TW: Okay. Wait just a minute before you go. Let me ask you this. Is there somebody that you don't want to talk about?

PS: (Shakes head negatively) It is about my -- my friend.

TW: Is there a person that you don't want to talk about ---

PS: Hmm-mm (negative).

TW: --- [Redacted]?

PS: It (inaudible).

TW: There's not?

PS: His name is Danny "D," and I don't want to talk about him.

TW: Danny "D"? Oh, okay. Who is Danny "D"?

PS: He calls hisself "Daddy," and he is not my father.

TW: He calls hisself "Daddy," and he's not your father?

PS: And I don't like it when he calls me that.

TW: Was there any of the stuff that we talked about right here in the picture you helped me with that was about Danny "D"?

PS: No.

CHILD KEEPS ASKING TO GO AND SHE DOESN'T LET HER

2 TW: Danny "D" did what?

3 PS: Nothing.

(repeated questions about Danny D)

Interview 2 April 8 Picture on 2/44 dates 4-8-11
Caption "danny d touched with his Hands"/ Pointed to private---inside it hurt (hurt is not in transcript

Very chatty for a few minutes
TW: What does he do that you like?
PS: He do's get me Easter stuff. I don't like it.

PS: It's that he calls himself Daddy; every morning when I see him and I talk to him, he calls hisself Dad.
TW: How do you talk to him?
PS: I hang up
.
TW: You do? But are there things that he did that you don't like?
PS: Like he -- there's a thing that he did that I -- he did and -- like I didn't like.
TW: Okay. Tell me about that.
PS: It's like -- I don't know.

TW: At the hotel and his house? What happened at the hotel?
PS: He wrote -- he write on my hand.

TW: And what else did he do?
PS: That's it.

TW: That's what happened at the hotel? Are there other things that happened with Danny "D" that are hard to talk about?
PS: Some things are hard about and talked about.
TW: Okay.
PS: And it's about the learning stuff that he really knows.
TW:

TW: No? Does anybody push you?
PS: (Nods head affirmatively)
TW: Who pushes you?
PS: Nathan.

P 11/25 she is drawing and distracted. I'm ready to go When am I going to go?

TW: Does anybody give you touches that you don't like?
PS: Somebody gives me hugs that I really don't like.
TW: Tell me about that.
PS: (Inaudible)

TW: Who gives you ones that you really don't like?
PS: Nathan.

(DID THEY EVER FOLLOW UP ON NATHAN__THROUGH SCHOOL OR MOM)

PS: Today, when Daddy was trying to show my mom something outside (inaudible). But -- and then I sort of -- I was watching out the window. Then I pee-peed in my pants.
TW: Oh.
PS: Then I had to change it. My shoes were wet.

(ACCORDING TO MOM SHE DID THIS AROUND DANNY D)

TW: And you were telling me about Danny "D." What is it about Danny "D" that you don't want to talk about?
PS: Doing something that really hurts my feelings.

TW: What did he do with that?
PS: He just pulled my panties and pulled them down.

TW: What did that feel like?
PS: It made me sad.

PS: When do I get out?

When that touched you there, did it touch you on top of your clothes or under your clothes or both?
PS: Both.
TW: Did anything go inside of you?
PS: (Nods head affirmatively)
TW: What went inside of you?
PS: Nathan's hand.
(OK SO IS SHE TALKING ABOUT NATHAN??)

TW: Nathan's hand? Now, yesterday when we were talking about Nathan, you said Nathan touched you on top of your clothes, on your pants. Did he go inside your pants?
PS: He went outside.
TW: Okay. Well, what about with Danny "D"?
PS: (Nods head affirmatively)
TW: What went inside you?
PS: Nothing.

TW: Where were your panties?
PS: (Speaks inaudibly and indicates)
TW: Did they stay on or did they come down or did they do something else with Danny "D"?

PS: Stay on.

TW: What -- I see. Where were you with Danny "D" when that kind of stuff happened?
PS: Chuck E. Cheese.

TW: You've been to Chuck E. Cheese? What about this stuff you're talking about?
PS: He saw my bum-bum.
TW: He saw your bum-bum?

PS: Well, I've got to draw Danny "D" first. He touched

me there and then he touched me with the other hand
in there and said "yay."
TW: And then he put his other hand in there and said
"yay"?
PS: Because he touches this.
TW: He touches that? Okay. What does that ---
PS: When am I ready to go?

TW: His hand? What did he touch this with?
PS: His hand.
TW: Did he use anything else?
PS: (Shakes head negatively)

When am I ready to go?

(I WANT TO GO –I WILL TELL YOU ANYTHING TO GET OUT OF HERE)
SHE IS USING DRAWINGS TO POINT TO. REALLY HARD TO SEE WHAT SHE IS POINT TO
THIS IS THE PROBLEM WITH DRAWINGS. Random pointing,

PS: He uses his hand.
TW: You told me his hand. Does he use something else?
PS: No. That's it.

TW: Okay. And what did he do with that part?
PS: I don't know.
(NOW this is the suggestive part that carries on)

PS: Uh-huh (affirmative).
TW: What was he wearing?
PS: His pants.
TW: And did they stay on or did they come down or come
off or something else?
PS: They came off.
TW: Okay. What about your pants?
PS: Huh-uh (negative).
TW: Huh-uh what?
(she is yawning, it is all confusing and leading)

PS: They didn't come off.
TW: Did they come down?
PS: Mm-hmm (affirmative).
TW: They came down?
PS: Down, up and down.
TW: Okay.
PS: I'm ready to go. (p. 21 of 25)

Interview 3 April 12

4-12 At this point she should have a plan to clear up any ambiguities and a clear notion of what the child had said Has she watched the video does she have notes

p. 5 TW: Okay. And help me remember. What happened with
Nathan?
PS: He -- I forgot.

