The State of South Carolina
In The Court of Appeals

ORIGINAL

Appeal from Spartanburg County
Hon. J. Derham Cole, Circuit Court Judge
Case No. 10-CP-42-2350

Appellate Case No. 2013-000807

Jane Doe, as guardian for John Doe, ... Appellant

v.

Doni Rhinehart, ... Respondent

Record On Appeal

Volume One

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STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
	C.A. NO. 2010-CP-42-2350
COUNTY OF SPARTANBURG	
Jane Doe, as guardian for John Doe,	
Plaintiff,	ORDER GRANTING SUMMARY JUDGMENT
vs.	
Doni Rhinehart,	
Defendant.	

This matter came before the court on May 16, 2012, upon the motion of the Defendant, Doni Rhinehart, requesting summary judgment as to all claims against her by the Plaintiff. For the reasons stated herein, that motion is granted and this matter is dismissed with prejudice.

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PROCEDURAL BACKGROUND

Plaintiff Jane Doe, on behalf of her grandson John Doe, has brought a claim for negligent supervision against the Defendant, Doni Rhinehart[1]. Plaintiff alleges her grandson, a friend of the Defendant's son, was sexually abused by Defendant's now-ex-husband. Plaintiff alleges that Defendant knew or should have known that her ex-husband, James Rhinehart, was abusing John Doe. (Complaint Para. 6). Plaintiff further alleges that the Defendant condoned her ex-husband's sexual conduct and refused to either report it, warn parents about it, or otherwise protect children from abuse. (Complaint para. 6). Plaintiff has alleged that the Defendant negligently supervised plaintiff, negligently supervised her ex-husband, and failed to warn others of Mr.

[1] The Defendant has died from breast cancer since this action was commenced. Her trial testimony was preserved by deposition prior to her death.

Rhinehart's alleged propensity to have sexual interest in children. (Complaint paras. 6 and 9). Plaintiff further alleges that the Defendant should have known Mr. Rhinehart posed a severe danger and that Defendant had a duty to prevent Mr. Rhinehart from injuring John Doe. (Complaint para. 9). Plaintiff's only cause of action is for negligent supervision. The Defendant has denied any knowledge of Mr. Rhinehart's alleged actions.

FINDINGS OF FACT

The Defendant has submitted deposition testimony in support of her motion. The Plaintiff has filed the affidavit of her attorney Gregg Meyer in opposition to this motion. From a review of the record presented, the following facts are undisputed.

Defendant married Mr. Rhinehart in 1999. At that time Defendant was a widow with two children. She met Mr. Rhinehart at their church where he was active and held a leadership role. Defendant and Mr. Rhinehart had one daughter together. Defendant's oldest son[2] and a daughter, both from the Defendant's prior marriage, lived in the home with her and Mr. Rhinehart. Defendant's oldest son, now approximately 20, suffers from autism.

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Plaintiff's grandson, John Doe, and Defendant's son were members of the same Boy Scout troop. John Doe was also a special needs child, as were all the members of the troop. At some point James Rhinehart became the Scoutmaster of their scout troop. John Doe was friends with the Defendant's son and as such, occasionally stayed as an overnight guest in Defendant's home.

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[2] To preserve confidentiality and protect their privacy, the Symbols ##### have been used to substitute for the name of the Defendant's son, and ***** for the name of the Plaintiff's grandson, where their names are mentioned in the deposition excerpts cited in this order.

In his deposition, John Doe testified that he was sexually molested by Mr. Rhinehart four times. He testified that two of those times were in the Rhinehart home. During one of those times the Defendant was not home, but was at the grocery store. (John Doe depo. p. 169) John Doe testified that the other incident of abuse that occurred at the defendant's home was when he was spending the night as a guest of the Defendant's son. John Doe testified that on that night, after bedtime, John Doe and the defendant's son were having trouble sleeping and Mr. Rhinehart came into his stepson's bedroom to get them to settle down. According to John Doe, Mr. Rhinehart then lay in the bed between the boys and molested them while the door was closed. John Doe admits he never told the Defendant about any of the abuse. (John Doe depo. p. 150) In fact, when informed during his deposition that he was suing the Defendant, John Doe stated as follows:

25 Q. John Doe, I'm about through with my questions and I
0101
1 appreciate your being patient with me over the two days
2 answering them. I'm going to turn it over to Mr. Phillips
3 who represents the Boy Scouts.
4 And before I do that, though, I just want to ask you
5 one other set of questions. I represent Doni Rhinehart;
6 okay?
7 A. Yes.
8 Q. You've sued Doni Rhinehart in this case.
9 A. Whoa, whoa. Look, listen. Doni Rhinehart has nothing to
10 do with this. She didn't do doing so they shouldn't have
11 sued her estate. That was wrong. It was the Boy Scouts
12 and Brian, not her. She had nothing do with this.
13 Q. That's all I have. Thank you.
14 A. I'm just saying Brian -- Doni had nothing to do with
15 that.
16 Q. I understand and I appreciate you saying that. Thank
17 you.
(Doe depo. p. 101)

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The Plaintiff has no evidence which contradicts the testimony that the Defendant was unaware of this alleged abuse until investigators from the Sheriff's Office contacted Mr. Rhinehart after the incidents in question were reported to law enforcement. Sheriff's investigators questioned both Mr. Rhinehart and the Defendant's son about the allegations. Ultimately, Mr. Rhinehart admitted to abusing another child. However, there is no evidence that the Defendant knew anything about the abuse until investigators informed her that Mr. Rhinehart signed a statement admitting to fondling the other victim.[3] The Defendant then immediately separated from Mr. Rhinehart, never reconciled with him, and divorced him. Until her death she appeared before the parole board to testify against Mr. Rhinehart's efforts at parole.

In her deposition, the Defendant, Doni Rhinehart, stated as follows:

Q. So, then, looking back from knowing what your son said and what your husband pled guilty to, did you -- do you think that you had any signs that your husband was capable of this?

A. No. I mean, there was never any indication. I mean, to me, he just appeared to be a normal step-parent. I mean, he was -- he appeared to be a good husband, and caring, and, you know, did what a normal parent would do; make sure that, you know, both of us check on the kids, make sure they're doing their homework and picking up their rooms and stuff.

I mean, it didn't -- it -- nothing ever came out as he was spending any more time with ##### than he was any of the other two.

Q. Okay. Now, let's assume that it happened. Which we -- I understand you don't know. Do you think that you should have known or could have known something was going on there?

A. No. I mean, there was no indication. I mean, I never

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[3] Mr. Rhinehart was charged with molesting the other victim and plead guilty to the charges. Mr. Rhinehart was never charged with molesting Plaintiff's grandson or anyone else.

caught Brian sneaking around. ##### never acted intimidated by Brian. He never -- they never seemed to have this little secret or whatever going on.

0022

Q. When ***** would spend the night, were you there at the home?

A. Yeah, I was there at the home.

Q. Okay. And you were spending the night there as well?

A. Right.

Q. Okay. And doing the normal things that you would do as a mom?

A. Yeah; cooking, cleaning.

Q. Right. And so you -- so you never got a complaint from ***** or from your son that something was going on?

A. No, I never had anything like that. And Dena's room was just right across the hall from #####'s.

(Deposition Doni Rhinehart pp. 21 – 22)

Furthermore, it is undisputed that Defendant would have never tolerated Mr. Rhinehart's actions had she known of his alleged actions.

Q. And some allegations I want to ask you specifically about, paragraph 9 of the Complaint, it said that Mr. Rhinehart had a known propensity to have a sexual interest in children, and that you failed to warn either the Plaintiff or the Plaintiff's parents about that. Did you know at any time before his admission that he had a known propensity to have a sexual interest in children?

A. No, I most definitely did not. I'm very protective of my children, and if I'd have had a clue, he wouldn't have been near -- I mean, even now, to this day, when I'm dealing with like my 10-year-old, I mean, normal things that you wouldn't think about, like when -- her just walking up and giving somebody a hug, I mean, it just -- it just makes me cringe. I'm like, "Don't ever hug somebody like that." Things that normally wouldn't -- you're just like, "She's being friendly." Now, thanks to the sick thing that he has done, I mean, you can't help but second-guess everything that somebody does around your child.

0024

Q. If you had any inclination or thought that Mr. Rhinehart had some sort of predatory qualities, that he

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had an interest in kids and wanted to do harm to them, what would you have done?

A. I wouldn't have been near him. I -- if I'd have had that kind of information, I probably wouldn't even -- have even attended the same church as the man.

Q. Okay. Now, paragraph 10 says that you allowed Mr. Rhinehart to be in the presence of these kids knowing basically that he -- there was this risk of sexual abuse. Did you allow that with any knowledge?

A. No. I mean, that's just ridiculous. I mean, I -- I think it's very sick and just makes my skin crawl to think of somebody who could do that.

Q. It says here in paragraph 13 that you had "the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about James Rhinehart." If you had known, would you have allowed your kids or any other kids in the presence of this man?

A. No. I mean, I'm very protective of my kids and other kids, like I said before. I mean, if I'd have had a clue, I wouldn't have even attended the church as him.

Q. Right.

A. Because, I mean, that proximity right there gives him access, and I would not do that.

Q. Prior to receiving that phone call from the detectives, had you had any reason to suspect or -- that *** ***had made any complaint of sexual abuse against your then-husband?

A. No. I mean, ***** -- everything appeared to be fine. I mean, ##### and ***** were good friends, and talking and getting along. I mean, I had no clue that anything was bothering *****.

Q. Before that phone call, you had no information to suggest to you that your husband was even capable of such a thing?

A. No, not as far as I know. I mean, we had been married

0030

almost six years, and as far as I was concerned, he was, you know, a normal husband and father.

Q. When your husband told you on October 20th, 2005 that he was going to confess to -- I'll just say sexual misconduct with your son, did you immediately begin the process of separating yourself from him?

0031

A. As soon as I got out of there, I was on the phone to a good friend of mine who's an attorney in Spartanburg,

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and he had just recently gone through a divorce. And I'm like, "Richard, who did you use for your attorney? You know, I need a good lawyer who -- you know, I need to immediately separate from this man." There was never any doubt in my mind what was going to happen.

Q. If you had believed prior to your husband's confession to you that he had abused ######, would you have contacted the authorities?

A. I would have turned him in in a minute. I mean, he's lucky that he confessed, you know, in front of witnesses. As far as I'm concerned, Lake Bowen is plenty deep enough to have gotten rid of him.

Q. If you believed he had sexually abused any child, would you have reported that to the authorities?

A. Yes. I mean, I just -- that's just the sickest thing on earth, to prey on somebody who's innocent and doesn't understand or that you can intimidate enough to where they don't speak up.

(Doni Rhinehart Deposition pp. 23 -24, 30 -31)

The Plaintiff, Jane Doe, her husband, John Doe's father, and Mr. Rhinehart have all been deposed. John Doe's father testified that he did not believe the Defendant knew of or condoned the abuse. (Father of John Doe 1 Deposition p. 147.) The husband of Jane Doe testified that he did not now why the Defendant had been sued and does not know if the Defendant knew her ex-husband was abusing John Doe. (Husband of Jane Doe Deposition pp. 130-131) He testified that he did not have any evidence that the Defendant knew or should have known that the abuse took place in her home. (Id. at p. 132). Mr. Rhinehart specifically denies the abuse, and therefore testified that his wife would not have knowledge of his alleged actions since the events did not occur. (James Rhinehart Deposition p. 102).

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Jane Doe testified that the Defendant "should have known" that abuse was taking place in the Defendant's household (Jane Doe Deposition p. 79); however, she offered no evidence that the Defendant knew of the abuse or any evidence of any facts that would

have put the Defendant on notice of the abuse. All Jane Doe could say was that the Defendant slept a lot and that she had seen her take prescription medication once, but she had no idea what the medication was or what it was for. (Jane Doe Deposition pp. 87-88) Ultimately, she opined that the Defendant should have been supervising her grandson "every single second" he was in her home. (Jane Doe Deposition p. 102) However, Jane Doe ultimately conceded that she had no evidence that the Defendant knew of the abuse. (Jane Doe Deposition p. 168)

The only evidence Plaintiff has submitted in opposition to summary judgment is an affidavit from Gregg E. Meyers, attorney for the Plaintiff. Most of this affidavit addresses arguments pertinent to Plaintiff's separate suit against another defendant. Plaintiff argues in his affidavit that the Defendant, Doni Rhinehart, has failed to follow the Boy Scouts "Two Deep" rule requiring two adults to supervise scouts on any scout outing. Even assuming the Plaintiff's attorney's affidavit constitutes relevant evidence, and assuming this affidavit establishes a valid policy of the Boy Scouts, the Plaintiff has not introduced any evidence that Doni Rhinehart ever served in any capacity as a volunteer leader with the Boy Scouts or was subject to the "Two Deep" rule. Moreover, the Plaintiff alleges that the abuse giving rise to this claim occurred when he was a guest of Doni Rhinehart's son in their home, and there are no allegations or evidence that Doni Rhinehart was affiliated with the Boy Scouts or that she is bound by any duties or rules of the Boy Scouts.

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CONCLUSIONS OF LAW

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that

there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) (quoting Fed.R.Civ.P. 56(c)). In considering a motion for summary judgment, the inferences to be drawn from the underlying facts must be viewed in the light most favorable to the non-moving party. Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986). However, when the record taken as a whole cannot lead a rational trier of fact to find for the non-moving party, summary judgment is appropriate. Id.

Plaintiff's sole cause of action is for negligent supervision. Our courts have not recognized this cause of action under facts of the instant case. (See, Doe ex rel. Doe v. Batson, 345 S.C. 316, 322-323, 548 S.E.2d 854, 857 - 858 (2001) vacating based upon the paucity of the record before the court the portions of the lower court's order suggesting as two possible sources of liability for the parent of an adult child residing in the home: (1) a duty to warn arising from a special relationship or circumstance; and (2) a duty to warn based on premises liability).

To the extent Plaintiff seeks to pursue a claim in negligence she must allege facts which demonstrate the concurrence of three elements: (1) a duty of care owed by the defendant; (2) a breach of that duty by negligent act or omission; and (3) damage proximately caused by the breach. Kleckley v. Northwestern Nat. Cas. Co., 338 S.C. 131, 526 S.E.2d 218 (2000). An essential element in a cause of action for negligence is the existence of a legal duty of care owed by the defendant to the plaintiff. Bishop v. South Carolina Dept. of Mental Health, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998). Without a duty, there is no actionable negligence. Id. "Proof of negligence in the air, so to speak,

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will not do." Palsgraf v. Long Island Railroad Co., 248 N.Y. 339, 162 N.E. 99, 99 (1928) (quoting Sir Frederick Pollock). The existence of a duty owed is a question of law for the courts. Washington v. Lexington County Jail, 337 S.C. 400, 405, 523 S.E.2d 204, 206 (Ct.App.1999).

Generally, there is no common law duty to act. Thus, a person usually incurs no liability when he fails to take steps to protect others from harm not created by his own wrongful conduct. Dennis by Evans v. Timmons, 313 S.C. 338, 342, 437 S.E.2d 138, 141 (Ct.App.1993). Wogan v. Kunze, 366 S.C. 583, 610, 623 S.E.2d 107, 121 (Ct. App. 2005) An affirmative legal duty, however, may be created by statute, contract relationship, status, property interest, or some other special circumstance. Steinke v. South Carolina Dept. of Labor, Licensing and Regulation, 336 S.C. 373, 388, 520 S.E.2d 142, 149 (1999).

Contrary to Plaintiff's assertion that Defendant should have watched her grandson "every single second" he was at her home, our courts have held that a parent has no legal duty to continuously supervise the children who were playing at the home.[4] See, Saenz v. Andrus, 195 Ga. App 431, 393 S.E. 2d 724 (1990) (the Court stated that the parent was not negligent in failing to keep a constant and unremitting watch and restraint over child). Although, where an act is voluntarily undertaken, the actor assumes a duty to use

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[4] Plaintiff's argument presented in the affidavit from attorney Gregg Meyers regarding the alleged violation of the "Two Deep" rule has no bearing on whether or not a duty exists in this case. Such policies are only relevant as to breach of duty where the duty has been established. Tidwell v. Columbia Ry., Gas & Elec. Co., 109 S.C. 34, 95 S.E. 109 (1918) (relevant rules of a defendant are admissible in evidence in a personal injury action regardless of whether rules were intended primarily for employee guidance, public safety, or both, because violation of such rules may constitute evidence of a breach of the duty of care and the proximate cause of injury) Madison ex rel. Bryant v. Babcock Center, Inc., 371 S.C. 123, 141, 638 S.E.2d 650, 659 (2006)

due care, our courts are clear that parents are not negligent in failing to keep a constant and unremitting watch and restraint over their children, or over other children with whom their children were playing. Dennis by Evans v. Timmons, 313 S.C. 338, 342-343, 437 S.E.2d 138, 141 (Ct. App. 1993).

The case before the court is factually similar to Doe ex rel. Doe v. Batson, 345 S.C. 316, 322-323, 548 S.E.2d 854, 857 - 858 (2001).[5] In Doe, the Supreme Court vacated a Court of Appeals decision establishing duties under similar circumstances as premature. However, even if the Supreme Court had recognized the duties established by the Court of Appeals, this court finds based upon the record before it that Plaintiff's claim would fail. In Doe, the Court of Appeals held that while it is not necessary for the injuring party (in the instant case Brian Rhinehart) to have made a threat while under the defendant's control or custody, it is required that that the defendant (in this case Doni Rhinehart) knew or should have known of a specific threat made to harm a specific person. Citing, Bishop v. South Carolina Dep't of Mental Health, 331 S.C. 79, 502 S.E.2d 78 (1998). Both John Doe and the Defendant have testified that the defendant had no knowledge that Mr. Rhinehart was a child molester or was a threat to anyone, including John Doe.

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[5] In Doe v. Batson, the trial court granted summary judgment on the Plaintiff's suit against the mother of a youth pastor who allegedly molested the Plaintiff in the mother's home. The Court of Appeals reversed the trial court on the basis that summary judgment should not have been granted when discovery was incomplete. The Supreme Court reversed the portion of the Court of Appeals decisions discussing applicable duties under the facts since the record was not sufficiently developed for the court to rule thereupon. Although the Court of Appeals in the later reversed Batson decision concluded that the victim of sexual abuse on another's premises may bring suit under a premises liability theory, the court opined that the landowner's duty was only to warn of dangers **known** to the possessor. Unlike Batson, the record in this case is fully developed with this regard and there is no evidence the defendant knew of her husband's alleged actions.

The party moving for summary judgment bears the initial burden of establishing that there is "no genuine issue as to any material fact and that he is entitled to judgment as a matter of law." Catawba Indian Tribe of South Carolina v. State of South Carolina, 978 F.2d 1334, 1339 (4th Cir. 1992). Once the moving party meets the initial burden of showing an absence of evidentiary support for the opponent's case, the nonmoving party must come forward with specific facts showing there is a genuine issue for trial and cannot simply rest on mere allegations or denials contained in the pleadings. Miller v. Blumenthal Mills, Inc., 365 S.C. 204, 220, 616 S.E.2d 722, 730 (Ct.App.2005). The non-moving party "must do more than simply show that there is some metaphysical doubt as to the material facts." Catawba, 978 F.2d at 1339 (quoting Matsushita, 475 U.S. at 586).

Any potential theory of liability as to Doni Rhinehart relies upon her knowledge of the potential harm. At the conclusion of discovery and depositions of all relevant parties, there is no evidence of such knowledge in this case.

In summary, "[A] motion for summary judgment on the basis of the absence of a duty is a question of law for the court to determine." Oblachinski v. Reynolds, 391 S.C. 557, 560, 706 S.E.2d 844, 845 (2011). Cole v. Boy Scouts of America, 397 S.C. 247, 251, 725 S.E.2d 476, 478 (S.C.,2011) Our courts have not recognized duty to supervise under the facts presented. Our Supreme Court has vacated the one opinion recognizing theory of recovery under premises liability. However, even if such theory of liability were recognized, the Plaintiff would still be required to prove that the Defendant had notice of the danger her ex-husband presented, and no such evidence exists in this case. Plaintiff has introduced nothing in opposition to Defendant's motion except for an affidavit of her attorney which sets forth legal arguments in opposition to Summary

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Judgment and attaches a supervision policy allegedly enacted by the Boy Scouts of America. Plaintiff has not introduced any evidence that this policy is applicable to the Defendant. However, even if it were, a violation of the policy could, at best, be evidence of breach of duty, but cannot serve to establish a duty where none exists. Madison ex rel. Bryant v. Babcock Center, Inc., 371 S.C. 123, 141, 638 S.E.2d 650, 659 (2006)

IT IS THEREFORE ORDERED AND ADJUDGED that the motion for summary judgment of Defendant, Doni Rhinehart, be granted and the case dismissed in full.

Honorable J. Derham Cole

March 13, 2012

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BY: D.C.
DATED 3/14/13

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State of South Carolina) In The Court of Common Pleas
)
County of Spartanburg) Case Number 10-CP-42-2350

Jane Doe, as guardian for John Doe,)
)
Plaintiff,)
)
v.)
)
Doni Rhinehart,)
)
Defendant.)

COMPLAINT

For her complaint, the plaintiff alleges:

PARTIES AND JURISDICTION

1. Jane Doe has custody of, and is guardian for, John Doe, a developmentally disadvantaged individual born in May, 1991. At the time of the events which gave rise to this complaint, the Plaintiff was a minor resident of South Carolina. They are each referred to by pseudonym in this action due to the intensely personal nature of the conduct alleged in this complaint. References in this complaint to the Plaintiff refer to John Doe, even though the action is brought by his guardian, Jane Doe.

2. Doni Rhinehart is, or at all times pertinent to this complaint was, a resident of Spartanburg County.

3. This is an action for childhood sexual abuse which occurred at the residence of Doni Rhinehart, among other places, by her spouse. The court has jurisdiction of this action in that the actions and negligence involved took place in Spartanburg County, and involves persons and entities who at the time of the events resided in Spartanburg County.

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NATURE OF WRONGDOING

1. At all times pertinent to this complaint, including at the time of the sexual abuse Doni Rhinehart was married to James Brian Rhinehart. They resided in Spartanburg County.

2. James Rhinehart has admitted criminal allegations of sexually molesting various individuals, including the plaintiff. Acts of molestation occurred in the Rhinehart home. Other acts of molestation occurred in other locations.

3. James Rhinehart was sentenced to prison, having admitted to various acts of sexually abusing minors. One of James Rhinehart's admitted victims was the plaintiff John Doe.

4. When he was a minor, the plaintiff spent the night at the home of James and Doni Rhinehart. The plaintiff also attended boy scout events at their home.

5. Abusive sexual contact between James Rhinehart and the plaintiff occurred during the plaintiff's stay with the Rhineharts.

6. The plaintiff was not the first minor molested by James Rhinehart. Doni Rhinehart knew, or should have known, that James Rhinehart was a pedophile. Doni Rhinehart condoned his sexual conduct with children, and refused to either report it, warn parents about it, or to otherwise protect children from the abuse. Doni Rhinehart negligently supervised the plaintiff during his stays in her home, negligently supervised her husband, and failed to give a proper warning to either the plaintiff or his parents about James Rhinehart.

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FOR A CAUSE OF ACTION:
NEGLIGENT SUPERVISION

7. Allegations above are incorporated into this complaint as if fully stated.

8. Doni Rhinehart was negligent in supervising the plaintiff and in supervising James Rhinehart while the plaintiff was a guest in her home.

9. Doni Rhinehart failed to warn either the plaintiff or his parents of James Rhinehart's known propensity to have a sexual interest in children, and she knew or should have known that James Rhinehart posed a severe danger to the Plaintiff that the Plaintiff would be sexually abused while in her home.

10. Doni Rhinehart allowed the Plaintiff to be in the presence of James Rhinehart, knowing that proximity created a significant risk of sexual abuse.

11. By her silence and negligence, Doni Rhinehart allowed the Plaintiff to be sexually abused.

12. Doni Rhinehart failed to take action to stop the Plaintiff from being in the presence of a person likely to sexually abuse him, and in failing to warn him about that danger.

13. Doni Rhinehart at all times had the capacity to warn, and the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about James Rhinehart. She also had the capacity to interrupt James Rhinehart's sexual abuse of the Plaintiff, and the capacity to report it, none of which she undertook.

14. Doni Rhinehart had a duty to the Plaintiff to warn her house guests about James Rhinehart's sexual interest in children, and a duty to prevent James Rhinehart from injuring the Plaintiff while he was in her residence. Alternatively, in hosting the Plaintiff, Doni Rhinehart assumed those duties if they were not implicit or explicitly assumed.

15. Doni Rhinehart breached her duties to the Plaintiff.

16. Doni Rhinehart's negligence was a proximate cause of Plaintiff's molestation.

17. At the time of the sexual abuse, the Plaintiff was a minor. As a young child he lacked legal capacity to consent to intimate sexual contact and did not so consent.

18. Once improper sexual access to him ceased, the Plaintiff attempted to lead a

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normal life. The Plaintiff has developmental disadvantages known to Doni Rhinehardt, or about which she should have known, and was and is ill-equipped to cope with the sexual abuse.

19. Doni Rhinehart's negligence also exposed the Plaintiff to increased risk of future harms.

DAMAGES

20. As a direct and proximate result of her negligence, Doni Rhinehart has caused the Plaintiff lasting, severe, and deeply-rooted emotional and mental impairments which inhibit his social and community interactions and his ability to engage in fruitful and productive relationships. Those injuries occurred during his minority and create lasting effects into his majority, and increased risk of injury into the future.

RIGHT TO JURY TRIAL

21. Plaintiff requests a jury trial of this action.

WHEREFORE, the plaintiff requests relief as follows:

1. Actual and punitive damages as may be determined by the finder of fact, and
2. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Gregg Meyers
PO Box 1297
Charleston SC 29402
843-720-8714, 720-8704 facsimile
attygm@gmail.com

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BARNWELL COUNTY
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Attorneys for the Plaintiff

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LEXINGTON COUNTY
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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. NO. 2010-CP-42-2350
COUNTY OF SPARTANBURG	)	
	)	
Jane Doe, as guardian for John Doe,	)	
	)	ANSWER
Plaintiff,	)	(Jury Trial Demanded)
	)	
vs.	)	
	)	
Doni Rhinehart,	)	
	)	
Defendant.	)	
	)	

The defendant, Doni Rhinehart, answering the Complaint of the plaintiff, would respectfully allege and show unto the Court as follows:

FOR A FIRST DEFENSE

1. The defendant lacks sufficient information to form a belief regarding the allegations of Paragraph 1, and therefore denies them.

2. In response to the allegations of Paragraph 2, the defendant admits that she is a resident of Anderson County, South Carolina. The defendant denies the remaining allegations of Paragraph 2.

3. The defendant denies the allegations of Paragraph 3.

4. In response to the second paragraph designated as Paragraph 1, the defendant admits that she was married to James Brian Rhinehart, and while they were married they resided in Spartanburg County. The defendant denies the remaining allegations of the second paragraph designated as Paragraph 1.

2. In response to the allegations of the second paragraph designated as Paragraph 2, the defendant denies these allegations.

3. In response to the allegations of the second paragraph designated as Paragraph 3, the defendant is informed and believes that James Rhinehart received a prison sentence for participating in criminal activity. The defendant lacks sufficient information to form a belief regarding the remaining allegations of the second paragraph designated as Paragraph 3, and therefore, denies them.

4. The defendant lacks sufficient information to form a belief regarding the allegations of Paragraph 4, and therefore, denies them.

5. The defendant lacks sufficient information to form a belief regarding the allegations of Paragraph 5, and therefore, denies them.

6. The defendant denies the allegations of Paragraph 6.

7. Insofar as the allegations of Paragraph 7 require a response, the defendant realleges and incorporates by reference her prior answers and allegations as if fully repeated verbatim herein.

8. The defendant denies the allegations of Paragraph 8.

9. The defendant denies the allegations of Paragraph 9.

10. The defendant denies the allegations of Paragraph 10.

11. The defendant denies the allegations of Paragraph 11.

12. The defendant denies the allegations of Paragraph 12.

13. The defendant denies the allegations of Paragraph 13.

14. The defendant denies the allegations of Paragraph 14.

15. The defendant denies the allegations of Paragraph 15.

16. The defendant denies the allegations of Paragraph 16.

17. The defendant denies the allegations of Paragraph 17.

18. In response to the allegations of Paragraph 18, the defendant lacks sufficient information to form a belief regarding these allegations, and therefore, denies them.

19. The defendant denies the allegations of Paragraph 19.

20. The defendant denies the allegations of Paragraph 20.

21. In response to the allegations of Paragraph 21, the defendant also requests a jury trial in this case.

22. The defendant denies each and every allegation of the Complaint not specifically admitted, modified, or explained herein above.

FOR A SECOND DEFENSE

23. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

24. The defendant alleges that the Complaint of the plaintiff fails to state facts sufficient to constitute a cause of action against her and, therefore, the Complaint should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

FOR A THIRD DEFENSE

25. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

26. The defendant allege that the plaintiff's injuries and damages, if any, were caused by the negligent, grossly negligent, or criminal acts of a third party or parties. As such, the defendant can have no liability to the plaintiff.

FOR A FOURTH DEFENSE

27. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

28. The defendant alleges that even assuming she was negligent, careless, grossly negligent, willful, wanton or reckless in any respect, and that any such conduct on her part operated as a proximate cause of the incident and plaintiff's resulting injuries and damages, if any, all of which is expressly denied and admitted solely for the purpose of this defense and no other, that plaintiff's negligent, grossly negligent, reckless, willful and wanton conduct contributed more than 50% to the cause of the incident and plaintiff's resulting injuries and damages, if any. For that reason, the defendant is not liable to plaintiff in any sum whatsoever.

FOR A FIFTH DEFENSE

29. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

30. The defendant alleges that even if she was negligent, careless, grossly negligent, reckless, willful or wanton in any respect whatsoever, which is expressly denied and admitted solely for the purpose of this defense and no other, and even if any such conduct on her part operated as a greater than 50% cause of the incident and plaintiff's resulting injuries and damages, if any, which is also expressly denied and admitted solely for the purpose of this defense and no other, it is entitled to a determination as to the percentage which plaintiff's negligent, grossly negligent, reckless, willful and wanton conduct contributed to the incident and to a reduction of any amount awarded to plaintiff in an

amount equal to that percentage of plaintiff's own negligent, grossly negligent, reckless, willful and wanton conduct.

FOR A SIXTH DEFENSE

31. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

32. The defendant alleges that that the plaintiff's injuries and damages, if any, were caused by the superseding negligence of the plaintiff. As such, the defendant can have no liability to the plaintiff.

FOR A SEVENTH DEFENSE

33. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

34. The defendant alleges that, even if she was negligent or reckless in any respects, which is expressly denied, and admitted solely for the purpose of this defense and no other, she is not liable to the plaintiff for the resulting damages of the plaintiff, if any, because of the intervening negligent, grossly negligent, reckless, willful and wanton acts of others, in failing to use the degree of caution that a reasonably prudent person would have used under the circumstances then and there existing, which negligent and reckless acts on the part of this individual or these individuals were not reasonably foreseeable and intervened and acted as a direct and proximate cause of the incident, and the resulting damages, if any, sustained by the plaintiff.

FOR AN EIGHTH DEFENSE

35. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

36. The defendant alleges that an award of punitive damages would constitute an impermissible and excessive fine under the Eighth Amendment of the Constitution of the United States, and such damages would further be a violation of the due process and equal protection clauses of the Fifth and Fourteenth Amendments, respectively, of the United States Constitution, as well as the applicable corresponding sections of the Constitution of the State of South Carolina, Article 1, Section 3.

37. The plaintiff's claim for punitive damages violates the defendant's right to access to the Courts guaranteed by the Seventh and Fourteenth Amendments because the threat of an award of unlimited punitive damages chills the defendant's exercise of that right.

38. The plaintiff's claim for punitive damages violates the due process and equal protection clauses of the Fourteenth Amendment for the following reasons:

(a) The standard or test for determining the requisite mental state of the defendant for imposition of punitive damages is void for vagueness; and

(b) Insofar as punitive damages are not measured against actual injury to the plaintiff and are left wholly to the discretion of the jury, there is no objective standard that limits the amount of such damages that may be awarded, and the amount of punitive damage that may be awarded is indeterminate at the time of the defendant's alleged conduct.

FOR A NINTH DEFENSE

39. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

40. The defendant alleges that the plaintiff's Complaint fails to state facts sufficient to constitute a cause of action against her since the plaintiff failed to timely file and serve the Summons and Complaint within the three-year statute of limitations.

FOR A TENTH DEFENSE

41. The defendant incorporates herein the allegations of her previous defenses which are consistent with this defense.

42. The defendant alleges that venue for this case is improper, and that pursuant to South Carolina Rules of Civil Procedure, Rule 12(b)(3), venue should be transferred to Anderson County, South Carolina.

WHEREFORE, having fully answered the Complaint of the plaintiff, the defendant prays that the Complaint be dismissed, for the costs and disbursements of this action, and for any such other and further relief as this court shall deem just and proper.

By: _____

James P. Walsh (15180)
Clarkson, Walsh, Terrell & Coulter, P.A.
P.O. Box 6728
Greenville, SC 29606
(864) 232-4400
(864) 235-4399 (fax)
Attorneys for the defendant

JURY TRIAL DEMANDED

By: _____

James P. Walsh (15180)

Greenville, South Carolina
July 13, 2010

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) C.A. NO. 2010-CP-42-2350
COUNTY OF SPARTANBURG	)
	)
Jane Doe, as guardian for John Doe,	)
	) **MOTION FOR SUMMARY**
Plaintiff,	) **JUDGMENT**
vs.	)
	)
Doni Rhinehart,	)
	)
Defendant.	)
	)

TO: The Plaintiff and his attorney, Gregg Meyers.

PLEASE TAKE NOTICE, that the Defendant, Doni Rhinehart, by and through her undersigned attorneys, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, will move before the presiding judge of Spartanburg County, at a time and place designated by the Court for an Order granting the defendant judgment as a matter of law, on the basis that there is no genuine issue as to any material fact in that the Plaintiff can show no actionable negligence against the Defendant.

This Motion will be based upon the pleadings, all discovery undertaken thus far, briefs and affidavits which may later be submitted.

By: _____

James P. Walsh (15180)
Clarkson, Walsh, Terrell & Coulter, P.A.
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Attorney for the Defendant

February 14, 2012

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STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) C.A. NO. 2010-CP-42-2350
COUNTY OF SPARTANBURG	)
	)
Jane Doe, as guardian for John Doe,	)
	) MEMORANDUM IN SUPPORT
Plaintiff,	) OF MOTION FOR SUMMARY
	) JUDGMENT
vs.	)
	)
Doni Rhinehart,	)
	)
Defendant.	)
	)

PROCEDURAL BACKGROUND

Plaintiff Jane Doe, on behalf of her grandson John Doe, has brought a claim for Negligent Supervision against the Defendant, Doni Rhinehart[1]. Plaintiff alleges her grandson, a friend of the Defendant's son, was sexually abused by Defendant's now ex - husband. Plaintiff alleges that Defendant knew or should have known that her ex-husband, James Rhinehart, was abusing John Doe. (Complaint Para. 6). Plaintiff further alleges that the Defendant condoned her ex-husband's sexual conduct and refused to either report it, warn parents about it, or otherwise protect children from abuse. (Complaint para. 6). Plaintiff has alleged the Defendant negligently supervised plaintiff, negligently supervised her ex-husband, and failed to warn others of Mr. Rhinehart's alleged propensity to have sexual interest in children. (Complaint para. 6 and 9). Plaintiff further alleges that the Defendant should have known Mr. Rhinehart posed a severe danger and that Defendant had a duty to prevent Mr. Rhinehart from injuring John Doe. (Complaint para. 9). Plaintiff's only cause of action is for negligent supervision. The

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[1] The Defendant has died from breast cancer since this action was commenced. Her trial testimony was preserved by deposition prior to her death.

Defendant has denied any knowledge of Mr. Rhinehart's alleged actions. The Defendant has moved for summary judgment on this claim.

FACTUAL BACKGROUND

The following facts are undisputed.

Defendant married Mr. Rhinehart in 1999. At that time Defendant was a widow with two children. She met Mr. Rhinehart at their church where he was active and held a leadership role. Defendant and Mr. Rhinehart had one daughter. Defendant's oldest son[2] and her daughter, both from her prior marriage, lived in the home with her and Mr. Rhinehart. Defendant's oldest son, now approximately 20, suffers from autism.

Plaintiff's grandson, John Doe, and Defendant's son were members of the same Boy Scout troop. John Doe was also a special needs child, as were all the members of the troop. At some point James Rhinehart was the scoutmaster of their scout troop. John Doe occasionally stayed as an overnight guest in Defendant's home.

In his deposition, John Doe testified that he was sexually molested by Mr. Rhinehart four times. He testified that two of those times were in the Rhinehart home. At one of those times the Defendant was not home, but was at the grocery store. (John Doe depo. p. 169) John Doe testified that the other incident of abuse that occurred at the defendant's home was when he was spending the night as a guest of the Defendant's son. John Doe testified that on that night, after bedtime, the boys were having trouble sleeping and Mr. Rhinehart came into his stepson's bedroom to get them to settle down. He then lay in the bed between them and molested them while the door was closed. John Doe

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[2] To preserve confidentiality and protect their privacy, the Symbols ##### are used to substitute for the name of the Defendant's son and ***** for the Plaintiff's grandson where their names are mentioned in the deposition excerpts used in support of this motion.

admits he never told the Defendant about the abuse. (John Doe depo. p. 150) In fact, when informed during his deposition that he was suing the Defendant, John Doe stated as follows:

> 25 Q. John Doe, I'm about through with my questions and I
> 0101
> 1 appreciate your being patient with me over the two days
> 2 answering them. I'm going turn it over to Mr. Phillips
> 3 who represents the Boy Scouts.
> 4 And before I do that, though, I just want to ask you
> 5 one other set of questions. I represent Doni Rhinehart;
> 6 okay?
> 7 A. Yes.
> **8 Q. You've sued Doni Rhinehart in this case.**
> **9 A. Whoa, whoa. Look, listen. Doni Rhinehart has nothing to**
> **10 do with this. She didn't do doing so they shouldn't have**
> **11 sued her estate. That was wrong. It was the Boy Scouts**
> **12 and Brian, not her. She had nothing do with this.**
> **13 Q. That's all I have. Thank you.**
> **14 A. I'm just saying Brian -- Doni had nothing to do with**
> **15 that.**
> 16 Q. I understand and I appreciate you saying that. Thank
> 17 you.
> (Doe depo. p. 101)

It is undisputed that the Defendant was not aware of this alleged abuse until investigators from the Sheriff's Office contacted Mr. Rhinehart about the allegations. Sheriff Investigators questioned both Mr. Rhinehart and the Defendant's son about the allegations. During the course of the investigation Defendant's son admitted that he had been molested by Mr. Rhinehart. The Defendant knew nothing of this abuse until investigators informed her that Mr. Rhinehart signed a statement admitting to fondling her son.[3] The Defendant then immediately separated from Mr. Rhinehart, never

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[3] Mr. Rhinehart was charged with molesting his stepson and plead guilty to the charges. Mr. Rhinehart was never charged with molesting Plaintiff's grandson or anyone else.

reconciled with him and divorced him. Until her death she appeared before the parole board to testify against Mr. Rhinehart's efforts at parole.