PS: (Nods head affirmatively) Nathan didn't really see
my bum-bum.

TW: Who did see it?
PS: Somebody else. I don't know.
TW: Somebody else? Okay. Well, what happened with
Nathan?

PS: Nathan didn't do anything.
TW: Nathan didn't do anything?
TW: Nathan didn't do anything? Okay. What about with Danny "D"?
PS: Let me think. No.

TW: And what's he doing right here?
PS: Touching me.
TW: Touching you? Those are the kind of things I need to understand more about. Did he -- where were you at when he was touching you like that?
PS: His house.

TW: That's a pig sound? Did you -- [Redacted], did you visit with Danny somewhere -- with Danny "D"?
PS: I think I did.

TW: And then last time you told me about somewhere else you saw him. Where did you have to visit with him at?
PS: Virginia.
TW: Virginia?
PS: One, two, buckle my shoe, three, four, shut the door ---
TW: Did anything happen in Virginia?
PS: --- five, six, pick up sticks -- no, no, no, no, no, no, no.
TW: Well, last time you were telling me something about a hotel.
PS: That was about he -- let me think -- that's it. That's all I wanted to speak about.
TW: That's all you want to speak about? Well, remember,
TW: I'm going to draw another picture of you, and then I want you to help me to draw a picture of ---
PS: Danny "D"?

(SHE IS GETTING IT)

TW: He was touching you there with his hand?
PS: (Nods head affirmatively)

(13/23)
TW: Can you show me on here, if this is Danny "D"? Point to -- he touched you with his hand, and what else did he touch you with?

PS: His feet

You can use my pen. And what did he use to touch you there?
PS: His hand and his foot
TW: Okay. And right here, what did he use?
PS: His hand and foot.
TW: And what else?
PS: I guess I don't know. (at least three times question is asked) touching you with his hand right, and you pointed to something else that he used to touch you.
PS: (Indicates)
TW: Right. Careful. Don't get it on your shirt.

PS: (Indicates)
TW: Oh, what did he touch you there with?
PS: His hand and his foot.

TW: And you were telling me something about inside. Did Danny "D" put anything inside you?
PS: He put ---
TW: Show me what he put inside you.
PS: (Shakes head negatively)
THIS IS ALL PRETTY SUGGESTIVE> SHE NEVER SAID INSIDE

TW: Okay. Point to what Danny put inside you -- Danny "D."
PS: He put his arm, his hand and his foot.
TW: Where did he put it?
PS: Right here, here, here and (indicating).

TW: And you said -- now, think for a minute. Did any of that happen in Virginia, or did it happen in the hotel, or both?
PS: Both.

TW: Both? Okay. Did it happen in the hotel both times?
PS: One time.
TW: One time? Did you see him in a hotel one time or two times?
PS: I seen him four times.
TW: Four times? Do you remember which hotel it happened at?
PS: It happened in Virginia, so (inaudible) Virginia, I think, or -- it was -- it was Virginia.
CONFUSED

TW: [Redacted], did you have to use your mouth for anything?
PS: I -- sort of.
TW: Help me understand about that.
PS: It was sort of very yucky.
TW: It was sort of yucky? Where did your mouth have to go? (18/23)

PS: (Indicates)
TW: That's your mouth. What did it have to do?
PS: Bite.
TW: Where?
PS: (Indicates) Like his clothes, his pants.
TW: It had to bite him here, here and here?
PS: No. His pants.

TW: But you said you had to use your mouth, and it was yucky. Tell me what you're talking about.
PS: I was throwing up.
TW: You was throwing up?
PS: One time I throwed up at my Mimi's.
TW: Did something come out of Danny "D"?
PS: Not while I was -- I need to go.
TW:
PS: I want to go.

TW: Well, Miss [Redacted], you were telling me about your

mouth. Did Danny "D" use his mouth for anything?
PS: He used his mouth to bother me.
TW: Where?
PS: On my chin.

TW: And where else?
PS: I'm ready to go.

before we go, did Danny "D"
take any pictures of you?
PS: (Shakes head negatively) Not sort of.
TW: Sort of?
PS: No.
TW: Not sort of. Did he take any videos of you?
PS: Let me think. Did he? Did he? I think.
TW: You think he did?
PS: Yeah, I think he -- (inaudible) somewhere. I don't know.
TW:

TW: Yeah. Before we go, can you think about that a minute, about the pictures or the videos?
PS: It's like -- I don't know. I just want to go.
TW: You just want to go? Do you remember if Danny took any pictures or videos?
PS: I'm taller than the door.

Pretty coercive

April 14-**fourth interview 1 hour and 15 min**

Uncharacteristically non responsive
"I am going home early today"

TW: What's the person's name that you were telling me that you don't like to talk about?
PS: Danny "D" and Nathan.

P. 10 TW: What makes you sad?
PS: He made me do stuff that didn't go wrong and did go wrong.

TW: What makes you sad?
PS: He made me do stuff that didn't go wrong and did go wrong.
(misinformation from last time)

TW: A Virginia hotel? Was it in -- what kind of room was it in?
PS: It was in the swimming pool.
TW: The swimming pool? Did something happen in the

swimming pool?
PS: (Shakes head negatively)

TW: What else did the hotel have?
PS: I don't really know.
TW: In the hotel room when that kind of stuff happened with Danny "D," did it happen on the floor or the bed or somewhere else?
PS: Somewhere else.
TW: Where at in the room did it happen?
PS: It was in the sunroom.

TW: Was that at the hotel or was that at Virginia or is that somewhere else?
PS: It was at Virginia.
TW: Virginia? Okay. Does Danny "D" have a sunroom in Virginia at his house?

TW: He does? What did he do in the sunroom, [Redacted]?
PS: He pulled off ---
TW: He pulled off what?
PS: He pulled -- he sort of -- I don't know.

TW: And you're telling me that happened in Virginia and it happened in the hotel room?
PS: It happened in Virginia.
TW: What about the hotel room, with the swimming pool?
PS: I was with (inaudible). (Inaudible) I don't know.

TW: Okay. The -- does his house have a pool, or just was it that at the hotel?
PS: No. It was in Virginia.
TW: The pool was in Virginia or at the hotel?
PS: It was at the hotel.
TW: At the hotel? Okay.

TW: Did it happen the first time you were at the hotel with Danny "D"?
PS: It was at the last time.
TW: The -- but did it happen the first time and the last time, or something else?
PS: It was in the last time.

(bad questions—when was the last time, how many times in Virginia)

TW: How do you know it was just the last time?
PS: I heard it on the computer.

(good question,)

TW: You don't know

TW: Did he take pictures of you with your clothes on or off or something else?
PS: Off.

(before denied pictures. Leading questions)

TW: Off? Okay. And did you stay in a hotel with him one time or more than one time?
PS: More than one time.
TW: Did it happen in the hotel that one time or more than one time?
PS: More time.
TW: More than one time?
PS: I think.

PS: It was two than times.
TW: It was two times? [Redacted], last time you were telling me that you had to use your mouth for something. What was that about?
PS: It was about -- I don't really know. **Denies mouth**

TW: Did he use his mouth for something?
PS: Hmm-mm (negative).

PS: Your mouth is really wide open. Watch. **Denies mouth**
TW: Your mouth has to be wide open?
PS: No.

p. 15/28

TW: What did he want you to do with your mouth?
PS: He wanted me to -- (indicates). He wanted me to get this and go like on his foot (indicates).
TW: Where else?
PS: (Indicates) PICTURE IS IN FRONT OF HER
TW: And what did that taste like?
PS: It tasted like -- I don't really know.
TW: Did anything come out of him right there?
PS: (Nods head affirmatively)
TW: What come out?
PS: His ---
TW: What color was it?
PS: It wasn't colored anymore. It was brown.
TW: It was brown? Do you know what color it was?
PS: I'd say it was orange.
TW: Where did it go?
PS: I don't know.
TW: Did he say anything?
PS: Mm-hmm (affirmative).
TW: What did he say?
PS: "If I hear you one more time, I am going to tell your mom and dad never come back to my house." See court testimony

TW: What did he want to do with his mouth? **Repeatead question with dk**
PS: I don't know

TW: Did he put his mouth anywhere? You can show me with something else.
PS: He put his mouth on the inside clothes.
PS: He tried to pull on my mouth. He turned it -- Idon't know what I'm trying to say.
TW: What about his mouth? Look here, [Redacted]. Did he put his mouth somewhere on you?
PS: He put his mouth on my -- (indicates).

TW: Where else?
PS: It was on the ---**all pointing after denying**

TW: Thank you. Did both of the hotels you stayed at have a pool?
PS: No. One has a pool, not the other one.
(were there two hotels??)

TW: Did he take pictures at the first hotel?
PS: It was the last hotel.
TW: It was the last hotel? What about Virginia? Did he take pictures in Virginia?
PS: Mm-hmm (affirmative).
TW: He did?
PS: I think he did. He did it

TW: What kind of things did he do with you when you were in Virginia?
PS: He kind of pulled -- he was trying to ---
TW: Was he doing the kind of stuff we were talking about?
PS: He was doing the -- he was trying to hurt my belly.
TW: Okay. And what about in -- the first time in the hotel?
PS: That was the playroom.
TW: That was the playroom?
PS: (Nods head affirmatively)
TW: And what happened there?
PS: It tried -- I don't know.
TW: Well, what about the last hotel room?
PS: That was the -- there's only one.
TW: There's only one? Okay. There was only one hotel?
PS: No. There's only one playroom.

TW: [Redacted], what did Danny "D" use to take the pictures?
PS: I don't know.
TW: Did you see the pictures on the computer or anything?
PS: I saw the pictures and I saw the ---
TW: Where did you see the pictures?
PS: I saw it at my house.
TW: The pictures without your clothes on?
PS: No. It ---
TW: That Danny was taking?
PS: It was at my house.
TW:

May 6 interview #5

[Redacted]? It's been a while since we talked, hasn't it? Do you remember some of the things that you were helping me understand before when we talked?
PS: I don't know.
TW: You were telling me about some things that happened to you, and who was that about?
PS: I don't know.
TW: What's the person's name that you were telling me about? What do you call that person?
PS: I don't know.
TW: Who is that person that's hard to talk about?
PS: I do not know
TW: And you said something that happened in Virginia, and some of it happened in the hotel?
PS: Actually, no, nothing happened.

RECANTATION 10/29

p. 15 don't think she circled places touched. One place maybe

PS: He's not -- he's nice now.
TW: He's just nice now? But what about before?
PS: He was still nice.
TW: He was still nice?
PS: I want to go now.

Think she is prodding her on how to draw on picture (around 17/29

Attempts to go home 18/29
I am going home now

p. 20
TW: Okay. Did anything happen in the living room?
PS: Nothing. Nothing happened.
TW: Nothing in living room?
PS: I really want to go home.

PS: Cara did it too. Cara, and I was right -- some of this room ---
TW: Cara did what?
PS: She spanked me.
TW: She spanked you?
PS: And I was hiding.
TW: And you were hiding?
PS: Under [redacted] bed.
TW: Under Danny "D's" bed?
PS: No. [redacted] bed.