It is undisputed that the Defendant did not know of her former husband's actions. In her deposition, the defendant stated as follows:

Q. Right. So, then, looking back from knowing what your son said and what your husband pled guilty to, did you -- do you think that you had any signs that your husband was capable of this?
A. No. I mean, there was never any indication. I mean, to me, he just appeared to be a normal step-parent. I mean, he was -- he appeared to be a good husband, and caring, and, you know, did what a normal parent would do; make sure that, you know, both of us check on the kids, make sure they're doing their homework and picking up their rooms and stuff.
I mean, it didn't -- it -- nothing ever came out as he was spending any more time with ##### than he was any of the other two.

Q. Okay. Now, let's assume that it happened. Which we -- I understand you don't know. Do you think that you should have known or could have known something was going on there?
A. No. I mean, there was no indication. I mean, I never caught Brian sneaking around. ##### never acted intimidated by Brian. He never -- they never seemed to have this little secret or whatever going on.

0022

Q. When ***** would spend the night, were you there at the home?
A. Yeah, I was there at the home.
Q. Okay. And you were spending the night there as well?
A. Right.
Q. Okay. And doing the normal things that you would do as a mom?
A. Yeah; cooking, cleaning.
Q. Right. And so you -- so you never got a complaint from ***** or from your son that something was going on?
A. No, I never had anything like that. And Dena's room was just right across the hall from my son, #####'s.

(Deposition Doni Rhinehart pp. 21 – 22)

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Furthermore, it is undisputed that Defendant would have never tolerated Mr. Rhinehart's actions had she known of his alleged actions.

Q. And some allegations I want to ask you specifically about, paragraph 9 of the Complaint, it said that Mr. Rhinehart had a known propensity to have a sexual interest in children, and that you failed to warn either the Plaintiff or the Plaintiff's parents about that. Did you know at any time before his admission that he had a known propensity to have a sexual interest in children?

A. No, I most definitely did not. I'm very protective of my children, and if I'd have had a clue, he wouldn't have been near -- I mean, even now, to this day, when I'm dealing with like my 10-year-old, I mean, normal things that you wouldn't think about, like when -- her just walking up and giving somebody a hug, I mean, it just -- it just makes me cringe. I'm like, "Don't ever hug somebody like that." Things that normally wouldn't -- you're just like, "She's being friendly." Now, thanks to the sick thing that he has done, I mean, you can't help but second-guess everything that somebody does around your child.

0024

Q. If you had any inclination or thought that Mr. Rhinehart had some sort of predatory qualities, that he had an interest in kids and wanted to do harm to them, what would you have done?

A. I wouldn't have been near him. I -- if I'd have had that kind of information, I probably wouldn't even -- have even attended the same church as the man.

Q. Okay. Now, paragraph 10 says that you allowed Mr. Rhinehart to be in the presence of these kids knowing basically that he -- there was this risk of sexual abuse. Did you allow that with any knowledge?

A. No. I mean, that's just ridiculous. I mean, I -- I think it's very sick and just makes my skin crawl to think of somebody who could do that.

Q. It says here in paragraph 13 that you had "the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about James Rhinehart." If you had known, would you have allowed your kids or any other kids in the presence of this man?

A. No. I mean, I'm very protective of my kids and other

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kids, like I said before. I mean, if I'd have had a clue, I wouldn't have even attended the church as him.

Q. Right.

A. Because, I mean, that proximity right there gives him access, and I would not do that.

Q. Prior to receiving that phone call from the detectives, had you had any reason to suspect or -- that *** *** had made any complaint of sexual abuse against your then-husband?

A. No. I mean, ***** -- everything appeared to be fine. I mean, ##### and ***** were good friends, and talking and getting along. I mean, I had no clue that anything was bothering *****.

Q. Before that phone call, you had no information to suggest to you that your husband was even capable of such a thing?

A. No, not as far as I know. I mean, we had been married

0030

almost six years, and as far as I was concerned, he was, you know, a normal husband and father.

Q. When your husband told you on October 20th, 2005 that he was going to confess to -- I'll just say sexual misconduct with your son, did you immediately begin the process of separating yourself from him?

0031

A. As soon as I got out of there, I was on the phone to a good friend of mine who's an attorney in Spartanburg, and he had just recently gone through a divorce. And I'm like, "Richard, who did you use for your attorney? You know, I need a good lawyer who -- you know, I need to immediately separate from this man." There was never any doubt in my mind what was going to happen.

Q. If you had believed prior to your husband's confession to you that he had abused your son, would you have contacted the authorities?

A. I would have turned him in in a minute. I mean, he's lucky that he confessed, you know, in front of witnesses. As far as I'm concerned, Lake Bowen is plenty deep enough to have gotten rid of him.

Q. If you believed he had sexually abused any child, would you have reported that to the authorities?

A. Yes. I mean, I just -- that's just the sickest thing on earth, to prey on somebody who's innocent and doesn't understand or that you can intimidate enough to where they don't speak up.

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(Doni Rhinehart Deposition pp. 23 -24, 30 -31)

The Plaintiff, Jane Doe, her husband, John Doe's father, and Mr. Rhinehart have been deposed. John Doe's father testified that he did not believe the Defendant knew of or condoned the abuse. (Father of John Doe 1 Deposition p. 147.) The husband of Jane Doe testified that he did not now why the Defendant had been sued and doesn't know if the Defendant knew her ex-husband was abusing John Doe. (Husband of Jane Doe Deposition pp. 130-131) He testified that he did not have any evidence that the Defendant knew or should have known the abuse took place in her home. (Id. at p. 132). Mr. Rhinehart specifically denies the abuse, and therefore testified that his wife would not have knowledge of his alleged actions since the events did not occur. (James Rhinehart Deposition p. 102).

Jane Doe testified that the Defendant "should have known" that abuse was taking place in the Defendant's household (Jane Doe Deposition p. 79); however, she offered no evidence that the Defendant knew of the abuse or any evidence of any facts that would have put the Defendant on notice of the abuse. All Jane Doe could say was that the Defendant slept a lot and that she had seen her take prescription medication once, but she had no idea what the medication was or what it was for. (Jane Doe Deposition pp. 87-88) Ultimately, she opined that the Defendant should have been supervising her grandson "every single second" he was in her home. (Jane Doe Deposition p. 102) However, Jane Doe ultimately conceded that she had no evidence that the Defendant knew of the abuse. (Jane Doe Deposition p. 168)

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SUMMARY JUDGMENT STANDARD

Rule 56(e) of the South Carolina Rules of Civil Procedure, states that:

> ...when a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) (quoting Fed.R.Civ.P. 56(c)). In considering a motion for summary judgment, the inferences to be drawn from the underlying facts must be viewed in the light most favorable to the non-moving party. Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986). However, when the record taken as a whole cannot lead a rational trier of fact to find for the non-moving party, summary judgment is appropriate. Id.

The party moving for summary judgment bears the initial burden of establishing that there is "no genuine issue as to any material fact and that he is entitled to judgment as a matter of law." Catawba Indian Tribe of South Carolina v. State of South Carolina, 978 F.2d 1334, 1339 (4th Cir. 1992). Once the moving party meets the initial burden of showing an absence of evidentiary support for the opponent's case, the nonmoving party must come forward with specific facts showing there is a genuine issue for trial and cannot simply rest on mere allegations or denials contained in the pleadings. Millef v.

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Blumenthal Mills, Inc., 365 S.C. 204, 220, 616 S.E.2d 722, 730 (Ct.App.2005). The non-moving party "must do more than simply show that there is some metaphysical doubt as to the material facts." Catawba, 978 F.2d at 1339 (quoting Matsushita, 475 U.S. at 586). "The mere existence of a scintilla of evidence in support of the [non-moving party's] position will be insufficient; there must be evidence on which the jury could reasonably find for the [non-moving party]." Anderson, 477 U.S. at 252.

LEGAL ANALYSIS

Plaintiff's sole cause of action is for negligent supervision. Our courts have not recognized this cause of action under facts of the instant case. (See, Doe ex rel. Doe v. Batson, 345 S.C. 316, 322-323, 548 S.E.2d 854, 857 - 858 (2001) vacating the portions of the lower court's order suggesting as two possible sources of liability for the parent of an adult child residing in the home: (1) a duty to warn arising from a special relationship or circumstance, and (2) a duty to warn based on premises liability based upon the paucity of the record before the court.)

To the extent Plaintiff seeks to pursue a claim in negligence she must allege facts which demonstrate the concurrence of three elements: (1) a duty of care owed by the defendant; (2) a breach of that duty by negligent act or omission; and (3) damage proximately caused by the breach. Kleckley v. Northwestern Nat. Cas. Co., 338 S.C. 131, 526 S.E.2d 218 (2000). An essential element in a cause of action for negligence is the existence of a legal duty of care owed by the defendant to the plaintiff. Bishop v. South Carolina Dept. of Mental Health, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998). Without a duty, there is no actionable negligence. Id. "Proof of negligence in the air, so to speak, will not do." Palsgraf v. Long Island Railroad Co., 248 N.Y. 339, 162 N.E. 99, 99 (1928)

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(quoting Sir Frederick Pollock). The existence of a duty owed is a question of law for the courts. Washington v. Lexington County Jail, 337 S.C. 400, 405, 523 S.E.2d 204, 206 (Ct.App.1999).

Generally, there is no common law duty to act. Thus, a person usually incurs no liability when he fails to take steps to protect others from harm not created by his own wrongful conduct. Dennis by Evans v. Timmons, 313 S.C. 338, 342, 437 S.E.2d 138, 141 (Ct.App.1993). Wogan v. Kunze, 366 S.C. 583, 610, 623 S.E.2d 107, 121 (Ct. App. 2005) An affirmative legal duty, however, may be created by statute, contract relationship, status, property interest, or some other special circumstance. Steinke v. South Carolina Dept. of Labor, Licensing and Regulation, 336 S.C. 373, 388, 520 S.E.2d 142, 149 (1999).

Contrary to Plaintiff's assertion that Defendant should have watched her grandson "every single second" he was at her home, our courts have held that a parent has no legal duty to continuously supervise the children who were playing at the home. See, Saenz v. Andrus, 195 Ga. App 431, 393 S.E. 2d 724 (1990) (the Court stated that the parent was not negligent in failing to keep a constant and unremitting watch and restraint over a child). Although where an act is voluntarily undertaken, the actor assumes a duty to use due care, our courts are clear that parents are not negligent in failing to keep a constant and unremitting watch and restraint over their children, or over other children with whom their children were playing. Dennis by Evans v. Timmons, 313 S.C. 338, 342-343, 437 S.E.2d 138, 141 (Ct. App. 1993).

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This case is factually similar to Doe ex rel. Doe v. Batson, 345 S.C. 316, 322-323, 548 S.E.2d 854, 857 - 858 (2001).[4] In Doe, the Supreme Court vacated a Court of Appeals decision establishing duties under similar circumstances as premature. However, even if the Supreme Court had recognized the duties established by the Court of Appeals, Plaintiff's claim would fail. In Doe, the Court of Appeals held that while it is not necessary for the injuring party (in the instant case Brian Rhinehart) to have made a threat while under the defendant's control or custody, it is required that that the defendant knew or should have known of a specific threat made to harm a specific person. Citing, Bishop v. South Carolina Dep't of Mental Health, 331 S.C. 79, 502 S.E.2d 78 (1998). Both John Doe and the Defendant have testified that the defendant had no knowledge that Mr. Rhinehart was a child molester.

Any potential theory of liability as to Doni Rhinehart relies upon knowledge of the defendant of the potential harm. There is no evidence of such knowledge in this case. Thus, even if the now vacated theories of liability in Batson were good law, they would not afford the Plaintiff relief under these facts.

CONCLUSION

[4] In Doe the trial court granted summary judgment on the Plaintiff's suit against the mother of a youth pastor who allegedly molested the Plaintiff in the mother's home. The Court of Appeals reversed the trial court on the basis that summary judgment should not have been granted when discovery was incomplete. The Supreme Court reversed the portion of the Court of Appeals decisions discussing applicable duties under the facts since the record was not sufficiently developed for the court to rule thereupon. Although the Court of Appeals in the later reversed Batson concluded that the victim of sexual abuse on another's premises may bring suit under a premises liability theory, the court opined that the landowner's duty was only to warn of dangers **known** to the possessor. Unlike Batson, the record in this case is fully developed with this regard and there is no evidence the defendant knew of her husband's actions.

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Our courts have not recognized a cause of action for negligent supervision under the facts presented. Our Supreme Court has vacated the one opinion recognizing a theory of recovery under premises liability. However, even if such theory of liability were recognized, the Plaintiff must still prove that the Defendant had notice of the danger her ex-husband presented. No such evidence supporting the baseless allegations of the Complaint exists. Moreover, the plaintiff, John Doe, specifically testified that the defendant is not responsible for his alleged abuse. For the reasons stated herein, the Defendant requests this court grant her motion for summary judgment.

Respectfully submitted,

By: _____

James P. Walsh (15180)
Clarkson, Walsh, Terrell & Coulter, P.A.
P.O. Box 6728
Greenville, SC 29606
(864) 232-4400
(864) 235-4399 (fax)
Attorneys for the defendant

Greenville, South Carolina
May 10, 2012

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A. Brian.
Q. Besides Brian?
A. Well, Doni was grocery shopping and [redacted] was in her bedroom listening to music.
Q. What about [redacted]
A. I'm not really sure where she was at that time. I think she was staying with her grandma and grandpa.
Q. So it was really just -- really at the time this was happening, only [redacted] was home?
A. Yes.
Q. And then why was [redacted] at Camp Spearhead and not you? I mean, what was he doing there?
A. Well, he was like -- it's a camp where you can -- I've never heard about it but I've heard of places where you go to places like that. I'm not really sure. I've never been there.
Q. And did Brian pick you up and bring you over to help him with the popcorn money that day or did you get dropped off, you think, by your grandparents?
A. When?
Q. The day he took you upstairs.
A. The day he took me upstairs when he -- he came to me -- he's over -- like 70 percent of the time, he would take me, he would come pick me up.
Q. So you think he probably picked you up?

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A. You know, I don't really remember.
Q. Do you ever tell your grandma or your step-granddad?
A. No.
Q. Did you ever tell Doni Rhinehart?
A. No, no.
Q. Why do you say it like that?
A. Because that -- I just -- I don't know what would happen.
Q. What do you think might happen?
A. Well, I don't -- I don't really think -- if somebody like that, you know, you tell somebody like that, it's probably not a smart move because then they're going to -- she's going to tell him and who knows what he might do.
Q. Tell who?
A. She's going to tell her husband about it and who knows what he might do.
Q. Do you think she might have -- if you had told her, she might have told your grandmother?
A. No. She would tell Brian because that's her husband.
Q. Do you think she would have -- well, did you ever confide in Doni Rhinehart anything?
A. No, I didn't -- I didn't tell her anything.
Q. All right. So after that first time, it happened again either at the church or back at the Rhinehart house; right?
A. I'm not really sure when it happened.

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appreciate your being patient with me over the two days answering them. I'm gong turn it over to Mr. Phillips who represents the Boy Scouts.

And before I do that, though, I just want to ask you one other set of questions. I represent Doni Rhinehart; okay?

A. Yes.

Q. You've sued Doni Rhinehart in this case.

A. Whoa, whoa. Look, listen. Doni Rhinehart has nothing to do with this. She didn't do doing so they shouldn't have sued her estate. That was wrong. It was the Boy Scouts and Brian, not her. She had nothing do with this.

Q. That's all I have. Thank you.

A. I'm just saying Brian -- Doni had nothing to do with that.

Q. I understand and I appreciate you saying that. Thank you.

EXAMINATION BY MR. PHILLIPS:

Q. John Doe, I've got questions too. Mark Phillips. You and I, of course, have spent two days together almost by now. So what I need to do -- a lot of this will be follow-up on what you discussed with Jim Walsh over basically a day and a half's time. And then just a few things just through the records that we've talked about.

Real quickly: Have you ever been in a hospital

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A. And the 10-year-old, she's pretty bright too.
Q. Right. And so, then, there's this allegation in this lawsuit that [redacted] was also abused by Mr. Rhinehart and an allegation that it occurred, at least some of the time, at your home. Are you aware that that's the allegation against you?
A. I'm aware, yeah, that that's ---
Q. Okay. All right. Do you have any knowledge that that -- first of all, that Mr. Rhinehart ever abused [redacted] Do you know if that's the case?
A. I don't know for sure. I mean, all I know is what was claimed. Brian has always denied anything at all with [redacted] and he barely even confessed to fondling my son.
Q. Right. So, whether or not it happened with [redacted] and your husband, you don't know one way or the other?
A. No. I mean, just what they accused him of. He never confessed to that.
Q. Okay. Now, let's assume that it happened. Which we -- I understand you don't know. Do you think that you should have known or could have known something was going on there?
A. No. I mean, there was no indication. I mean, I never caught Brian sneaking around. [redacted] never acted intimidated by Brian. He never -- they never seemed to have this little secret or whatever going on.

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Q. When [redacted] would spend the night, were you there at the home?
A. Yeah, I was there at the home.
Q. Okay. And you were spending the night there as well?
A. Right.
Q. Okay. And doing the normal things that you would do as a mom?
A. Yeah; cooking, cleaning.
Q. Right. And so you -- so you never got a complaint from [redacted] or from your son that something was going on?
A. No, I never had anything like that. And [redacted]'s room was just right across the hall from my son, [redacted]'s.
Q. Your daughter?
A. Yeah; my 17-year-old daughter.
Q. Okay. And after the fallout of this whole thing, did you and her talk about whether she knew anything?
A. We did. And she told me she'd never caught him sneaking into [redacted]'s room or anything. Which -- yeah, she's a very light sleeper. I'm surprised she didn't notice. And he had to walk right past her doorway in order to get to my son's doorway, because there -- you know, there was the entry into the hall, and immediately to the right was her room, and then he had to go down five or -- well, ten or so feet to get to my son's room.

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Q. Right. Well, I'm going to ask you a couple of questions about the Complaint. This is the formal document that they served on you when you were sued; is that right?

A. Right.

Q. And some allegations I want to ask you specifically about, paragraph 9 of the Complaint, it said that Mr. Rhinehart had a known propensity to have a sexual interest in children, and that you failed to warn either the Plaintiff or the Plaintiff's parents about that. Did you know at any time before his admission that he had a known propensity to have a sexual interest in children?

A. No, I most definitely did not. I'm very protective of my children, and if I'd have had a clue, he wouldn't have been near -- I mean, even now, to this day, when I'm dealing with like my 10-year-old, I mean, normal things that you wouldn't think about, like when -- her just walking up and giving somebody a hug, I mean, it just -- it just makes me cringe. I'm like, "Don't ever hug somebody like that." Things that normally wouldn't -- you're just like, "She's being friendly." Now thanks to the sick thing that he has done, I mean you can't help but second-guess everything that somebody does around your child.

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Q. If you had any inclination or thought that Mr. Rhinehart had some sort of predatory qualities, that he had an interest in kids and wanted to do harm to them, what would you have done?

A. I wouldn't have been near him. I -- if I'd have had that kind of information, I probably wouldn't even -- have even attended the same church as the man.

Q. Okay. Now, paragraph 10 says that you allowed Mr. Rhinehart to be in the presence of these kids knowing basically that he -- there was this risk of sexual abuse. Did you allow that with any knowledge?

A. No. I mean, that's just ridiculous. I mean, I -- I think it's very sick and just makes my skin crawl to think of somebody who could do that.

Q. It says here in paragraph 13 that you had "the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about James Rhinehart." If you had known, would you have allowed your kids or any other kids in the presence of this man?

A. No. I mean, I'm very protective of my kids and other kids, like I said before. I mean, if I'd have had a clue, I wouldn't have even attended the church as him.

Q. Right.

A. Because, I mean, that proximity right there gives him access, and I would not do that.

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almost six years, and as far as I was concerned, he was, you know, a normal husband and father.

Q. You mentioned that [redacted] was a guest in your home about on four occasions?

A. Right.

Q. Was that to visit with your son?

A. A couple of them were to visit with my son. There was one time where we had like a test little camping trip with the boys, so we had them just camp out in the backyard.

Q. Who attended that, that you recall?

A. All the boys that were in the troop. I mean, that would have been [redacted] another little boy named Alex. There were two boys that were brothers; I can't remember their names. I mean, I'll just say Robbie and CJ for the sake of argument.

Q. Okay. And were you present then?

A. I was present, and several of the leaders. I mean, we pitched like maybe two or three tents, so that we could have the boys in one tent and have a tent nearby with a couple of adults.

Q. When your husband told you on October 20th, 2005 that he was going to confess to -- I'll just say sexual misconduct with your son, did you immediately begin the process of separating yourself from him?

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A. As soon as I got out of there, I was on the phone to a good friend of mine who's an attorney in Spartanburg, and he had just recently gone through a divorce. And I'm like, "Richard, who did you use for your attorney? You know, I need a good lawyer who -- you know, I need to immediately separate from this man." There was never any doubt in my mind what was going to happen.

Q. If you had believed prior to your husband's confession to you that he had abused your son, would you have contacted the authorities?

A. I would have turned him in in a minute. I mean, he's lucky that he confessed, you know, in front of witnesses. As far as I'm concerned, Lake Bowen is plenty deep enough to have gotten rid of him.

Q. If you believed he had sexually abused any child, would you have reported that to the authorities?

A. Yes. I mean, I just -- that's just the sickest thing on earth, to prey on somebody who's innocent and doesn't understand or that you can intimidate enough to where they don't speak up.

By Mr. Foster:

I have nothing further.

By Mr. Eller:

No questions.

Examination by Mr. Flowers:

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Q. [redacted]

A. Not that I'm aware of.

Q. Now, there's a lawsuit that's been filed against Ms. Rhinehart by Jane Doe as guardian for John Doe for John Doe 1. Do you know what the allegations against Doni Rhinehart are?

A. No, I don't.

Q. Do you believe Doni Rhinehart is somehow responsible for the abuse that Mr. Rhinehart may have inflicted on John Doe 1?

A. I don't like -- I don't know all the particulars, but I see Doni as a victim.

Q. Her son was abused by him; right?

A. Uh-huh (affirmative). I would definitely not see her as condoning that.

Q. Any reason to think that she would have known that Mr. Rhinehart was involved in the abuse of either John Doe 1 or John Doe 2?

A. It's very difficult to imagine.

Q. That she would have known?

A. True, that she would have known. I can't imagine it, her knowing.

Q. Do you understand or do you know what she did after the admission by Brian that he had abused her son and what her response to that was? Do you know what

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was reporting it to the police, said that it would annoy him when John Doe 1 would abuse him?

A. No. I never did hear that.

Q. You never heard that?

A. I never heard that before.

Q. This is the first time you've heard that?

A. The first time I've heard it.

Q. All right. And are you aware of any allegations that John Doe 1 had ever abused any other children or people in his lifetime? Have you ever heard that before?

A. No. I haven't.

Q. All right. So the lawsuit against Doni Rhinehart, do you understand yourself why she has been sued?

A. I don't. I don't really know. I don't really know really.

Q. Okay.

A. Really, I don't know the reason.

Q. Okay.

A. I really don't.

Q. Do you know how many times John Doe 1 claims he was abused by Mr. Rhinehart?

A. No.

Q. All right. Do you know where John Doe 1 says the abuse occurred?

A. No.

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Q. All right. Do you have any information to suggest that Mrs. Rhinehart would have known that Brian Rhinehart was abusing John Doe 1?

A. Do I have ---

Q. Do you have any information to tell me that makes you think that Doni Rhinehart knew what Brian was doing to John Doe 1?

A. I don't know, but she -- in her own house, she ought to know what's going on.

Q. Well ---

A. In her own house, she should.

Q. I just asked you a second ago if you knew where John Doe 1 said the abuse occurred, and you said you didn't know, but now you say you think the abuse occurred in her own home?

A. Well, I know it did some.

Q. Well, how do you know that?

A. Because of the report that John Doe 1 made or

Q. Okay.

A. --- the police report.

Q. All right. And so what do you understand John Doe 1 said about where the abuse occurred?

A. What did I what now?

Q. What do you understand he said? What do you think John Doe 1 said?

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A. I don't know what he said, but I just knowed it happened there and some -- I don't know how many times or anything like that.

Q. All right. And so other than it happening in the Rhinehart home, which you understand John Doe 1 said, do you have any other information or evidence to suggest that Ms. Rhinehart should have known or did know about the abuse?

A. I don't know. I don't have any.

Q. And is it your understanding that Brian Rhinehart apparently was abusing John Doe 2, as well?

A. That's what I think. That's what I was told.

Q. That's what John Doe 1 said, you understand John Doe 1 said?

A. I don't know if he said it, but I know someone said that.

Q. So do you believe that Ms. Rhinehart was -- also knew or should have known?

A. She should have.

Q. All right. And so you think that she did know?

A. Nobody knows.

Q. Well, you -- have you read her deposition ---

A. No. I haven't.

Q. --- before she passed away?

A. No. I haven't.

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A. --- popcorn ---
Q. --- the allegations were made, you all sent the letter.
A. No.
Q. It's the other way around?
A. Because the popcorn money wasn't paid for, we sent the letter. Then the allegations came.
Q. Now, the lawsuit against Doni alleges that, number one, you abused John Doe 1. And then it alleges that Doni is liable and responsible for that abuse, because she either knew or should have known of your actions. Do you believe that's true?
A. There were no actions.
Q. So you deny ever abusing John Doe 1?
A. Yes.
Q. All right. And so, if you did not abuse John Doe 1, then Doni obviously couldn't have known or should have known that you were doing it?
A. Right.
Q. Okay. Now, after the allegations came out against you, were you -- at some point were you incarcerated? Were you actually put in jail?
A. Yeah.
Q. And did you ever get out again?
A. Yes.

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that was alleged.

A. Didn't I just say that?

Q. Do you think she knew about the abuse?

A. I knew that she took pills a lot to get her through situations. And I can remember one time when Brian gave her a pill because she was making a little more noise than he wanted to hear.

And I think about all the times they came to our house, and I -- you know what strikes me the most? He was doing these things to my boy, and he was hugging and kissing me at the same time.

Q. All right. So, let's stay on Ms. Rhinehart. Do you believe that she had knowledge that either her son or your grandson were being abused by her husband?

A. I don't think she could not have known it about John Doe 2, because she was -- I think -- well, no. Let me put that differently. I don't see how it could have happened without John Doe 2 telling her.

Q. All right. Why do you say that?

A. John Doe 1 told me. When he told me, he said, "Grandmother, I know it's not right." But Brian had showed him a gun once, and he said, "You know, John Doe 1, I want you to see this gun. I have this gun. This is mine. I had it on a job I had once as a security guard" or something, and he said, "I had to shoot a man

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A. I knew that she took them daily.
Q. How did you know?
A. Because her husband made the remark once ---
Q. What did he say?
A. --- before I knew any of this other. That she went to bed early and she slept a lot. And I thought a great deal of her, and there's no way on this earth that I would slander her. You need -- I would defend her. And I dislike -- and I didn't like that little laugh that you just did.
Q. Well, ma'am, you're basically saying that she would take pills and go to bed and sleep all day, and I'm trying to figure out ---
A. I didn't say all day; I ---
Q. --- where this is ---
A. --- said early ---
Q. --- coming from.
A. --- in the evening, perhaps.
Q. This is coming from Brian Rhinehart? Is that -- is that what your ---
A. Brian told me that she ---
Q. --- source of information is?
A. --- slept a lot. And this is before I knew anything bad that Brian Rhinehart had done.
Q. All right. So, what else do you know about

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Ms. Rhinehart's ---

A. Ms. Rhinehart ---

Q. --- activities?

A. --- or Mr.?

Q. Ms. That's my client. Whatever Mr. Rhinehart did or didn't do ultimately is not my concern in this case. The claim is against Doni Rhinehart that's been made, okay? And I'm trying to figure out where you're getting this information that you've said about her.

So here's what I think you've said. You saw her take a pill one time, and you've said that she told you that it made her feel better.

A. Right.

Q. But you don't know what kind of pill it was?

A. I have no idea.

Q. Okay.

A. But I'll tell you what; I know what kind of pill makes you feel better.

Q. What kind is that?

A. That would be a mood-altering drug.

Q. Like what?

A. Xanax.

Q. Have you taken those yourself?

A. No.

Q. What kind of medicines ---

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that before?

A. No.

Q. Okay. So if it is true -- I'm going to ask you a hypothetical question, and to assume for me that it happened twice in the house, as the police records indicate John Doe 1 said. Do you think that Doni Rhinehart would have to be around and supervising every single second ---

A. I do.

Q. --- if it happened twice in the course of ---

A. I don't go to bed and leave my children -- I never have. I wait up for them when they're out. I just think you need to know where your children are and who they're with and what they're doing.

Q. So you sleep with your children?

A. No.

Q. So when they go to bed, you're in your room and they're in their room?

A. Right.

Q. All right. So was it proper for Doni Rhinehart to go to bed and leave her son and his friend in their room sleeping? Are you saying it's improper to do that?

A. No, I didn't say that.

Q. Okay.

A. I said I can't understand how it was going on in her

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situation. I don't think my husband could even think of such a thing without me knowing it, and I'm certain that he couldn't be doing it without me knowing it.

Q. Okay. Do you have any evidence to support a belief that Doni Rhinehart knew that Brian Rhinehart was abusing anyone?

A. Of course I don't have any evidence to support it.

Q. Okay.

A. I can only hope she didn't know it, since she didn't do anything.

Q. Well, you didn't do anything either, did you?

A. I think I told my grandson to tell his father, because I didn't want him jumping all over me for knowing what he didn't know and me going ahead and acting on it.

Q. So, after he ---

A. Because believe me ---

Q. --- told you -- only ---

A. Because believe me, I could have and would have

Q. Only after he told you did you know?

A. He showed an interest in sex toward himself that I know was because of that. At the time, I did not know it. But it -- I've talked to people who have told me things that you -- that manifest themselves when a child has experienced this. And I just thought he was going through a normal thing with children -- which

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State of South Carolina	)	In The Court of Common Pleas
	)	
County of Spartanburg	)	Case Number 10-CP-42-2350
Jane Doe, as guardian for John Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Doni Rhinehart,	)	
	)	
Defendant.	)	
	)	

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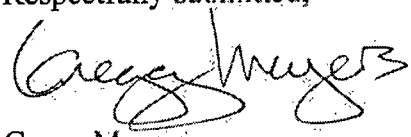
Motion to Amend the Complaint

Plaintiff moves pursuant to SCRCP 15 to amend the complaint to state a claim for facts now testified to by the John Doe Plaintiff, and already in the case as part of the present complaint.

A proposed amended complaint is attached.

Counsel sought consent for the proposed amended complaint but had no response from counsel for the defendants.

Respectfully submitted,



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Attorneys for the Plaintiff

State of South Carolina	)	In The Court of Common Pleas
	)	
County of Spartanburg	)	Case Number 10-CP-42-2350
Jane Doe, as guardian for John Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
The Estate of Doni Rhinehart,	)	
	)	
Defendant.	)	
	)	

AMENDED COMPLAINT

For her complaint, the plaintiff alleges:

PARTIES AND JURISDICTION

1. Plaintiff Jane Doe has custody of, and is guardian for, John Doe, a developmentally disadvantaged individual born in May, 1991. His IQ is approximately 60. At the time of the events which gave rise to this complaint, in 2005, the Plaintiff was a minor resident of South Carolina, 14 years old. The Plaintiff and John Doe are each referred to by pseudonym in this action due to the intensely personal nature of the conduct alleged in this complaint. References in this complaint to the Plaintiff refer to John Doe, even though the action is brought by his guardian, Jane Doe.

2. Doni Rhinehart is, or at all times pertinent to this complaint was, a resident of Spartanburg County. She is now deceased and her Estate is substituted as the defendant.

3. This is an action for childhood sexual abuse which occurred at the residence of Doni Rhinehart, among other places, by her spouse. The court has jurisdiction of this action in that the actions and negligence involved took place in Spartanburg County, and involves persons and entities who at the time of the events resided in Spartanburg County.

NATURE OF WRONGDOING

4. At all times pertinent to this complaint, including at the time of the sexual abuse Doni Rhinehart was married to James Brian Rhinehart. James Brian Rhinehart is referred to in this complaint as Scoutmaster Rhinehart. The Rhineharts resided in Spartanburg County.

5. Scoutmaster Rhinehart was scoutmaster for Troop 292 in Spartanburg, which served developmentally disadvantaged children. Defendant Doni Rhinehart was an adult volunteer associated with Troop 292, and her son, Scoutmaster Rhinehart's stepson, also a developmentally disadvantaged child, participated in Troop 292.

6. In October, 2005, John Doe reported that for some months previous to October, 2005, Scoutmaster Rhinehart was sexually molesting both John Doe and another member of Troop 292.

7. Certain of the acts of sexual molestation occurred in the home of Doni Rhinehart, and occurred during activities associated with the Boy Scouts and Troop 292. Those acts of abuse were committed by Scoutmaster Rhinehart and occurred when Scoutmaster Rhinehart was the only adult present, or when he was one-on-one with one or more troop members, exactly the circumstance that the Guide to Safe Scouting advises adult volunteers to avoid. Doni Rhinehart failed to avoid enabling Scoutmaster Rhinehart to have one-ne-one time with troop members, including the Plaintiff, despite the known risk to troop members that one-on-one time posed for sexual abuse, and despite the Scout admonition that "anyone could be a molester."

8. Doni Rhinehart was grossly negligent in ignoring the plain guildeiness of the Boy Scouts of American and permitting Scoutmaster Rhinehart to have the opportunity for one-on-one contact that has been for many years known to the Boy Scouts of America to increase the

risk of sexual abuse.

9. To conceal his molestation of Troop members, Scoutmaster Rhinehart invented and attributed to John Doe certain misbehaviors, as a pretext.

10. After John Doe reported that Scoutmaster Rhinehart was sexually molesting himself and another Troop member, Scoutmaster Rhinehart asserted his pretext for dismissing John Doe from Troop 292.

11. After the other Troop member confirmed that Scoutmaster Rhinehart was indeed sexually abusing him, as John Doe had revealed, Scoutmaster Rhinehart admitted to having made physical contact with the penis of the another child who was a Troop member.

12. Scoutmaster Rhinehart entered a guilty plea under North Carolina v. Alford rather than face two witnesses reporting sexual abuse by Scoutmaster Rhinehart. Scoutmaster Rhinehart was sentenced to prison.

13. Acts of molestation occurred in the Rhinehart home, during scouting activities, when Defendant Doni Rhinehart left Scoutmaster Rhinehart alone with members of Troop 292.

14. Leaving Troop members alone with their Scoutmaster is contrary to rules and policies of the Boy Scouts of America that apply to all volunteers, as alleged above.

15. When he was a minor, the Plaintiff spent the night at the Rhinehart home. The Plaintiff also attended Boy Scout events and activities at the Rhinehart home. Doni Rhinehart failed to herself be present at all times, and allowed Scoutmaster Rhinehart to have one-on-one time with troop members, during which time coutmaster Rhniehart sexually abused troop members including the Plaintiff.

16. Doni Rhinehart knew, or should have known, that Scoutmaster Rhinehart was a pedophile, and his desire for one-on-one time should not have been facilitated by her when she knew or should have known that it posed for troop members a risk of sexual abuse. Doni Rhinehart condoned his sexual conduct with children, and refused to either report it, warn parents about it, or to otherwise protect children from the abuse. Doni Rhinehart negligently supervised the Plaintiff during his stays in her home, negligently supervised her husband by absenting herself when the Plaintiff was present and by that means giving Scoutmaster Rhinehart one-on-one time with the plaintiff, and failed to give a proper warning to either the Plaintiff or his parents that Scoutmaster Rhinehart desired one-on-one time or that she was facilitating one-on-one time with troop members.

FOR A CAUSE OF ACTION:
NEGLIGENT SUPERVISION

17. Allegations above are incorporated into this complaint as if fully stated.

18. Doni Rhinehart was negligent in supervising the Plaintiff and in supervising Scoutmaster Rhinehart while the Plaintiff was both a guest in her home and participating in Scout activities in her home.

19. Doni Rhinehart failed to comply with Boy Scout policies which were designed to protect children from sexual abuse. Done Rhinehart failed to warn either the Plaintiff or his Parents that she would place the Plaintiff at risk for sexual abuse by leaving him in one-on-one setting with Scoutmaster Rhinehart, and failed to warn either the Plaintiff or his parents that Scoutmaster Rhinehart desired one-on-one time and that Doni Rhinehart would facilitate that one-on-one time. Doni rhnehart knew or should have known from his desire for one-on-one time that the Boy Scouts of America prohibited that Scoutmaster Rhinehart posed a severe danger to

the Plaintiff that the Plaintiff would be sexually abused while in her home.

20. Doni Rhinehart allowed the Plaintiff to be in the presence of Scoutmaster Rhinehart in one-on-one settings despite the policies of the Boy Scouts, when she knew or should have known that one-on-one settings were prohibited by the Boy Scouts of America and created a significant risk of sexual abuse.

21. By her silence and negligence, Doni Rhinehart allowed the Plaintiff to be sexually abused.

22. Doni Rhinehart failed to take action to stop the Plaintiff from being in a setting which enabled the Plaintiff to be sexually abused, and in failing to warn him about that danger about which she knew or should have known.

23. Doni Rhinehart at all times had the capacity to warn, and the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about Scoutmaster Rhinehart breaching the rules of the Boy Scouts. She also had the capacity to interrupt Scoutmaster Rhinehart's sexual abuse of the Plaintiff by herself refusing to violate the prohibition against one-on-one contact, and had at all times the capacity to report Scoutmaster Rhinehart's preference for one-on-one time, none of which she undertook.

24. Knowing that Scoutmaster Rhinehart breached the published rules and policies of the Boy Scouts, Doni Rhinehart had a duty to the Plaintiff to warn her house guests that Scoutmaster Rhinehart presented an increased risk of harm for sexual interest to children, and had a duty to prevent Scoutmaster Rhinehart from injuring the Plaintiff while he was in her residence. Alternatively, in hosting the Plaintiff for Scouting activities, Doni Rhinehart assumed those duties to the Plaintiff through the rules and policies of the Boy Scouts if they were not implicit or explicitly assumed.

25. Doni Rhinehart breached her duties to the Plaintiff.

26. Doni Rhinehart's negligence was a proximate cause of Plaintiff's molestation.

27. At the time of the sexual abuse, the Plaintiff was a minor. As a young child, he lacked legal capacity to consent to intimate sexual contact and did not so consent.

28. Once improper sexual access to him ceased, the Plaintiff attempted to lead a normal life. The Plaintiff has developmental disadvantages known to Doni Rhinehardt, or about which she should have known, and was and is ill-equipped to cope with the sexual abuse.

29. Doni Rhinehart's negligence also exposed the Plaintiff to increased risk of future harms.

DAMAGES

30. As a direct and proximate result of her negligence, Doni Rhinehart has caused the Plaintiff lasting, severe, and deeply-rooted emotional and mental impairments which inhibit his social and community interactions and his ability to engage in fruitful and productive relationships. Those injuries occurred during his minority and create lasting effects into his majority, and increased risk of injury into the future.

RIGHT TO JURY TRIAL

31. Plaintiff requests a jury trial of this action.

WHEREFORE, the plaintiff requests relief as follows:

1. Actual and punitive damages as may be determined by the finder of fact, and

2. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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Attorneys for the Plaintiff

State of South Carolina	)	In The Court of Common Pleas
	)	
County of Spartanburg	)	Case Number 10-CP-42-2349
Jane Doe, as guardian for John Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill,	)	
	)	
Defendants.	)	
	)	

State of South Carolina	)	In The Court of Common Pleas
	)	
County of Spartanburg	)	Case Number 10-CP-42-2350
Jane Doe, as guardian for John Doe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Doni Rhinehart,	)	
	)	
Defendant.	)	
	)	

Affidavit of Counsel

1. My name is Gregg Meyers and it is my signature that appears below. I make this affidavit on my own personal knowledge. I either know the information related to be true or, where indicated, believe it to be true.

2. I submit this affidavit pursuant to SCRCP 56(f), to relate problems with being able to respond to the motions submitted by the defendants.

3. I am counsel for the plaintiff in these actions which seek to recover funds for the John Doe sexual abuse victim. The sexual abuse victim's identity is known to the defense.

4. Motions for summary judgment have been filed by the Defendants. However, responses to discovery have not been provided by the Boy Scouts. That discovery bears on each case, and not having it makes it impossible to fully respond to the motions for summary judgment. Responses are well over due, have been repeatedly promised, and have been represented to have been prepared and await only approval by the Boy Scouts to be provided. However, the responses have not been provided to date.

5. At the moment I am working in Minesota. I will leave May 15 to return to South Carolina for the argument in these actions on May 16. So any discovery produced now will not assist me in responding to the motions.

6. Among the information sought in discovery is information which bears on the contention by defendants, now sought to be exploited in the motions for summary judgment and the accompanying affidavits, that the letter which excluded John Doe from the Boy Scout Troop was motivated both prior in time and by a reason independent of his report of sexual abuse. For example, in discovery we requested minutes of meetings, which are said to have exist but have not been produced, and accounting records which relate to the supposed "real" reason the child was expelled from the troop. Also, accounting information has been sought which will bear on the rationale claimed to be behind the expulsion of John Doe, a dispute about funds for popcorn used as a scout promotion.

7. The timing of the expulsion of John Doe is a factual dispute.

8. If we assume for argument that the decision to exclude John Doe from the troop was made before his report of abuse, a claim which is disputed, it is apparently undisputed that after the child reported sexual abuse, and after the abuse was admitted by the scoutmaster as to one child, the decision to expel John Doe was not reconsidered by the other adults associated with the troop or the sponsoring church. The same cause of action for the expulsion would apply to the decision to continue to exclude him despite his having reported sexual abuse by the scoutmaster.

9. In addition, the plaintiff was recently deposed. That deposition provided more information about the sexual abuse the plaintiff sustained, and a motion to amend the complaint has been prepared for filing to incorporate claims for the sexual abuse itself. The Defendants in each case captioned above failed to follow the Boy Scout's "Two Deep" rule, meaning the Defendants have each failed to provide at all times that two adults would be present with any troop members. In this setting, the Two Deep rule was especially important since each member of this particular scout troop was a developmentally disadvantaged child.

10. Attached to this affidavit as Attachment A is a 1998 version of the "Guide to Safe Scouting." Among the discovery we await is the version of the Guide that applied in 2005, which on information and belief will apply the same Two Deep standard.

11. The Two Deep rule obligation was also imposed on Defendant Doni Rhinehart, as she was an adult associated with the scout troop and held scout events

at her home, but as described by John Doe, she permitted John Doe to be isolated with her then husband during those scouting events (and on other occasions), on each occasion violating the Two Deep rule. This was a "known hazard" that the Scouts had identified "through 90-plus years of experience." Doni Rhinehart ignored that experience.

12. Neither the Plaintiff nor John Doe was aware of the obligation by Doni Rhinehart to comply with the Two Deep rule, nor was the rule disclosed to them during their respective depositions.

13. The scoutmaster who is alleged to have sexually abused John Doe is Brian Rhinehart, Doni Rhinehart's husband in 2005. Brian Rhinehart has admitted to sexually abusing another scout in the troop, through the attached sworn statement that he identified in his deposition as being a document he authored. The document is at Attachment B, and it is dated October 20, 2005. The document has been redacted to conceal the victims names, each of which are known to the defendants. Because the text is faint, we reproduce here the text, grammatical mistakes and typos included. The sworn statement says:

> I, Brian Rhinehart, I have no touch [John Doe's] penis. I have touched [victim 1's] penis once in his bedroom, over a year ago. I have told [victim 1] that if he is running around with his boxers on and his penis penis is out I will thump it.
>
> On the one occasion I rubbed his penis, [victim 1] got an erection and no ejaculation.

14. Brian Rhinehart, is presently serving a prison sentence for the sexual abuse of that victim, although he now denies he sexually abused anyone, including the scout to whom he admitted sexually abusing. He entered his guilty plea through

means of an Alford plea. He was deposed at his prison.

15. According to records produced in discovery, John Doe's date of birth was May 3, 1991 and his IQ is about 60.

16. John Doe reported in 2005, when he was 14 years old, that both he and another child had been sexually molested by their scoutmaster. He disclosed the abuse to a school official, who then reported it to police, as reflected in redacted documents at Attachment C.

17. According to two adult witnesses, after John Doe's report of abuse he was removed from the scout troop by means of the letter at Attachment D that was hand delivered to his home after he reported the sexual abuse.

18. Defendants associated with the scout troop claim that removal was based on other considerations. A factual dispute exists as to whether the removal was before or after the report of abuse.

19. John Doe is a developmentally disadvantaged person. As noted, his IQ is about 60. The plaintiff is his guardian, and John Doe agrees he needs a guardian for some purposes.

20. John Doe's status as a developmentally disadvantaged person requires a guardian for purposes of this litigation. And his testimony has to be weighed appropriately.

21. Plaintiff requests the court defer the motions for summary judgment until such time as discovery is produced and the court can evaluated the motions to amend the complaints. Plaintiff would be glad to submit information with which the court could then evaluate the motions.

22. Further affiant sayeth not.

Gregg E. Meyers

SWORN to and subscribed before me
this 14 day of May 2012

NOTARY PUBLIC, State of Minnesota
My commission expires: 1/31/2015

ERIN M. DALLUGE
Notary Public-Minnesota
My Commission Expires Jan 31, 2015

Guide to Safe Scouting
FOR UNIT ACTIVITIES



A Unit Leader's Guide for Current Policies and Procedures

Get the Latest Information!

The online version of the *Guide to Safe Scouting* is updated quarterly.
Go to **http://www.scouting.org/pubs/gss/gssay.html**
for a list of all changes since this book was printed.



BOY SCOUTS OF AMERICA®

ATTACHMENT A

Preface

The purpose of the *Guide to Safe Scouting* is to prepare adult leaders to conduct Scouting activities in a safe and prudent manner. The policies and guidelines have been established because of the real need to protect members from known hazards that have been identified through 90-plus years of experience. Limitations on certain activities should not be viewed as stumbling blocks; rather, policies and guidelines are best described as stepping-stones toward safe and enjoyable adventures.

All volunteers participating in official Scouting activities should become familiar with the *Guide to Safe Scouting.* Unit leaders should be aware of state or local government regulations that supersede Boy Scouts of America policies and guidelines.

In situations not specifically covered in this guide, activity planners should evaluate the risk or potential risk of harm, and respond with action plans based on common sense, community standards, the Boy Scout motto, and safety policies and practices commonly prescribed for the activity by experienced providers and practitioners.

BSA Rules and Policies

Bold type throughout the *Guide to Safe Scouting* denotes BSA rules and policies.

Versions of the Guide

In addition to this printed version, the *Guide to Safe Scouting* is available online at www.scouting.org. Go to the Site Map; it is listed under Activities.

Two versions are available:

— One for reading on-line this version is divided into chapters and includes a search engine.

— Another for reading off-line the entire publication is presented in a single interface to facilitate print-out.

To obtain additional printed copies of this printed book, contact your local council or call 1-800-323-0732 to request an Official Boy Scout Catalog.

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I. Youth Protection and Adult Leadership

Youth Protection in Scouting

How does the BSA prevent child abuse in Scouting?

The Boy Scouts of America has adopted a number of policies aimed at eliminating opportunities for abuse within the Scouting program. These policies focus on leadership selection and on placing barriers to abuse within the program.

Leadership

The Boy Scouts of America takes great pride in the quality of our adult leadership. Being a leader in the BSA is a privilege, not a right. The quality of the program and the safety of our youth members call for high-quality adult leaders. We work closely with our chartered organizations to help recruit the best possible leaders for their units.

The adult application requests background information that should be checked by the unit committee or the chartered organization before accepting an applicant for unit leadership. While no current screening techniques exist that can identify every potential child molester, we can reduce the risk of accepting a child molester by learning all we can about an applicant for a leadership position—his or her experience with children, why he or she wants to be a Scout leader, and what discipline techniques he or she would use.

Barriers to Abuse Within Scouting

The BSA has adopted the following policies to provide additional security for our members. These policies are primarily for the protection of our youth members; however, they also serve to protect our adult leaders from false accusations of abuse.

Two-deep leadership. Two registered adult leaders or one registered leader and a parent of a participant, one of whom must be 21 years of age or older, are required on all trips and outings. The chartered organization is responsible for ensuring that sufficient leadership is provided for all activities.

No one-on-one contact. One-on-one contact between adults and youth members is not permitted. In situations that require personal conferences, such as a Scoutmaster's conference, the meeting is to be conducted in view of other adults and youths.

Note: Bold type denotes rules and policies.

Respect of privacy. Adult leaders must respect the privacy of youth members in situations such as changing clothes and taking showers at camp, and intrude only to the extent that health and safety require. Adults must protect their own privacy in similar situations.

Separate accommodations. When camping, no youth is permitted to sleep in the tent of an adult other than his own parent or guardian. Councils are strongly encouraged to have separate shower and latrine facilities for females. When separate facilities are not available, separate times for male and female use should be scheduled and posted for showers.

Proper preparation for high-adventure activities. Activities with elements of risk should never be undertaken without proper preparation, equipment, clothing, supervision, and safety measures.

No secret organizations. The Boy Scouts of America does not recognize any secret organizations as part of its program. All aspects of the Scouting program are open to observation by parents and leaders.

Appropriate attire. Proper clothing for activities is required. For example, skinny-dipping is not appropriate as part of Scouting.

Constructive discipline. Discipline used in Scouting should be constructive and reflect Scouting's values. Corporal punishment is never permitted.

Hazing prohibited. Physical hazing and initiations are prohibited and may not be included as part of any Scouting activity.

Youth leader training and supervision. Adult leaders must monitor and guide the leadership techniques used by youth leaders and ensure that BSA policies are followed.

How can parents help protect their children?

Parents participate in the protection of their children in a variety of ways. BSA recognizes the need for open lines of communication so that children are encouraged to bring any troubles to their parents for advice and counsel. In addition, parents need to be involved in their sons' Scouting activities. All parents receive important information concerning the Scouting program as part of their sons' membership applications. This information is provided so that

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parents can detect any deviations from the BSA's approved program. If any deviations are noted, parents should call these to the attention of the chartered organization or the unit committee. If the problems persist, parents should contact the local council for assistance.

Parents also need to review the booklet, "How to Protect Your Children from Child Abuse and Drug Abuse: A Parent's Guide," inserted in every Boy Scout and Cub Scout handbook. The information in this booklet should be the subject of discussions between Scouts and their parents prior to joining a pack or troop.

Why do most child victims of sexual abuse keep the abuse secret?

A victim of child sexual abuse is under a great deal of pressure to keep the abuse secret. In many cases of child molestation, the molester has threatened to harm the child or a member of the child's family. The molester might have told the child that he would not be believed even if the child did tell. Another common situation is that the molester will tell the child that if the child tells about the abuse, he will get into trouble. The clear message is given to the child that if another person finds out, something bad will happen to the child. This pressure to maintain silence can often be successfully overcome by establishing open communication between children and adults through a proper educational program for children.

What should I do if a child tells me that he has been sexually abused?

How an adult responds to a child when he tries to disclose abuse can influence the outcome of the child's victimization. By maintaining an apparent calm, the adult can help reassure the child that everything is going to be okay. By not criticizing the child, we counteract any statements the molester made to the victim about the child getting into trouble. Reassure the child that you are concerned about what happened to him and that you would like to get him some help. **Allegations by a Scout concerning abuse in the program must be reported to the Scout executive.** Since these reports are required, the child should be told that you have to tell the proper authorities but that you will not tell anyone else. It is important that you not tell anyone other than the Scout executive or the child protective services agency about allegations of abuse—if the allegations cannot be substantiated, you could be sued for defamation of character.

How do I know what my reporting responsibilities are?

Every state, the District of Columbia, and the U.S. territories have different reporting requirements. As part of youth protection training, you will receive reporting instructions for your area and for your council. People are often concerned about being sued for reporting child abuse. You are not required to know for certain that a child has been abused. All that the law requires is that you have a reasonable suspicion and are reporting in "good faith." When these requirements are met, all states provide immunity from liability for child abuse reporters.

What youth protection educational materials does the BSA have for youth members?

"How to Protect Your Children from Child Abuse: A Parent's Guide" is a tear-out booklet bound in with BSA youth books. It is designed for parents or guardians and young people to use together for youth protection training. The Power Pack Pals comic books, available in English and in Spanish, are for Cub Scout–age boys. They include *Power Pack Pals* (No. 33980)/*Los Superamigos del Pack* (No. 33979), *Power Pack Pals: Be Safe on the Internet* (No. 33981)/*Power Pack Pals: Cómo Estar Seguros en la Internet* (No. 34464), and *Power Pack Pals: Four Rules for Personal Safety* (No. 46-34750)/*Power Pack Pals: 4 Reglas Para Seguridad Personal* (No. 34465).

The BSA has bilingual, age-appropriate videos for all youth age groups to address the problems of sexual abuse. *It Happened to Me/A Mí Me Pasó* (No. AV-09DVD11) should be used annually by Cub Scout packs or dens, but only for Cub Scouts accompanied by a parent or other adult family member. The video for Boy Scouts, *A Time to Tell/Hora de Contarlo* (No. AV-09DVD04), introduces the "three R's" of Youth Protection, and should be viewed by troops annually. *Personal Safety Awareness/Concientización Sobre la Seguridad Personal* (No. AV-09DVD27) is the video for Venturing-age young people.

How can Scout leaders who are not social workers teach children about youth protection?

The BSA recognizes that many of our leaders feel unprepared to talk to children about preventing sexual abuse. For this reason, the BSA has meeting guides for both of the videos produced to be viewed by youths. The guides address everything from scheduling the meeting, contacting the police or social services for assistance, and notifying parents (a sample letter is provided), to questions and answers for discussion after the video has been viewed.

What are the "three R's" of Youth Protection?

The "three R's" of Youth Protection convey a simple message that the BSA wants its youth members to learn:

Recognize situations that place him at risk of being molested, how child molesters operate, and that anyone could be a molester.

Resist unwanted and inappropriate attention. Resistance will stop most attempts at molestation.

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Report attempted or actual molestation to a parent or other trusted adult. This prevents further abuse of himself and helps to protect other children. Let the Scout know he will not be blamed for what occurred.

Reference: How to Protect Your Children from Child Abuse: A Parent's Guide, No. 46-015

Youth Member Behavior Guidelines

The Boy Scouts of America is a values-based youth development organization that helps young people learn positive attributes of character, citizenship, and personal fitness. The BSA has the expectation that all participants in the Scouting program will relate to each other in accord with the principles embodied in the Scout Oath and Law.

One of the developmental tasks of childhood is to learn appropriate behavior. Children are not born with an innate sense of propriety and they need guidance and direction. The example set by positive adult role models is a powerful tool for shaping behavior and a tool that is stressed in Scouting.

Misbehavior by a single youth member in a Scouting unit may constitute a threat to the safety of the individual who misbehaves as well as to the safety of other unit members. Such misbehavior constitutes an unreasonable burden on a Scout unit and cannot be ignored.

Member Responsibilities

All members of the Boy Scouts of America are expected to conduct themselves in accordance with the principles set forth in the Scout Oath and Law. Physical violence, hazing, bullying, theft, verbal insults, and drugs and alcohol have no place in the Scouting program and may result in the revocation of a Scout's membership in the unit.

If confronted by threats of violence or other forms of bullying from other youth members, Scouts should seek help from their unit leaders or parents.

Unit Responsibilities

Adult leaders of Scouting units are responsible for monitoring the behavior of youth members and interceding when necessary. Parents of youth members who misbehave should be informed and asked for assistance in dealing with it.

The BSA does not permit the use of corporal punishment by unit leaders when disciplining youth members.

The unit committee should review repetitive or serious incidents of misbehavior in consultation with the parents of the child to determine a course of corrective action including possible revocation of the youth's membership in the unit.

If problem behavior persists, units may revoke a Scout's membership in that unit. When a unit revokes a Scout's membership, it should promptly notify the council of the action.

The unit should inform the Scout executive about all incidents that result in a physical injury or involve allegations of sexual misconduct by a youth member with another youth member.

Each Cub Scout den and Webelos Scout den and each chartered Cub Scout pack, Boy Scout troop, Varsity Scout team, and Venturing crew shall have one leader, 21 years of age or older, who shall be registered and serve as the unit or den leader. A unit leader may not serve simultaneously in any other position within the same unit. The head of the chartered organization or chartered organization representative and the local council must approve the registration of the unit or den leader on the appropriate form.

Primary reference: *Rules and Regulations of the Boy Scouts of America*

Leadership Requirements for Trips and Outings

1. Two-deep leadership: **Two registered adult leaders, or one registered leader and a parent of a participating Scout or other adult, one of whom must be at least 21 years of age or older, are required for all trips or outings. There are a few instances, such as patrol activities, when no adult leadership is required. Coed overnight activities require male and female adult leaders, both of whom must be 21 years of age or older, and one of whom must be a registered member of the BSA.**
2. During transportation to and from planned Scout outings,
   A. Meet for departure at a designated area.
   B. Prearrange a schedule for periodic checkpoint stops as a group.
   C. Plan a daily destination point.

   A common departure site and a daily destination point are a must. If you cannot provide two adults for each vehicle, the minimum required is one adult and two or more youth members—*never one on one.*
3. Safety rule of four: **No fewer than four individuals (always with the minimum of two adults) go on any backcountry expedition or campout.** If an accident occurs, one person stays with the injured, and two go for help. Additional adult leadership requirements

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must reflect an awareness of such factors as size and skill level of the group, anticipated environmental conditions, and overall degree of challenge.

4. Male and female leaders must have separate sleeping facilities. Married couples may share the same quarters if appropriate facilities are available.
5. Male and female youth participants will not share the same sleeping facility.
6. Single-room or dormitory-type accommodations for Scouting units: Adults and youth of the same gender may occupy dormitory or single-room accommodations, provided there is a minimum of two adults and four youth. A minimum of one of the adults is required to be youth-protection trained. Adults must establish separation barriers or privacy zones such as a temporary blanket or sheet walls in order to keep their sleeping area and dressing area separated from the youth area.
7. When staying in tents, no youth will stay in the tent of an adult other than his or her parent or guardian.
8. If separate shower and latrine facilities are not available, separate times for male and female use should be scheduled and posted for showers. The buddy system should be used for latrines by having one person wait outside the entrance, or provide Occupied and Unoccupied signs and/or inside door latches. Adult leaders need to respect the privacy of youth members in situations where the youth are changing clothes or taking showers, and intrude only to the extent that health and safety require. Adults also need to protect their own privacy in similar situations.
9. Two-deep adult leadership is required for flying activities. *For basic orientation flights, the adult licensed pilot in control of the aircraft is sufficient for the flight,* while two-deep leadership is maintained on the ground.

Reference: *Tours and Expeditions,* No. 33737

Primary References for This Chapter

Scoutmaster Handbook, No. 33009

Tours and Expeditions, No. 33737

How to Protect Your Children from Child Abuse: A Parent's Guide, No. 46-015

Youth Protection Guidelines: Training for Adult Venturing Leaders, AV-03V014

Youth Protection: Personal Safety Awareness, AV-09DVD027

A Time to Tell, AV-09DVD04

It Happened to Me, AV-09DVD11

Health and Safety Guide, No. 34415

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R. App. 000079
Documents produced October 2010 - 000446

CASE# 20051000422 **VOLUNTARY STATEMENT** PAGE 1 of 1

STATEMENT OF: James Brian Rhinehart | AGE: 38 | DATE: 10-20-05

ADDRESS: 410 Waterford Pt. Dr. Ceiling Springs SC

PHONE # 561 901-1172 | DOB: 11-15-67 | SSN: 247 04 4053

I Brian Rhinehart, have not touch [redacted] penis I have touch [redacted] penis once on his bottom over a year ago. I have told [redacted] that if he is running around with his pants down his penis is out it will hurt it. On the one occasion I touched his penis, there got is erection and no ejaculation.

I have read this statement consisting of 1 page(s), and I swear that the statement that I have just given is the truth, the whole truth, and nothing but the truth, so help me God. I also swear this statement was given freely and voluntarily and I have received a copy of my statement.

This statement was completed at 11:23 A M. on the 20th day of October 20 05

WITNESS: Edward Scarborough III

Signature of person giving voluntary statement

SWORN to before me this _____

day of _____, 20___

_____ (Seal)

Notary Public of South Carolina

My Commission expires: _____

SH104

SLED 14

Attachment B

AGENCY I.D. SC0420000

INCIDENT REPORT

CASE NUMBER 20050004422

NCIC: INCID ENTD

EVENT

	INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1.	Sexual Assault 26B	☐YES ☐NO	☐YES ☐NO	Church/Synag.	
2.		☐YES ☐NO	☐YES ☐NO		
3.		☐YES ☐NO	☐YES ☐NO		

TYPE VICTIM: ☐Individual ☐Business ☐Financial Inst. ☐Government ☐Relig. Orgn. ☐Soc./Public ☐Other ☐Unknown ☐Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): St Margaret's Episcopal Church - 4180 Hwy 9 | ZIP CODE: 29316 | WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO
10/05					10-07-05	1357	1408		19

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
[redacted]	aca			USOU	W	M	55	N	[redacted] H/B	H/B

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted] Dandelion Lane	Spartanburg	SC	29303	31

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
[redacted]	aca			USOU	W	F	14	N	[redacted] H/B	H/B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
505	160	BLK	HZL	DOB - 3-05-1991

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted] Dandelion Lane	Spths	SC	29303	31

VISIBLE INJURY (VICT. 1) ☐YES ☑NO EXPLAIN – | COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐YES ☑NO

VICTIM (NO. 1) USING: ALCOHOL ☐YES ☑NO ☐UNK. DRUGS: ☑YES ☐NO ☐UNK. TYPE: Ritalin, Concerta, Trazadone

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ | J – This Jurisdiction S – State O – Out of State U – Unknown

SUBJECT NO. 1

☐ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
Rhinehart James BRIAN	W	M	37			5'11	190	BLK	BRO

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: Lives in Turtle Creek

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.

SUBJECT (NO. 1) USING: ALCOHOL ☐YES ☐NO ☒UNK. DRUGS: ☐YES ☐NO ☐UNK. TYPE: | ARRESTED NEAR OFFENSE SCENE ☐YES ☐NO TOTAL # ARRESTED | DATE/TIME OF OFFENSE | DATE/TIME OF ARREST

NARRATIVE

I RESPONDED TO [redacted] Dandelion Lane after Martha Tetosky summoned the police to the home. She is the district 2 psychologist. She advised that the student [redacted] called to speak with her about being molested and sexually assaulted by his boy scout leader James "Brian" "Rhinehart over the past 3 months. She advised that she was seeing [redacted] and counseling him, but it was in the past. She said another person had actually spoke with him more recently. When I arrived on the scene I found [redacted] to be very confused and uncertain of things. He initially reported that his mother assaulted him when she tried to awaken him this morning to get up for school, which he refused to do and since he is still at the house now I learned that the father [redacted] only notified the school, who RE

Attachment C

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

PROPERTY EST.

	TYPE (GROUP)						TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒YES ☐NO | SUBJECT LOCATED ☐YES ☐NO | ☐ACTIVE ☐ADM. CLOSED ☐UNFOUNDED | ☐ARRESTED UNDER 18 ☐ARRESTED 18 AND OVER | ☐EX-CLEAR UNDER 18 ☐EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.☐ OFFENDER DEATH 2.☐ NO PROSECUTION 3.☐ EXTRADITION DENIED 4.☐ VICTIM DECLINES COOPERATION 5.☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
61st SL	10/07/05	615	[signature] SA	10-07-05	310

INVESTIGATION ☐YES ☐NO

Documents produced pursuant to R. App. P. 210 - 000454

AGENCY I.D. SC0420000

SUPPLEMENTARY REPORT

CASE NUMBER 2005100422

NCIC | VNO | ENTD

☐ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY

PAGE 2 of 3 PAGES

☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

NARRATIVE

Said documents the Incident. The father said there was not an assault with [redacted] and his wife [redacted] The son [redacted] did not discuss him not getting up this morning but did ADVISED on the IMPROPER touching by the Scout Leader Brian Rhinehart He said that Rhinehart also improperly touched [redacted] The father Reports that his son has lied repeatedly in the past but never a lie of this magnitude So he thinks that possibly his son is being honest about this incident, further investigation is needed into the claims of sexual assault

Attachment C

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
☐ YES ☐ NO	☐ YES ☐ NO	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE-NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
[redacted]	10-07-05	615	[redacted]	10-07-05	5810
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER:		

AGENCY I.D. SC0420000

SUPPLEMENT, INCIDENT REPORT

CASE NUMBER: 20J5016422 | INCIDENT | ENTD

☑ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 3 PAGES

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT: #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
Tetoskey Manitta	aca			JSOU	W	F			

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE
					H 5780122 B	H B

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES | VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED

☐ SUBJECT NO. ____ : USING ALCOHOL ☐ NO ☐ YES
USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT: #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
				JSOU					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE
					H B	H B

☐ VICTIM NO. ____ VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN: | COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES | VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK. | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED

☐ SUBJECT NO. ____ : USING ALCOHOL ☐ NO ☐ YES
USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.

VEH. / GUN / ETC. 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.			
SERIAL AND/OR OWNER APPLIED NO.		STATE		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	COLOR	BRAND NAME	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	

MISCELLANEOUS

Attachment C

VEH. / GUN / ETC. 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.			
SERIAL AND/OR OWNER APPLIED NO.		STATE		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	COLOR	BRAND NAME	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	

MISCELLANEOUS

VEH. / GUN / ETC. 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.			
SERIAL AND/OR OWNER APPLIED NO.		STATE		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	COLOR	BRAND NAME	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	

MISCELLANEOUS

VEH. / GUN / ETC. 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.			
SERIAL AND/OR OWNER APPLIED NO.		STATE		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	COLOR	BRAND NAME	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	

MISCELLANEOUS

Documents produced in App 00008 2010 - 000456

AGENCY I.D.
SC0 420000

SUPPLEMENTAL INCIDENT REPORT

J

CASE NUMBER: 20051000422

NCIC: INQ. | ENTD.

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☒ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY
PAGE 1 of 1 PAGES.

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☒ VICTIM # 2 ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT: #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
[redacted]	[redacted]			(R) S O U	W	M	15	03-02-90	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
5'07"	130	Blk	Brn	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE
[redacted]	Boiling Springs	SC	29316	19	[redacted] (H) B	[redacted] (H) B

☒ VICTIM NO. 2 VISIBLE INJURY: ☒ NO ☐ YES EXPLAIN:
COMPLAINT OF NON-VISIBLE INJURIES: ☒ NO ☐ YES
VICTIM USING ALCOHOL: ☒ NO ☐ YES ☐ UNK DRUGS: ☒ NO ☐ YES TYPE ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
☐ SUBJECT NO. ____ : USING ALCOHOL: ☐ NO ☐ YES USING DRUGS: ☐ NO ☐ YES ⇒ TYPE: ☐ UNK.

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☒ SUBJECT # 1 ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT: #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
Rhinehart, James Brian				(R) S O U	W	M	38	111567	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
511	160	Blk	Brn	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO	DAY PHONE	EVENING PHONE
420 Waterford Pt. Dr.	Boiling Springs	SC	29316	19	814-1724 (H) B	same H B

☐ VICTIM NO. ___ VISIBLE INJURY: ☐ NO ☐ YES EXPLAIN:
COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
☒ SUBJECT NO. 1 : USING ALCOHOL: ☒ NO ☐ YES USING DRUGS: ☒ NO ☐ YES ⇒ TYPE: ☐ UNK.

NARRATIVE

Victim # 2 came to the Sheriff's Office on Oct. 20, 2005 and disclosed that the suspect had fondled his penis on numerous occassions in their residence. The victim also said the suspect made him touch the suspect's penis. The suspect gave a statement admitting to fondling victim #2's penis on one occassion. I presented the case to Judge Hall and he issued two warrants on the suspect for Lewd Act with a Minor.

Attachment C

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH. / GUN / ETC. 1

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.	
SERIAL AND/OR OWNER APPLIED NO		STATE

YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE

MODEL	STYLE	COLOR	BRAND NAME	CALIBER

NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE

MISCELLANEOUS

PROPERTY EST.

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED: ☒ YES ☐ NO
SUBJECT LOCATED: ☒ YES ☐ NO
☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED
☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER
☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
N. Cantrell	10-20-05	1686			

INVESTIGATION ☐ YES ☐ NO

Documents produced pursuant to App. 08000842010 - 000457

COPY

BOY SCOUT TROOP 292

BOYSCOUTSTROOP292@YAHOO.COM
EXTRAORDINARY BOYS OVERCOMING DISABILITIES
ST MARGARET'S EPISCOPAL CHURCH
4180 HIGHWAY NINE
BOILING SPRINGS, SC 29316

[redacted],

This is a letter to inform you that as of 10/10/05, your son [redacted] will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions.

Respectfully,

Shelby Culbreth

Shelby Culbreth
Committee Chairman
Troop 292

Cc:
Brian Rhinehart
Jackie LaFontaine
Doni Rhinehart
Brandon Smith
Rob Green, Scout Executive
Roy Cole, Charter Organization Chair
Bob Faulks
Scott O'Neil

SC/JL

Attachment D

STATE OF SOUTH CAROLINA)	
)	IN THE COMMON PLEAS COURT
COUNTY OF SPARTANBURG)	
Jane Doe as Guardian for)	
John Doe,)	TRANSCRIPT OF RECORD
)	2010-CP-42-2350
Plaintiff,)	
)	
-vs-)	
)	
Doni Rhinehart,)	
)	May 16, 2012
Defendant.)	Spartanburg, South Carolina

B E F O R E:

HONORABLE J. DERHAM COLE, JUDGE

A P P E A R A N C E S:

GREGG E. MEYERS, ESQUIRE
Attorney for the Plaintiff

JAMES P. WALSH, ESQUIRE
Attorney for the Defendant

Linda D. Moffitt
Circuit Court Reporter

R. App. 000086

INDEX

Motion -- page 3.

No sworn testimony; no exhibits entered into evidence.

MR. WALSH: Your Honor, do you have a copy of my brief? Because I e-mailed it last week, but I have a copy.

THE COURT: Okay.

MR. WALSH: I'm like Mr. Foster. I sprung for some copies.

THE COURT: All right. This is Doe vs. Rhinehart.

MR. WALSH: Yes, sir, Your Honor.

THE COURT: This is also defendant's motion for summary judgment.

MR. WALSH: Yes, Your Honor.

THE COURT: Okay.

MR. WALSH: Thank you, Your Honor.

Your Honor, my name is Jim Walsh. I represent the estate of Doni Rhinehart. Ms. Rhinehart passed away last year. Her deposition was taken for trial. She did testify.

This is a -- sort of a companion case to the case you heard, Your Honor. The plaintiff is the same in both cases, but the allegations against the defendants are very different.

It does arise out of the alleged sexual abuse, but the claim against Ms. Rhinehart as pled has nothing to do with her role in any Boy Scout troop.

The allegations of negligent supervision against her are that she as the housewife and mother in the household

should have known or knew that Brian Rhinehart, her husband, was abusing the child in the home.

So the references to the Boy Scouts really don't apply to Ms. Rhinehart. The allegations in the complaint don't mention the Boy Scouts, don't talk about her duties related to the Boy Scouts.

They talk about her duty as the owner of that property, the mother of -- of her son who had a friend over who somehow should have known that her husband who was the stepfather of her son and the scoutmaster of this troop was somehow involved in this abuse.

So it's our position that the Boy Scout issues and whatever duties may exist as to Boy Scouts isn't in this case, because that's not what's been pled. The plaintiff chose to plead a Boy Scout case and then chose to pled a case against this individual.

And so the question then is -- is should Ms. Rhinehart have known or should have known, somehow been on notice that her husband was abusing this John Doe.

And at the same time this husband was also abusing her own son. Is -- that's the other boy, is her son. And in her testimony she's just adamant, and it's uncontradicted, that she had no knowledge of any of this going on.

And the evidence shows that when her husband admitted to the abuse of her own son she immediately filed for

divorce. She left him, threw him out of the house. The police also report on that. There's really no contradiction about all of that.

So the plaintiff's allegation is that there were two instances of alleged abuse in her home. So for purposes of this motion and in the light most favorable to the plaintiff let's assume that those occurred.

Okay. No one -- not the victim, not the parents, the grandparents, the police, health workers -- anybody has alleged that Ms. Rhinehart knew any of that.

Okay. So really the question is should she somehow have known. But there's no evidence that she knew that.

What the facts would show in the light most favorable to the plaintiff is that the first incident of abuse occurred when Brian Rhinehart -- at night the boys are trying to go to bed. Ms. Rhinehart was in her room in a completely different part of the house. He came in. He was trying to calm the boys down, and an abuse incident occurred at that point.

Nobody says that anybody ever told Ms. Rhinehart that occurred. It didn't last very long. He left the room. Nobody said a word to her. He went back into his room like it never happened. That's incident one.

The second incident occurred when the victim came over, was working with the husband on some kind of Boy

Scout fundraiser, which, again, is not part of this case.

Ms. Rhinehart goes grocery shopping. She's not even home when this second allegation of abuse occurred. And, again, no evidence at all that anybody said anything to her. Nobody complained to her. Nobody said a word about it.

And then only when it all eventually came out was she told like everybody else. And the only evidence in the case is that she was as shocked as John Doe's parents and grandparents and the community and everyone.

And so, Your Honor, under these facts and under the law of South Carolina there simply isn't a duty or a breach of a duty for Ms. Rhinehart in this case.

The plaintiffs cite an employer-employee case to establish a duty. Okay. That's not what we have here.

The law in South Carolina has never created under these facts a duty for the parent to have some unremitting one hundred percent supervision over a child without some reason to know that there was a problem, some reason to know that this man was some sort of predator.

There's no evidence in the history to suggest that he had any sort of sexual problems or molester. Nothing like that. And so we believe that under the law with these facts, is that Ms. Rhinehart is a victim just like everybody else. And that's what she testified to.

I mean, she, in fact, testified on her -- basically her deathbed right before she died of cancer. She said if I had known I probably would have killed the guy, if I had known at that time. He got put in jail, and that was the end of him for her.

And so in this case there's no -- there's no facts that establish a duty. There's no law that establishes a duty.

The case cited by the plaintiff -- by the plaintiff is not applicable. That may apply to the Boy Scouts and they may have duties that they may have created through some sort of a handbook or some kind of policy, but that's not what this case is about.

This is a case about the parent of a child who is being blamed for the acts of her husband where there's no notice for what he was about to do. And he did it twice and nobody complained. There is no evidence anybody ever complained.

So, Your Honor, we believe under these facts, as terrible as it is -- and I'm certainly not minimizing what occurred. But to hold the mother responsible when her own son was getting abused by this man, when there's no evidence she knew or should have known anything we just don't think is supported by the law in South Carolina, and therefore we believe that we're entitled to summary

judgment in the case. Thank you.

THE COURT: Mr. Meyers.

MR. MEYERS: Thank you, Your Honor.

Your Honor, I don't agree with Mr. Walsh that the issues relating to the Boy Scouts have nothing to do with the claims against Ms. Rhinehart.

The events occurred in Ms. Rhinehart's home, which is the reason that there are two cases, not one. But the -- and the events in her home under Judge Howard's decision in Manufacturer Mutual vs. Harvey a claim of negligence relating to abuse by another person in the home is breached by homeowner's insurance coverage.

So Ms. Rhinehart in her actions at her own home when they are connected to the scouting activities we think implicates a very different universe versus what Mr. Walsh was arguing, because she is one of the founding members of this troop.

The step-mother of my child which we have submitted up to the Court in her deposition described how she, Ms. Rhinehart, solicited my child's participation in the troop. She was one of the people involved in setting it up.

So she can't escape the rules that apply to Boy Scout activities just because the activities take place in her home.

We do agree that the question is should she have

known, not that she did know. But what she's done is breach essentially every rule the Boy Scouts have that apply that are designed specifically by the Boy Scouts over their 90-years history as they say to protect children from being abused.