TW: When -- last time, you were telling me something about your mouth. What was that about?
PS: Somebody bited me.
TW: Somebody bited you?
PS: Yeah. They bited and done that. I'm ready to go home -- I mean my Mimi's

Curriculum Vitae

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Education:

BA	University of Natal, Durban (South Africa)	1972
MA	Johns Hopkins University	1974
MS	Yale University	1975
M. Phil.	Yale University	1975
Ph.D.	Yale University (degree completed 10/75)	1976

Employment History:

Assistant Professor of Psychology, University of Wisconsin-Madison: June 1976 to August 1978
Assistant Professor of Psychology, University of Michigan: January 1978 to December 1980
Professor of Psychology, Psychiatry, and Pediatrics, University of Utah: January 1981 to June 1987
Visiting Professor, School of Social Work, University of Haifa (Israel): Spring 1981.
Visiting Professor, School of Education, University of Hokkaido, Sapporo (Japan): Summer 1985.
Senior Research Scientist and Chief, Section on Social and Emotional Development, National Institute of Child Health and Human Development: July 1987 to August 2004.
Visiting Professor, Department of Psychology, University of Osnabrück (Germany), Fall 1995.
Visiting Professor, Department of Psychology, Martin-Luther University of Halle-Wittenberg (Germany), Fall 1996.
Professor of Psychology, School of Biological Sciences, University of Cambridge, September 2004 to present.
Weiswasser Visiting Professor of Pediatrics, Yale University School of Medicine, Spring 2007.
Panel Member, Scottish Child Abuse Inquiry, October 2015 to June 2016 (resigned).



Distinctions and Honors:

Certificates of Merit for Outstandingly Good Work in Psychology and Economics, University of Natal.....1971, 1972
Economics Society of South Africa Annual Essay Prize 1972
Prize Fellowship in the Social Sciences, Yale University 1975/76
Young Psychologist Award, American Psychological Association.....1976
Boyd R. McCandless Young Scientist Award (American Psychological Association).....1978
Superior Research Award, College of Social and Behavioral Sciences, University of Utah 1985
Distinguished Research Award, University of Utah 1986
Distinguished Speaker Award, American Family Therapy Association 1987
Ph.D. (Honoris Causa), University of Goteborg, Sweden.....1995
'Hammer Award' for 'Helping to build a better government' (Co-recipient), Vice-President Albert Gore.....1998
James McKeen Cattell Fellow Award for Lifetime Achievement, American Psychological Society.....2003
Doctor of Civil Law (Honoris Causa), University of East Anglia, UK..... 2006
Salt Lake County Children's Justice Award.....2011
Fellow of the Academy of Social Sciences.....2013
Distinguished Contribution Award, American Psychology-Law Society..... 2013
Tom Williamson Award for "Promoting best practices in investigative interviewing in respect of fundamental human rights," International Investigative Interviewing Research Group..... 2013
Uwe Gielen Outstanding Book Award, American Psychological Association Outstanding Book Award 2014
G. Stanley Hall Award for Distinguished Contribution to Developmental Psychology (American Psychological Association)..... 2014
D. Sc. (Honoris Causa), University of Abertay, Scotland.....2015
Distinguished Scientific Award for the Applications of Psychology (American Psychological Association).....2015
Award for Distinguished Contributions to Science in the Public Interest (American Psychological Association).....2015

Professional Committee Membership and Services:

American Psychological Association, Boyd R. McCandless Award Selection Committee, 1979 and 1980
Society for Research in Child Development, Committee on Study Groups and Institutes, 1983-1987
Social Science Research Council Committee: Biosocial perspectives on parental behavior, 1983-1991
Consultant, Municipality of Jerusalem (Israel), Department of Community and Family Services (1987-1994)

Advisory Working Group, U. S. Department of Education, Observational Study of Early Childhood Programs (1990-1993)
International Advisory Committee, *Interdisziplinäres Zentrum für Angewandte Sozialisationsforschung*, Berlin (1991-1996)
External Advisory (Visiting) Committee, Michigan State University, Institute for Children, Youth and Families (1992-1999)
Advisory Panel, American Enterprise Institute, Project on Disconnected Youth (1992-1995)
International Committee, Division 7 (Developmental Psychology), American Psychological Association (1993-1996)
National Advisory Board, Men's Health Network (1993-1997)
National Advisory Board, Program in Teacher Preparation and Special Education, George Washington University (1994-1997)
National Advisory Council, SOS Children's Villages-USA (1994-1997)
National Advisory Board, National Fatherhood Initiative (1994-2004)
International Advisory Committee, Human Development Resource Centre, Bamenda, Cameroon (1995-2015)
American Professional Society on the Abuse of Children (National Research Committee member, 1999-2004; Maryland State Board, 1998-2001; Executive Committee, Maryland Chapter, 1998-2000; Chair, Maryland Training and Education Committee, 1998-2000)
Board of Directors, National Center for Policy Research for Women and Families (1999-2003)
National Advisory Committee on Early Care and Education, Institute for Women's Policy Research (2001-2003)
Steering Committee, Center for Substance Abuse Prevention's FAS (Fetal Alcohol Syndrome) Center for Excellence (2001-2002)
Board of Trustees, Fatherhood Institute [formerly Fathers Direct] (2005 – 2009)
Advisory Board, Center for the International Study of Youth and Political Violence, University of Tennessee (2005- 2010)
Joseph Rowntree Foundation Advisory Group for research on "Fathering in early-middle childhood in UK South Asian families" (2006 - 2009)
Joseph Rowntree Foundation Advisory Group for research on "Understanding fatherhood: Masculinity, diversity and change" (2006 - 2008)
U. K. Economic and Social Science Research Council (2006 – 2011; Chair, International Advisory Committee, 2007-2011; Member, Audit Committee, 2006-2011)
British Council Science and Engineering Advisory Group and Council Member (2007-2013)
Association for Psychological Science Cattell Award Selection Committee (2009-2018; Chair, 2013-2018)
Wissenschaftlichen Beirat, Niedersachsischen Instituts fur fruhkindliche Bildung und Entwicklung [Scientific Advisory Committee, Lower Saxony Institute for Child Development and Education] (2009-2011)
Wissenschaftlichen Beirat, Fakultät für Psychologie, Universität Wien [Scientific Advisory Board, Faculty of Psychology, University of Vienna] (2011-2015)
U. K. Higher Education Funding Councils' Research Excellence Framework 2014: Member of sub-panel 4: Psychology, Psychiatry, and Neuroscience (2011-2015)
American Psychological Association, Council of Editors (2012-2024; Chair, 2017-8)

American Psychological Association, Publications and Communications Committee (2017-2018)
American Psychological Association, Fellow of Division 7 (Developmental Psychology): President-Elect (2015-2016), President (2017-2018), Past-President (2019)
Independent Steering Committee, Big Lottery 'Better Start' Evaluation, 2015-2018.
Working Party on the Prosecution of Sexual Offences, JUSTICE, 2018-2019.
Academic Advisory Group, London Child's House, London Mayor's Office for Policing and Crime, 2018-2020.