And those fundamental rules are you always have two people at least and you never allow one on one. So when my child comes over to her house for scouting activity and she goes grocery shopping she is breaching both of those rules. And she knows or should know that they are exactly to protect children from being abused. And as the Boy Scouts say, anyone can be a molester. That's what they put in their own publication.

So if you take the Boy Scout overlay it sets up a framework that these people have violated in every respect. The Boy Scouts are trying to set rules that will protect children. They disregard those rules because they have confidence that the rules don't apply to them, except the rules do apply to them and it's their breach of the rules that lead directly to the sexual abuse.

So we think that just because the events occurred in the home that implicates different considerations than in different insurance, than does the events that occurred at the sponsoring agency -- but this is the founder of the troop. And just because she wants to change her hat and

put on her housewife hat doesn't mean when somebody is over there for purposes of scouting activities she can escape what the Boy Scout rules are.

So we think it's not appropriate for summary judgment because she should have known had she followed the Boy Scout rules the abuse would not have occurred.

By her own account, had she known she would have done something. But she's supposed to create the environment where the opportunity doesn't exist. It's the barrier the Boy Scouts want to put in place to prevent abuse that was not honored by Ms. Rhinehart.

So we think the case is not appropriate for summary judgment, and we think the Boy Scout rules do apply even though it's at her house because the child's testimony is I was there for scouting activity on the second occasion.

MR. WALSH: Your Honor, briefly if I may.

That may all be the case, but there's not one reference in the complaint of Boy Scouts involving Ms. Rhinehart. That suit's already been filed. Mr. Foster just argued that.

This case doesn't have anything to do with the Boy Scouts. The plaintiff could have chosen that theory of liability, but that's not the plaintiff's theory in my case.

My case is -- if you read the complaint Ms. Rhinehart

in her home should have had some kind of knowledge, should have prevented the incident. It had nothing to do with the Boy Scouts. So to try to blend them together we think is inappropriate.

The Boy Scouts have been sued. If Mr. Meyers has some theory about the 2-deep rule, whatever that is, the fact there's no evidence in this case to what that is, that that's just -- they raised today by Mr. Meyers -- but let's assume there is such a thing. It's not in the record. But assuming there is that's not the case in my case. My case is about a housewife and a mother.

So the plaintiff could have chosen that theory, but he didn't. And so, Your Honor, what -- let's concede that there is some kind of policy. Let's concede that there should have been some -- the Boy Scouts should have handled it in some way, but there's not one word about the Boy Scouts, not one word about 2-deep rule. There's not one word about policies in that complaint.

If the plaintiff wants to pursue that, then he can pursue that in another action. But in this case the duty is for this housewife just like any of us with our kids and our home -- that's the duty where -- what's the duty of that owner of that home with their kid and their playmate? In South Carolina there's no case that establishes that under these facts that Ms. Rhinehart had some kind of duty

to do anything more than she did.

She's not bound by the Boy Scout rules. There's no evidence of that in the case, even if it was pled, but it's not.

So, Your Honor, that all may an be interesting theory. They have a case against the Boy Scouts. It seams to me that if they want to pursue that claim against the Boy Scouts they already have a lawsuit against the Boy Scouts.

But that's not what they chose to do. For whatever reason, they chose to sue Ms. Rhinehart as an individual and sue her as a mother and a housewife. And now they're saying, well, wait a second, it's the Boy Scouts, it's really the Boy Scouts. But that should have been done a long time ago if they really wanted to pursue that.

And this would be a very different case. If it was the Boy Scouts and she has duties derived from the Boy Scouts, I would submit Mr. Foster would be defending Ms. Rhinehart, not me, because that's a Boy Scouts' case.

You can't have it both ways. You can't sue at the beginning because you think there's homeowner's insurance and then at the end say wait a second, I really meant for it to be the Boy Scouts. That -- you can't -- you have to kind of live with what you started, and that's what they started it.

And so, Your Honor, we would submit that looking at

the complaint and what the evidence is about that complaint we have no duty under these facts to have done anything more than we did, and we would ask the Court to ignore any of these issues about the Boy Scouts. Thank you.

MR. MEYERS: And we would contend, Your Honor, that relates to what she knew or should have known. So we think it's in the case.

THE COURT: Okay. I'll review the memorandum and issue an order.

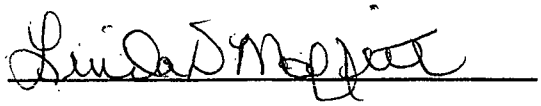
END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 16th day of May 2012.

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

April 19, 2013



Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)	
)	IN THE COMMON PLEAS COURT
COUNTY OF SPARTANBURG)	
Jane Doe as Guardian for John Doe,)	
Plaintiff,)	TRANSCRIPT OF RECORD
)	2010-CP-42-2349
-vs-)	
Boy Scout Troop, 292, et al,)	
)	May 16, 2012
Defendants.)	Spartanburg, South Carolina

B E F O R E:

HONORABLE J. DERHAM COLE, JUDGE

A P P E A R A N C E S:

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Linda D. Moffitt
Circuit Court Reporter

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Motions -- page 3.

No sworn testimony; no exhibits entered into evidence.

THE COURT: This is Doe vs. Boy Scout Troop 292, et al. Defendant's motion for summary judgment.

MR. FOSTER: Yes, sir, Your Honor.

THE COURT: Okay. Are you ready to proceed?

MR. FOSTER: Yes, sir. May it please the Court. Bill Foster for the defendants.

Your Honor, this is a difficult case. It's not without some obvious sadness. John Doe is a 21-year-old mentally disabled individual who now lives in a residential home in New York.

The nominal plaintiff's or the actual plaintiff's case is Jane Doe, the maternal grandmother of John Doe. I wanted to address before we get into the substance of our motion some concerns that were expressed by my colleague, Mr. Meyers, that somehow there was discovery he needed to respond to our motion for summary judgment.

Your Honor, we -- we think that's inaccurate. He referenced in correspondence to -- to me.

MR. MEYERS: Bill, if I might, I think this has just kinda gone by the wayside.

MR. FOSTER: Okay.

MR. MEYERS: I got responses from him, you know, about a day ago, and I was able last night to try to use them. So I think I'm good to go.

MR. FOSTER: Fair enough.

Your Honor, I think the -- in addition to sort of explaining that we didn't believe that that was a legitimate basis for opposing what we think is a very ripe motion for summary judgment, we think the fact that the plaintiff feels the need, be it extrinsic evidence, to prove what this letter to John Doe's father meant and what the motivation for the decision to suspend John Doe from the Boy Scout troop -- the fact that the plaintiff considers that a material and key issue demonstrates that the letter and the decision fall far short of the standard for outrage as a cause of action under South Carolina law.

Outrage is an overt act. It's a hostile act. It is an act that is so extreme and outrageous in and of itself that as a matter of law it's intolerable in a civilized society.

And sending a letter that is neutral on its face to a Scout's father simply informing them that as of 10/10/2005 your son is no longer eligible to participate in troop functions falls far short of that standard.

Your Honor, there is also some discussion of a potential motion to amend.

Again, Your Honor, that's not the issue before the Court today. The issue before the Court today is our motion for summary judgment as to the claim of outrage and the derivative claim of negligence.

Your Honor, Troop 290 -- 292 -- excuse me -- started out in about 2003 as a Boy Scout troop for disabled children, mentally disabled children. John Doe was one of the founding troop members.

After a meeting in September, or September 27th of 2004, or October 4th of -- excuse me -- 2005 the troop leadership decided to exclude John Doe from further participation in the troop.

The uncontroverted evidence is that their motivation for doing so was that he had engaged in some bad acts. Among them, he had consumed some popcorn that had been given to him to sell in the annual popcorn drive and refused to reimburse the troop for that.

He'd also been caught engaging in some bad conduct during troop meetings including an ultimate event which was the event which was being caught in Shelby Culbreth -- one of the named defendants -- cars during a troop meeting.

Your Honor, they consulted with the Palmetto Council of the Boy Scouts of America, which is the organization that provides consultative services to Boy Scout troops, as to how to proceed with suspending a youth member from a troop.

And pursuant to the procedure outlined for them they wrote a letter to the custodial parent informing him that this -- that the troop member was no longer eligible to

participate in the troop. That's the letter that was sent.

The plaintiff's contention is that that letter was a retaliation for a report of sexual abuse that John Doe made against the troop leader, James Brian Rhinehart, on or about October 7th of 2005.

Your Honor, there is some question as the timing of when the letter was sent. The letter is undated, but there's no evidence that the named defendant, Ms. Culbreth or the troop -- the named members of the troop -- St. Margaret's, Rob Green -- any of the defendants had any knowledge that the plaintiff had reported abuse or that he had been sexually abused when that letter was sent.

Even if you assume however that the letter was motivated by an intent to retaliate against John Doe for having reported sexual abuse, that still in of itself falls far short of as a matter of law, the legal standard for outrage under South Carolina law.

There's also no evidence that Ms. Culbreth or the troop acted in bad faith with the intent to injure John Doe or they sent that letter or made the decision to exclude him from the troop. And we think that there's absolutely no evidence to suggest otherwise.

Your Honor, the essential elements of outrage are familiar to the Court, but I think they're important to highlight. It's the defendants engaged in conduct that was

so extreme and outrageous as to exceed all possible bounds of decency that must be regarded as atrocious and utterly intolerable in a civilized community; that the defendants also acted intentionally or recklessly to inflict severe emotional distress, or was substantially certain that their conduct would do so.

Then of course it has to actually cause emotional distress, and the emotional distress has to be so severe that no reasonable person could be expected to endure it.

Your Honor, there is no evidence of extreme or outrageous conduct. The first cause of action is solely against Ms. Shelby Culbreth who was a committee member of the troop, one of the volunteer adult leaders, and Troop 292. And the sole allegation there is that in sending the letter to John Doe's father informing John Doe's father that he -- that John Doe could no longer participate in troop functions, that that act in and of itself was outrage.

Your Honor, Cosby vs. Legal Services and numerous other decisions have pointed out that whether or not the allegations rise to the level of outrage is initially a question of law for the Court.

And it's only those cases that are so extreme and so beyond the bounds of civilized society's standards that are entitled to go to a jury. And that's just lacking here,

Judge. It's simply not there.

There's no evidence that Ms. Culbreth or the troop were motivated by ill intent or motivated by intent to retaliate against John Doe.

Ms. Culbreth has submitted her affidavit that the decision in the letter was based solely on misconduct, John Doe's conduct in the troop.

She's also testified that she was unaware that he had reported any sexual abuse by the scoutmaster until she saw it on the news well after the letter was sent.

As evidence of the motivation for the letter the plaintiff has replied exclusively on the timing of the letter, when the father says he received the letter. He says he thinks he received the letter on the same day that the police had been there, October 7th of 2005, to begin their investigation of John Doe's complaint.

However, the father admits that this could be just a mere coincidence of timing. He also admits that he was aware that there was an issue with the popcorn money not being paid before the -- he learned of John Doe -- or John Doe informed him of the alleged abuse or that he reported it to the police.

Critically, Your Honor, John Doe has actually given his own testimony in this case, and he's admitted in his deposition that he didn't report the abuse until after he

received the letter.

The question, "Well, wasn't the letter that came -- wasn't it that the letter came and you saw that he'd been thrown out of the troop, that's when you reported it?"

Answer: "Yes."

That's John Doe's deposition, Your Honor, which is cited in our brief. And we've included an excerpt, redacted obviously to protect the names of the children involved.

It's also important to note, Your Honor, that John Doe's father at the time of the police investigation in a contemporaneous statement to the police or around the time the police first showed up to do their investigation in October of 2005, that he told the police officers in a written statement that he was concerned that John Doe was angry about being thrown out of the troop, about the popcorn letter, and that's why he was worried that John Doe was being vindictive.

So, Your Honor, the plaintiff's case in order to make this innocuous, facially innocuous, letter to John Doe's father, not even directed to John Doe, the plaintiff -- to make that the grounds for outrage the plaintiff's got to prove that the only reason a letter was sent was to punish John Doe for reporting abuse, what was intended to harm him because he reported abuse. And they haven't done that,

Your Honor.

Even if they could -- even if you take the plaintiff's allegations, Your Honor, in this complaint as true, the letter itself cannot be characterized as so extreme and outrageous as to support a claim of outrage.

As this Court knows, the legal threshold, Your Honor, for outrage is very high, and that's the threshold to get past summary judgment, Your Honor.

You have to allege and establish facts that are so shocking in and of themselves that it leaves no doubt that the standard's been met.

Turning the Court's attention to one of the cases cited -- and given some exposition in our brief -- and that's the case of -- I can't find it -- Doe vs. Erskine College.

Your Honor, that case involved an allegation of rape of a college student at Erskine. The evidence was that the college student reported the incident.

And there were numerous facts established of how the college had mistreated this individual, the victim, including disclosing the fact that she had -- or disclosing incidences or evidence of her personal medical history that she had a sexually transmitted disease at one point, disclosing her medical history without her knowledge.

And the Court said that even with all of that evidence

of the hostile acts, the offensive acts directed right at the plaintiff who was the victim of a rape by a fellow student, that that fell short of a legal standard necessary to establish a claim of outrage.

Your Honor, we don't even have facts like this -- like those in this case. Here we have a letter addressed to the father that simply says that John Doe effective 10/10/05 -- John Doe is no longer allowed to participate in troop activities. That's all the letter says. And the letter was delivered to the father.

And I think that's -- that's critical because the plaintiff can't show the second element, Your Honor, necessary to establish outrage, and that is that the defendants, Ms. Culbreth and the troop, acted with the intent to cause harm to John Doe.

Your Honor, what they did here was they sent a letter to his father. The letter doesn't say anything offensive at all. It doesn't suggest that there's any ill intent or bad motivation behind the letter.

And to the extent, Your Honor, that there was any communication of harm, of a harmful message, to John Doe -- it had to come from John Doe's father. John Doe's father and his step-grandfather admitted John Doe didn't read very well, and whatever would be communicated in that letter would have to be communicated from the father who is free

to tell John Doe whatever he wanted to tell him. He told him something harmful, something that may cause him severe emotional harm. That's what John Doe's father did.

Your Honor, if -- if Ms. Culbreth or the troop intended to cause severe harm to John Doe why would they send the letter to his father? Why would they send a letter that doesn't say anything hurtful or harmful or offensive at all?

They didn't choose or pursue a path that was designed to harm John Doe. They acted in a reasonable manner. They acted in, for lack of a better word, a polite manner in sending that letter. And that simply is not grounds for a claim of outrage.

Your Honor, we've also outlined some cases in our brief that we think are very analogous to the case at hand, and those are cases in which the plaintiffs who had established as a matter of law allegations of retaliatory discharge, actionable retaliatory discharge.

Your Honor, in those cases the Court found that even when a plaintiff has alleged, for example, that she was fired in retaliation for pursuing a worker's compensation claim, had actionable -- actionable, legal bad motivation established, that in and of itself can't claim -- can't support a claim of outrage.

You need some overt and hostile or abusive act

directed to the plaintiff in order to make that retaliation into a claim of outrage. And that's utterly lacking here.

There is absolutely -- and that goes back to the fundamental legal question before the Court today, and that's whether the threshold for an outrage claim has been met.

There is no allegation that Ms. Culbreth or the troop committed any overt, hostile act directed to the plaintiff. They sent the letter to his father.

Your Honor, it's also important to note that with respect to the second cause of action, negligence, that cause of action merely alleges that the other named defendants were somehow negligent in failing to prevent the letter from being sent.

Your Honor, there has been no evidence. This case has been pending for two years. There's no evidence that any of these defendants participated or should have participated in the decision of sending the letter. Of course, you know, because it fails to state a claim of outrage and there's a derivative claim, it fails in and of itself.

But I think I'd be remiss in not pointing out, Your Honor, that just because you're cc'ed on the letter doesn't make you responsible for the letter.

One of the named plaintiffs is Bob Faulks. Judge,

he's a parent. Mr. Faulks is just a parent of another troop member, and yet he's been sued. There's absolutely no evidence more than two years in the case that Bob Faulks has done anything wrong or that he belongs as a defendant in this case.

Brandon Smith, a junior scout executive, had nothing to do with the sending the letter or decision to exclude John Doe from the troop whatsoever.

Scott O'Neill was a sometime volunteer. He's a local Spartanburg guy who trains dogs for a living, Your Honor. He's not involved or not responsible in any way for the sending of the letter or the decision to exclude John Doe from the troop.

Rev. Roy Cole, Your Honor, was briefly the interim pastor of St. Margaret's. He's retired. He had no involvement in the decision. There's no evidence that he should have participated in the decision or should have prevented the letter from being sent.

And the same goes, Your Honor, for St. Margaret's Episcopal Church who merely sponsored the troop and allowed them to use the church grounds to conduct meetings. There's no evidence that St. Margaret's as an institution exercised control over the decision at issue with the sending of the letter or that they should have.

Finally, Your Honor, the Palmetto Council of B.S.A.

There's no evidence that the Palmetto Council or its executor, Rob Green, participated in the sending of the letter or the decision beyond Mr. Green having told them what the procedure was, if they wanted to exclude a youth member from the troop, how should we do it.

And Palmetto Council and Mr. Green acted as they're supposed to in this arrangement in the scouting world and gave them the proper procedure -- send a letter to the parent communicating the decision. And that's what they did. That's the only involvement that the Palmetto Council and Mr. Green had in the allegations in this case.

Your Honor, we think this case is right for summary judgment. We think that even if -- well, first, the fact that you've got to try to find extrinsic evidence, additional things to make the act complained of remotely offensive, you've got to assume that Ms. Culbreth who is a nurse who her career is taking care of children -- and she works with special needs children. That's her profession.

You'd have to assume that Ms. Culbreth and the troop intended to punish John Doe for sending -- for reporting this abuse. You'd have to assume they knew about it and that their sole motivation was to hurt him in order for this letter and the act complained of to even be outrage.

And, Your Honor, if you look at all of the cases that where a court in South Carolina has found that the facts

establish outrage, intentional infliction of emotional distress, you don't have to look beyond the act to find the claim.

And the plaintiff admits -- the plaintiff leads in this case with having to look beyond the act complained of to establish outrage. But even if you look at the act complained of and assume the plaintiff's allegations are correct, it doesn't meet that standard, Your Honor. There's no allegation of any overt act, hostile or abusive act, directed to John Doe.

It's a letter, plain on its face, sent to his father. Had the plaintiff -- excuse me -- or had the defendants intended to cause harm they wouldn't have chosen that course of action. That's not the course of action you would take to direct harm to John Doe. Thank you, Your Honor.

THE COURT: You referred to a memorandum. Do you have a copy of one?

MR. FOSTER: Your Honor, I believe --

THE COURT: Is that the one that was sent by e-mail, you sent by e-mail?

MR. FOSTER: We filed it, Your Honor, on Monday afternoon. I don't know if we actually -- I know we served opposing counsel. I can have one sent to your chambers.

THE COURT: Why don't you send me one?

MR. FOSTER: Judge, he has already handed a copy of our brief up?

THE COURT: I beg your pardon?

MR. FOSTER: I'm sorry. That's a copy of our brief.

Your Honor, this is a copy of the unpublished decision in Doe vs. Erskine for the Court. I usually err on the side of pestering judges with e-mail copies of things. I apologize for not doing so here, Your Honor.

THE COURT: All right. Mr. Meyers.

MR. MEYERS: Thank you, Your Honor.

Just to orient the Court in this case, this is a scout -- the case arises from a scoutmaster who is abused by my John Doe client of molesting two people, two young people, in the troop. Both kids are developmentally disadvantaged as Mr. Foster relates.

My client has an I.Q. of about 60. And at this time they're both about 14 years old.

The -- the child that I represent reports the abuse. He calls somebody at a school he attended and reports it. They call the police. The police then start an investigation.

The scoutmaster was called. What I've submitted to the Court is an affidavit I prepared and some base documents. And that document I was able to put together last night once I had Mr. Foster's responses to discovery.

And the critical document in that collection is what's attachment A to the affidavit. It is the rules the Boy Scouts have.

The best copy I had was from 2009, but it's a 1998 copyright reprinted in 2009. So it appears to be the document that extends through the 2005 time period. Mr. Foster says he doesn't have a 2005 copy. So what I've got appears to a 2005, what applied in 2005.

All right. The Boy Scouts have very clear rules for the context of their meetings and they -- they require two adults at all times, and they prohibit one-on-one contact. And as the evidence has developed in this case, it's been very clear that this scoutmaster arranged for one-on-one contact repeatedly. And no one did anything to stop it.

So there were scout events at his home. His wife who is the next case that we're going to argue left and left him with the children. There's troop events at the church.

He isolates himself with this child. And my child reported that there was an instance at the scoutmaster's home where he was with both young boys and abused them both.

So that's the context in which this arises. The report is made.

The scoutmaster within a few -- the scoutmaster is told the day of the report that the report has been made.

He doesn't say anything to any of the people he talks to that there is a dispute about my child's conduct in any way.

But within three days of the report the scoutmaster has begun to argue that, well, this is because we were fussing at him that he owed $8 for some popcorn that went missing. And then it was added too that, well, this is about the popcorn. And later the troop members add and it's also about the child misbehaving during a meeting.

Well, the Boy Scouts have rules about this too, and what we've provided the Court are their rules about how you deal with progressive discipline. And what you do is you involve the parents.

You don't start by kicking somebody out. The parents did not know this was an issue that was an ongoing issue. They didn't know anything about the popcorn money until the scoutmaster starts to argue it in response to the police.

Now, within 13 days he admits that he's acted in an inappropriate way with the other child, not the -- not the child who reported but the child that it was reported was also effected.

He refuses to admit that he molested my child, but my client has testified that there were four instances where that occurred.

So in the light most favorable to my client we start

today on the record that presumes that the molestation occurred with both children.

This letter appears immediately after the report of abuse, within a few days according to the testimony we provided from the step-mother and from the father.

And it comes to their house. It's hand delivered. It's given to the father. And it austen -- it doesn't say any rationale. It just says your child is excluded effective the 10th of October. So the exclusion is three days after the first report to the police. And we think it's four days after information started to flow to the scoutmaster about the abuse allegation.

Now, we agree with Mr. Foster that they delivered a letter that on its face is neutral and they delivered it to his father.

We think that doesn't solve the problem because it is a letter aimed at what we think the record has to presume is a -- is an act in response to a legitimate and proper and entirely justified and entirely appropriate and required report to the police. Somebody is molesting a child. The child reports it.

And the Boy Scouts have rules about this too. The Boy Scouts say in the document we provided -- and it appears on page 444 in the way they're numbered, collection -- "How an adult responds to a child when we tries to disclose abuse

can influence the outcome of the child's victimization." And then one sentence later, "By not criticizing the child we counteract any statements the molester made to the victim about the child getting into trouble."

The Boy Scouts don't want people criticizing children when they come forward. Now, they argue that, well, we didn't know about that, but because the scoutmaster knew the troop certainly knew.

And what's undeniable is that within 13 days everybody knows, because within 13 days the scoutmaster has admitted it. It's in the news.

And what they don't do, what none of them does, is come back to the child and say maybe we acted a little hasty, maybe we shouldn't be excluding you, maybe we ought to apologize at least for reacting this way when we didn't know everything. Nobody says anything like that.

They maintain their course, and nobody at any point up to today has ever done anything to say to this child, you know, maybe we acted in a way we shouldn't have.

So even if their motive was not driven by this allegation -- but I think on this record the Court has to presume that it was, because I'm entitled to every inference in my favor -- the timing alone is of some significance.

The breach of the Boy Scouts' own rules on how you

handle progressive discipline and how you respond when somebody reports abuse and the failure to respond once the abuse became by anybody's argument known -- those three things we think mean we have a letter that's in retaliation for reporting abuse.

So really the only, I think, fair question for the Court is, is because the letter is directed to the father, a disabling feature, we argue it's not because as Mr. Foster recognized this is a 14-year-old child who has a I.Q. of 60. You can't communicate effectively to the child. You've got to communicate to the father.

And they have to know because the troop is entirely composed of developmentally disadvantaged children. You've got to know that this is going to be communicated in some fashion with the child. And I think you can't fault the father for conveying accurately to the child what the letter said, because the letter has to be directed to the parent.

So our position has been from the beginning that the timing, the substance, as well as the lack of response once the abuse was admitted by the scoutmaster all reflect that this is an event that qualifies for the label of outrage, because if you retaliate against a child for reporting sexual abuse you've done something that is -- you ought to be -- if it's not regarded as outrage already, it certainly

ought to be. That's the heart of our position on outrage.

The issues about negligence have to do with everybody who once they find out -- this is actually admitted by the scoutmaster -- they do nothing, and they do nothing to change any of it. They got the letter.

The rules the Boy Scouts have apply not just to the troop but to the volunteers, to the council and to the sponsor. They apply, those rules apply, to everybody who is involved in the scouting activity. And we think those rules are breached in this case. They're breached so as to cause the abuse and they're breached in the response to the abuse.

So we think because the Boy Scouts had surrounded this context with their own rules the breach of those rules makes a difference on the question of outrage and even a facially neutral letter can qualify given the circumstances of the case.

MR. FOSTER: Your Honor, very briefly a couple of things.

The testimony of Jane Doe that regarding her John Doe I think is important, Your Honor, as is her view of the actual complaint itself that the last bit that Gregg shared about negligence, there's no allegation that that -- that the other individual defendants or the church or Palmetto Council somehow acted negligently after it became known

that Rhinehart had been arrested. That happened on about October the 20th, Your Honor.

Critically, Mr. Rhinehart never admitted to or-and actually was never charged with molesting John Doe. He was charged with and admitted to improper conduct directed towards his own stepson which was the plaintiff's friend.

Your Honor, to -- there simply isn't an allegation -- and may I approach? I'll just hand up Jane Doe's excerpts. They're actually attached to our brief as well, Your Honor, just some excerpts from Jane Doe's testimony.

That's the grandmother, maternal grandmother, of John Doe -- and also a copy of the complaint itself, which very purposefully is based -- only has two causes of action, Your Honor -- a cause of action for outrage based on the letter to John Doe's father and a cause of action for negligent supervision allowing the letter to be sent. That's it.

We asked Jane Doe specifically in using the complaint as an exhibit whether or not she was seeking damages for any allegations of sexual abuse, and the answer is no. That claim is not before this Court.

Your Honor, to allege that -- that the outrage could be established by the failure of the named defendants to -- after what could be an unoffensive or unoutrageous, if you will, letter was sent somewhere before the report of abuse

was known, that somehow after they learned of it the failure to then apologize for a letter that was not intended to cause harm in the first place, really kind of strange credulity. How can you establish outrage by what you didn't do later?

And what's important to note, Your Honor, is that when the allegation became public knowledge on or about October 20th of 2005 Troop 292 ceased to exist.

There was no more meeting. There was never another scout meeting that this -- that John Doe didn't get to attend. The troop went away -- the troop went away. It was disbanded. It's been dissolved since November of 2005. So, you know, there'd be no mechanism for the trooper or Ms. Culbreth to -- to apologize or invite John Doe back.

And, Your Honor, again in the minds of the defendants, in the minds of Ms. Culbreth who the letter was written on her behalf by her niece who signed her name with her permission they -- they sent this letter because John Doe had not paid the popcorn money and they caught him with his hand in the well of her car during a meeting. They had no reason to think they owed him an apology because they never retaliated against him in the first place.

Your Honor, the allegation of the plaintiffs is sending that letter to John Doe's father outrage under South Carolina law. And looking at all of the cases that

have been reported there's not another case, Your Honor, that would hold that you can search behind an event to find meanings and to assign meanings to people's actions to make them outrage.

You've got to act outrageously as a matter of law to get there. And that's just absent here, Your Honor. And it's utterly improper to suggest that somehow that a breach of the too deep rule in these interactions with John Doe and Brian Rhinehart somehow relate to the outrage claim.

As Ms. -- as Jane Doe's testified, Your Honor, that's not what this case is about. There's no allegation about that in this case. That's in a different claim altogether. It's not the outrage claim.

It's also important to note, Your Honor, that, you know, one, a breach of a Scout handbook -- this isn't Small vs. Springs Industry. This is a handbook case. That's a contract type claim.

That's not outrage, Your Honor, to suggest that -- that because there was no progressive discipline that -- that sending the letter to John Doe's father is outrage that's -- there's no support in the law for such a theory.

More importantly, Your Honor, that is contradicted by the evidence in this case because John Doe -- I mean, it's -- before this lawsuit was filed, before Gregg and I became involved and all the legal things that have occurred

and before we came before this court today -- back in October of 2005 the first thing the blood father of John Doe said to the police was I'm worried that he's making this up because he's angry because they told him if he didn't pay for the popcorn they would kick him out of the troop.

John Doe's father knew this letter was coming. This letter was not a surprise. This letter was the reasonable course of conduct to remove a youth member from a troop and nothing more, and there's no evidence that it ever was anything other than that.

And -- and the issues with respect to John Doe's I.Q. and what he may have been exposed to by James -- by Brian Rhinehart who is in prison where he belongs, that's not the basis for the outrage claim, Your Honor. That's not what we're here today to have ruled upon.

What we're here to have ruled upon is whether or not a letter sent to a father who is entrusted with the safekeeping and the mental well-being and the emotional health of his son, sending a letter to him that doesn't communicate anything harm on its face -- Your Honor, the letter's attached I'm sure to everybody's briefs. But I'll hand it up to the Court.

This is the letter, Judge, a letter sent by, in essence, two volunteer women, Ms. Culbreth and her niece,

who made it their careers to care for and to protect children, particularly disadvantaged or mentally disabled children, whether that letter is outrageous.

You know, I hate to belabor the point, but had they wanted to hurt John Doe they would have told John Doe to his face you're kicked out because you are liar.

That's not what they did. You're kicked out because you reported Brian Rhinehart for abuse. That's not what they did. They told the dad what he expected to be told. As of 10/10/2005 your son's no longer allowed to participate in troop activities.

October 20th it hits the news. The troops dissolved. There's no mechanism. There's no reason for anyone to go back to John Doe and invite him back to a troop that's been dissolved or to apologize.

In the minds of Mr. Culbreth and the named defendants the only evidence is that they would have been stunned and shocked and surprised and felt terrible that this happened but they would have -- they had no reason to think that the letter had been communicated to John Doe as an act of retaliation.

The person who did that, Judge, if it occurred at all -- and this is an undisputed fact -- is his own father. And to accept the plaintiff's theory you've got to assume that Ms. Culbreth thought or knew that John Doe's father

would impart from this vanilla letter something intentionally harmful to his own son, and that just doesn't get there, Judge. That just doesn't get there.

This case has been pending for a while. We've done a lot of work. It is right for summary judgment under the law of South Carolina. Thank you.

THE COURT: All right. I'll review the briefs and the submissions made an issue an order.

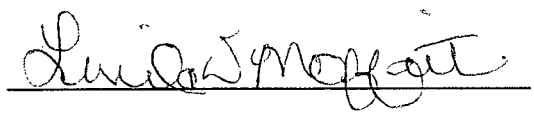
END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 16th day of May 2012.

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

December 5, 2012



Linda D. Moffitt
Circuit Court Reporter

State of South Carolina — In the Court of Common Pleas

County of Spartanburg

Jane Doe, as guardian for John Doe,

Plaintiff,

vs. — Case No. 2010-CP-42-2349

Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green Roy Cole, Bob Faulks, and Scott O'Neill,

Defendants.

COPY

And

These Two Cases Combined For Purposes of This Deposition

Jane Doe, as guardian for John Doe,

Plaintiff,

vs. — Case No. 2010-CP-42-2350

Doni Rhinehart,

Defendant.

Videotape Deposition of Doni Jean Rhinehart

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 29th day of September, 2010, commencing at approximately 10:27 a.m., attended as follows:

Electronically signed by Vickie Stewart (401-211-214-4086)
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Appearances:

DAVID FLOWERS, ESQUIRE
Law Office of David Flowers
Post Office Box 8415
Greenville, South Carolina 29604

Attorney for Plaintiff,

JAMES P. WALSH, ESQUIRE
Clarkson, Walsh, Terrell & Coulter
1164A Woodruff Road
Greenville, South Carolina 29607

Attorney for Defendant Doni Rhinehart,

WILLIAM H. FOSTER, ESQUIRE
Nelson Mullins
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, South Carolina 29601

Attorney for Defendant Boy Scouts of America,

DAN ELLER, ESQUIRE
Gallivan, White and Boyd
55 Beattie Place
Post Office Box 10589
Greenville, South Carolina 29603

Attorney for Defendant Shelby Culbreth.

Also Attending: CATHY MAXWELL, State Farm Insurance

Videographer: MICHAEL ARRISON

Deposition Reported By: VICKIE J. STEWART, CVR
Certified Verbatim Reporter
Depositions And..., Inc.
101 Broadus Avenue

Post Office Box 10268

Greenville, South Carolina 29603

(864) 235-3518

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Exhibit (attached to deposition)

Defendants' Exhibit No. 1

Marked 4

Presented to witness 26

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Pursuant to notice and/or agreement to take deposition, the within deposition was taken by the above reporter, a notary public, as required under the South Carolina Rules of Civil Procedure, Rule 30, et al., by consent of all parties, at the office of Clarkson, Walsh, Terrell and Coulter, 1164A Woodruff Road, Greenville, South Carolina.

Waiver:

It is agreed by the witness and counsel for all parties that the reading over and signing of the deposition by the witness are waived.

** ** ** **

(Court reporter marks document as Defendants' Exhibit No. 1, attached to deposition)

By the Videographer:

This is the videotape deposition of Doni Rhinehart in the matter of Jane Doe, et al. versus Doni Rhinehart, case number 2010-CP-42-2350; and the second is Jane Doe, et al. versus Boy Scout Troop 292, et al., case number 2010-CP-42-2349. Both were filed in the Court of Common Pleas, State of South Carolina, Spartanburg County.

This deposition is being held at Clarkson, Walsh, Terrell and Coulter at 1164 Woodruff Road, Greenville, South Carolina, on Wednesday, September 29th, 2010. My

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name is Michael Arrison from the firm of Carolina Legal Video Services. The court reporter is Vickie Stewart from Depositions And, Incorporated. We're going on the record at 10:27 a.m.

Counsel will now state their appearance for the record.

By Mr. Flowers:

David Flowers for the Plaintiff.

By Mr. Walsh:

This is Jim Walsh, attorney for Ms. Rhinehart.

By Mr. Eller:

Dan Eller, representing Shelby Culbreth.

By Mr. Foster:

Bill Foster for Boy Scout Troop 292, Palmetto Council of the Boy Scouts, and other Defendants.

By the Videographer:

The court reporter will now swear in the witness.

The witness was duly sworn to tell the truth, the whole truth and nothing but the truth of her own knowledge concerning the matter herein.

DONI JEAN RHINEHART, being duly sworn, testified as follows:

Examination by Mr. Walsh:

Q. Good morning, Ms. Rhinehart. Are you doing okay today?

A. I'm fine.

Q. Okay. Well, ma'am, as you know, we're here to take

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your testimony for trial. And you're being videotaped, and there's a court reporter here, and that's why we're here today. Do you understand that?

A. Yes.

Q. And at some point, this testimony very well may be played to the jury in our case. So if I mention the jury, that's what I'm referring to, because the jury very well may be watching this at some point when there's a trial, if there's a trial. Do you understand that?

A. Yes.

Q. Okay. So you are the Defendant -- you are Doni Rhinehart; is that correct?

A. Yes.

Q. Okay. And ma'am, I don't want to go into any great detail, but I understand that you are ill; is that correct?

A. Yes.

Q. And what is the nature of your illness?

A. Stage Four breast cancer.

Q. Okay. And are you currently undergoing treatment?

A. I'm undergoing chemo and radiation.

Q. Okay. Well, I know, speaking for all of us here today, we certainly wish you well and know that you're going to feel better. So what I want to do, though, today is

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just kind of go through and let the jury kind of hear your story about this case. You understand you've been sued, and so I'm going to ask you some questions about that.

But first, if you would, just tell us where you live.

A. Anderson, South Carolina.

Q. Okay. And who lives there with you?

A. My oldest child, who's -- he's 20; I have a 17-year-old daughter; and a 10-year-old child through my ex-husband, a daughter.

Q. Okay. And your 20-year-old, what is his name?

A. [redacted]

Q. Okay. And then your 17-year-old is ---

A. Dena Rhinehart.

Q. And then your youngest?

A. The 10-year-old, Danielle Rhinehart.

Q. Okay. Where did you grow up?

A. I grew up mostly in South Carolina. I was born in Jacksonville, Florida and lived in South Carolina till I was about 21.

Q. Okay. Are you currently married?

A. No, I'm not.

Q. All right. Are you divorced?

A. Yes.

Q. Okay. Who are you divorced from?
A. I'm divorced from James Rhinehart.
Q. Okay. And James Rhinehart, is he the biological father of any of your children?
A. He's the biological father of my 10-year-old.
Q. Okay. And your -- were you married prior to being married to Mr. Rhinehart?
A. I was married almost 14 years to [redacted] and Dena's father, who died of colon cancer back in '99.
Q. Okay. I'm sorry to hear that. And so, after your first husband passed away, at some point you became married to James Brian Rhinehart; is ---
A. Right.
Q. --- that correct? And about how long were you married to Mr. Rhinehart?
A. It was going on six years when he got arrested.
Q. Okay. And what happened after he was arrested? Did you all become divorced?
A. After he became arrested, I contacted an attorney and filed for divorce, and I think it was -- June of '06 is when the divorce was final.
Q. Okay. All right. Now, a lot of this case centers on the activities of Mr. Rhinehart and what he did or did not do. But let me ask you a little bit about him. Where did you meet him?

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A. I met Brian through church.
Q. Okay. And you were attending the same church?
A. We were attending the same church. I had been attending the church for a while, and he was there at the church. He had -- he was on -- in the choir; he was on several committees and had served on the church's governing body.
Q. Okay. And did -- your mother had met him too?
A. My parents had attended that church for several years, and they knew of him. I mean, it's a small church.
Q. Okay. All right. And so, at some point, I guess, you all became married. And did you learn of Mr. Rhinehart's background?
A. When I met him, I mean, he was there at the church, you know. He was in the choir. He served on a committee. And I know that, at one point, he had served on the church's governing body. And I mean, just different people told me things. And I got -- as I got to know him, I -- you know, I found out he had been in the military and was honorably discharged due to asthma, and that, when he was younger, he was in the Boy Scouts and went all the way up to Eagle Scout in the Scouts. And he had worked for the post office, but he retired, you know, due to the asthma.
Q. Okay. All right. And so you two fell in love?

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A. Mm-hmm (affirmative).
Q. And became married?
A. Right.
Q. All right. And then lived together up until the arrest?
A. Yes. We lived together up until the time of the arrest.
Q. All right. And so about how long were you together before he was arrested?
A. Almost six years.
Q. Okay. All right. And then after Mr. Rhinehart was arrested -- and ultimately, did he get -- did he have a trial or was he -- plead guilty? What happened there?
A. When Brian was arrested, at the time, he pled -- or he confessed to fondling my son.
Q. [redacted]
A. [redacted], yes.
Q. Okay. All right. Did you -- were you involved in that process of the plea? Were you a participant in any way?
A. I wasn't a participant in the plea. It's just, at the time when he was arrested, they called and had -- my son was being interviewed, and they interviewed Brian. And the detectives came out and told me that he had something he wanted to tell me. So I was there when he

signed the statement saying that he had fondled my son.
Q. Okay. And once that occurred, that he -- Mr. Rhinehart made that admission to you, was there any time you two reconciled?
A. No. There was no possibility for reconciliation.
Q. And did -- were you -- was your son actually considered a victim in the plea deal that was made?
A. Yeah. My son was the only victim that Brian was convicted on.
Q. Okay. All right. Now, as far as you know, was there some allegation made against your husband -- then-husband, now ex-husband -- that he had been involved with abusing some other boy?
A. I -- the only allegations I ever heard were when Brian got arrested that day in October. Otherwise, you know ---
Q. Okay. And where is your ex now?
A. He's at a prison in Enoree -- Enoree, South Carolina, serving 12 years.
Q. And do you have any contact with him?
A. No. He does get to call our 10-year-old once a week, but I have no contact with him.
Q. All right. Has he been up for parole?
A. He's been up for parole twice, and both times I've gone to Columbia to be face to face and talk to the parole

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board and tell them that I do not want him paroled, because I fear for my safety and my children's safety when he gets out.

Q. Okay. All right. And so far, have they denied his parole?

A. They have denied him two times.

Q. Okay. All right. Now, you understand that you've been sued in this case for allegedly either knowing or having some knowledge about the activities of your husband; do you understand that?

A. Yes.

Q. And do you believe that you are responsible for whatever your husband has done?

A. No, I don't. I mean, I am just as much a victim as my son is. I mean, my son is mentally challenged; he has autism. He didn't understand what was going on. And anyone that knows me will tell you that, when it comes down to kids, I don't care if it's a complete stranger, if I see someone being abusive towards a child, I'm going to step up. And to think that I would condone him touching my child, they don't know me.

Q. Well, now, so let me ask you, how did you become aware that there was even an allegation against Mr. Rhinehart?

A. One day we got a phone call from the Spartanburg County

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Sheriff's Office, and it was a detective saying they wanted to interview Brian and my son, because [redacted] had made these allegations.

Q. Okay. And so the officer left a message on your answering machine?

A. No. He actually talked to my husband at the time.

Q. Okay. And were you there when the conversation occurred?

A. Yeah, I was there.

Q. Okay. And so did the officer -- did the officer come to the house, or ---

A. No.

Q. --- he called?

A. That's what surprising. I mean, I would think someone would -- that you wouldn't want to give anyone the chance to run and you'd -- that the first thing you hear of it would be someone coming and escorting you. But I mean, they just called and said, "Hey, [redacted]s made these allegations and we need to set up a time for you to come in and be interviewed."

Q. Okay. And [redacted] -- who is [redacted]?

A. [redacted]. He was the boy that made the -- that brought it to the police.

Q. Okay. And did you know at that time who [redacted] was?

A. Yes, because [redacted] was involved in the Boy Scout troop.

Q. Okay. And so what was your husband's involvement in the Boy Scout troop?
A. Brian was the troop leader, the scoutmaster.
Q. Now, let me ask you about that Boy Scout troop. How did he become -- how did your ex become involved in that?
A. Just the fact that he had been a Boy Scout and that, you know, we knew that there weren't very many activities for handicapped children. And, you know, him and some of the other people that are listed in the lawsuit, like Shelby and Scott O'Neill, you know, everyone felt there was a need to have something for the boys to do, so that they'd have some sort of normal activities.
Q. Okay. And so [redacted] is special needs?
A. [redacted]s special needs.
Q. All right. And then was [redacted] in the Boy Scout troop?
A. [redacted] was in the Boy Scout troop. He -- I don't know. I just thought he was a slow learner or something. I wasn't sure what his specific disability was.
Q. All right. But he was -- he -- were all the boys in the troop special needs?
A. Yeah, all of them.
Q. Okay. All right. And so were [redacted] and [redacted] friends outside of the Boy Scout troop?

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A. Yeah, they were. They had classes together maybe the previous year.
Q. Okay. And did [redacted] ever stay at your house?
A. Yeah, he did stay at our house.
Q. How many times do you think that was?
A. Maybe four times.
Q. Okay. All right. And so when you hear the officer say to your husband, you know, there's an allegation made by [redacted] against your husband, you knew who [redacted] was at that point?
A. Oh, yes.
Q. Okay. And so tell me, then, what happened when you -- when that officer and your husband, your ex-husband now, hung up the phone. What kind of conversation did you have?
A. Well, we were shocked and we were just like, "Well, I don't understand." And immediately the first thought that came to my mind was that [redacted] was mad at Brian for some reason, because -- I don't know -- a week or so prior, he had been informed that he had had some issues with the troop as far as concerns about stealing, and we had told [redacted] he was no longer a member of the scout troop.
Q. Okay. So, let me ask you about that. So, there was some incident with [redacted] and the Boy Scouts involving

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some kind of allegation of ---

A. Of stealing money.

Q. And what -- were you involved in any investigation that the Boy Scouts performed?

A. I wasn't officially a part of the investigation when that happened. I was just informed that there was money that was missing and that [redacted] had been spoken to and his father had been spoken to, and that needed to be reconciled. And it didn't happen, and so they asked [redacted] to leave the troop.

Q. Okay. So, sitting here today and -- are you -- do you know one way or the other if [redacted] was involved in any sort of theft issue or not? Were you involved, to see the evidence?

A. No, I didn't see the evidence.

Q. Okay. But you were aware that there was some sort of an issue with [redacted] and the Boy Scouts that had occurred before the officer called?

A. Right.

Q. Okay. And so did -- after your husband got the call from the police, did you have any conversations with any of the other troop leaders about the claim that [redacted] was making?

A. Yeah. We all discussed it. And, you know, everyone had been aware that [redacted] had been asked to leave the

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troop. And we just thought [redacted] was making it up. I mean, [redacted] had been known to come up with some -- with some stories that weren't always truthful.

Q. Okay. So -- now, so your husband was defending himself to you and others, saying, "I didn't do anything"?

A. Right.

Q. Okay. And it seemed plausible because of this issue with [redacted] earlier?

A. Right.

Q. Okay. And so then, at some point, you had mentioned earlier this issue where you went to the police station. And let's talk about that. And so you go to the police station, and I guess, in your mind, you're thinking something is wrong; there's a misunderstanding?

A. Right.

Q. Right. So, at that point, what happened?

A. At that point, they took my son back, to talk to him, and then they called Brian back, to interview him. I don't know. I must have sat out there a half hour, 45 minutes. And the detectives came up and said that my husband at the time needed to talk to me about something. And then they took me back, and he told me that he was confessing to fondling my son, but only because he didn't want to accuse my son of being a

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liar.
Q. Okay. And what was your reaction?
A. I was shocked. I mean, I couldn't believe it. I mean, I never had any reason to suspect anything.
Q. Okay. And so -- and that was what I was going to ask you. So you're there at the police station and your husband has been saying, "I didn't do anything." And then, all of a sudden, he comes out with something that -- was he admitting to abusing your son, or what -- ultimately, he pled guilty to that, right?
A. He -- he admitted to fondling. I mean, the whole time, even after that, he was still sitting there trying to lie. You know, he -- before he signed his confession, they were like saying stuff to him and he was like, "Well, I don't know." And they're like, "Well, would you like for us to play this little bit right back here from where your stepson -- and hear what your stepson said you did?" I mean, he tried to lie right up until the very last second.
Q. Okay.
A. And every time he tried to cover up, they're like, "All we've got to do is push this play button right here, and you can hear exactly what your stepson said you did."
Q. Right. So -- all right. So, then, at some point, he

pled to a -- to involving your son in this abuse ---

A. Mm-hmm (affirmative).

Q. --- is that right?

A. That was -- I think it was April of 2007 when he actually got convicted.

Q. Okay. And so, then, as you hear the news that he says that he did this, I guess you confirmed with your son that something had happened. Did that happen? Did you talk with [redacted] about that?

A. Oh, I talked to my son after it.

Q. Okay. And I'm not going to go into any details about that, but at some point, did you satisfy yourself to the idea that your then-husband had done something terribly wrong to your son?

A. I mean, I never had any reason to doubt my son. The one thing that anyone who's ever talked to my son will tell you, he's honest to a fault, even if it ends up that he's done something that he knows is going to get him in trouble later.

Because of the way I've raised the children, they know that they'd much rather come out -- come out with the truth right then and there than to have Mom go back and track it down and find out that, "Oh, you did it. Then you sat there and you lied to me. Now Mom is even more mad at you than what she was. You come up with

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the truth, yeah, there's still going to be a punishment, but if I end up, you know, digging around and finding out you just completely thought you were going to snow me, then it's even worse."

So he's -- he's honest to a fault.

Q. Right. So, then, looking back from knowing what your son said and what your husband pled guilty to, did you -- do you think that you had any signs that your husband was capable of this?

A. No. I mean, there was never any indication. I mean, to me, he just appeared to be a normal step-parent. I mean, he was -- he appeared to be a good husband, and caring, and, you know, did what a normal parent would do; make sure that, you know, both of us check on the kids, make sure they're doing their homework and picking up their rooms and stuff.

I mean, it didn't -- it -- nothing ever came out as he was spending any more time with [redacted] than he was any of the other two.

Q. Do you feel satisfied that he wasn't involved with your daughters?

A. Yeah. I mean, my 17-year-old is very smart. If he'd have tried anything with her, you know, she'd have been right on it, to call the police.

Q. Right.

A. And the 10-year-old, she's pretty bright too.
Q. Right. And so, then, there's this allegation in this lawsuit that [redacted] was also abused by Mr. Rhinehart and an allegation that it occurred, at least some of the time, at your home. Are you aware that that's the allegation against you?
A. I'm aware, yeah, that that's ---
Q. Okay. All right. Do you have any knowledge that that -- first of all, that Mr. Rhinehart ever abused [redacted] Do you know if that's the case?
A. I don't know for sure. I mean, all I know is what was claimed. Brian has always denied anything at all with [redacted] and he barely even confessed to fondling my son.
Q. Right. So, whether or not it happened with [redacted] and your husband, you don't know one way or the other?
A. No. I mean, just what they accused him of. He never confessed to that.
Q. Okay. Now, let's assume that it happened. Which we -- I understand you don't know. Do you think that you should have known or could have known something was going on there?
A. No. I mean, there was no indication. I mean, I never caught Brian sneaking around. [redacted] never acted intimidated by Brian. He never -- they never seemed to have this little secret or whatever going on.

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Q. When [redacted] would spend the night, were you there at the home?
A. Yeah, I was there at the home.
Q. Okay. And you were spending the night there as well?
A. Right.
Q. Okay. And doing the normal things that you would do as a mom?
A. Yeah; cooking, cleaning.
Q. Right. And so you -- so you never got a complaint from [redacted] or from your son that something was going on?
A. No, I never had anything like that. And Dena's room was just right across the hall from my son, [redacted]'s.
Q. Your daughter?
A. Yeah; my 17-year-old daughter.
Q. Okay. And after the fallout of this whole thing, did you and her talk about whether she knew anything?
A. We did. And she told me she'd never caught him sneaking into [redacted]s room or anything. Which -- yeah, she's a very light sleeper. I'm surprised she didn't notice. And he had to walk right past her doorway in order to get to my son's doorway, because there -- you know, there was the entry into the hall, and immediately to the right was her room, and then he had to go down five or -- well, ten or so feet to get to my son's room.

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Q. Right. Well, I'm going to ask you a couple of questions about the Complaint. This is the formal document that they served on you when you were sued; is that right?

A. Right.

Q. And some allegations I want to ask you specifically about, paragraph 9 of the Complaint, it said that Mr. Rhinehart had a known propensity to have a sexual interest in children, and that you failed to warn either the Plaintiff or the Plaintiff's parents about that. Did you know at any time before his admission that he had a known propensity to have a sexual interest in children?

A. No, I most definitely did not. I'm very protective of my children, and if I'd have had a clue, he wouldn't have been near -- I mean, even now, to this day, when I'm dealing with like my 10-year-old, I mean, normal things that you wouldn't think about, like when -- her just walking up and giving somebody a hug, I mean, it just -- it just makes me cringe. I'm like, "Don't ever hug somebody like that." Things that normally wouldn't -- you're just like, "She's being friendly." Now, thanks to the sick thing that he has done, I mean, you can't help but second-guess everything that somebody does around your child.

Q. If you had any inclination or thought that Mr. Rhinehart had some sort of predatory qualities, that he had an interest in kids and wanted to do harm to them, what would you have done?

A. I wouldn't have been near him. I -- if I'd have had that kind of information, I probably wouldn't even -- have even attended the same church as the man.

Q. Okay. Now, paragraph 10 says that you allowed Mr. Rhinehart to be in the presence of these kids knowing basically that he -- there was this risk of sexual abuse. Did you allow that with any knowledge?

A. No. I mean, that's just ridiculous. I mean, I -- I think it's very sick and just makes my skin crawl to think of somebody who could do that.

Q. It says here in paragraph 13 that you had "the capacity to prevent the Plaintiff's sexual abuse by her warning and disclosure about James Rhinehart." If you had known, would you have allowed your kids or any other kids in the presence of this man?

A. No. I mean, I'm very protective of my kids and other kids, like I said before. I mean, if I'd have had a clue, I wouldn't have even attended the church as him.

Q. Right.

A. Because, I mean, that proximity right there gives him access, and I would not do that.

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Q. And in paragraph 16, it says that your "negligence was the proximate cause of the Plaintiff's molestation." Do you believe that to be the case?

A. No, I don't.

Q. Okay. Now, do you consider yourself and your family to be victims of Mr. Rhinehart?

A. Definitely. I mean, it's just -- it's been so hard on my son coming to terms and understanding what Brian did to him.

My middle child, she fully understood at the time what Brian did to him, and just the mental anguish it caused her going back and wondering if there was anything that maybe she would have noticed or could have picked up on that would have said that he was a threat to her brother.

And trying to explain to my youngest child, who was then five at the time. How can you explain to your child that their father is so sick in the head, the man that she's supposed to love, would do something so horrible to her handicapped brother? And she's very aware of the fact that handicapped people are special and that they don't understand and they have very big hearts. It's been really hard trying to have her understand that.

Q. And so you've also got to deal with the fact that your

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ex now wants to talk to her?

A. Yeah. I have to deal with he talks to her once a week. And every week that's stressful, because I mean, I have to remind my son, you know, "Don't answer the phone on this night, because you know that's" -- you know, as much as I hate to say it, his nickname that we -- "you know that's Ped calling. You know, stay away from the phone." So, you know, every Tuesday night, it's like, "Oh, well, you know, you can't even answer your own house phone, because we don't want you to have to hear his voice on the phone."

By Mr. Walsh:

Ms. Rhinehart, those are all the questions that I've got for you today, and I really do appreciate you answering them. Are you okay to answer some questions from the other attorneys, or would you like to take a break?

By the Witness:

We can go ahead and ---

By Mr. Walsh:

Okay. Well, then, I'm going to then turn it over to counsel. Thank you, ma'am.

Examination by Mr. Foster:

Q. Ms. Rhinehart, my name is Bill Foster, and I represent several Defendants in the other lawsuit that your

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attorney mentioned. And my questions are going to be very brief. I appreciate you appearing today.

I'm going to hand you what's been marked as Defendants' Exhibit Number 1. Ms. Rhinehart, I'll just ask you to take a look at that. And Defendants' Exhibit 1 is a letter -- and it's undated ---

A. Mm-hmm (affirmative).

Q. --- to [redacted], which is, I believe, [redacted]'s father.

A. Right.

Q. You're shown as a recipient or a "cc" down there at the bottom of this letter. Have you seen this letter before?

A. I've heard of it. I hadn't actually seen the letter. I never got one mailed to me.

Q. Okay. When you were testifying earlier, you mentioned that, when you first heard of [redacted]'s allegations against your then-husband, that you thought that it was perhaps because [redacted] was angry ---

A. Mm-hmm (affirmative).

Q. --- at being kicked out?

A. Right.

Q. Does this letter appear to reference that decision to exclude Mr. [redacted] or [redacted] from the troop?

A. Yeah. It says right here that, "[redacted] will no

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longer be able to participate in any functions that Troop 292 may hold now or in the future."

Q. So, when you received the phone call -- or when Brian received the phone call from the police informing him of [redacted] s allegations, your thought was that [redacted] was angry about this decision that's reflected on Defendants' Exhibit Number 1?

A. Right. I mean, because I knew of the letter, and the letter was before we were called.

Q. Were you involved in any way in the decision to send the letter?

A. No. For the most part, Brian, Jackie LaFontaine and Shelby Culbreth were the main people running the meetings and stuff and making most of the decisions.

Q. And your understanding of the reason for excluding [redacted] from the troop was that he had -- was believed to have stolen some money?

A. Right.

Q. The interview that you referenced earlier, I'll tell you, where your husband confessed to you for the first time or said that he was going to confess to fondling your son, that was on October 20th, two thousand ---

A. It was October ---

Q. --- and five.

A. --- the 20th, 2005.

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Q. The phone call you received to set up that meeting, do you recall how much sooner that was in relation to the October 20th date?
A. We had, I mean, less than a week.
Q. Okay.
A. But I mean, we had enough time to where we acquired an attorney, you know, because, like I said, we felt that it was [redacted] being mad because he had been asked to leave the troop. And I'm like, you know, you just don't go have police detectives interview you without having an attorney present. I just -- you know, you're being accused of something serious; you need to have some sort of protection.
Q. Prior to receiving that phone call from the detectives, had you had any reason to suspect or -- that [redacted] had made any complaint of sexual abuse against your then-husband?
A. No. I mean, [redacted] -- everything appeared to be fine. I mean, [redacted] and [redacted] were good friends, and talking and getting along. I mean, I had no clue that anything was bothering [redacted]
Q. Before that phone call, you had no information to suggest to you that your husband was even capable of such a thing?
A. No, not as far as I know. I mean, we had been married

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almost six years, and as far as I was concerned, he was, you know, a normal husband and father.

Q. You mentioned that [redacted] was a guest in your home about on four occasions?

A. Right.

Q. Was that to visit with your son?

A. A couple of them were to visit with my son. There was one time where we had like a test little camping trip with the boys, so we had them just camp out in the backyard.

Q. Who attended that, that you recall?

A. All the boys that were in the troop. I mean, that would have been [redacted] another little boy named Alex. There were two boys that were brothers; I can't remember their names. I mean, I'll just say Robbie and CJ for the sake of argument.

Q. Okay. And were you present then?

A. I was present, and several of the leaders. I mean, we pitched like maybe two or three tents, so that we could have the boys in one tent and have a tent nearby with a couple of adults.

Q. When your husband told you on October 20th, 2005 that he was going to confess to -- I'll just say sexual misconduct with your son, did you immediately begin the process of separating yourself from him?

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A. As soon as I got out of there, I was on the phone to a good friend of mine who's an attorney in Spartanburg, and he had just recently gone through a divorce. And I'm like, "Richard, who did you use for your attorney? You know, I need a good lawyer who -- you know, I need to immediately separate from this man." There was never any doubt in my mind what was going to happen.

Q. If you had believed prior to your husband's confession to you that he had abused your son, would you have contacted the authorities?

A. I would have turned him in in a minute. I mean, he's lucky that he confessed, you know, in front of witnesses. As far as I'm concerned, Lake Bowen is plenty deep enough to have gotten rid of him.

Q. If you believed he had sexually abused any child, would you have reported that to the authorities?

A. Yes. I mean, I just -- that's just the sickest thing on earth, to prey on somebody who's innocent and doesn't understand or that you can intimidate enough to where they don't speak up.

By Mr. Foster:

I have nothing further.

By Mr. Eller:

No questions.

Examination by Mr. Flowers:

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Q. Ms. Rhinehart, my name is David Flowers. I'll try to be brief, too. Would you tell me what involvement you've had in the troop? Did you ever hold any positions, or were you on a committee?

A. I don't remember what my position was. I mean, I was listed as, you know, one of the leaders, because you have to have so many leaders. But for the most part, I was there sporadically, because, I mean, I had my daughter, who was -- well, she was five at the time the troop was working on its second year. So I mean, I really couldn't be there much and be an active participant with a three-year-old running around.

Q. Were you on the troop committee at any time?

A. I was probably somewhere on the committee, but I just don't remember who had what titles.

Q. Did you ever hold a position as an assistant scoutmaster?

A. I guess, but I -- like I said, I just don't remember what my position was. More than anything, I mean, I'd help some with setup and cleanup. And I was the person, you know, who was good at doing the seamstress work, so whenever the boys would get their patches, I was pulling out the machine and stitching everyone's patches and troop numbers and whatever on their shirts.

Q. Did you ever receive any training or attend any

training courses that were offered by the council or the district?

A. As far as I remember, the council required everyone who was active with the troop to go through the Boy Scouts' safe training, and also they got their driver's license number and did a criminal background check.

Q. Tell me about the safety training that you just mentioned.

A. The safety training was one or two classes where you watched a video, and then someone from the council talked to you about it.

Q. Tell me what the nature of the video was. What did you learn from the video? For what were they training you?

A. To watch for signs of either sexual abuse or even, you know, physical abuse, I mean, like kids that had been, you know, abused by their parents. I mean, it was just warning you about signs of, you know, a kid who may be a victim and that you should go report it.

Q. All right. And then the person you mentioned who talked after the video, tell me what they talked about.

A. That was pretty much it. And they also talked about you should always have at least two leaders whenever you're around a child.

Q. Was there a phrase that was used with that? Do you have a -- let me ---

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A. Well, no ---
Q. --- ask you ---
A. --- I don't -- I don't remember a phrase. But it was just all -- it was emphasized that -- never to be alone with the boys; always to have two leaders. That way, there can't be any, you know, improper conduct.
Q. And so it was your understanding from the training that it was the -- it was a requirement of the Boy Scouts that there always be two adults or two leaders present whenever Boy Scouts were around?
By the Videographer:
Off video, 11:05 a.m.
(Off the video record)
By Mr. Foster:
I object to the form.
By the Videographer:
On video, 11:06 a.m.
Examination Resumed by Mr. Flowers:
Q. Do you understand the question I just asked you?
A. Right. I mean, yeah, the -- it was always understood that, for safety reasons, that you should have two adults, and never to be alone with a child.
Q. And do you have an understanding of what should happen if two adults were not available for an activity for the boys?

A. Well, if we didn't have two adults, we'd just say -- we'd call up the kids and say, "I'm sorry. We don't have the leaders to have the meeting."
Q. Okay. You talked about this test camping trip, I think you called it.
A. Right.
Q. How -- and I think you said you recall five boys being there?
A. Well, probably about seven. I just can't remember all the boys' names.
Q. And how many leaders were there?
A. Three or four.
Q. Do you remember who the leaders were?
A. Brian, Jackie, Shelby, and there -- and Scott may -- well, no; I take it back. The other little boy's -- Bob Faulks, he's listed in this lawsuit also. He's a father of one of the little boys. He was there too.
Q. And was this at your house?
A. Right. It was in the backyard.
Q. Did you stay in the tent with the other leaders, or did you stay in the house?
A. I think I spent the night in the tent.
Q. And were there only two tents, or were there more than two tents?
A. We had at least two. There might have been a third

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tent.

Q. Was there any other time other than this test camping trip where [redacted] stayed at your house overnight?

A. Yeah, there were a couple of times. There may have been four in total.

Q. Would these have been staying at your house just with [redacted] or would they have been Boy Scout functions?

A. Probably more just with [redacted] I mean, they were friends.

Q. All right. Other than the test camping trip, was there ever an occasion where any Boy Scouts stayed at your house overnight?

A. No, I don't think so. The only times we really used the house was if the church was not available -- or like when we were trying to prepare them for when we did go camping, we wanted them to be able to use a hatchet and practice, you know, collecting some wood and being able to chop it up and make a little fire.

Q. And so -- and you did that at your house?

A. Well, we did that, you know, once or twice, because we were trying to get the boys used to -- and keep it in a controlled environment, sitting down and using their little hatchet and learning how to, you know, chip away at the wood and build their fires.

Q. Now, you mentioned you might do things at your house if

the church was not available. Give me an example of ---

A. Well ---

Q. --- when the ---

A. Well, that would have been a good example, because I mean, unless we had very specific permission, we weren't going to just start a little campfire on the church property.

Q. The occasions when [redacted] did sleep over at your house, where did he sleep?

A. In my son's room.

Q. On the occasions that [redacted] slept at your house, were any other boys sleeping at your house that night?

A. No. The other time, you know, was when we had that little early camp-out session. Otherwise, we didn't have the boys from the scout troop spending the night.

Q. When you say -- now, I don't mean to be too picky, but you said the early camping session. Is that the same as the test camping trip?

A. Right. The test session, just to get them used to the idea and see if they were going to give as many issues with being outdoors in a tent, too.

Q. There was only one of those, right? That only happened one time?

A. That was only one time.

Q. Okay. Now, you've talked some about [redacted]s allegation, and you said you didn't have any proof or didn't know what happened. I think that's what you said.

A. I never had a clue. It's not a matter of not having proof. I never had a clue.

Q. Okay. Fair enough. But as we sit here today, do you believe that your ex-husband touched [redacted] in an inappropriate way?

A. No, I don't. I mean, I don't know. All I have is what [redacted] claims. I never saw anything, and I've never been told by my ex that he did do that.

Q. All right. So, let me try to tease that out a little bit. Is it your position that you just don't know, or is it -- do you -- is it your position that you don't believe it ever happened?

A. I don't know. I mean, I -- I cannot know for sure. I never saw anything, and my ex never confirmed anything.

Q. Do you have any reason that you would suggest why [redacted] would make up such a serious allegation about your ex-husband?

A. All I know is that [redacted] was known to tell some tall tales, and I just -- I don't know what to believe, because I never saw anything and I've never spoken to [redacted] And when I confronted my ex, he denied ever touching [redacted]

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Q. Now, you mentioned your ex has the nickname Ped?
A. Pedophile.
Q. That's what I thought you might have been referring to. I wanted to make sure. Did your ex admit to touching any other boys when ---
A. No, he ---
Q. --- he confessed ---
A. --- never did.
Q. Have you ever asked him that question?
A. I've asked him point blank.
Q. Did you ask him at the sheriff's department that day, or have you asked him since?
A. I asked him point blank at the sheriff's department and the one time when he did call the house before he got out on bail. I'm like, "Why did you do this?" And he never answered that question.
Q. Have you had any communication with him, other than the calls to your daughter, since he went to jail?
A. No. He's not worth my time.
Q. Tell me about this incident where some money went missing from the troop and [redacted] was accused of taking it.
A. All I know is, there was a problem with -- we were -- the Boy Scouts, they only have one fundraiser: popcorn sales. We were doing the popcorn sales. It was time

to, you know, do all the calculations and turn the money in and turn in whatever popcorn we had. And [redacted] was short. I didn't do the investigating. That's what Brian came up and said. And him and Jackie and Shelby investigated, and then Scott and the rest of us were told that's what was going on, and that the decision was being made that he needed to leave the troop.

Q. Tell me what you mean by, "He was short." Describe for me this fundraiser, how the boys would sell and what they would do.

A. For the most part, we would -- they would -- we'd take them out in groups, and they'd have the product with them. And they would collect -- you know, they'd collect money at the time and give them the product at the time, unless it was one of the items that had to be special-ordered, like the chocolate-covered caramel corn or something.

And somehow on one or two of his runs, he just -- product was missing, but the money wasn't there. That's what I was told.

Q. You were told that by who?

A. By Brian and Jackie and Shelby.

Q. And so [redacted] was taken by the leaders into neighborhoods, I assume, to sell ---

A. In ---

Q. --- this product?
A. In general, yeah. We'd get -- because the fundraiser was a good way for the boys to be able to fund their little camping trips. We would take them in groups of two and three or four and we'd let them go into a neighborhood and would follow them with a vehicle and let them try and sell the popcorn.
Q. Did you ever go on any of these trips where you'd take them into the neighborhoods?
A. Only when we were in my neighborhood, because I mean, I was busy dealing with my young child, who was only about three.
Q. All right. Describe for me how you would do it with the boys you took to sell this product.
A. We would just get in the car and we would -- you know, like in my neighborhood, because that's the only place where I went with them, I would just take them to the end of the street and I'd, you know, have them have one of the items with them and, you know, ring the doorbell and say, you know, "We're selling this."

And if they wanted something, then they'd come back to the vehicle and I'd locate the particular item they wanted. And I'd give it to them, and they'd usually give me the money, and I'd make change and say, "Now, go give this to them and make sure you tell them

'thank you.' You know, give them their change and their product."

Q. And so how was it ever described to you how [redacted] supposedly took money during this kind of fundraiser?

A. It's just that he was -- there was supposed to be a certain amount of money that was turned in by [redacted] and he was -- he didn't have that much money. Like let's say he was supposed to have 50, and he only had like 35.

Q. Well, is that the amounts we're talking about?

A. Well, now, I don't know the amount, because I'm not the one who did the investigating. I'm just saying there was a difference in what they said he was supposed to have had and what he actually turned in. And, you know, we gave [redacted] like a week or two weeks' notice, you know, to go ahead and -- and his father notice to go ahead and make the money reconcile with what we were -- he was supposed to have turned in.

Q. And did they reconcile the money?

A. No.

Q. What was their response?

A. There was no response.

Q. How much money are we talking about?

A. I don't know. I wasn't the one who investigated.

Q. Well, I understand you say you weren't the one who

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investigated, but you also said "we" told [redacted] that ---

A. The ---

Q. --- he needed to make ---

A. The troop ---

Q. --- up the difference.

A. --- leaders told [redacted] collectively that, "You are short. You need to have this much turned in, because this is how much product you were accountable and this is how much you should have."

Q. And is it your testimony that, because of a shortage of, let's say, $15, that was a serious enough offense to deny a boy access to the activities of the Boy Scouts of America?

A. That was what they said. I mean, it boiled down to, you know, we told [redacted] that, you know, you had to be accountable and you had to be trustworthy. And that was one of the things about being a Boy Scout, being accountable. And if he wasn't going to be accountable, then, you know, that just wasn't living up to the Boy Scout motto.

Q. And even though you didn't do the investigation, what were you ever told about how this money ever went missing if the boys just went from the car to the front door and then brought the money back to the car?

A. I wasn't told the specifics. Like I said, I did not

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investigate it. I was only informed of -- this is what was going on, and there was a shortfall, and this is what collectively the three of them decided that they thought should be done.

Q. And when you say the three of them, who were the three of them?

A. Brian, Jackie and Shelby.

Q. Did you ever attend a committee meeting where discussion about telling [redacted] he could no longer be a member of the troop was discussed?

A. I don't remember an official meeting. It just -- that's what was decided.

Q. As a person who's been a committee member for a Boy Scout troop, do you believe that kicking a boy out of the troop for theft is a matter that you, as a committee member, should have been consulted on?

A. I mean, I believe I should have been consulted, but Brian, Jackie and Shelby were the main people that pretty much ran the meetings, decided what the forums were going to be for the meetings. They were the ones that did the most within the troop, so no one really bothered or disputed with them or argued with them about what they were deciding, because they were the real backbone of the troop; they were the ones that organized and kept things going.

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Q. But even though they didn't dispute it, did anyone, including yourself, ever say, "Please tell me what it is that [redacted] supposedly did"?

A. They said that he had stolen money, and that's all that we knew. And when they told the rest of us, it was pretty much a done deal that this letter had been set out to [redacted]

Q. Is it your testimony that this letter was sent out before the allegation that [redacted] made to ---

A. It was ---

Q. --- the Spartanburg ---

A. --- definitely sent out before the allegations were made.

Q. Who drafted this letter?

A. I think Jackie did. From what I'm seeing down here -- I was looking at the letters "SC" and "JL." SC would be Shelby Culbreth and JL would be Jackie LaFontaine.

Q. Did you agree with the decision that [redacted] could no longer be able to participate in any functions of Troop 292?

A. I don't know. I mean, it -- I was told after the letter was already delivered.

Q. All right. Do you think it was a good decision?

A. I mean, [redacted] was a good kid; he just -- he was -- he had a vivid imagination. Whether or not he should have

been kicked out of the troop, I was never asked and I didn't have any say-so.

Q. Did you ever object to him being kicked out of the troop?

A. I didn't have any say-so.

Q. Did you ever object?

A. I did not have any say-so.

Q. I'm talking about after the fact. Did you ever object ---

A. It didn't matter. I didn't have any say-so.

Q. Did that bother you?

A. No, it didn't bother me. But you're asking me did I object. It doesn't matter if I objected. I was one out of many, and my opinion wouldn't have counted if it was one out of seven that objected.

Q. But you were also one out of many who were not consulted about the issue; is that fair to say?

A. Scott and Bob and the rest of us were basically just informed. It was the three of them making this decision.

Q. Did you attend the troop meetings?

A. As I said earlier, my child was three at the time. I only attended sporadically and was usually there maybe to help set up and clean up.

Q. Did the committee for the troop hold regular meetings,

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like monthly committee meetings?

A. I wouldn't say committee meetings. They generally met about twice a month.

Q. And when you say "they," who are you talking about?

A. The Boy Scouts, the troop.

Q. Okay. The troop meetings?

A. Troop meetings were generally about twice a month.

Q. Now, I'm talking about committee meetings.

A. No. We did not have that many committee meetings.

Q. When you held committee meetings, where were they held?

A. Generally, they were informal, at our house.

Q. And it's your testimony that, before today, you had never seen this letter, what's been marked as Exhibit 1?

A. I was just told about the letter. I never actually got a copy of this letter.

Q. Whenever [redacted] slept over at your house, was Brian ever alone with him?

A. No. I mean, I was always there at the house.

Q. Was he ever in a different room than you were?

A. It was a large house. I mean, there's no way that I could be in the same room with everybody at all times.

Q. Where is it your understanding that your ex-husband molested your son?

A. In the house is all I know.

Q. He never told you where?
A. No. As I said before, my ex just barely confessed to fondling my son, and only then he claimed he was doing that because he did not want to accuse my son of being a liar.
Q. Did your son ever tell you where the ---
A. No. He has autism. His ability to describe certain things and specific dates and locations isn't very good. He was definitely able to describe the acts, but not where they happened.
Q. Now, let's go back for just a second to what you said your ex -- what Brian Rhinehart actually confessed to. Was it your understanding that he was only saying, "I did it" just to prevent [redacted] from being called a liar?
A. That was his excuse.
Q. In your mind, has Brian Rhinehart ever admitted that he actually did the acts?
A. The only thing that Brian ever admitted to was fondling.
Q. So he did admit to fondling?
A. He admitted to touching his penis.
Q. Have you ever been told or had an understanding of what [redacted]s allegation is, as to what happened and where it happened?

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A. No. All I know is that [redacted] claims that Brian had some sort of sexual contact with him. I don't know. I've never spoken to [redacted] about it. And I'm not privy to that part of the police report.

Q. Have you ever been told that the allegation is that it occurred at your home?

A. I was told the allegations were that it happened at my home, and that's all I know.

Q. Have you ever been told where in your home it's alleged that it occurred?

A. No. Like I said, my son is not good at describing necessarily dates and places that accurately.

Q. Did your ex-husband, Brian Rhinehart, ever take [redacted] in his car to run errands?

A. If [redacted] went anywhere with Brian, it was Brian, [redacted] and [redacted]

Q. Do you know of any occasion where [redacted] was in a car alone with Brian Rhinehart?

A. No. Because of the Boy Scout training, even if -- if we'd had an informal meeting or something and we needed to give [redacted] a ride home, we always made sure there was another adult in the car.

Q. And what about when [redacted] was spending the night over at your house; did you feel like the two-deep leadership concept kicked in then?

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A. Well, it still did. I mean, there was always two people in the house. And they never ran errands or whatever. [redacted] and [redacted] were happy to be in [redacted] room playing video games or watching a movie.

Q. It is alleged on your behalf in this lawsuit that [redacted] [redacted] contributed to his own injuries. Assume for the moment that Brian Rhinehart did molest [redacted] [redacted] Can you describe for me how a 13- or 14-year-old developmentally disabled child would contribute to their own molestation?

A. I don't know, and I've never once tried to make [redacted] out to be an instigator, and I don't appreciate that. I am very protective of my children and other children. And that's just ridiculous.

Q. Can you imagine a scenario where a 13- or 14-year-old developmentally disabled child could contribute to their own molestation?

A. No. They're too innocent for that, and that's just a sick thought.

By Mr. Flowers:

That's all the questions I have. Thank you, Ms. Rhinehart.

By Mr. Walsh:

No more questions. Thank you.

By Mr. Foster:

No questions.

By the Videographer:

This concludes today's deposition of Doni Rhinehart.

We're off the record at 11:27 a.m.

Electronically signed by Vickie Stewart (401-211-214-4086)

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STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE CASE NO. 10-CP-42-2350/2349
JANE DOE, AS GUARDIAN
FOR JOHN DOE,
PLAINTIFF,
VS.
DONI RHINEHART,
DEFENDANT.
AND
JANE DOE, AS GUARDIAN
FOR JOHN DOE,
PLAINTIFF,
VS.
BOY SCOUT TROOP 292, ET AL.,
DEFENDANTS.

DEPOSITION OF FATHER OF JOHN DOE

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 19th day of May, 2011, commencing at approximately 10:10 a.m., attended by counsel as follows:

APPEARANCES:
Gregg E. Meyers, Esquire
Law Office of Gregg E. Meyers
39 Broad Street, Suite 300
Charleston, South Carolina 29401
Attorney for Plaintiff.
James P. Walsh, Esquire
Clarkson, Walsh, Terrell and
1164 Woodruff Road
Greenville, South Carolina 29607
Attorney for Doni Rhinehart.
William H. Foster, Esquire
Nelson, Mullins, Riley and Scarborough
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, South Carolina 29601
Attorney for Defendants Boy Scouts, et al.
Also Present: Kathy Clark
Deposition Reported By: Kay C. Vaughan, CVR
Depositions And..., Inc.
101 Broadus Avenue
Post Office Box 10589
Greenville, South Carolina 29603
(864) 235-3518

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Exhibits: (Attached to Deposition)
Defendant's Exhibit No. 1 Marked 63
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Pursuant to notice and/or agreement to take deposition, the within deposition was taken by the above reporter, a notary public, as required under the South Carolina Rules of Civil Procedure, Rule 30, et al., by

Electronically signed by Kay Vaughan (101-037-122-7304)

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consent of all parties, at the law firm of Clarkson, Walsh, Terrell and Coulter, 1164 Woodruff Road, Greenville, South Carolina.