Grant Proposal Review Committees:

National Science Foundation Experimental Program Review and Study Committee (1980)
National Institute of Mental Health, Study Committee for Review of Proposed Research on the Effects of Divorce (1980)
National Institute on Child Health and Human Development, Study Panel on Human Development and Aging (1981)
National Institute of Mental Health, Panel on Cognition, Emotion and Personality (1985-1989)

Ad-hoc Grant Proposal Review:

Australian Research Grants Committee, Big Lottery Fund, Carnegie Foundation, Economic and Social Research Council, Grant Foundation, Leverhulme Foundation, US National Institute of Child Health and Human Development, US National Institute of Education, US National Institute of Mental Health, US National Science Foundation, New Zealand Research Grants Committee, Nuffield Foundation, Research Council of Canada, Social Science and Humanities Research Council of Canada, Spencer Foundation, Thrasher Foundation

Editorial Board Memberships:

American Psychologist (2017-2021)
Apprentissage et Socialisation (1992-1994)
Applied Cognitive Psychology (2007-present)
Applied Developmental Science (2005-present)
Archives of Scientific Psychology (Associate Editor, 2012-present)
Behavioral Assessment (1982-1983)
The Behavioral and Brain Sciences (1979-1990)
Child Abuse and Neglect (2002-2014; Associate Editor: 2005-2014)
Child Development (1979-1984; 1993-1996)
Childbirth Educator (1982-1989)
Developmental Psychology (1981-1986; 1992-1994)
Developmental Review (2000-present)
Early Education and Development (1989-1993)
Family Court Review (2002-2008)
Fathering (2002-present)
Human Nature (1989-1996)

Infant Behavior and Development (1980-2018)
Infant Mental Health Journal (1984-1987)
International Journal of Behavioral Development (1993-2001)
Journal of Adolescent Research (1986-2010)
Journal of Aggression, Maltreatment, and Trauma (1997-2005)
Journal of Child Custody (2002-2013)
Journal of Credibility Assessment and Witness Psychology (1996-2000)
Journal of Marriage and the Family (1992-1999; 2001-2002)
Journal of Social and Personal Relations (1983-1987)
Psychology, Public Policy, and Law (2010-present; Editor-Elect, 2012; Editor, 2013-2018; 2018-2023)
Social Development (1990-2014)

Editorial Consultant:

American Scientist, Canadian Journal of Behavioural Science, Child Maltreatment, Current Directions in Psychological Science, Developmental Psychobiology, Early Childhood Research Quarterly, Family Coordinator, Family Relations, Human Development, Human Organization, Human Relations, Journal of Applied Developmental Psychology, Journal of Child Psychology and Psychiatry, Journal of Consulting and Clinical Psychology, Journal of Developmental and Behavioral Pediatrics, Journal of Experimental Child Psychology, Journal of Family Psychology, Journal of Personality and Social Psychology, Law and Human Behavior, Legal and Criminological Psychology, Merrill-Palmer Quarterly, Pediatrics, Personality and Individual Differences, Psychological Bulletin, Psychological Science, Science

Conference Review Panels:
American Psychological Association, 1983, 1984
American Psychology-Law Society Convention, 1996, 2000, 2006, 2008, 2009, 2011, 2012, 2113
European Conference on Traumatic Stress, 2009
Head Start National Research Conference, 1992, 1994, 1996, 1998, 1999, 2000, 2002, 2004 (Program Committee)
International Conference on Infant Studies, 1982, 1984 (panel chair), 1986, 1990
International Society for the Study of Behavioural Development, 2002, 2004
Society for Research in Child Development, 1979, 1981, 1989, 2001, 2007, 2009, 2013
World Congress on Infant Psychiatry and Allied Disciplines, 1986

Publication Review:
Academic Press, Blackwell Press, Cambridge University Press, Cummings Publishing Co., Harvard University Press, Holt, Rinehart, & Winston, Lawrence Erlbaum Associates, McGraw Hill, Michigan State University Press, Oxford University Press, Pergamon, Psychology Press, Random House, Sage, Taylor & Francis, University of Chicago Press, University of Wisconsin Press, Wiley.

Society Memberships:
American Psychological Association (Fellow)
American Psychology-Law Society

Association for Psychological Science (Fellow)
British Psychological Association (Fellow)
Society for Research in Child Development
International Investigative Interviewing Research Group (Scientific Committee)