** ** ** **

Waiver:

It is not agreed by the witness and counsel for all parties that the reading over of and signing of the deposition by the witness are waived.

** ** ** **

The witness was duly sworn to tell the truth, the whole truth, and nothing but the truth of his own knowledge concerning the matter herein.

Father of John Doe 1, being duly sworn, testified as follows:

Direct Examination by Mr. Walsh:

Q. All right, sir. My name is Jim Walsh, and I'm an attorney. I represent Doni Rhinehart and now it would be the estate of Ms. Rhinehart. She has passed away. And I'm here to take your deposition as your -- as Mr. Meyers just indicated. And there's a few things that I wanted to kind of go over, the ground rules, before we start so that we all kind of understand how we're going to proceed today. The lady here on your left is a court reporter. She's talking into that mask and she's

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got all that equipment. And basically what her job is here today is to take down everything we say in this room and make a little booklet out of it. She's going to type it up, and we're all going to get a copy of it and have it to read for later. So it's important to do a couple of things to make sure that we can get that information down accurately. One is to let me finish my question before you start to answer. And then if you're answering, I'll let you finish your answer before I start to ask questions again. This is not some talk show where everybody's going to try to talk over each other. We're going to try to avoid that. It's hard for the court reporter to get kind of multiple voices. So if you're speaking, I'm going to try to let you finish, and if I'm speaking, try to let me finish. If Mr. Meyers or Mr. Foster say anything, we could both stop, try to let them say what they're going to say. And there'll be plenty of time for all of us to be heard. Okay?

A. Okay.

Q. Also, remember to kind of speak up because she's taking down everything that we say. And it's important too, to give a verbal answer to my question rather than an uh-huh or a shake of the

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head. I can see you. I might know what that means. She might be looking, though, at her machine or something else and not realize what your answer was. And again, we just want to make sure we all get the answer that you wanted to give down accurately. Okay?

A. Okay.

Q. And so if you give a nonverbal answer, I may ask you to give a verbal answer. And if I do that, I'm not trying to be rude or intimidate you or anything. I'm just trying to make sure that we all knew what your answer was. Is that fair?

A. Yes.

Q. Also, if you don't understand my question, just tell me. I'm not trying to trick you or confuse you with my questions. I'm just trying to get the information from you. But if you don't understand and my question doesn't make sense, just let me know and I'll be glad to rephrase that for you. Okay?

A. Okay.

Q. And if you don't stop me, though, I'll assume that you understood my question. Okay?

A. All right.

Q. This deposition will probably go a little while because there's two cases that we're here about.

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There's a case against Ms. Rhinehart and there's also a case against the Boy Scouts and some other defendants. And so there's two sets of questions that might kind of be asked by myself and Mr. Foster. So in case -- this probably will go on until after lunch. But I wanted to tell you if you need to take a break, if we're going too long for you, just tell me. I'll be glad to give you a break. If I'm in the middle of a question I might want to finish that question and get that -- or that line of questions kind of done. But if you need a break, make a call, step outside, whatever you need to do, just let me know. Okay?

A. I will.

Q. Okay, good. Also, the final thing I'm going to say before we start is if you have a question about my question or whether you should answer it or what you need to say about it, please direct those questions to me. Under the rules of South Carolina Court I'm instructed to tell you that if you have a question about the process or about what's going on, just ask me and I'll try to help you get those answers. Okay?

A. Okay.

Q. Okay, good. All right. So tell me your full name,

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please.
A. Father of John Doe 1.
Q. Mr. Father of John Doe 1, where do you live?
A. Lamar, South Carolina.
Q. What is your address there?
A. [redacted].
Q. Do you live there with anyone?
A. With my wife, [redacted]
Q. And what is her last name?
A. Stepmother of John Doe 1.
Q. Does she have a maiden name?
A. Yes, sir. That's [redacted]
Q. How long have you and Ms. [redacted] been married?
A. Since May the 5th, 1999.
Q. Have you been married before?
A. Yes, sir.
Q. How many times?
A. Let's see; three others.
Q. Three other times?
A. Uh-huh (affirmative).
Q. Do any of your ex's live in the Spartanburg County area?
A. No, sir.
Q. What were the -- let's start with the first one. How did that marriage end?

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A. We ended in divorce.
Q. Where was that divorce?
A. In Chesterfield County, Cheraw, South Carolina.
Q. What were the grounds of that divorce?
A. We just chose to live apart.
Q. About when was that do you think?
A. '71. 1971.
Q. What's your date of birth?
A. May the 5th, 1950.
Q. How long were you married to that first person?
A. About two years.
Q. What was her name?
A. [redacted].
Q. Did you have any children with Ms. [redacted]
A. Yes.
Q. How many?
A. One girl, [redacted] and one adopted child. [redacted]
Q. And where do they live?
A. Patrick, South Carolina, and North Myrtle Beach.
Q. Where is Patrick, South Carolina?
A. It's near Cheraw. Hartsville area, Hartsville/Cheraw area.
Q. What are their names?
A. [redacted]
Q. [redacted] and what was the other one?

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A. [redacted]
Q. Are you a grandfather with them? Do they have any kids?
A. Yes, sir.
Q. How many grandkids do they have?
A. Two a piece.
Q. Do you have contact with them?
A. Yes, sir.
Q. How often do you see your grandkids with them?
A. A couple of times a year.
Q. And then let's talk about your second marriage.
A. Okay. Her name?
Q. Yes, sir.
A. [redacted]
Q. And where were y'all married?
A. In Chesterfield, South Carolina.
Q. Is that where you're from?
A. Originally Rock Hill, but Chesterfield's where I grew up until the age of 12, 13. But I was still in the Cheraw area, the Chesterfield County area, Cheraw and Chesterfield. My dad owned some stores in that area, and we were kind of here and there, but always in the county.
Q. And so this lady, the second wife was -- who was that?

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A. [redacted]
Q. [redacted]. Okay. And how did that marriage end?
A. In divorce.
Q. And what county was that in?
A. That was in Chesterfield County.
Q. And what were the grounds of that divorce?
A. Incompatibility.
Q. And did you and Ms. [redacted] have any children?
A. No, sir.
Q. And is she still around anywhere near?
A. Yes, sir. As a matter of fact, she worked for years with my wife now at Carolinas Hospitals in -- on the Pamplico Highway in Florence. But now I think she's -- [redacted] left for a pediatrics job just recently.
Q. And about when was that marriage ended?
A. '76.
Q. And then what about your third marriage?
A. Okay. It was to John Doe 1's Mother.
Q. And where were y'all married?
A. In Chesterfield County. Actually, in Chesterfield, South Carolina.
Q. And how did that marriage end?
A. In divorce.
Q. And what were the grounds of that?
A. I'm trying to think of exactly how to say it. She

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was diagnosed with paranoid schizophrenia, and we became incompatible.
Q. About when was that divorce?
A. That divorce was in 1994 or 1995. I just don't remember right offhand. '94.
Q. About how long were y'all married?
A. Four years.
Q. Did you have any children with her?
A. Yes.
Q. Tell me about that.
A. John Doe 1.
Q. And so John Doe 1's mom is John Doe 1's Mother -- did you say [redacted]
A. That was her maiden name.
Q. And where is she now?
A. In New York, Elmira, New York.
Q. Is that Upstate, Elmira?
A. Close to Binghamton. Binghampton, as they might call it.
Q. Binghamton?
A. That town -- city, yes. Elmira, Mark Twain's lived there for a while. It was 101 [redacted] Lane, but I think she has just moved, and I don't know where, but she's still in that area.
Q. So you and Ms. [redacted] had John Doe 1 together?

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A. Right.
Q. Did you have any other children?
A. No.
Q. Do you see Ms. [redacted] ever now?
A. It's been a few years, because the drive to New York is -- well, you know, I don't have the time or -- to do that right now. I think it was in 2004, was probably the last time.
Q. And now with [redacted], you said you-all were married in '99; is that right?
A. Yes, sir.
Q. So that's been, at least from the longevity standpoint, the best one of the four?
A. Correct.
Q. Right? Because you've been married to her for almost 12 years now, it sounds like?
A. Yes.
Q. Do you and Ms. [redacted] have any children together?
A. No.
Q. Excuse me. Let's just go off the record for a second.
(Off the record at approximately 10:25 a.m.; back on the record at approximately 10:25 a.m.)
Direct Examination Resumed by Mr. Walsh:
Q. So what is your date of birth?

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A. May the 5th, 1950.
Q. So were you married on your birthday to Ms. [redacted]
A. Yes.
Q. That's great.
A. And there was a Mexican restaurant right down the street. Cinco de Mayo, so ---
Q. Oh, okay. There you go. So you're -- 5/5/05 is your -- that's good. Now, let me ask you just a couple of questions off of your background. You are John Doe 1's biological father; is that right?
A. That's right.
Q. And the lawsuit is captioned Jane Doe as guardian for John Doe. Do you know who Jane Doe is?
A. I don't.
Q. Do you know about the lawsuit, you know, that there had been a lawsuit filed, and were you involved in having input into that?
A. Initially in Spartanburg there was a -- we were asked to file for damages with the solicitor or somebody. I can't remember the exact person's name. But I did that at the time.
Q. You say you filed for damages with the solicitor?
A. Well, I'm not sure. I can't remember. But it was a form I was given to fill out.
Q. Let me go back one step. The solicitor is the main

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prosecutor for the county; right?
A. Right.
Q. And he handles criminal cases.
A. Okay.
Q. Criminal charges get filed against somebody.
A. Okay.
Q. And are you referring to in the course of charges that might have been levied against James Brian Rhinehart, you were asked to fill out some kind of victim impact statement?
A. That's exactly what it was, the victim impact statement.
Q. And so at that point -- I understand that was in 2005. Does that sound right to you?
A. Yes.
Q. As part of the criminal process involving Mr. Rhinehart, the state asked you to do some things, if you were interested as a victim and of the family in executing some paperwork about that crime; is that right?
A. That's right.
Q. So beyond that then -- well, did you collect any money from Mr. Rhinehart at any point?
A. No, sir.
Q. Now, obviously there's a lawsuit filed here. That's

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why we're here. You understand that; right?
A. Right.
Q. Well, let me ask you, do you understand what the claims are in the lawsuits that have been filed?
A. No, I only know what my family went through. I don't know the technicalities of all the paperwork that we are exposed to now.
Q. How old is John Doe 1?
A. He is now 20.
Q. And where does he stay?
A. He has been with his mother in New York, but he emailed me the other day and said he was coming down to his grandmother's in Campobello, South Carolina for a visit.
Q. How long has he been living with Ms. John Doe 1's Mother?
A. Less than a year. A year -- less than a year.
Q. Do you know what he's doing there? Does he have a job? Is he going to school? What does he -- does he have any things that's going on with his life?
A. As far as I know, he is -- he has an -- I think it's called an SSI check or he gets support from the state of New York. To the best of my knowledge, that's what it is.
Q. He's got some kind of disability check that he gets?

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A. Yes.
Q. Do you know what the nature of his disability is?
A. He was diagnosed paranoid schizophrenia and Bipolar Disorder.
Q. Is that similar to the diagnosis that his mom has?
A. Hers -- she -- paranoid schizophrenia is -- was her diagnosis at one time. And I don't know about the bipolar, but they do share the paranoid schizophrenia diagnosis.
Q. What are the symptoms that your wife would exhibit of paranoid schizophrenia?
A. Just hyper-reactivity to situations that would not really bother another person so much. Like she said she couldn't live in trailers because the tin vibrated and radio signals came through the tin in the trailers and made them vibrate. And like if you would go to, say, crank up a car and the starter would drag or it would make a scraping noise, she would jump out of the car. Just ---
Q. Was that something that she didn't have when you first got married?
A. It's something that when she took medication she was a lot less apt to react that way.
Q. And does John Doe 1 have the same kind of symptoms?
A. Yes.

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Q. Did he have those at an early age or did they come on later in life?
A. At a pretty early age.
Q. Did you understand that you're not -- I can understand you didn't know John Doe 1's mom when she was a child. But do you understand that her symptoms were evidenced at an early age, or did they come on later?
A. I tend to believe that they were early on.
Q. So is John Doe 1 able to kind of fend for himself? I mean, is he able to live without an adult, responsible adult, supervising him?
A. He can fend for himself physically probably now, because he weighs -- I think he's like 200 pounds and about 5'8". But he's -- but as far as his social adaptive skills to actually day after day work a job, I don't think so.
Q. So like on a day to day basis, if he's got the financial support to live, he's got a place to live and got food, I mean, is he able to go grocery shopping, is he able to cook? Is he able to live like that?
A. Yes, I believe he could now. He can cook an egg better than I can. But -- and grocery shopping, he's -- I think he would do okay.

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Q. Does he have a driver's license?
A. Not at this point.
Q. Has he had one before?
A. No, not that I'm aware of. He's never told me about having one.
Q. Would you believe that he was capable of getting a license and driving?
A. He has driven before. And he drove down the interstate as -- we were called actually by the highway patrolman, said that they picked our son up at an exit about ten miles away from our house. So I know he can drive, but ---
Q. Was that an unplanned driving expedition?
A. Yes.
Q. And when was that?
A. That was around 2004. Pretty close -- somewhere around 14, 15 years old.
Q. And whose car did he have?
A. Well, it happened on two different occasions. One time it was our car, [redacted] and my car. And in another instance, it was his grandparents', maternal grandparents' car.
Q. He took the car without permission, I guess?
A. Yes.
Q. And where was he going on these trips?

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A. One time he said he was going to John Doe2's house, Doni's son's house. He didn't get very far and -- before he was stopped. And another time he was going to see his mother in New York, but he finally figured out he didn't have enough gas.
Q. Where was he found that time?
A. I think -- I'm not sure.
Q. And I think I might have seen something, that maybe he was in Asheville?
A. Something like that, you know. I'm just not quite sure if it was Anderson at -- well, it wouldn't have been Anderson. I don't know if he went the right way or not.
Q. Now, I asked you, I think a few minutes ago if you knew who Jane Doe was, and you said you did not; is that right?
A. Right.
Q. Do you understand, though, that Jane Doe may be John Doe 1's grandmother?
A. What I might have thought, what I think I thought, was maybe he was a minor, because it's -- a minor because they're under age or something, that they would have to go by. But I don't know that ---
Q. Well, it's Jane Doe as guardian for John Doe.
A. Okay.

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Q. John Doe, I think would be -- presumably would be John Doe 1.
A. Okay.
Q. So the filing of the lawsuit, the two lawsuits that we've got here, I will represent to you that I believe that the filing of the two lawsuits is separate from dealing with the solicitor about the victim impact, that they're two different things. Were you involved in the decision-making process to assert claims and file lawsuits against the defendants in these two cases?
A. No. I don't believe I was, because I was -- I did the victim impact.
Q. Right.
A. Okay. And then, you know, I was still trying to get through school, you know. But it was -- things were starting to get more and more difficult. And I -- that's all I remember doing.
Q. So when did you become aware that these lawsuits, the Jane Doe as guardian for John Doe lawsuits, were filed?
A. After -- we did go to Michael Jeffcoat, now. You know, that was later on. And I'm trying to -- I know [redacted] and I both went, because we just wanted to find out what was going to happen, because the

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court -- after I filled out that impact statement, the court said they tried to get in touch with me. But I had a little cell phone, and I didn't -- I rarely answered it because if I saw an 864 I'd say, oh, they're just some local person calling me. I think they did call me one time, but I didn't answer the phone, and they never called back. And so then Rhinehart became incarcerated. And we started thinking what should we do, you know, because of what John Doe 1 had told us. So then we went to -- it's been six years now, four. So I -- it's hazy, but we went -- I know we went to Mr. Jeffcoat, hence Mr. Meyers.
Q. You sought some legal advice?
A. Right.
By Mr. Meyers:
Jim, could I -- sorry to interject. But I realize that I had this conversation with Bill, but it was before you came in. I had suggested that we, in the course of the question and answers, use the actual names for John Doe 1 and for John Doe 2. But I'll stipulate that the court reporter could substitute those in the transcript. It makes it real easy to have the conversation, but it protects people if something gets filed.

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By Mr. Walsh:
Okay.
By Mr. Meyers:
Is that agreeable?
By Mr. Walsh:
That's fine.
By Mr. Meyers:
And if we can agree that we could use John Doe 1 for John Doe 1, John Doe 2 for John Doe 2. Is that okay?
By Mr. Walsh:
That's fine with me.
By Mr. Meyers:
All right. Sorry. Sorry to interrupt.
By Mr. Walsh:
That's okay. No.
Direct Examination Resumed by Mr. Walsh:
Q. Okay. So you and [redacted] went and spoke with some attorneys about your legal rights?
A. Right.
Q. Back sort of right after this whole thing with Mr. Rhinehart came out? Is that what you're saying?
A. Yes. Yes.
Q. Then do you know how it went from that to lawsuits being filed that you were not -- you're not the

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named plaintiff or guardian of John Doe 1?
A. Not really.
Q. If I was to tell you that it's my understanding that Jane Doe -- and who is she? Who's Jane Doe?
A. That's John Doe 1's maternal grandmother.
Q. It's my understanding that she is supposedly Jane Doe. Do you know how she became involved as the guardian for John Doe 1?
A. It -- at the time all this happened she would keep John Doe 1 from time to time. But it got to the point where it was so stressful for me -- I lost my financial aid at Sherman Chiropractic College because I had to take John Doe 1 to New York to be with his mother because he wouldn't take no for an answer. We didn't really know why, but he just kept on and on and on. It was exam time. And I had lost my financial aid due to the fact that before then -- after the molestations happened, I had to -- I didn't get to finish one of the quarters in school. So the next quarter I had to make straight A's to keep my financial aid, which I didn't do. So -- but I was able to transfer to Life University in Georgia. And so Jane Doe kept John Doe 1 during that time. And we tried to get a loan that way. But as it came about I never did graduate from

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school. But she was helping with John Doe 1. And I became to where I was just destitute then. And Beverly moved back to her home in Society Hill, South Carolina. I didn't have anywhere to go or a job or anything, so I moved in with a friend in Chesterfield, South Carolina, while -- it's getting kind of complex now -- because after the molestation, John Doe 1 attacked [redacted] and she -- with a knife, and she was so distraught that she couldn't deal with it. And so she left, and so I was there by myself. So I went and stayed with a friend and John Doe 1 stayed with Jane Doe. They had the financial security to help with John Doe 1.
Q. That was a lot of information you gave me there.
A. I know. It's tough to keep straight.
Q. I understand. So is someone -- as you understand, does John Doe 1 have a legal guardian?
A. Okay. Yes, because I signed custody to Jane Doe when he was still a minor, which was -- I think it would be around 2007, late 2007, I think, November or December. So he was actually in her custody.
Q. What year did you say that was? I'm sorry.
A. Two thousand -- I'm sorry. 2006. Thanks for correcting me. It was 2006.
Q. So does John Doe 1 -- he's obviously an adult now.

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He's 20 years old or so; right?
A. Right, he's 20.
Q. Does he need to have a legal guardian for his affairs?
A. I would think so.
Q. What is his condition that would require -- not just diagnosis, but what can't he do that someone needs to help him with?
A. I would think manage his financial affairs.
Q. So if he gets the -- if he gets a disability check and it's -- say it's directly deposited into some account, does he need somebody to help him like spend the money and he won't understand how to spend it the right way?
A. I think he would need help.
Q. So do you understand that Beverly does that now? I'm sorry, not [redacted] Jane Doe does that now? Does she help him with his money?
A. Yes.
Q. So how does she do that when he's with his mother?
A. Her mother has -- her mother -- John Doe 1's mother?
Q. Yes, sir.
A. His ---
Q. That's her daughter; right?
A. Right.

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Q. Jane Doe's.
A. She's pretty frugal. I mean, she knows how to stretch a dollar.
Q. So she can handle the money?
A. Yes.
Q. So even though she's got somewhat of a similar diagnosis in some respects ---
A. Uh-huh (affirmative).
Q. --- she can handle her own financial affairs?
A. Uh-huh (affirmative). Plus, she has a friend, a boyfriend, [redacted] who is really sharp with money.
Q. So then does ---
A. And excuse me for interceding, but ---
Q. Sure.
A. --- they also have -- my former wife, John Doe 1's mother, has a child with Eric in New York who is I think four years younger than John Doe 1. His name's [redacted].
Q. Okay.
A. So they're pretty close knit.
Q. And so does Jane Doe, as far as you know, does she have a -- sort of a day to day or week to week sort of input into how he spends his money, or does that get handled by John Doe 1's Mother, the mom, because

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he's living with him right now?
A. I would think that even though that space between South Carolina and New York, Jane Doe would still have some sway in what was done.
Q. Do you know from your own knowledge what -- how that arrangement works between John Doe 1, Jane Doe, and John Doe 1's Mother, and how they handle John Doe 1's affairs? Or is this just kind of what you think you -- I guess I'm just making sure what you know.
A. Okay. I don't know for sure, but I know they've never had any problems with the money situation.
Q. Other than the money situation, does Jane Doe -- do you know if she gets involved in kind of his medical care or, you know, kind of his well being other than -- or does she rely on the mom to take care of that?
A. She's involved.
Q. What does she does to be involved that you know?
A. She actually goes to the doctor with him, make sure his prescriptions are filled, inquires for doctors. I mean, when he was on -- well, he still is on disability. She would seek out -- she would still seek out doctors that she would pay for herself. If she didn't think one doctor was sufficient, she would go to private practices.
Q. How does she do that with him being in New York?

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A. I don't know, except for her communication with John Doe 1's Mother. That would be all that I know, but they stay in touch. Plus, Eric is in on it too. I mean, he knows what's going on.
Q. Is John Doe 1 able to -- like if we had him in here today and we were talking to him, is he able to just carry on a conversation and talk and just, you know, talk about the weather and the ball game and stuff? I mean, what kind of level of communication skills does he have?
A. He could answer questions. He might be a little bit slow about it, but he would. He would answer them, and I believe he would answer the questions truthfully. He doesn't instigate conversations much.
Q. He's quiet?
A. Uh-huh (affirmative).
Q. Right. And so like if we were just having a conversation and he -- you know, I tried to engage him in the conversation does he have hobbies that he talks about and things? Does he like to watch certain shows or listen to a certain kind of music or see movies, or things like that?
A. Yes. But he would say that I like such and such a movie, and then that would be it. I mean, there's

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not -- he's not going to expound on it.
Q. You've got to draw it out of him?
A. Yes. That's ---
Q. So does he have like a reasonably good memory? I mean, like if he saw a movie last month would he remember that or ---
A. Yeah. His memory is pretty good.
Q. And you know, does he -- you know, is he able to -- like for example, you mention John Doe 2 as a -- and I guess that was one of his friends at some point; is that right?
A. Right.
Q. Would he remember John Doe 2?
A. Oh, yes.
Q. He would? Would he remember where he went to school?
A. Yes.
Q. The names of the schools and like some teachers and things like that? Would he remember ---
A. Yes, he would.
Q. Do you think he remembers the incident that occurred involving Mr. Rhinehart?
A. Yes.
Q. Have you had any conversations with him in the last several years about this whole Rhinehart -- Mr.

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Rhinehart incident and allegations?
A. A few times.
Q. And when was the last time you talked to John Doe 1 about that?
A. I think probably it's been a couple of years now since I've actually talked about Rhinehart himself. But I think John Doe 1's view of Rhinehart, the last time I spoke with him -- and he kind of -- he steady would back this up. He said Brian had problems, but he thought he was basically a good guy. That's the gist of what I gather John Doe 1's outlook to be about Brian Rhinehart.
Q. Would there be a reason why in the last few years that his name would come up, that there would be even a conversation about that?
A. Not really. Not until now.
Q. Right. So in the few times over the last few years this -- that you and John Doe 1 have had a conversation about Mr. Rhinehart or the events surrounding him, do you know how those even came up?
A. Probably just me probing to see how John Doe 1 is doing emotionally.
Q. So what would you -- tell -- give me an example of kind of how you would engage him?
A. I really asked him to -- is there anything he hasn't

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told me, mostly. And he says no, that's everything. And that's when he says -- would go on to say that -- how he felt about it.

Q. He'd say that he didn't think Rhinehart was a bad guy?

A. No.

Q. So in your opinion as his father, would John Doe 1 be able to sit in a room like this and have his deposition taken?

A. I think so.

Q. Or would that freak him out?

A. I don't think it would freak him out.

Q. As long as we, you know, asked questions like in a normal manner and, you know, were respectful of him, you think he could?

A. I think he could, yes.

Q. Now, you mentioned that at some point Jane Doe -- you basically signed over legal right for Jane Doe to supervise John Doe 1's affairs; is that right?

A. That's right.

Q. Was there some kind of document that you generated?

A. Yes. It's at the Courthouse in Chesterfield, South Carolina.

Q. Now, John Doe 1's Mother, what was her role in John Doe 1's life? And was she -- did she keep him some

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during his -- up until recently? Obviously, he's there now. Like through his teen -- up through his teen years, was she keeping him? Were you keeping him? Were the grandparents keeping him? How did that all work?

A. Okay. His mother kept him mostly up until myself and my mother -- my mother, who's passed away now, John Doe 1's Mother and my dad, he lived at our house for -- until about 1995. That was the first four years of his life.

Q. You say our house being yours and John Doe 1's Mother's?

A. Yes.

Q. Y'all were together at that point?

A. Yes.

Q. And then y'all separated?

A. Right. And then he still lived with me part-time and the grandparents at that time who lived about two miles down the road in Chesterfield, between Chesterfield and Cheraw, South Carolina.

Q. And that was your father?

A. That was my father and mother, and John Doe 1's maternal grandparents. It was me, his paternal grandparents, and his maternal grandparents were right down the road, and then he was back and forth

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between there.

Q. So how long did that arrangement last?

A. About a year.

Q. So how would that work? Would he stay at all three places?

A. Yes, but they were all within two miles of each other.

Q. And then what happened?

A. They my wife met a fellow from New York who was down here, and they moved to New York.

Q. Your wife, John Doe 1's Mother?

A. Yes. They moved to New York.

Q. And then where did John Doe 1 go?

A. John Doe 1 was still with me from about '96, 1996 until '99. But the grandparents, Jane Doe, was right down the road.

Q. So in that three-year period was John Doe 1 with his mom?

A. No. He -- no, not at that time.

Q. Wouldn't even visit?

A. No. She was too far away. And -- until 1999.

Q. And so in that three-year period were your parents also involved in helping out with John Doe 1?

A. Yes. My mother was, but my dad passed away.

Q. So during that three-year period did John Doe 1 live

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with each of you at different times or just visit the grandparents? I mean, was he actually living --

A. He lived both places at -- well, he might live for two or three months with his grandmother and then come back with us.

Q. So what was going on that he would go back and forth and live with them for a while and then come back with you?

A. Because they were so close. Because of the closeness of ---

Q. Well, was there some reason why you didn't have him the whole time?

A. Yeah, because I would work. And my mother was beginning to get old, and my dad had passed away. And I worked in the daytime with the town, the Water Department in the town of Cheraw. So they would keep him in the daytime sometime, and I would keep him, you know, when I wasn't working.

Q. And so then what happened at nine years old?

A. I married [redacted] and we moved to her house. And his -- Jane Doe and Jane Doe's Husband moved to Spartanburg -- well, actually Campobello, where Jane Doe's Husband's parents are from.

Q. That's Jane Doe's -- that not [redacted] father?

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That's her stepfather?
A. Right.
Q. So they moved, and then so did that -- what did that do with John Doe 1? Did John Doe 1 go with them or stay with y'all?
A. He stayed with us. But after I got married, we wanted to try something new. So I said, well, there's the chiropractic school. Well, actually, we got in a little wreck, [redacted] and I did. And we went to a chiropractor and we found out there was a school in Spartanburg. So I said, well -- I found out that I qualified to go there. So we went there. And she started working at Mary Black, and I went to Sherman then.
Q. Did you ever graduate from Sherman?
A. No.
Q. Are you currently working now?
A. No. Only as a dishwasher for my wife.
Q. Did you ever work in the chiropractic field?
A. No. Not professionally, no.
Q. How much schooling in chiropractic did you get?
A. I got all of my -- everything -- I got into my clinicals. Got all the general education and got into the clinicals when I had to drop out.
Q. Why did you drop out?

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A. Because there was just -- there's too much going on. John Doe 1 had become -- what's the word I'm looking for? He just was so disruptive, I couldn't keep my mind on studying. Plus, it's gotten to the point where [redacted] was distraught by some of his actions, attacking her and rebelling against going to school, and I didn't have any help.
Q. When were you in chiropractor school?
A. I started around 2001, and I was there to 2005.
Q. So from 2001 to 2005 John Doe 1's behavior became more disruptive as time went by?
A. Yes.
Q. What was he doing?
A. In general. At the very end we tried to get him to go to school. I mean, just the school that he attended. And he didn't want to go. This was like in October, maybe the October or November of 2005. And I couldn't talk him into it. I said, [redacted] see if you can talk him into getting him to go. But the next thing I heard was a scream. Then I heard a scream, and I walked in there and she was holding her hand. And he had a butcher knife, and he had stabbed her on the wrist. And so I got a chair and put it up in front of me and said, "John Doe 1, put that knife down." And then he kind of just threw it

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down, but then he ---
Q. So that was the culmination of kind of years of sort of turmoil?
A. That's what I thought. That's what the psychiatrist at William S. Hall said.
Q. So what was going on like in 2001 and 2002 that it was getting harder for you?
A. Well, we were starting to make some progress with John Doe 1. And then we found out around 2003 actually we were doing pretty good, but he didn't have any friends, you know, really at school. Then he found out about this special needs Boy Scouts Troop. And we -- Eric -- Jane Doe liked it and [redacted] liked it, and it sounded like really good. So we got him in there. And initially he was really doing good then. He had some people he could associate with, and he was having fun and doing things. And we thought we -- you know, we'd hit the jackpot.
Q. So from nine years old until -- so that would've been, what, 1999; is that right, that he was nine?
A. Actually, he -- '91 was when he was born, so he would've been eight.
Q. But it was 1999?
A. That was when I married [redacted] I actually started

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chiropractic school, and I still worked for the Water Department some then. But 2001 -- actually, I -- you know, I started school -- I remember because it was right after 9/11/2001. It was the proceeding October, October the 1st of that year, 2001, I started chiropractic school.
Q. And so from that time until John Doe 1 was 15 was he living with Jane Doe?
A. No. He was living with us, but he would go visit Jane Doe.
Q. And would there be a reason why he would go stay with Jane Doe some? Like would you all get into some kind of dispute and he would go stay with them for awhile or, you know, any particular explanation for how that would work?
A. No. They just wanted him to come.
Q. And how long would he stay? Would he stay like weeks at a time?
A. Yeah.
Q. Let me kind of go through a couple of other things, and then we'll come back to all that. What is your social security number?
A. XXX-XX-XXXX.
Q. And you said at this point you are not working other than dishwashing for you wife; right?

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A. Among other things, taking out the roll-aways, trash.
Q. What's the last place you worked? Where was that?
A. I worked for Collins Painting. I painted houses back in 2007.
By Mr. Meyers:
Jim, do you mind if his social security number is not on the record so if it's publicly filed? The courts are getting increasingly sensitive about that stuff.
By Court Reporter:
You want me to X it out?
By Mr. Meyers:
Yeah, if you would.
By Mr. Walsh:
Yeah.
By Mr. Meyers:
Is that okay?
By Mr. Walsh:
Yeah, that's fine.
Direct Examination Resumed by Mr. Walsh:
Q. So you painted houses in 2007?
A. Uh-huh (affirmative).
Q. The outside, inside, both?
A. Both.

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Q. How long did you do that?
A. A year of 2007 and half of 2008.
Q. And why did you stop working there?
A. Because the guys kept stealing all my tools.
Q. You had to provide your own tools?
A. Well, my wife -- [redacted] girlfriend's -- no, [redacted] daughter's boyfriend was my foreman, you know, and he would give me tools. But the younger guys would steal them from me. Plus, I started getting dizzy on the scaffolding, because the three-story scaffolding was getting kind of shaky. But it was mostly just being robbed all of the time.
Q. Where did you work before that?
A. Well, I went to school from 2001 to 2005. Before then, I worked for the town of Cheraw Water Department.
Q. And what did you do there?
A. I was environmental systems specialist. I'd run tests on the water to check, you know, for certain bacteria and how much oxygen it contained; was it, you know -- was it able to go back in the river; was it clean enough to drink; was it clean enough for the people; was it clean enough for the fish and ---
Q. How long did you work for the town of Cheraw?
A. From 1988 to 1999.

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Q. Why did you leave that job?
A. Because I -- to get my 401K money to help [redacted] pay her house off.
Q. Why would you have to stop working to do that?
A. I just thought you did at the time. I was -- that's what I decided to do at the time. I think -- well, I wasn't going to build a house. I was going to help her pay hers off, and I thought that would be the way to get the money. Plus, I thought I would -- you know, I found out there was a job at Perdue coming open, but it was just for 90 days. So I helped them set up a waste treatment facility at Perdue Farms in Rockingham, North Carolina, right after I left the town in 1999, and I worked there for 90 days. They said we just need you for 90 days, so I didn't work there anymore. And then I went with Swift Trucking in Spartanburg. That's kind of how we got in the area of Spartanburg. I think it's right down the road.
Q. Were you a driver or did you work in operations or ---
A. I was a driver.
Q. How long did you drive for Swift?
A. For about a year.
Q. Now, did you voluntarily leave the town of Cheraw

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job or were you asked to leave?
A. I voluntarily left.
Q. And what happened with the truck-driving job?
A. I drove for a while, and then [redacted] called me and said that she just couldn't handle John Doe 1 at home by herself anymore.
Q. And when was that?
A. The year 2000, late 2000.
Q. What was he doing in that year that was making it hard for [redacted]
A. When she -- okay. One for instance would be ---
Q. Then he was, what, 10 or 11 at that point?
A. Approximately. And she would take him to a doctor's appointment, and if he didn't want to go he would take the keys and just throw them away or hide them or -- he's always been kind of clever about not doing what he didn't want to do. And it just got to be too much for her. I'm trying to think of some more for instances. He would just run. And she couldn't -- he'd always run fast. And she -- I couldn't outrun him early on in life, and she couldn't either.
Q. So like would he just -- I mean, at that age was he not wanting to do his homework? He wasn't wanting to go to school?

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A. He went to school, but ---
Q. Was he cutting school?
A. No. He was cutting up in school. He was disrupting.
Q. So you were getting calls from the principal ---
A. Uh-huh (affirmative).
Q. --- and the school office about his behavior?
A. Uh-huh (affirmative).
Q. And she was having to go down there while you were on the road?
A. Right. And I would go with her when I was home, but we would have like school psychologist coming up with all these ideas, like are you abusing your child, does he have lead poisoning? See, John Doe 1 was in a sense of hot potato psychologically speaking. He was neither here nor there. He wasn't incapacitated where we had to go around -- he needed a wheelchair, but he wasn't a normal student either.
Q. So physically he looked normal is what you're saying?
A. Right. And that was the biggest problem we had. That bipolar diagnosis wasn't that popular then. Plus, they don't want to diagnose a child for paranoid schizophrenia until, I think he's 17 or 18 years old. So we were just -- it was us against the

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world.
Q. What were his symptoms? What are his symptoms of bipolar that are different than the paranoid schizophrenia, if you can differentiate that?
A. I don't know. The first thing that comes to mind is St. Paul when he says when I'm doing one thing, I feel like I need to be doing another. I don't know if I can make it much clearer or if you can catch where I'm coming from, but it's like ---
Q. He couldn't concentrate and focus?
A. Yes. He could do something, but while he was doing it, he said what kind of bird is that that just flew by, you know, and when he was doing one thing he was dedicating himself to thinking about something else. That's the thing.
Q. When you got this job driving the truck, I assume you were an interstate truck driver? You would leave the state and be gone for a few days at a time?
A. I was regional, but I'd be in Florida a lot.
Q. Was that around -- was he showing signs of behavior in that -- around 2000 or so that was different than what he had been like before? Was there a change or was he getting worse, or how can you -- can you explain that to me? Or was it just that you weren't

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there anymore to be around to help out?
A. Well, when I was there, I was seeing that he was becoming more clever to get what he wanted.
Q. And so are you saying that as he as getting older and mature, he was getting -- he was figuring out how to sort of do the things he wanted to do? He was smart about those kind of things? He could manipulate the situation to the way he wanted to?
A. Yes.
Q. And so when he was younger was he having problems -- like was he in -- I don't mean this in any negative way, but in regular school ever? Was he like in a regular classroom, you know, or was he -- because I've read some stuff where he was put in like a separate kind of class setting. Was he identified at a very early age that he had special needs or did that come later?
A. He was identified to have needed a class that would -- could cater to his special needs. But finding the type of class that he needed more or less didn't exist. It was neither here nor there.
Q. The public school setting was having trouble accommodating his needs?
A. Yes.
Q. Right. And so did his behavior just kind of

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consistently get more difficult every year he got older? Is that kind of -- or did it just all of a sudden around 2000 it just changed?
A. When he -- it changed when he found people that were like him, that had behavioral problems similar to his. That's when he -- that's when there was an ebb to it then.
Q. So what happened in 2000? You stopped working at the Swift job?
A. Yes.
Q. And then you were -- and then did you go back to work?
A. I worked for a friend in a recycling center for a small amount of time -- let's see when this was -- from late 2000 to around the September of 2001. And it's just a can crushing plant, so to speak, aluminum cans.
Q. Well, what did you do?
A. I just drove a tow motor and tow-loaded trucks.
Q. After that job did you work anywhere besides Collins Painting? Like you took the recycling job?
A. Okay. After ---
Q. You went to school at some point?
A. Yeah, I went to school.
Q. Were you working anywhere outside of school while

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you were going to school?
A. No.
Q. So you said like 2001 to 2005 you were going to Sherman?
A. Right.
Q. And then when you left -- what caused you to finally stop going to Sherman?
A. It just got to be too much. It was just too rigorous an endeavor to have to do everything I had to do and to put -- and to be tolerant of the people that were in my life. And I was trying to do one thing and getting anti-support from people. And it just -- I couldn't do it anymore.
Q. So have you had any outside employment since Collins Painting?
A. One.
Q. Where was that?
A. Well, I did get my CNA license. I thought I'd help [redacted] out some. And I do, but not really in that sense. It's just doing everything around the house. But I didn't -- there was one fellow ---
Q. Well, what do you -- what is a CNA?
A. A certified nurse assistant.
Q. No. But how does it have to do with help around the house? Is there ---

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A. Well, [redacted] a nurse. So I mean, it's not exactly ---
Q. How do you help her by having your CNA?
A. I keep the house clean. But that's -- I was going off on a tangent.
Q. Okay.
A. There was one fellow, his name is Bubba Fredriger (Phonetic). He had a aneurism in his frontal lobe. He was -- he hated his sister, who was a nurse who was taking care of him. And she said she needed a male CNA to help with her brother. So I went around there. And the first day I was there, I got along rather well with him. When she got home, you know, she said he doesn't like me very much. And she went in there and he just -- he kicked her and knocked her up against a chest of drawers. And she called the police on him. She said will you help me get Bubba up? I put my foot down right there with his foot was. I said he can push off on me, but I'm not going to touch him and that aneurism bust loose and he have a hemorrhage and die and you sue me. Because I could see right there that she was volatile, and I never went -- I never done any CNA work.
Q. So you've had a variety of educational experiences.

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What -- before chiropractor school, what was your last grade of schooling?
A. A mathematics degree in -- BS in mathematics from Francis Marion.
Q. And when did you get that degree?
A. 1986.
Q. You were 36 years old at that point?
A. Uh-huh (affirmative).
Q. What made you decide to go back to school and get your degree?
A. The National Guard. I joined the National Guard and they said we have grants to go to college, so I went.
Q. How long were you in the National Guard?
A. From 1982 to 1986.
Q. What made you decide to join the Guard at 32?
A. Well, my father owned a small chain of what they called dime stores back then, Father of John Doe 1 Five and Ten. And the Wal-Mart competition had hurt our sales over the years. So I said I'll just go join the National Guard and that'll help us. You know, we had three stores and four family members. So when business got slow we would like lay one of them off and they would draw unemployment. But I said let's just put a new twist on it and I'll just

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go in the National Guard. They said okay.
Q. So then you actually lived around Francis Marion and went to school?
A. Uh-huh (affirmative).
Q. And did you do anything with that degree?
A. Well, I started working for the town. I just -- I student taught, and I tutor. I still tutor in math. But I never actually taught for pay at a school, because the job at the town was just -- it just interested me because I always liked environmental work.
Q. And you say you still currently tutor?
A. Uh-huh (affirmative).
Q. Who do you tutor?
A. I tutor my -- right now I tutor my stepgrandsons and my stepdaughter in math.
Q. Do you tutor for pay outside of that?
A. No.
Q. What grades do you -- are you tutoring?
A. She's in general college algebra and middle school, middle school math.
Q. There's quite a marketing for tutoring in Greenville; I can tell you that.
A. Well.
Q. Calculus and geometry and trig and stuff.

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A. Uh-huh (affirmative).
Q. So you could find an outlet for that if you ever want to do that over here.
A. I'll keep that in mind.
Q. There's a strong demand for that. So have you ever been a party to a lawsuit?
A. Like this?
Q. Either sued or been sued?
A. Never.
Q. Have you ever had to give a deposition like this under oath, give testimony?
A. No.
Q. Have you ever been arrested for anything?
A. A DUI.
Q. And when was that, roughly?
A. 1988. But there was another one back in seventy-something. I can't remember.
Q. The one in '88, how did that charge get disposed of? Did you have a trial? Did it get dropped? Did you plead guilty? What happened?
A. I pled guilty and did public service.
Q. Have you ever had your driver's license suspended for any reason?
A. For that reason.
Q. For the DUI?

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A. Uh-huh (affirmative).
Q. And do you have it back now?
A. Yes. Yes.
Q. Any other arrests that you can think of?
A. Not that I can recall.
Q. In the course of -- you obviously became notified that we wanted to take your deposition; right?
A. Right.
Q. That's why you're here?
A. Yes.
Q. And in getting ready for that deposition did you review any documents or look at any paperwork?
A. A few, but ---
Q. What did you look at?
A. I looked at something about -- I look at it hurriedly. I can't even recall right now.
Q. When was that?
A. The day -- yesterday or the day before. We have a library and you can download stuff and get it off your email, but ---
Q. You say we. You and [redacted]
A. Yes, or the town of Lamar. It's the Lamar Library. But it costs a quarter to print it, and I didn't have any money that day. So I just had to look at it, you know.

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Q. Well, what was it -- you were at the Lamar Public Library?
A. Yes.
Q. And you went on some kind of database to look at some documents?
A. Uh-huh (affirmative).
Q. Is that a yes?
A. Yes.
Q. And what were you looking at? Like newspaper articles or magazines, or what?
A. I looked at some newspaper articles to see -- just to see if I could find stuff that would verify what I knew, like Rhinehart's arrest and what statements the judge that pronounced sentence on him said about it. And that, I remember. And something about popcorn, I do remember popcorn, about John Doe I allegedly stole some popcorn from him. And I couldn't remember that to save my soul what that popcorn stuff was about. And then I did see this, where a policeman had come into my yard and said something about Rhinehart said that John Doe I had stolen $10 or stolen $10 worth of popcorn or something. It had disappeared or he thought John Doe I took it or something. And the policeman said that I stated that John Doe I can be vindictive.

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which I said that because at the time, that was right at the time when John Doe I had talked to Martha Petoskey and reported a molestation by Rhinehart. And I kind of believed John Doe I because I've always told him to tell the truth. Because that's one of his assets, that if he -- he tells -- I said make sure you tell the truth, John Doe I. Because I know that he does have some mental problems, but I said if you just tell the truth you've got something solid there. I've always told him that. And so I knew that there was going to be some blowback from that because the Rhineharts were in such high standing in the church that -- and we were just newcomers to town. I said, man, if he is not telling the truth, we are up the creek. You know, so I was just being nice to that policeman. I said, well, he can be vindictive, because he could. And he had -- was becoming vindictive. And I didn't really realize then why, but I do now. Because of the molestation, he had become angry.
Q. So we'll talk about that. But let me just kind of focus on for right now the stuff you've looked at.
A. Okay.
Q. So there was some -- you saw on the computer at the library articles or documents having to do with an

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officer coming to your house?
A. No. That was some -- I'm sorry. That was in another document.
Q. Where was that document?
A. I think that was one Mr. Meyers sent me.
Q. You've gotten a package of documents from Mr. Meyers office?
A. I got one -- I've got four pages that I have read. There were some more, but that was -- I got the four pages and skimmed over it.
Q. Well, where are those documents?
A. I think they're in the car.
Q. Well, maybe in a break I'd like you to get those and we can see what they are.
A. Okay.
Q. Is that okay?
A. Okay.
Q. And so you looked at those, some of those, before coming in here today?
A. Right.
Q. When did you get those?
A. A couple of days ago.
Q. And do you know why those were sent to you?
A. To see if they jelled with what I thought, I guess. I don't really know.

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Q. And did you look at the computer in the library before or after getting those documents from Mr. Meyers office?
A. That's where they came from. That's where they were. That's how I got them.
Q. Oh, the documents from the library came from Mr. Meyers' office?
A. As far as I know. It's email.
Q. Did you actually look at a computer and download -- you said you had a quarter ---
A. I remember ---
Q. -- or you didn't have a quarter?
A. I did. I had four quarters, and it was a quarter a page. I went to the house and tried to find some, and I did; then I went back, but I didn't have enough to get all of them. But I did get four pages. I remember now.
Q. So I'm a little bit confused, and I apologize. Did you get a set of documents from Mr. Meyers' office in addition to the documents you got from the library?
A. No. They were one and the same.
By Mr. Meyers:
We emailed them.
Direct Examination Resumed by Mr. Walsh:

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Q. So there was an email?
A. Uh-huh (affirmative).
Q. Who sent the email?
A. Mr. Meyers.
Q. Other than those documents that you have in the car, have you looked at any other documents?
A. No. Wait. Except for I looked online for newspaper clippings because I know -- I remembered that Brian had started that troop, that troop for Boy Scouts with special needs. I knew that Rhinehart had started that because my wife had told me earlier. I said, well, I'd like to have some proof of that. I just thought of that myself. That was my own brain child. So I said I'm going to see if I can find that article in the paper. That was some years ago back in November 2003, I think. So I found it, but I didn't print it off because I didn't have -- that's when I didn't have any quarters, you know.
Q. So that article said what?
A. I don't know. I didn't -- I just skimmed over it. And my memory, long term, isn't what it used to be. But what I did see about the judge that sentenced Rhinehart, he wasn't very pleased of his behavior at all.
Q. What does that have to do with the troop, though?

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You were mentioning something about the troop formation. Did you see some documents about that?
A. Yes.
Q. On the Lamar Library computer?
A. Yes.
Q. What did they say?
A. They said that Doni and Brian went bowling with these people, and they were -- both had kids that had special needs. And Brian had approached the other couple about starting a special needs Boy Scout Troop.
Q. Was this an article in the newspaper?
A. Yes, Spartanburg Herald. I think it was around -- I can't -- October 15th, 2003. I can't -- I'm not sure.
Q. Any other documents you've looked at besides the ones in the car and that document you referred to?
A. No. No.
Q. Have you gotten emails from anyone about information about the case or discussing the case, people sent you information through a computer email?
A. Information about the case ---
Q. Like facts about the -- you know, the facts about the incident or things about the matter that's at hand?

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A. Whatever? Just anything about the case?
Q. About this incident.
A. I would say Mr. Jeffcoat and Mr. Meyers. That's all.
Q. And what have they sent you?
By Mr. Meyers:
Well, hold on. Let me confer with you about the privilege that you have.
By the Witness:
Okay. Okay.
By Mr. Walsh:
So we're going to go off the record? And you're going to ---
By Mr. Meyers:
Yeah. I want to confer with him about the privilege so you can get as much information as you can.
By Mr. Foster:
Let me go confer with the restroom.
By Mr. Walsh:
Okay. All right. Well, this would be a good time to take a break.
By the Witness:
Yeah, I agree.
(Off the record at approximately 11:30 a.m.; back on the record at approximately 11:45 a.m.)

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By Mr. Meyer:
He's got one page of notes he made of his own reflections that I suggested he bring in, and he's got one email from me to him, which we would claim as privileged.
By Mr. Walsh:
Let's just go off the record for one second, if that's okay.
(Off the record at approximately 11:45 a.m.; back on the record at approximately 11:50 a.m.)
Direct Examination Resumed by Mr. Walsh:
Q. I understand, sir, that you had made some handwritten notes of some thoughts that you had, and we made copies of that and distributed it out to everyone in the room. The document that you're holding in front of you, is that the notes that you had prepared?
A. Yes.
By Mr. Walsh:
I'm just going to go ahead and mark that as Exhibit 1, please.
(Court Reporter Marks Document as Defendant's Exhibit No. 1; Attached to Deposition).
Direct Examination Resumed by Mr. Walsh:
Q. Just if you could, your handwriting is not too

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illegible. Compared to mine, certainly this is very good. Just tell me, first of all, when did you prepare this document?
A. This has been over the past couple of weeks. I just tried to brainstorm and remember some things that I thought might be helpful.
Q. So let's start at the top there. You've got them divided by like lines.
A. Uh-huh (affirmative).
Q. So are these different kind of like thoughts that you had over time?
A. Yes.
Q. What's the first segment of this document?
A. Okay. The first one is Doni told [redacted] -- that's the late Doni Rhinehart and my wife, [redacted] Doni told [redacted] if Brian had not done that to her son, nobody would have believed John Doe 1. She was saying that without John Doe 2's testimony, nobody would believe John Doe 1, which I -- well, I felt it was kind of condescending to say they believe us but they won't believe you. But that is what I got out of that.
Q. And let me stop you there. Why did you write that statement?
A. Because I felt slightly by that statement. I felt

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our whole family was. That they have credibility but we don't.
Q. When did [redacted] tell you that Doni told [redacted] that?
A. Now, that was -- that's been years ago. That was after Doni had found out that Brian was guilty.
Q. Brian was guilty of what?
A. Molestation.
Q. Oh, okay.
A. What he went to jail for.
Q. What did -- Doni found out that Brian was guilty of molestation of who?
A. She's saying that it was just her son, is what it sounds like here.
Q. Well, you wrote it. I mean, what did you mean by it?
A. I wrote down exactly what [redacted] told me. And it means that-- to me, it seems like she is projecting guilt onto -- that if it wasn't for them, we wouldn't have anything. We would -- we would just be -- wouldn't have a case, wouldn't have anything.
Q. Projecting guilt about what?
A. That -- it seems like she said -- okay, Doni told [redacted] if Brian had not done that to her son -- I

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guess that means John Doe 2 -- nobody would have believed John Doe 1. I mean, it's pretty obvious to me that they're saying that -- John Doe 1 was the first one to speak up. He was the first one to make a stand, and then John Doe 2 speaks up. But she said if John Doe 2 hadn't -- what she's saying here is if John Doe 2 hadn't spoken up and sponsored John Doe 1, hadn't agreed with John Doe 1, then John Doe 1 -- nobody would have believed him.

Q. Well, this Exhibit 1, this section of the document, was done in the last couple of weeks? You wrote that?

A. It's from memories and information that have been -- go back years, though.

Q. That's what I'm trying to figure out. So you wrote that down in the last couple of weeks based on a conversation that [redacted] told you when?

A. This was ---

Q. Did she tell you that in the last couple weeks or did she tell you that back years ago?

A. Both.

Q. So you were talking to [redacted] about the facts of this case?

A. Yes.

Q. Recently?

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A. Yes.

Q. And in the course of that, this conversation that Doni had with [redacted] came up? When you were talking to [redacted] recently about ---

A. Yes. Yes.

Q. --- the events of back in 2005 ---

A. Uh-huh (affirmative).

Q. --- [redacted] reminded you of this conversation?

A. Yes.

Q. But you were not present when Doni and [redacted] were to get -- were together and had that conversation?

A. No. Not that particular one, no.

Q. Did [redacted] tell you about this conversation with Doni when it happened?

A. Yes.

Q. And then you didn't talk about it again until the last couple of weeks?

A. Well, I don't know if we might have mentioned it between that six-year period. I don't know how many days that is. There's thousands and thousands of days. We might have mentioned it once or twice, but I can't remember every single detail. We might have talked about it more than then and way back then. It might have been a -- in between then.

Q. But you don't recall.

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A. I don't recall.

Q. And who else have you spoken with about -- other than your attorneys, about the facts or information about these lawsuits and the incidents that are being discussed in these lawsuits?

A. I have a stepdaughter who's majoring in pre-law now, and she always wanted to -- she wanted to throw one statistic in there that she said was true, that pedophiles should not molest only -- usually do not molest only one child. Because I was trying to say -- well, I've heard -- I don't know where I've heard this, but I think it was Doni said, well, he might have molested John Doe 2, but he didn't molest John Doe 1. And I think I've heard that Rhinehart never confessed to molesting John Doe 1. But John Doe 1 says he did, and I believe him personally. And I told my stepdaughter that. And she said, well, pedophiles -- it's a statistical -- it's a fact that pedophiles do not usually molest only one child.

Q. Your stepdaughter's name is what?

A. [redacted].

Q. And how old is she?

A. 36. 35, 36.

Q. Was she around this family situation in 2005?

A. She happened to be visiting then.

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Q. I mean, was she living with y'all? Was she part of y'all's family life in this time period?

A. Yeah, for a small amount of time. Yeah, for a couple of months.

Q. Why was she visiting in 2005?

A. She just -- well, she was having problems with her husband.

Q. So is she a witness to anything involving this case that you know of?

A. No. No.

Q. And so you were just -- she just was giving you some kind of statistic she had heard somewhere?

A. Uh-huh (affirmative).

Q. Does she know anything about the -- far as you know, about the allegations that you're making in this case and whether the facts were true or not true?

By Mr. Meyers:

Objection to the form. Go ahead.

Witness Answers:

A. Can I hear the question again?

Q. Yeah. I mean, do you -- does she have firsthand knowledge as far as you know about ---

A. No. No, she has no firsthand knowledge.

Q. --- the events that are being described in these lawsuits?

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A. No.
Q. Anyone else you've spoken to about -- in the last, you know, few weeks or months about your testimony, the facts of these cases? You mentioned [redacted] You mentioned your stepdaughter. Anyone else?
A. No. Huh-uh (negative).
Q. Have you spoken to John Doe 1 about it?
A. Not recently, no.
Q. What about John Doe 1's Mother, his mom?
A. No.
Q. What about Jane Doe ---
A. No.
Q. --- the grandmother or [redacted] the grandfather?
A. No.
Q. Now, this first part of Exhibit 1, where it says Doni told [redacted] if Brian had not done that to John Doe 1 -- or to her son, nobody would have believed John Doe 1. And you said you thought that was sort of condescending?
A. Yeah. It's because she didn't see like John Doe 1 had any credibility to him, you know. That's what I got out of it.
Q. Well, at the time that this came out, where John Doe 1 reported this -- these incidents about Mr. Rhinehart, did John Doe 1 -- did he have any

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occasion prior to that to tell lies?
A. No.
Q. Had you ever indicated to any investigators that John Doe 1 had a habit of -- or not a habit of, but had been involved in telling lies prior to that?
A. No.
Q. And as far as you know, John Doe 1 had always been truthful up until that time period when he reported Mr. Rhinehart?
A. Yes. He was always truthful. That's one thing I've always trained him to be, is to tell the truth.
Q. So you felt like when John Doe 1 reported the incident that he had credibility?
A. Yes.
Q. Let's talk about the second statement. Read that to me if you would, please.
A. Okay. "Doni told John Doe 1 not to" -- well, I'm going to have to explain what this means after I read it. "Doni told John Doe 1 not to call around here anymore. I know the son of a bitch did it." Okay. John Doe 1 had called John Doe 2 on the phone, and I didn't know it. Then he brought the phone in to me, and it was Doni. He had called John Doe 2 and Doni answered the phone. And she said tell John Doe 1 we don't want to be bothered with

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him calling around here anymore, and she said I know the son of a bitch did it. And I just said are you talking about Brian? And she said yes. I said, well, just, you know, hang in there, Doni. It'll all work itself out. I mean, I tried to comfort her, you know, and that was it. But I mean, that was after the fact. I mean, that was after -- I don't know if he'd admitted it or what, but she said, you know, she knows that SOB did it.
Q. So this reference is a telephone conversation you had with Ms. Rhinehart?
A. Yes.
Q. And this was after John Doe 1 had reported the allegations against Mr. Rhinehart?
A. Right. And I'm not sure, but I think he'd already confessed, because she said I know he did it, you know.
Q. So John Doe 1 had called to talk to John Doe 2?
A. Uh-huh (affirmative).
Q. Is that a yes?
A. Yes.
Q. And how did you get involved?
A. He brought the phone to me, because Doni wanted to speak with me to tell me to put an end to John Doe 1 calling her house.

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Q. And was there any reason that she gave?
A. No. It was just very abrupt, like we don't need that anymore, I just don't need it, you know, something to that effect. She just didn't need him calling around there anymore. But she did go into detail as to about the -- I know the son of a bitch did it, you know. And, you know, I just kind of tried to comfort her a little bit. I don't really remember what I said.
Q. So any particular reason why you wrote that down?
A. Because that's her saying that her husband is a child molester to me.
Q. Is there any reason why -- did you think that that was in dispute, that ---
A. No. But I think it could be if somebody wanted to take it -- the other side of it and say, no, he didn't do anything, he didn't molest these kids, he's not supposed to be in jail. I mean, but his wife said he did it and the judge said he did it. I mean, how plain do you have to be?
Q. What about the next section there. What does that say?
A. Okay. "Princewell Onwere at William S. Hall." I asked him point blank if he thought -- he said that John Doe 1 was homicidal. And I said what led to

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this? And he said the abuse by Brian Rhinehart. I said can you look me in the eye Mr. -- Dr. Onwere and say that again? I want to hear it. He said that Brian Rhinehart caused John Doe 1 to be homicidal. And I said spell your name for me letter by letter. He said Dr. Princewell Onwere, P-R-I-N-C-E-W-E-L-L, O-N -- I spelled it wrong myself -- O-N-W-E-R-E. He was the doctor, the psychiatrist who examined John Doe 1 at William S. Hall.

Q. And when did you have that conversation?

A. Let's see when that was; late 2005 or early 2006, maybe early 2006.

Q. And homicidal means what to you?

A. That he could kill somebody or hurt somebody.

Q. And why did you call -- this is a doctor?

A. Yes.

Q. What kind of a doctor is he?

A. A psychiatrist.

Q. And why were you calling him? What kind of -- what were you seeking to get, information-wise, from him?

A. All the proof that we can get that Rhinehart was guilty.

Q. And what did you think the doctor could do to establish Rhinehart's guilt?

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A. He was a neurologist, and I thought that would carry some weight because he's a professional.

Q. Is he a neurologist or psychologist?

A. He's not a psychologist. He's a psychiatrist, which he could be that and be a neurologist also. But he -- I looked him up on the internet, and he was a whiz kid in neurology at USC. I don't know all the details, but I know he's a doctor of psychiatry. That, I know.

Q. What's the next thing you've got there?

A. The fact that John Doe 1 finally found a group that he could be a part of where his peers and he shared -- had things in common. They could communicate with each other. He felt accepted, a group he could feel accepted among, and then he gets molested and expelled and then made to feel like it's his fault. You know, that was probably the worst. That was the most disgusting thing that the church, Rhinehart, and that whole crowd did, was to make him feel accepted and then expel him and say you're not -- you can't be with -- you can't be a part of us anymore.

Q. You said that someone made John Doe 1 feel like it was his fault?

A. Yeah, they said that he -- they kind of -- we've all

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gotten the letter, I think, where they -- the Boy Scout Troop, with the letterhead, St. Margaret's Church, brought the letter to our house, hand-delivered it to us and said John Doe 1 can no longer be a part of this organization.

Q. Who's "they"?

A. The Boy Scouts and St. Margaret -- Doni Rhinehart, Brian Rhinehart, and everybody else who signed. Shelby Culbreth, all the people that signed the letter.

Q. You've seen a letter with multiple signatures of people signing it?

A. No, they were typed.

Q. Typed signatures?

A. They were just the names typed on a letter, signed by Shelby Culbreath, I believe.

Q. And then there are names listed under that?

A. Uh-huh (affirmative).

Q. Showing what?

A. That they are in agreement with the fact that John Doe 1 needs to be kicked out of the Boy Scouts.

Q. And how does the letter show that they're in agreement, as far as you recall?

A. Their names are just signed under it. It said he was no longer allowed to attend.

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Q. Weren't they cc'd? They were copied? It showed they got copied on it?

A. Yeah. They were just typed. I don't remember a cc. It might have been on there. But the only person I think that signed it was Shelby Culbreath.

Q. And so you recall that this letter blamed John Doe 1 for what?

A. Nothing. It just kicked him out without reason.

Q. So you said, though, that they, somebody, they, blamed him for, what, the abuse? The what?

A. Well, that stuff about -- I had to gather this on my own, that it must have been about this popcorn that Rhinehart reported him for taking that we never could find or the money that we never could find. But that's the only thing I could come up with, because they didn't even give a reason for kicking him out. They just told him that he couldn't come back.

Q. So there's nothing that you've seen, a document that anyone sent to -- who did the letter go to?

A. It was hand delivered by a mysterious character to our house. He just delivered it and ran.

Q. You saw him run?

A. Yeah. I said, golly, what's he running like that for?

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Q. So it was to -- who was it addressed to?
A. It was me.
Q. So a letter was sent to you?
A. Uh-huh (affirmative).
Q. You understood it was -- it came from Sherry Culbreth?
A. Yeah. And I ---
By Mr. Meyers:
Shelby.
Direct Examination Resumed by Mr. Walsh:
Q. Shelby Culbreth.
A. And I think she admits to signing. I'm not sure about that. Maybe I'm wrong. But it seems like I read some -- well, just forget that, because I can't prove it.
Q. So it was sent to you. And the letter that you recall seeing didn't give a reason ---
A. Right.
Q. --- for John Doe 1 being asked to leave the Boy Scout Troop?
A. He was just asked to leave, point blank, with no reason.
Q. And then from that, you have drawn some conclusions based on your own -- what you think the reason was?
A. I know what the reason was.

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Q. Well, what do you know the reason was he was asked to leave the Boy Scouts?
A. To cover up for Brian's molestation.
Q. And how do you know that?
A. I just know it because he's in jail and the judge said he was guilty, I guess. But if that's not enough, I don't know.
Q. You don't ---
A. I'm just going with the judge. What the judge said is what I believe.
Q. Well, all right, what did the judge say?
A. They said he -- he more or less said he was a despicable person and he deserved what he got. And I don't want to go into detail on this because I think I've said enough. I mean, how much do you have to say about an ignominious person? I mean, what do you have to keep going on about it for? It's obvious that he's guilty.
Q. Well ---
A. I mean, why do they have the legal system at all?
Q. That really wasn't my question. My question wasn't whether Mr. Rhinehart is guilty of a crime. My question was is you had drawn a conclusion from a letter that you said indicated that John Doe 1 couldn't be in the Boy Scout Troop anymore. It was

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signed by Mr. Culbreth.
A. Uh-huh (affirmative).
Q. And then you drew some conclusions from that letter
A. Uh-huh (affirmative).
Q. And one of the conclusions I think you said you drew was that it was -- that was done to cover up Mr. Rhinehart's abuse?
A. Yeah. That's what I believe.
Q. And I'm asking you why you think that and what information you have to say that?
A. Because he didn't want to be caught.
Q. Well ---
A. He didn't want to be where he went. I mean ---
Q. So why do you think the letter was then sent? Was the letter meant to be some sort of threat? Wasn't the allegations of abuse already made at this point?
A. Yes.
Q. It had all come out already, hadn't it?
A. Yes. Yes. Yes. Yes. It had been reported to the school psychologist, I know.
Q. And the police were already investigating ---
A. Excuse me.
Q. --- at that point, weren't they?
A. Right.
Q. If it was a threat or some kind of way to cover it

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up, don't you think it would have been sent before any of this stuff would have been public?
A. Sent before?
Q. In other words, if it was a cover up -- if it's already out, how is it a cover up?
A. That -- well, if it's not a cover up, then the whole church knows they're guilty. Everybody who signed their name to it knows they're guilty, don't they? Because they say, look, now Brian Rhinehart's getting -- I mean, has done something wrong. Let's kick John Doe 1 out quick. I mean, I don't get it. It looks like either it's just Rhinehart's got the church fooled or the whole church are in cahoots with Rhinehart.
Q. In cahoots for what?
A. That they know the molestation's going on and are good with it.
Q. Well, why would asking John Doe 1 to leave the Boy Scout Troop imply to you that the Boy Scouts, the troop, whoever, is good with the abuse? How do you connect those two?
A. Because they -- when he accuses of -- when he accuses him of abuse, they kick him out.
Q. And so that means what?
A. That means what I just said. They knew they were

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guilty, so they're getting him out of there because they know he's speaking the truth.

Q. Now, you mentioned this popcorn money a few times. Let's talk about that. What are you talking about with that?

A. Okay. The police came into my yard and said that, you know, John Doe 1 had taken some popcorn money or some popcorn from a fund-raiser that the Boy Scouts were doing. Okay. I said, well, he can be kind of vindictive, because he was getting kind of mean. But I didn't know why. I do now. It was because of the molestation. But I asked him in -- you know, when we were in bed one night -- I was putting him to bed. I said, John Doe 1, now, tell me, did you take any popcorn? He said, no, I didn't take any popcorn. I didn't take any popcorn money. I said okay. And I've never seen the money. I've never seen the popcorn. I've never seen any documents that had -- except for online. I seen some documents about some popcorn. But, I mean, if I -- if he had said I stole the popcorn, I would have given the money back or -- I mean, John Doe 1's not the kind of guy that's going to lie and lie and lie to a church if he did take the money. The church is going to -- a church is going to kick somebody out

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because they stole some popcorn? That's not what a church does. A church gets to the bottom of something and forgives and finds out the truth. But, you know, that's not the case with this church. They didn't care enough to -- if he did take the money -- he said he didn't. But say he did. Worst case scenario, he took the money. Why didn't the church pray for him instead of kick him out? I wish we could get over this, because talking about this church really makes me sick to my stomach.

Q. Well, I'm ---

A. I mean, I'm getting nauseous.

Q. --- not trying to do that, but I'm just ---

A. I mean, to be a church and do what they do makes me want to throw up. I'm telling you right now.

Q. Well, do you believe that the church was involved in the decision?

A. I don't know that they weren't.

Q. Well, you don't know if they were, though?

A. No, I don't. I don't.

Q. Did you talk with anyone at any time or review any documents that provide you with information about why the letter that you got telling you that John Doe 1 was no longer in the Scouts was sent, other than what you've drawn from just your thoughts?

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A. No. Because I've said anything I can really say about that.

Q. So you haven't spoke to Ms. Culbreath?

A. No.

Q. Ms. Rhinehart about it?

A. I had -- you know, way in the past I had talked, and she said the son of a bitch is guilty. But, you know, I can't -- I'm getting tired of repeating myself.

Q. Well, what I'm asking did you talk to anybody about why the letter was sent? Not whether Mr. Rhinehart was guilty or not.

A. Did I ever ask the question why the letter was sent? Let's see; you'll have to ask -- you're going to have to ask my wife about this, but I remember her calling the church. And she's very confrontational, my wife is. She made sure right then -- she was handling it right then, just like this. I think she did call the church, if I'm not mistaken. And the church didn't know about this letter. The church didn't know about this letter initially. I don't know what came of it after that. But I'm beginning to remember something like that.

Q. Does that make you feel better about the church now?

A. I can't say it does.

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Q. So anyone else you know that gave any information about why the letter was sent?

A. Not that I can recall.

Q. I think it's fair to say that you don't believe the letter should have been sent. You have reached some conclusions of why you think it was sent, but no one has told you why it was sent? No one who would have knowledge of why it was sent has ever told you why it was sent? Is that what you're saying?

A. Yes. Yes.

Q. And what's this last section on Exhibit 1 here? What does that say?

A. Dr. Barlow, mental health. That was just one of the doctors of mental health that examined John Doe 1.

Q. Did you ever get any information about, in addition to this popcorn money, whether John Doe 1 had been doing anything else, whether he had been acting out at the Boy Scouts, doing anything that was inappropriate while he was there?

A. No.

Q. Are you aware if anyone ever paid the Boy Scouts for the missing money?

By Mr. Meyers:

Objection to the form of the question. Go ahead.

Direct Examination Resumed by Mr. Walsh:

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Q. The alleged missing money?
A. I have no knowledge of it.
Q. Did you ever hear if Ms. Jane Doe paid that money?
A. No. I have no knowledge of that.
Q. Now, this other document is -- it's GoUpstate.com. It's an article. Where did you get this?
A. Off the internet at Spartanburg Herald, I think.
Q. And when did you print this off?
A. I think yesterday.
Q. Why did you print this?
A. Because I was talking, I think, with my wife, and she said she thought that Brian started that group. And we were wondering together -- I mean, of course this would just be conjecture or hearsay or -- we were thinking that maybe there was a ploy by Brian to draw in kids by starting this special needs scout troop. Maybe it was all about him and his pedophilia. Not to say it is but, I mean, it could be. I believe it was his brain child.
Q. And it looks like there's actually a picture of John Doe 1 on the article?
A. There is.
Q. John Doe 2, Alex, and John Doe 1 are in a picture together; is that true?
A. Yes.

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Q. Did you have any involvement with the Boy Scout Troop?
A. I would go sometimes, but my school kept me pretty busy. I went to a graduation at a camp he had, to the graduation ceremony, and I'd come take him and pick him up at the church sometimes. As far as participating with them, I really didn't have time.
Q. Let me ask you a couple more questions about John Doe 1. Has he ever had a job?
A. No. No, not really. I mean, I would have to say no. As far as paycheck job, no.
Q. Well, has he been in a workplace where he's been allowed to be there but maybe doesn't get paid?
A. Yes.
Q. Almost like an internship or something?
A. Well, yeah. It's a gardening enterprise a friend of mine had. I'd help him sometimes. We'd go, you know, spread gravel in a driveway or cut grass or something. But he wouldn't keep his mind on the task.
Q. Has he ever been arrested?
A. Just for driving underage without a license.
Q. On those two occasions?
A. But I don't think they actually put him in jail. They'd just bring him home.

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Q. Was he arrested when he had this incident with your wife with the knife?
A. Yes. Yes.
Q. So then he had been picked up by the police on two occasions when he was driving the cars without a license?
A. Yes, sir.
Q. But you don't think he was actually taken to the jail?
A. No.
Q. But in terms of the incident with your wife and the knife, he was taken to the jail?
A. Yes, he was.
Q. How did that charge get resolved?
A. He served six months at William S. Hall. Initially it was the DJJ, Department of Juvenile Justice. He was there for a week or two, but they moved him to William S. Hall, psychiatric institute.
Q. Had he ever been in any psychiatric institute besides that?
A. No.
Q. Had he ever been in MUSC for something?
A. Yeah, for a couple of days he did.
Q. What for?
A. I think to get his medication changed to -- he was

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becoming unruly, and he had to get his medication changed.
Q. Now, how did he get there? Did somebody send him there? Was he ordered to be there? Like how did that work?
A. Tri County Mental Health in Chesterfield, South Carolina. The fellow's name was -- he's a Scandinavian doctor. I can't remember his last name. But he okayed it that we would send him there, to MUSC.
Q. Did he ever get -- and we talked on this a little bit. But did John Doe 1 ever have any discipline problems at school where he would be, you know, getting into fights or, you know, do anything inappropriate that the administrators were disciplining him?
A. Not completing homework sometimes and creating disturbances in class.
Q. Like what would he do?
A. Wouldn't sit down. He'd walk around the room and not pay attention. But, you know, he would be a moving object. He would, you know, distract people, other students. Nothing cruel, but just unsettled.
Q. Did he get like a certificate or any kind of completion for any sort of grades; like, you know,

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sometimes they give a certificate rather than a degree or ---
A. Yeah. I think he got a most improved student one time.
Q. What would you say the last grade of school he completed was?
A. Seventh or eighth. I'm not sure.
Q. How old was he, though, when he finished going to school?
A. Around 17. He might have gotten -- no, that's when he was with Jane Doe. He might have gotten what -- I don't know what they call their certificate from high school.
Q. Certificate of completion or something?
A. At Landrum High. Certificate of completion at Landrum, that could have been a possibility. I'm not quite sure, but I think so.
Q. Does he take daily medication?
A. Yes.
Q. Do you know what he takes?
A. Not now.
Q. Does he take a number of things?
A. He had taken Seroquel. He had taken -- oh, golly. Seroquel was one of them. But there was -- there were so many other names. Prolixin was a precursor

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to him, but they came after that one. His mama took Prolixin, but it was beyond that. I can't remember right now. It's been awhile.
Q. Can John Doe 1 stay alone overnight? Can he be trusted to be able to do that?
A. We didn't -- we never left him. When he was with us, we never left him alone at night.
Q. My understanding is he's coming back to South Carolina; is that right?
A. I would think yes.
Q. That's the plan anyway?
A. Uh-huh (affirmative).
Q. Is that right?
A. I'm not sure. But I would guess that he would, because I don't think he would stay with his mother in New York continually. He might, but I'm not sure.
Q. And where will he come live if he comes back?
A. I think he would come to Jane Doe's in Campobello.
Q. How would he get here? Would he -- would somebody drive him or would he fly or ---
A. Yeah, I think somebody ---
Q. Or on a bus?
A. I think his -- his grandmother would probably go get him. But that's -- you know.

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Q. She would drive up there and get him?
A. I think so. She has before.
Q. Could he make a trip on a bus by himself?
A. I think he could make the trip on a bus.
Q. Now, prior to this whole -- these allegations with Mr. Rhinehart are you aware of John Doe 1 ever being abused either physically, mentally, or sexually by anyone else?
A. No.
Q. Are you aware of anyone ever suggesting that he was?
A. No.
Q. Are you aware if he ever abused anyone either physically, sexually, or mentally himself?
A. No. To the best of my knowledge, no.
Q. Are you aware if John Doe 1 ever alleged that he had been abused by someone, one or more people, prior to Mr. Rhinehart?
A. No. And he went to Child Advocacy too. And I can't remember Wally's last name. His first name was Wally. And he had no -- he could see no -- he couldn't find any evidence before that time.
Q. Have you been -- had the opportunity to review John Doe 1's medical records or meet with his medical providers over the years and discuss with them his problems and his treatment options and his history,

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and all that sort of stuff?
A. We have. What it usually was, was a change in medicine to see if that would calm him down or help him focus more. Dr. Barlow at Mental Health in Spartanburg was -- worked with him, trying to get the right dosage of different medicines to get him focused.
Q. Was there ever an allegation that you had abused John Doe 1?
A. No. Not to the best of my knowledge.
Q. Did the police ever interview you about potentially abusing John Doe 1?
A. No.
Q. You don't know whether John Doe 1 alleged that you had beaten him in the past?
A. No. To the best of my knowledge, no.
Q. And the police didn't come talk to you about that?
A. I don't recall that.
Q. Do you know an Emanuel Blackwell?
A. Yes. That was one of John Doe 1's friends that lived down the street.
Q. Did you know Mr. Blackwell?
A. I knew he and his mom, yeah.
Q. Are you aware that John Doe 1 alleged that Emanuel Blackwell had sexually abused him?

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A. No, I don't think so. I remember Emanuel, his friend Emanuel.
Q. As far as you know, John Doe 1 never told you that?
A. Not that I can recall. But I remember him going swimming with his mama, Emanuel's mama, and himself. I remember them taking him swimming.
Q. Did anyone ever inform you that John Doe 1 indicated that he'd been sexually abused by one of his stepmother's grandchildren, Beverly's grandchildren?
A. That he had been abused -- that [redacted] grandchildren?
Q. One of the grandchildren?
A. No.
Q. Who are her grandchildren?
A. Her grand -- [redacted] grandchildren. Okay. Dustin, [redacted], Tyler. That's about all.
Q. How old is [redacted]
A. Now? About 16, 15.
Q. And [redacted] a boy or a girl?
A. Boy.
Q. And is that his full name or is that what they call him?
A. That's his full name, [redacted].
Q. And have you ever heard of [redacted] abusing John Doe 1 in any way?