University, Institutional, and Community Service:
Chair, Colloquium Committee, Department of Psychology, University of Michigan, 1978-1980
Graduate Committee, Department of Psychology, University of Michigan, 1978-1980
Chair, Admissions Committee, Developmental Psychology Area, University of Michigan, 1978-1979
Executive Committee, Center for Human Growth and Development, University of Michigan, 1980
Member, Dean's Steering Committee to Develop and Establish a Graduate Program in the Neurosciences, University of Utah School of Medicine, 1982-1985
Academic Freedom and Tenure Committee, University of Utah, 1982-1985
Executive Committee, Department of Psychology, University of Utah, 1982-1986
Personnel Committee, Department of Psychology, University of Utah, 1981-1984
Coordinator, Developmental Area, Department of Psychology, University of Utah, 1982- 1986
University Promotion and Tenure Advisory Committee, University of Utah, 1985-1987
University of Utah Campus representative, nationwide TIAA Divestment Campaign (1985-87)
College of Social and Behavioral Sciences, Superior Research Award Committee, University of Utah, 1986
National Institute of Child Health and Human Development, Equal Employment Opportunity Committee, 1988-1990; 1993-1995 (Co-chair, 1994-1995)
National Institutes of Health Day Care Oversight Board, 1995-1997 (Chair, Evaluation Subcommittee, 1997)
National Institutes of Health, Office of Behavioral and Social Sciences Research Working Group on Intramural Activities, Committee member, 1996.
International Advisory Board, Center for Global Law and Human Rights, University of Natal, South Africa, 2003-2005.
Membre d'Honneur Fondateur: Association Poesie, Arts, et Vie, 2004 – present.
Management Committee, Centre for Family Research, University of Cambridge, 2004 - 2018.
Board of Electors (Convenor), Professorship of Family Research, University of Cambridge, 2004-2005.
Faculty Board, Faculty of Social and Political Sciences, University of Cambridge, 2004 - 2009.
Psychology Research Ethics Committee, University of Cambridge, 2004 – 2016.
General Purposes Committee, Faculty of Social and Political Sciences, University of Cambridge, 2005 – 2010 (Chair, 2007-2008).
Board of Electors, Professorship of Evidence-Based Intervention, University of Oxford, 2006.
Head, Department of Social and Developmental Psychology, University of Cambridge, 2005-2012.
Research Policy Committee, University of Cambridge, 2007- 2012.
Deputy Chair, Faculty of Social and Political Sciences, University of Cambridge, 2007-2008.
Faculty Board, Faculty of Politics, Psychology, Sociology, and International Studies, 2009-2011.
Faculty Board, Faculty of Human, Social, and Political Science, 2012, 2014-2015.
Cambridge University Research Ethics Committee, 2012-2019.

Sidney Sussex College (Director of Studies in Psychology, 2012-2017; College Council, 2014-2017).

Research Grant Support History

"The development of father-infant and mother-infant relationships in the first year of life." (7/1/74 to 6/30/75: $5,200). Ecology of Human Development Program of the Foundation for Child Development (Principal Investigator).

"The development of parent-infant relationships in the second year of life" (7/1/75 to 6/30/76: $5,200). Ecology of Human Development Program of the Foundation for Child Development (Principal Investigator).

"Mother-, father-, and sibling-infant relationships in the first two years of life" (7/1/76 to 6/30/77: $10,000). Graduate School Research Committee of the University of Wisconsin-Madison (Principal Investigator).

"Familial antecedents of achievement orientation in preschool-aged children." (7/1/76 to 6/30/77: $5,000). Spencer Foundation of Chicago (Principal Investigator).

"The effects of infant signals and characteristics on parental physiological responses" (9/1/76 to 8/31/77: $2,000). National Institutes of Health Biomedical Research Support Grant (Principal Investigator).

Study group to explore "Methodological problems in the study of social interaction" (July 1977: $7,000). Society for Research in Child Development (Principal Organizer; co-organizers—Stephen J. Suomi, Gordon R. Stephenson).

"The development of social relationships within and beyond the family in infancy" (7/1/77 to 6/30/78: $9,000). Graduate School Research Committee of the University of Wisconsin-Madison (Principal Investigator).

"The determinants and consequences of security of parent-infant attachments" (5/1/78 to 4/30/79: $5,000). Faculty Research Grant from the Rackham School of Graduate Studies at the University of Michigan.

"Determinants of early cognitive development in preterm infants" (3/1/78 to 2/28/80: $26,000). The National Foundation/March of Dimes (Co-Investigator; Principal Investigator was Gary M. Olson).

"Infant social development in traditional and nontraditional families" (7/1/78 to 6/30/81: $201,000). Riksbankens Jubileumsfond of Sweden (Principal Investigator).

"Maternal employment and infant social development" (1/1/79 to 12/31/81: $45,000). Spencer Foundation of Chicago (Principal Investigator; Co-investigators were Margaret Owen and Lindsay Chase-Lansdale).

Study group to explore "The role of the father in child development, social policy, and the law" (July 1980: approx. $6,000). Society for Research in Child Development (Co-organizer; Principal organizer, Abraham Sagi).

"Infant social and emotional development" (7/1/80 to 6/30/81: $8000). University of Utah Research Committee (Principal Investigator).

"Infant social and emotional development" (7/1/80 to 6/30/81: $6000). National Institute of Mental Health Biomedical Research Support Grant (Principal Investigator).

"Developing expectations in infancy: A longitudinal study of behavior in two social contexts" (4/1/81 to 3/31/83: $100,000). National Science Foundation (Principal Investigator).

"The Fatherhood Project" (9/1/81 to 8/31/83: $425,000). The Ford Foundation, The Levi Strauss Foundation, The Ittelson Foundation, and The Rockefeller Family Foundation (Co-Principal Investigator with James A. Levine and Joseph H. Pleck).

"Effects of center day care, family day care, and home care on socioemotional development" (7/1/82 to 6/30/86: 1,405,000 Skr Riksbankens Jubileumsfond of Sweden (Co-Principal Investigator with Carl-Philip Hwang).

"Training program in developmental psychology" (7/1/82 to 6/30/87: $215.940). National Institute of Mental Health (Director of Training Program, University of Utah).

Study group to explore "Adolescent Fatherhood" (May 1984: approx. $6,000). Society for Research in Child Development (Co-organizer: Principal organizer, Arthur Elster).

"Quality of care and children's adjustment to out-of-home care" (12/1/83 to 11/30/84: $5000). University of Utah Research Committee (Principal Investigator).

"Study group to explore "The interface between social scientists and the "the real world". (September 1984: $8,000). The Harris Foundation (Co-Principal Organizer with Abraham Sagi).

"Fathers of infants with adolescent mothers" (10/1/84 to 9/30/88: $236967 in direct costs). Office of Adolescent Pregnancy Programs (Co-Principal Investigator with Arthur B. Elster).

Section on Social and Emotional Development, Intramural Research Program, National Institute of Child Health and Human Development (4/1987 to 9/2004: research costs averaging $850,000 per annum; 10/2004 to 9/2006: research costs averaging $500,000 per annum).

"Long term effects of varying early life experiences" (3/1988 to 2/1991: 950,000 Skr).. Riksbanken Jubileumsfond of Sweden (Co-Principal Investigator with Carl-Philip Hwang).

"Mother-son attributions and aggressive interactions" (8/1990 to 7/1993: $338,599). National Institute of Mental Health (Co-Investigator with Carol MacKinnon)

"The relation between mother-son attributions and the aggressiveness of their interactions" (10/1989 to 9/1992: $250,000). National Science Foundation (Co-Investigator with Carol MacKinnon).

"Long term effects of varying early life experiences" (3/1997 to 2/1999: 1,000,000 Skr). Riksbanken Jubileumsfond of Sweden (Co-Principal Investigator with Carl-Philip Hwang).

"Long term effects of varying early life experiences" (7/2002 to 7/2005: 1,950,000 Skr). Riksbanken Jubileumsfond of Sweden (Co-Principal Investigator with Carl-Philip Hwang).

"The development of living conditions of children" (6/2005 to 5/2011: 1,350,000 Skr per annum). Swedish Council for Working Life and Social Research (Co-Organizer; Principal Organizer is Carl-Philip Hwang).

"Facilitating eyewitness testimony in children with learning disabilities." (7/2004 to 6/2006: £149,842). Economic and Social Research Council (Co-investigator with Deidre Brown and Charlie Lewis).

"Do best practice forensic interviews with child abuse victims influence case outcomes?" (10/2006 to 3/2008: $173,089). US National Institute of Justice (Co-investigator with Margaret-Ellen Pipe and Yael Orbach).

"Strategies for interviewing children who are reluctant to disclose abuse" (7/2007 to 6/2010: £199,529). The Nuffield Foundation (Principal Investigator).

"Strategies for interviewing children who are reluctant to disclose abuse" (7/2007 to 6/2010: £50,589). The Isaac Newton Trust (Principal Investigator).

"Parenting and the psychological development of children in gay father families." (10/2009 to 9/2012: £351,863). The Economic and Social Research Council (Co-Investigator; Principal Investigator is Susan Golombok).

"Children's evidence in criminal proceedings." (April 2011: £6000). Nuffield Foundation Conference Grant (Co-Investigator is John Spencer).

"Gay father families: The development of early parent-child relationships." (1/2013 to 12/2015: approx. £900,000, including £629835 for British arm of study). U. K. Economic and Social Research Council, French Agence Nationale de la Recherche, and Nederlands Organisatie voor Wetenschappelijk Onderzoek (Principal Investigator; Co-Investigators are Hennie Bos (Netherlands), Susan Golombok (UK), Martine Gross (France), and Olivier Vecho (France)).

"Timely disclosures mean timely interventions for young offenders and victims." (1/2013 to 6/2019: £340,000). Jacobs Foundation (Principal Investigator).

"Timely disclosures mean timely interventions for young offenders and victims." (1/2013 to 7/2019: £340,000). Nuffield Foundation (Principal Investigator).

"The Child and Family Blog." (2/2014 to 1/2016: $200000). Jacobs Foundation (Principal Investigator; Co-Sponsor is The Future of Children, Princeton University).

"Developmental reversals in children's false memories for experienced events." (1/1/2015 to 31/12/2017: NZ$673750). Marsden Fund Award, Royal Society of New Zealand (Co-Investigator; Principal Investigator is Deirdre Brown, Victoria University of Wellington).

"Parenting and the psychological development of children raised in adoptive gay father families: A follow up at early adolescence." (10/2015 to 9/2018: £400000). The Economic and Social Research Council (Co-Investigator; Principal Investigator is Susan Golombok).

Publications

Lamb, M. E. The effects of maternal deprivation on the development of the concepts of object and person. *Journal of Behavioural Science*, 1973, *1*, 355-364.

Lamb, M. E. Review of Separation: Anxiety and anger by John Bowlby. *Journal of Behavioural Science*, 1973, 1, 372-373.

Lamb, M. E. A defense of the concept of attachment. *Human Development*, 1974, *17*, 376- 385.

Lamb, M. E. Physiological mechanisms in the control of maternal behavior in rats: A review. *Psychological Bulletin*, 1975, *82*, 104-119.

Lamb, M. E. The sociability of two-year-olds with their mothers and fathers. *Child Psychiatry and Human Development*, 1975, *5*, 182-188.

Lamb, M. E. Fathers: Forgotten contributors to child development. *Human Development*, 1975, *18*, 245-266.

Lamb, M. E. The relationships between infants and their mothers and fathers. *Dissertation Abstracts International*, 1976, *37* (6B), 3153.

Lamb, M. E. (Ed.) *The role of the father in child development*. New York: Wiley, 1976.

Japanese translation published in 1981 by Kasei Publishers.

Lamb, M. E. The role of the father: An overview. In M. E. Lamb (Ed.), *The role of the father in child development* (pp. 1-63). New York: Wiley, 1976.

Lamb, M. E. Interactions between eight-month-old children and their fathers and mothers. In M. E. Lamb (Ed.), *The role of the father in child development* (pp. 307-327). New York: Wiley, 1976.

Lamb, M. E. Proximity seeking attachment behaviors: A critical review of the literature. *Genetic Psychology Monographs*, 1976, *93*, 63-89.

Lamb, M. E. Interactions between two-year-olds and their mothers and fathers. *Psychological Reports*, 1976, *38*, 447-450.

Lamb, M. E. Twelve-month-olds and their parents: Interaction in a laboratory playroom. *Developmental Psychology*, 1976, *12*, 237-244.

Lamb, M. E. Effects of stress and cohort on mother-and father-infant interaction. *Developmental Psychology*, 1976, *12*, 435-443.

Lamb, M. E. Parent-infant interaction in eight-month-olds. *Child Psychiatry and Human Development*, 1976, *7*, 56-63.

Tracy, R. L., Lamb, M. E., & Ainsworth, M. D. S. Infant approach behavior as related to attachment. *Child Development*, 1976, *47*, 571-578.

Lamb, M. E., & Lamb, J. E. The nature and importance of the father-infant relationship. *The Family Coordinator*, 1976, *25*, 379-385.

Reprinted in E. Murray (Ed.), *The child's first learning environment: Selected readings in home economics* (pp. 45-47). Paris: UNESCO, 1980.

Lamb, M. E. A re-examination of the infant social world. *Human Development*, 1977, *20*, 65-85.

Lamb, M. E. Father-infant and mother-infant interaction in the first year of life. *Child Development*, 1977, *48*, 167-181.

Reprinted in Gladys K. Phelan (Ed.), *Family relationship: Selected readings* (pp. 171-183). Minneapolis: Burgess, 1979.

Lamb, M. E. Infant attachment to mothers and fathers. In S. Cohen & T.J. Comiskey (Eds.) *Child development: A study of growth processes* (pp. 167-180). Itasca, Ill.: Peacock, 1977.

Lamb, M. E. The development of parental preferences in the first two years of life. *Sex Roles*, 1977, *3*, 495-497.

Reprinted in Roger C. Bailey (Ed.), *New horizons in applying psychology*. Monterey CA: Brooks/Cole, 1980.

Lamb, M. E. The development of mother-infant and father-infant attachments in the second year of life. *Developmental Psychology*, 1977, *13*, 637-648.

Lamb, M. E. The effects of divorce on children's personality development. *Journal of Divorce*, 1977, *1*, 163-174.

Lamb, M. E. Infant social cognition and 'second-order' effects. *Infant Behavior and Development*, 1978, *1*, 1-10.

Lamb, M. E. (Ed.) *Social and personality development*. New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E. Sociopersonality development: Introduction to a burgeoning field. In M. E. Lamb (Ed.), *Social and personality development* (pp. 1-21). New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E. Social interaction in infancy and the development of personality. In M. E. Lamb (Ed.), *Social and personality development* (pp. 26-49). New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E., & Baumrind, D. Socialization and personality development in the preschool years. In M. E. Lamb (Ed.), *Social and personality development* (pp. 50-69). New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E., & Urberg, K. A. The development of gender role and gender identity. In M. E. Lamb (Ed.), *Social and personality development* (pp. 178-199). New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E. Psychosocial development: A theoretical overview and a look into the future. In M. E. Lamb (Ed.), *Social and personality development* (pp. 307-317). New York: Holt, Rinehart & Winston, Inc., 1978.

Lamb, M. E. The influence of the child on marital quality and family interaction during the prenatal, perinatal, and infancy periods. In R. M. Lerner & G. B. Spanier (Eds.), *Child influences on marital and family interaction: A lifespan perspective* (pp. 137-163). New York: Academic Press, 1978.

Lamb, M. E. The father's role in the infant's social world. In J. H. Stevens & M. Mathews (Eds.), *Mother/child, father/child relationships* (pp. 87-108). Washington: National Association for the Education of Young Children, 1978.

Lamb, M. E. & Stevenson, M. D. Father-infant relationships: Their nature and importance. *Youth and Society*, 1978, *9*, 277-298.

Lamb, M. E. Interactions between eighteen-month-olds and their preschool-aged siblings. *Child Development*, 1978, *49*, 51-59.

Reprinted in J. Belsky (Ed.), *In the beginning: Readings in infancy* (pp. 227-232). New York: Columbia University Press, 1982.

Lamb, M. E. Qualitative aspects of mother-and father-infant attachments. *Infant Behavior and Development*, 1978, *1*, 265-275.

Rajecki, D. W., Lamb, M. E., & Suomi, S. J. Effects of multiple peer separation in domestic chicks. *Developmental Psychology*, 1978, *14*, 379-387.

Frodi, A. M., Lamb, M. E., Leavitt, L. A., & Donovan, W. L. Fathers' and mothers' responses to infant smiles and cries. *Infant Behavior and Development*, 1978, *1*, 187-198.

Roopnarine, J. L., & Lamb, M. E. The effects of day care on attachment and exploratory behavior in a strange situation. *Merrill-Palmer Quarterly*, 1978, *24*, 85-95.

Reprinted in J. G. Howells (Ed.), *Advances in family psychiatry*. (Vol. 4, pp. 473-483). New York: International Universities Press, 1981.

Lamb, M. E. Review of *Part-time father* by E. Atkin & E. Rubin. *The Family Coordinator*, 1978, *27*, 477-478.

Frodi, A. M., Lamb, M. E., Leavitt, L. A., Donovan, W. L., Neff, C., & Sherry, D. Fathers' and mothers' responses to the faces and cries of normal and premature infants. *Developmental Psychology*, 1978, *14*, 490-498.

Frodi, A. M., & Lamb, M. E. Sex differences in physiological and behavioral responses to infant signals: A developmental study. *Proceedings of the Iowa Academy of Science* (Ames), 1978.

Lamb, M. E. The development of sibling relationships in infancy: A short-term longitudinal study. *Child Development*, 1978, *49*, 1189-1196.

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