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A. No.
Q. Are you ever aware that John Doe 1 indicated that [redacted] had abused him?
A. No.
Q. If John Doe 1 had made that statement do you think that would be true?
A. If John Doe 1 had made that statement -- if he'd have made it to me, I would have considered it. But I would have gotten to the bottom of it and found out what really happened.
Q. Well, do you believe -- you've been around [redacted]
A. Yeah. Yes, I've been around [redacted]
Q. Have you ever seen any indication in your mind that [redacted] could have been capable of abusing someone like John Doe 1?
A. I've never known him to have a -- I mean, he likes girls a lot but, I mean, he's never expressed any interest in boys.
Q. Are you aware that if John Doe 1 had ever reported physical abuse in the home from you and John Doe 1's Mother?
A. I'm not aware of any reports. I think I might have spanked him one time and put a bruise on his arm or leg. And I think his grandmama saw it. She was kind of alarmed about that.

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Q. Well, so if John Doe 1 alleged that you had abused him physically on a regular basis, would that be a false?
A. That would be false.
Q. Are you aware if there's been any documented complaints about you physically abusing him?
A. No.
Q. But if there were, those would be false?
A. Yes.
Q. Was the Cheraw DSS ever involved in John Doe 1's life?
A. Yes. Yes, they were.
Q. For what reason?
A. I remember changing his diaper one day and, you know, and he got his hands in some fecal matter. I said don't put it in your mouth. And then he repeated that to somebody who was changing his diaper, and they thought it had something to do with oral sex and told the DSS. And they came and questioned that, but that was dismissed.
Q. So they investigated you for sexual abuse?
A. Right. Yeah, they did.
Q. So you have been investigated for sexual abuse?
A. Yes.
Q. And are you aware that John Doe 1 apparently told

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DSS that you had touched him in his private areas?
A. Yeah, I've heard that before.
Q. Is that true?
A. Yeah, that's when I was cleaning him up when he was -- changing his diaper, but ---
Q. So ---
A. --- but I've never, you know, fondled him or anything like that.
Q. Would he have a diaper at age four?
A. I didn't do it at age four.
Q. So if the allegation was that you had touched his penis at age four ---
A. That would not be true.
Q. --- that would not be true?
A. Right.
Q. So if John Doe 1 said that he would have lied about that?
A. In that situation, yes.
Q. If he had indicated -- if it had been reported to the Cheraw DSS that he had been physically abused and emotionally abused by you throughout his life, would that be true?
A. No.
Q. If he said that, that would be a lie?
A. Yes.

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Q. Have you been -- had problems with taking drugs?
A. No. I mean, I have drunk some. I drink some. And I smoked a joint or two in years gone by, but not now.
Q. Would you consider yourself an alcoholic?
A. No. No.
Q. Was it reported to the DSS that you had a history of drug addiction?
A. I don't have a history of drug addiction.
Q. Do you know if they investigated you for that?
A. If they did, I didn't know.
Q. Did Jane Doe ever, as far as you know, report to anyone that John Doe 1 had been abused sexually as a child?
A. I have no idea what Jane Doe is capable of.
Q. Have you ever heard that?
A. I just don't know about Jane Doe. I can't comprehend what she does.
Q. Did John Doe 1 ever claim before this Rhinehart incident that one of his friends had touched his penis without his consent?
A. Not that I know of.
Q. If he said that, do you think it happened?
A. I'm not saying that's impossible, but I haven't heard it.

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Q. Did John Doe 1 ever claim that [redacted] had beaten him up?
A. Not that I'm aware of.
Q. Assaulted him, basically?
A. No.
Q. Around the time that the Rhinehart matter came out, had John Doe 1 also alleged that [redacted] had abused him, assaulted him, because he didn't want to go to school?
A. Not that I know of. I've never known her to assault John Doe 1.
Q. And then in the course of the allegation against Mr. Rhinehart, they also -- "they" being the law enforcement and the authorities -- were investigating whether [redacted] had assaulted John Doe 1 as well?
A. Well, assaulted in the sense -- I mean, she probably did say some things to him like she was going to spank him if he didn't go to school or something that could be considered assault. Or is that battery? I get them mixed up.
Q. At some point John Doe 1 reported abuse by Mr. Rhinehart to somebody; right?
A. (Indicates affirmative response).
Q. Is that yes?

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A. Yes.
Q. Do you know who that was?
A. He told me that one night. Actually, it was the day before he called Martha Petoskey. And I said, John Doe 1, do what you have to do but tell the truth. This is not something you can just get up and be joking about, because you're going to -- this is going to be very, very serious. I said if you're going to do something like this, tell the truth. Okay. That was before I -- before he went to bed that night. And the next day Martha called from the school saying that he reported that to her.
Q. Did she also tell you that he reported that [redacted] had assaulted him that morning?
A. Well, she probably did tell him that she was going to spank him, or something like that, if he hadn't went to school, but she hadn't done anything physically to him.
Q. So that would have not have been -- that would not have been true.
A. That would not have been true.
Q. So you believed the argument -- the allegation against Mr. Rhinehart when John Doe 1 made it; is that correct?
A. Yes.

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Q. But when he said that [redacted] assaulted him, you don't believe that; is that right?
A. Well, I don't think he -- I can't -- can you tell me the legal difference between assault and battery?
Q. I don't know what they meant by it in the reports. It says assault. And so ---
A. Okay.
Q. --- you know ---
A. I don't neither. I'm sure it -- I have no knowledge of, you know, [redacted] putting her hands on John Doe 1. But she might have threatened him in some kind of way to get him to go to school.
Q. And so did you ask her if she had done that?
A. No.
Q. Well, did you tell the police -- they questioned you about it, didn't they?
A. I can't remember any details about that. I'm sure they did.
Q. You would have been home that morning; right?
A. Yeah, I think so.
Q. Because you didn't have a job; right?
A. Well, what year was this?
Q. Well, what year was the abuse reported?
A. 2005. Yeah, I may have been -- I might have been out of school then. In the later -- the last of

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2005, yes, I would have, you know, been so. Okay. Now, what was the question?
Q. Were you home that morning? You obviously were there the night before because you say he told you that he had been abused.
A. Okay.
Q. So then the next morning were you home?
A. I can't remember that far back. I might have gone to the store or the grocery store, but more than likely I was home.
Q. So do you recall the officer -- after this whole thing came out about Mr. Rhinehart, an officer coming to you and questioning you about whether [redacted] had assaulted John Doe 1 that morning?
A. Let's see; I'm trying to picture it in my mind, but it's hazy. But I can't remember any details about it. I'm trying but it's just not there yet. I can't think. I can't remember.
Q. I need to make a copy of that. I apologize, but ---
By Mr. Foster:
What is it?
By Mr. Walsh:
It's the statement.
By Mr. Foster:
His written statement?

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By Mr. Walsh:
Yeah.
By Mr. Foster:
Wait a second. I got plenty. Is that the one you want?
By Mr. Meyers:
Is that the one stamped with your Bates number?
By Mr. Walsh:
Yeah.
By Mr. Foster:
I don't know if it's got my Bates number or not.
(Court Reporter Marks Document as Defendant's Exhibit No 2; Attached to Deposition.)
Direct Examination Resumed by Mr. Walsh
Q. So go ahead and look that over and tell me if that's your handwriting and your signature?
A. (Reviewing document). Yeah.
Q. This is your handwritten statement and your signature?
A. Yes.
Q. On both pages?
A. Uh-huh (affirmative).
Q. Have you read it over?
A. Yes.
Q. So you see at the bottom of the first page it says,

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"He has claimed recently that his stepmother assaulted him because he would not get up and go to school. I personally know this is not true." Do you see that?
A. Yes.
Q. Did you write that?
A. Yeah. And I'm looking for it now, but I just saw it.
Q. It's the first page, bottom of the -- bottom paragraph.
A. Yeah, I see it.
Q. So does that refresh your recollection of that incident and ---
A. Yes.
Q. --- him making that allegation?
A. Yes.
Q. He made that allegation to -- you mentioned the lady, he -- is it Totasky? Is that her name?
A. Petoskey. I thought it was Potrowski, but I read somewhere else that it's Petoskey. And I think I remember her correcting me way back then. It's Petoskey.
Q. She who?
A. She was the school -- Petoskey was -- this statement here?

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Q. No. Who was Mrs. Petoskey?
A. She's a school psychologist.
Q. And do you understand that John Doe 1, in addition to alleging the abuse by Rhinehart, Mr. Rhinehart, also alleged that Beverly had assaulted him as well in that same conversation?
A. Yes. And I know she didn't put her hand on him.
Q. So you were asked and interviewed by the police and gave a statement about that?
A. Okay.
Q. Is that right?
A. Yes, sir.
Q. And so when John Doe 1 told you about the abuse -- when you received word, I guess, from the police that they were investigating the allegations of abuse about Beverly and Mr. Rhinehart, what did you think? Did you think it was true, untrue, you weren't sure? Obviously you were interviewed by the police about the allegations he made about Beverly and Mr. Rhinehart; is that right?
A. Yes.
Q. Okay. Did you have an opinion at that point about the truth and what he was saying, whether it was truthful, not truthful? What was your thinking at that point?

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A. I'm beginning to think -- believe that what Brian -- at this point, because this is only October the 12th, I'm starting to believe that John Doe 1 is telling the truth when it comes to Brian. You know, because all kids are going to tell lies here and there and white lies, most of them. Some of them are perfect, but not many. But I see that he's consistently sticking with the truth, you know. And he always has stuck with the truth. When I say listen, John Doe 1, it's time to stick with the truth. And he was sticking with the truth on that. As far as all this other stuff, yeah, he is manipulative, and he can be vindictive, like I said. But he also -- you know, when there's something grossly wrong done to him he will -- he can tell the truth.

Q. Well, in the first paragraph it says that you questioned him repeatedly?

A. That's because I wanted to make sure that he was consistent.

Q. So you were not sure when he told you?

A. I had to become sure.

Q. And he obviously lied about [redacted] assaulting him?

A. Yes. Yes, he did lie about that.

Q. So you were wondering if he was lying about Mr.

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Rhinehart?

A. Well, I think we should keep the anger element in here too. Because he's -- you know, he's become angry, you know, and that's -- it's kind of like a defense mechanism in a sense. And he's angry at this fellow too. So anger is a precursor to this also. I just think we need to keep that in mind. But, yes, he did tell some stories in here.

Q. So you were wanting to make sure that he wasn't lying about this, the Mr. Rhinehart allegations, like he was doing about [redacted]

A. Yes.

Q. And you satisfied yourself in your mind that he wasn't lying about Mr. Rhinehart?

A. I did.

Q. Why do you think that?

A. Because he has never gone on and on in an untruth when I told him to -- how -- what's the word I'm looking for? -- how severe it can be to continue in that practice of just lying and lying and lying, when it's -- when somebody else's life is at stake, when it's -- it's just too important not to tell the truth. He knows there's got to be a time for the truth. The truth's going to come out.

Q. Well, when did he tear the phone wires out of the

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outdoor installation?

A. I'm not sure, but he was -- I'm sure it was around this time, but I'm not sure exactly which time.

Q. Well, how many times did he do it?

A. I mean, the time that this voluntary statement was made.

Q. Well, how many times did he tear the phone wires out of the ---

A. Just about one, once, maybe once. Let's see; he tore those out. I'd say let's go with twice, because there were two different rooms, two different rooms. And he did throw a brick through the window too. I don't know if I included that, but about this time he through a brick through our bedroom window.

Q. And so you say "around this time." What does that mean?

A. Around October, the end of 2005.

Q. Well, it says, "In January he confiscated his grandparents' car and drove to Asheville." So is that true? It was in January? That's the first page, third paragraph. "In January he confiscated his grandparents' car and drove to Asheville from Campobello."

A. Okay. And this is ---

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Q. Is that true? That was right after said he ---

A. Yes. Yes.

Q. --- tore out the phone wires, cut off the master power switch to the house. So were those also in January?

A. I can't remember. Let me read it and try to get ---

Q. Sure.

A. --- back into the ---

Q. Go ahead.

A. --- flow of it. (Reviewing document). Yeah, must have been. It would have to have been January of 2005.

Q. Was the tearing the phone out and the cutting off of the master power switch two different incidents or is that one thing?

A. I think they were closely related in time, but not the same day. But they were probably the same month perhaps.

Q. And when were those in relation to the taking the grandmother's car?

A. Okay. That seems to have been the January of 2005.

Q. That he did all those things?

A. Yes. They were that -- over that year.

Q. So do you think that the tearing the phone wires out of the installation, the cutting the master power

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switch to the house, and the confiscating of the grandparents' car all happened around the same time?
A. Well, let's see; it would have to be within that year, because you got January in the early year, early ---
Q. Well, that's the third thing you mentioned. So I'm wondering if it was like the first thing was the phone wire, the second thing was the power switch, and the third thing was the grandparents' car. Is that the way you meant it or did you mean it some other way?
A. Well, since the statement is made on the 10th -- let's see; it was made in October. And I speak of January, so it's got to be the preceding January, because we're not to the next January yet. It's all that year, 2005. And the order of them, that's probably -- okay. The first would be the car incident, the grandparents' car, and then the other ones.
Q. Kind of spread out a little bit at a time?
A. Probably.
Q. What does it mean when you say, "I'm trying to be as objective as possible in this situation. Other members of the household have heard John Doe 1 make such statements. Example, I know how to handle

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adults." What does that mean?
A. He was talking to the -- one of his -- a girl that called him. I can't remember her name. But he said, oh, don't worry, I know how to handle adults. And [redacted] and I were both walking by his room when we heard him say that.
Q. What do you think he meant by that?
A. It means that he's -- you know, he's trying to manipulate people to get his way.
Q. And what did you mean when you say, "I'm trying to be as objective as possible in this situation."
A. Okay. Now, is this is the same paragraph?
Q. It's right before it; yes, sir.
A. I'm still on the wrong page, I suppose.
Q. It's the first ---
A. Which paragraph?
Q. --- page, the second paragraph. It says, "I am trying to be as objective as possible."
A. Okay. I'm just trying to reason what his motivation is for this, I think, and ---
Q. Let me just see if -- let me see if this is true. You say here, "I am trying to be as objective as possible in this situation." And then you say, "Other members of the household have heard John Doe 1 make such statements as I know how to handle

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adults." Are you trying to say there that, well, John Doe 1 might be handling Mr. Rhinehart right now and you're trying to understand that that's what's really going on?
A. Or what is causing what to go on also. What is the -- what's the cause behind this? What's causing this to happen? It's almost like that's not really a good paragraph, because the first sentence should have probably gone with the first paragraph. The first sentence of the second paragraph, I should have probably just ended the first paragraph. And the "Other members of the household heard John Doe make such statements as I know how to handle adults" is -- I'm just trying to figure out what -- put it all together and look at what's prompting these behaviors.
Q. Well, then it says, the next paragraph says, "When John Doe 1 does not get his way he can be vindictive." Why did you say that?
A. Because it's true.
Q. So John Doe 1 had just gotten in trouble with the Boy Scouts; right, for the popcorn issue? Right?
By Mr. Meyers:
Objection to the form of the question. Go ahead.
By the Witness:

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I couldn't hear you.
Direct Examination Resumed by Mr. Walsh:
Q. He's objecting just for the record.
A. Okay.
Q. But you can still answer my question. Do you think that John Doe 1 was being vindictive to Mr. Rhinehart because of this problem with the Boy Scouts?
A. I think this surge of vindictiveness was caused by Rhinehart, personally.
Q. Well, how long do you think this alleged abuse had occurred?
A. Longer than I probably realize now.
Q. Well, how long do you think it was?
A. I'd say at least probably -- at least six months to a year.
Q. Are you aware that John Doe 1 indicated it was three months?
A. No.
Q. So you don't know ---
A. I don't know.
Q. --- what he said?
A. No, I don't. That's bad, but I don't know.
Q. And so when you go to the second page in that first paragraph, it says, "Drama is what John Doe 1

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thrives on." And then it says although John Doe 1 reads on a second grade level, it's quite ironic how he can accomplish the goals, quote, all caps, HE SETS FOR HIMSELF. What did all that mean?

A. It's like when he wanted to go to New York and exams were coming up for me. He wouldn't -- it's like he could speak something and it would happen. I mean, it reminds me of like some of the things out of the agnostic writings. I mean, he could just say something and it would happen. He wouldn't let up until you did what he wanted you to do. Like I had to take him to New York to see his mama. All right. I can't put into words how he accomplished that, but he did.

Q. Are you asserting here that these allegations are creating drama, that he's made about your wife and Mr. Rhinehart?

A. There's going to be some drama created; that's true.

Q. And he thrives on drama is what you said?

A. Yeah, he -- there's times he does thrive on drama.

Q. And then why did you write that "It's ironic that he can accomplish the goals he sets for himself." What did that have to do with this whole incident?

A. That he gets what he wants. He's -- he does get what he wants. It's like if he wants to go to his

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grandmother's he figures out a way to get her on the phone and get her over there, networking capabilities.

Q. He's clever, as you say. You said ---

A. Networking capabilities, yeah.

Q. So if his goal was to get Mr. Rhinehart in trouble, he wouldn't know how to do that, is what you think?

A. That was his sole desire, his purpose, he probably -- he could.

Q. Now, what happened back in March of 2005 where John Doe 1 had -- apparently there was an incident report with the police where he had indicated that you had been beating him?

A. In 2005?

Q. Yes, sir. March of 2005. He had -- John Doe 1 had gone to the hospital, Spartanburg Regional, and that -- for some reason. Do you know why he went there?

A. I can't recall now.

Q. And are you aware that he alleged that you had previously beaten him and that you stopped beating him three years ago, but that you were -- that once you stopped beating him you were now beating your wife? Are you aware that he made these allegations?

A. No.

Q. Was he trying to create drama then?

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A. Can we back up a little bit?

Q. Sure.

A. Say where this happened, where he made these allegations?

Q. This is an incident report from the police.

A. Oh, it's from the police. Okay. I'm not even aware of that.

Q. So do you think he was trying to create drama then?

A. I can't say that he wasn't.

Q. Do you think he was being vindictive then?

A. Either vindictive or just ---

Q. Or he's lying?

A. Or trying to stir something up.

Q. Did it happen? Did you -- had you beaten him?

A. No.

Q. So that's a lie?

A. Yeah, I'd have to say yes.

Q. And do you beat your wife?

A. No.

Q. Had you ever beaten your wife?

A. I might -- I think I might have, you know, popped her upside the head like that (demonstrating) maybe once when we were still in Cheraw, but not in Spartanburg and not out of malice or hatred or ---

Q. It was a love tap?

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A. Yeah.

Q. So if he alleged that you had ---

A. I never put a bruise on her or anything.

Q. If he had alleged that you had been beating Ms. [redacted], who was a nurse at Mary Black Hospital, that wouldn't be true; would it?

A. No.

Q. So that would have been a lie?

A. I can't deny that, you know.

Q. And so do you think that one of the goals he was trying to set for himself was to get you in trouble if it wasn't true?

A. I don't know what else it would be. Let me -- I would have to -- I would have to ponder that awhile. But still ---

Q. Didn't the police interview you?

A. They probably did.

Q. Did John Doe 1 get arrested for shoplifting?

A. Let's see -- can you give me a hint about what year?

Q. I don't know. There's an incident report that indicates that John Doe 1 indicated that you spanked him after he shoplifted. So was he arrested for shoplifting or did you catch him shoplifting?

A. I can't remember.

Q. Did the police -- do you remember now that the

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police interviewed you about these allegations about physical abuse of John Doe 1 and physical abuse of [redacted] by you?

A. Some of them I remember and some of them are hazy, but what I'm beginning to remember is, you know, we had some difficulty with John Doe 1.

Q. One of the police documents indicates that [redacted] said the victim, John Doe 1, is mentally retarded and out of control, in April of '05. Is that true?

A. That could very well be true. I don't remember the specific incident but, yes, it could be true.

Q. It says that the officer spoke with you and asked you if you abused your son. Do you not recall this?

A. Not specific -- specific words, but I -- we -- the police had come to the house a lot of times for disruptions and things that John Doe 1 had done.

Q. Well, it's one thing for the police to come because John Doe 1 had disrupted somebody, but it is another thing to come and them say, we're investigating you for abusing your child. I mean, is that something that happened more than once?

A. No, it's nothing we never had to leave home and go up town for.

Q. Well, I'm not saying you had to leave home. I'm saying somebody talking to you about allegations

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that you had abused John Doe 1 in any way?

A. Huh-uh (negative).

Q. Do you ever recall that happening?

A. Not the police or anybody.

Q. Well, who other than the police?

A. His grandmother might see a bruise. There was a bruise on his leg where I popped him on the leg one time, but it's superficial. But he's got -- I remember his grandmother, Jane Doe, you know, being kind of upset about ---

Q. So she accused you of hurting him?

A. It could have been her.

Q. She accused -- well, no, the document indicated that John Doe 1 was at the hospital and he accused you of beating him in the past and also beating your wife. It wasn't ---

A. No. That's -- no.

Q. It wasn't Jane Doe.

A. Okay. But there wasn't any harm done to anybody. I mean ---

Q. So that was not -- none of that was true?

A. None of that could have been true.

Q. So it seems to me that John Doe 1 has made allegations against you that aren't true about you abusing him?

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A. Yes. Over the years he has.

Q. And he's done it more than once? You said "over the years." That sounds like more than one time.

A. Yeah, he's said things, but he's never proven anything, I mean, he's never -- how am I trying to put this. I know I've got to put this in a succinct way that's going to make sense to you. He has never done anything that would carry weight because it wasn't true.

Q. Well, what evidence does he have, other than his word, that Mr. Rhinehart abused him, that you know of?

By Mr. Meyers:

Objection to form. Go ahead.

Witness Answers:

A. I don't know because we've been over that before and I'm just going to say because the judge found him guilty of molesting his son. But other than, I really don't have anything to say about this because I don't -- I can't -- I don't know what to say.

Q. Well, when the police came and talked to you and you wrote that statement that's Exhibit 2, did you tell the officer at that point that John Doe 1 lied repeatedly in the past?

A. I remember telling him that he could be vindictive

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at one time, when a policeman did come around there. I remember saying that, but ---

Q. Well, according to the records that I've read, the officer indicated that he spoke with you and that you said you wanted to believe him but he has been known to make false statements before. Did you say that?

A. I don't recall. I do remember, because I read it like I read this, that he has been vindictive and he has made false statements.

Q. So you admit to saying that to the officer?

A. I don't know if I did or not, but it's true. He has made false statements.

Q. And that you indicated to the officer that you told John Doe 1 that -- well, then you also mentioned this problem about the popcorn money and that you told the victim, the victim being John Doe 1, that if he did not turn in the money for the popcorn drive that he would be kicked out of the club. Did you tell John Doe 1 that? Did you have that conversation with him?

A. Yes.

Q. So you knew before John Doe 1 made these allegations that the popcorn money was an issue with the Boy Scouts?

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By Mr. Meyers:
Objection to the form.
Direct Examination Resumed by Mr. Walsh:
Q. Is that right?
A. I asked him if he took the money and I told him to be truthful, and he said he didn't.
Q. But before John Doe 1 made the allegations against Mr. Rhinehart, the issue of the popcorn money was already out there; is that true?
By Mr. Meyers:
Objection to the form.
Witness Answers:
A. Before? Okay. I'm thinking. Before John Doe 1 made the accusation. To the best of my knowledge, there had been something said about the popcorn before that.
Q. And so is that why you were putting in Exhibit 2 the stuff about how he knows how to handle adults, that he can be vindictive, that he thrives on drama, and that he can accomplish the goals he sets for himself, because you were uncertain if the allegations against Mr. Rhinehart had something to do with the allegation -- with the Boy Scout dispute?
A. In retro -- I can answer that in retrospect. I see

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Rhinehart's guilt as what propagated the popcorn deal. And because of his son's testimony that he was guilty and Doni's confession to me that her husband, Rhinehart -- Brian Rhinehart, was guilty, okay, that's just what I think that ---
Q. Well, did you tell the police officer that you told John Doe 1 that he would be -- that if he didn't turn in the money for the popcorn drive, he would be kicked out of the Boy Scouts?
A. I don't know.
Q. And did you tell the officer that John Doe 1 was very angry about the possibility of that happening?
A. I can't remember.
Q. And did you tell the officer that John Doe 1 was very vindictive and explain to the officer that he had ripped the phone wires from the exterior of the house when he has not gotten his way in the past?
A. Yeah, because I remember that from the writing.
Q. When you were -- you were unsure, weren't you, at that point? Because John Doe 1 was being -- was getting in trouble with the Boy Scouts because of the popcorn money. Whether he did it or he didn't do it, they believed he had done something with the money. And then the allegations of abuse with Mr. Rhinehart came out. And so you weren't sure what to

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believe at that point, were you?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:
A. I knew that from 2003 when he joined the Boy Scouts he was happy, and then that continued for a while. And then we started having problems again. But he was doing so well, and then to do so poorly and to -- it just didn't make sense. I forgot -- I might have gotten carried away. What was that question again?
Q. My question is, is that when you spoke to the officer, you were not sure whether John Doe 1 was telling the truth, because he had already been in trouble with the Boy Scouts and you knew him to be a vindictive person who thrived on drama. True?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:
A. I think he does thrive on drama, but he also thrives on doing the right thing when it's time to do the right thing. And I saw him start off with something that really made him happy and then I saw him end up in a basket case. But, yeah, he's a kid and he had mental problems, and he does all the things that

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we've discussed. But he's not -- he's not cruel enough -- I've never known him to be cruel enough to do something to send somebody to jail if it wasn't true.
Q. Well, he was cruel enough to allege that you had abused him; right, and that wasn't true?
A. Yeah. But it was alleged and -- it was alleged and he didn't -- nothing -- I didn't suffer for it. I mean ---
Q. Well, he had no proof, other than his word, when he blamed you for abusing him; did he?
A. That's all.
Q. And you didn't abuse him, did you?
A. No.
By Mr. Walsh:
I think this would be a good time to take a little break.
(Off the record at approximately 1:10 p.m.; back on the record at approximately 2:12 p.m.)
Direct Examination Resumed by Mr. Walsh:
Q. Mr. Father of John Doe 1, we're going to go back on the record and talk some more. We had mentioned over the course of our first few hours questions about the Boy Scouts and Mr. and Mrs. Rhinehart and Ms. Culbreath and so forth. And let me kind of talk

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a little bit about that now with you. Have you had face-to-face conversations with James Rhinehart? Do you know him and talked to him before?
A. I have talked and spoken with him before, yes.
Q. About how many times have you been in his presence you think?
A. A dozen -- a dozen, two dozen. It's been six years ago but, you know, more than a few.
Q. Once John Doe 1's allegations came out -- and I understand that you were told by John Doe 1 the night before he told the school psychologist; is that right?
A. Yes.
Q. Once that came out did you have any conversations with James Rhinehart? Or Brian Rhinehart, I guess is what y'all called him.
A. No.
Q. In the conversations that you had -- and when I -- and let me just withdraw that. And when I'm saying conversations with Brian Rhinehart, it would be on the phone, through email, letters, any other communications that you had with Brian Rhinehart besides what had occurred before the allegations came out? Anything?
A. No.

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Q. And then the conversations that you had or the communications and contacts you had with Mr. Rhinehart that would have occurred, then, before the allegations of abuse came out, were those centered mainly on the troop or did you have other conversations about just other things?
A. I know [redacted] and I went to his house once and he just showed us some things they had gotten for Christmas or some purchases they'd made or how they decorated a room. He asked me how I was doing in school, and I'd tell him such and such a class is rather difficult, the other one is not too bad or this one's easy.
Q. So just kind of like small talk, just nothing like -- were y'all friends?
A. We got along well, but we didn't do too much together. We were ---
Q. How many times were you at the Rhinehart home, approximately?
A. Maybe six to a half a dozen. I'd drop John Doe 1 off there some.
Q. So would you ---
A. I knew where he lived, and I'd been to his house.
Q. Would you take John Doe 1 and drop him off and go inside or just pull up, let him out, and then leave?

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A. Both. Sometimes I'd go in. Sometimes I'd just let him out.
Q. So how many times do you think you were actually in the home?
A. It's hard to tell after six years. I'd say somewhere between half a dozen to a dozen at the most.
Q. And would that be just dropping John Doe 1 off or would you come over there not to drop John Doe 1 off?
A. I never recall going over there by myself. I was usually taking John Doe 1. I don't recall a time I went over there by myself. I could have maybe to pick something up or gotten something he'd left over there.
Q. Is it fair to say that any time you went to the Rhinehart home you were there either to drop John Doe 1 off, pick him up, or get something or drop something off that he needed, something related to your son?
A. Yes.
Q. You weren't socializing with the Rhineharts separately from your duties of taking John Doe 1 back and forth and getting stuff for him?
A. No.

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Q. Did you ever see Mr. Rhinehart outside of those settings? Did you ever go out and get a beer or meet for a movie, have lunch, anything like that?
A. No.
Q. What about Doni Rhinehart? Did you ever see her outside of those times when you would be taking John Doe 1 or getting stuff from him at the home?
A. No. Now, I remember -- I think I picked him up at a bowling alley one time, and they were there. But I just picked him up there like I did at the house.
Q. So you didn't socialize with Ms. Rhinehart outside of seeing him with John Doe 2 and John Doe 1?
A. No.
Q. Did your wife socialize with either of them?
A. No.
Q. Differently than you?
A. No.
Q. According to this article that you had given me, the Upstate.com, the date of the article was November 15th, 2003, and they are talking about the starting of the Boy Scout Troop. Does that date of November 2003 correspond to when you generally believe the troop started?
A. That's when we became aware of it, about that time.
Q. How did you become aware of it?

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A. In the newspaper article itself, and I'm pretty sure of that. Jane Doe had also said something about it, but ---
Q. Well, John Doe 1 was already in the picture. So he's in the troop at this point. So did you find out after the fact that he was in the troop? In other words, had Jane Doe enrolled him?
A. And I can't remember if it was Jane Doe or [redacted] that enrolled him, but ---
Q. Well -- okay. Go ahead.
A. --- I can't remember.
Q. Well, during 2003 and 2004 you were in -- and into 2005, you were still going to chiropractor school; is that right?
A. Right.
Q. And you said at some point that [redacted] actually left and went to live somewhere else, and you had to go move in with somebody?
A. That was at the end, though. That was in 2006.
Q. So when you were going through chiropractic school was John Doe 1 basically living with Jane Doe at that point?
A. Yes.
Q. So how often would you see John Doe 1 during the time you were -- you know, that you had been going

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to school for those four years?
A. Up until 2005 it was about 50/50, Jane Doe or myself. He was at one of those two households. split about 50/50 between Campobello and Spartanburg. And then after -- we're in 2006, it was -- he was with Jane Doe.
Q. Almost exclusively at that point for a while?
A. Yes.
Q. During the, say, 2001 to 2005 period when you were in school, was Jane Doe expressing frustration with John Doe 1's behavior?
A. I didn't hear that reported much then that she was, so I don't really know.
Q. Well, if John Doe 1 was involved in any sort of disruptive activities where he was acting out or showing, you know, frustration with things, would that have been something that you wouldn't have known about you think, or would you have been informed?
A. I might not have known about it. I would say I wouldn't have known about it.
Q. Now, going back to the troop, how did you become aware of the troop? Do you think that Jane Doe had John Doe 1 enrolled and you found out about it after the fact or you knew about it before he enrolled?

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A. I think -- I remember us talking about it being a good idea that the Scout Troop was started. And so we all sort of -- [redacted] myself, Jane Doe all agreed on it. But I think Jane Doe actually went with him to enlist in the Scout Troop or sign up for the Scout Troop.
Q. Before you became aware of the Scout Troop did you know Mr. or Mrs. Rhinehart?
A. No.
Q. Did you know any of the people who were involved in running the troop before you got involved in the troop?
A. No. Personally, I didn't.
Q. Who did you understand was sort of in charge of the troop?
A. I understood that pretty much Rhinehart, Brian Rhinehart, was through Jane Doe and [redacted] and the article there.
Q. And then they mention this other family in here, the Houles or Houles?
A. I don't -- I never met them that I know of.
Q. It's H-O-U-L-E. Okay. As far as you know were they involved, either of them involved, Paul and Charity, or were they involved in the running of the troop? Their son is apparently Alex.

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A. Okay. I'm wasn't that familiar with that family.
Q. Now, do you know anyone else who are sort of in a -- well, let me ask you this first; what did the troop do? Like what was the normal course of events for the troop? Did they meet at some point every so often?
A. They met at the church, I think.
Q. Do you know how often they met?
A. It seems like it was monthly, a certain Monday of the month, if I recall correctly.
Q. And did you ever attend a meeting?
A. Once or twice I -- you know, I went there.
Q. When you didn't go would Jane Doe go, or do you know how that worked?
A. No. Not that I'm aware of.
Q. So how would he -- how would John Doe 1 get to the meeting?
A. Brian -- either I would take him and go pick him up or Brian would come pick him up and take him.
Q. Did anybody else other than Brian or you and Jane Doe take him back and forth?
A. As far as I can remember, no.
Q. Do you know if there were any other adults leading the troop at these meetings besides Brian?
A. Yes. There was another fellow, but I can't remember

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his name.
Q. You had mentioned this Ms. Culbreth. Do you know what her role in the troop was?
A. No.
Q. Did the troop ever do things other than the meeting?
A. Yes. They had a meeting, and then they would go to -- they'd go on field trips. I'm not too familiar with where the field trips were, but John Doe 1 would tell me about them. And they went to a camp, I think the Harris -- the word Harris keeps popping up. Up in that area there's a Boy Scout Camp, and they went to that.
Q. But did you ever go on any of these trips outside of the meetings?
A. No.
Q. Did Jane Doe or anybody else affiliated with John Doe 1 go?
A. At John Doe 1's graduation from the camp, I think they went -- we went and I -- they were there, I think. It seems like they were.
Q. What do you mean by graduation from the camp?
A. That's just the end of the camp. It's a week camp and then at the end it's sort of like a graduation because they completed the camp.
Q. Okay. I see. Now, did the troop ever go to any of

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the adults' homes for meetings?
A. Not that I'm aware of.
Q. Now, did John Doe 1 ever stay at the Rhineharts' home overnight?
A. Yes.
Q. Did John Doe 2 ever stay at John Doe 1's home overnight?
A. I can't recall. I don't think so.
Q. Would that have been -- well, do you ever remember John Doe 2 staying with you?
A. I can't recall him staying with us.
Q. Do you know if he ever stayed with Jane Doe?
A. No, not for sure.
Q. Do you know how many times John Doe 1 stayed at the Rhineharts' home overnight?
A. No. I don't know exactly. I'd say -- I feel it's safe to say at least three, but probably more.
Q. Would he go to visit John Doe 2 and then come home sometimes too? It wouldn't always be he spent the night?
A. Yes. Yes.
Q. Was it mostly that he would go and come home?
A. Both.
Q. Sometimes he would spend the night, sometimes he wouldn't?

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A. Uh-huh (affirmative).
Q. That's yes; right? Remember you got to give me a verbal answer.
A. Okay. That's yes to both.
Q. That he would do both, spend the night and then also go and visit and come home?
A. Yes.
Q. Okay. So do you know how John Doe 2 and John Doe 1 became friends, like when that happened or how that happened?
A. Not exactly. I think they were close to the same age, but they might have gone -- I don't know. They might have gone to school together, but they didn't know who each other was until they -- until John Doe 1 joined the Scout Troop.
Q. And then they became friends?
A. Right.
Q. I think we can establish from this article that John Doe 1 and John Doe 2 were in the troop as of November of 2003; right? We can agree with that?
A. Yes.
Q. And then obviously, the allegation of abuse came up in September of 2005. Does that sound right?
A. Yes.
Q. So would that pretty much be the window of time

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where John Doe 2 and John Doe 1 were friends, you believe?
A. Yes.
Q. Because in your handwritten note, Exhibit 1, apparently the friendship with John Doe 1 and John Doe 2 sort of ended around that time period after the allegations came out?
A. Yes.
Q. Do they communicate at all now? Like since the incident do they see each other or talk, or have they? Do you know of John Doe 1 and John Doe 2 ---
A. I wouldn't think since the sentencing. But right after the fact they did, because I remember him calling John Doe 2 on the telephone. And he was also going to drive the car to John Doe 2's house one time, so that's about one attempt and on actual communication by phone.
Q. Did you ever become aware that Ms. Rhinehart had gotten sick?
A. No. I didn't know that until the other day. I looked it up on the internet.
Q. What did you look up?
A. I looked up the death of Rhinehart. That was, I think yesterday or the day before, because I'd seen it on an email.

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Q. That said she had passed away?
A. Yes.
Q. And what did you -- what were you checking? To make sure it really happened or ---
A. Yes, because it said whose wife passed away. And I was saying could that have been Doni? And I was checking to see if it was.
Q. Now, once the allegations of abuse came out concerning Mr. Rhinehart, did you have any conversations with Doni Rhinehart about the incident that was alleged by John Doe 1?
A. Yes. John Doe 1 had called John Doe 2 to see how he was doing. And then John Doe 1 brought the phone to me and said it's Doni. I think that's what he said. But anyway, she said that she didn't want John Doe 1 to call around there. I think it was -- you know, it's frustrating to her, which I could understand. But she said -- she did confess to me that Brian had done it. I don't think she went into detail, but she said, "Yes, the SOB did it." I remember her saying that verbatim.
Q. This SOB meaning son of a bitch?
A. I would assume so.
Q. Well, she used the letters SOB?
A. I think she used the words, if I'm not mistaken, but

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Q. And do you know what she meant by "it"?
A. I didn't know ---
Q. Let me ask it another way. Did she say what she meant by "it"? When she used that word "it," did she say what she meant?
A. No. I can't recall her saying what it meant.
Q. Now, at this point was this -- this was after the police had gotten involved and, you know, had -- was that true, that the police had already gotten involved when that conversation occurred?
A. I'm not a hundred percent sure, but I'm pretty sure that they had because it was sometime after -- sometime later in the month, that month.
Q. Do you think that when you had this conversation with Ms. Rhinehart, Brian Rhinehart had already confessed to the allegations about John Doe 2?
A. I don't know, because the time line is so tight right there.
Q. So are you aware how -- and you mentioned the proceedings in front of the judge and his comments. And were you there when that happened, when there was this plea hearing?
A. We went one time, and Doni came. I can't remember. It seems like there was an Anderson fellow, judge.

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I can't remember for sure about that, but I thought that was him. And we all sat there, Doni, myself -- Doni and some of her family were sitting there. We were sitting on the other side of the room, [redacted] and myself. And they -- Doni had to go to a different court, Family Court maybe. I can't -- I'm not sure about that either, but they had to go in another room, and they never called our case or whatever at that time. Then I had to go back to school. And they said they would call me. And I think they did call me once, but I just saw the 864 number. And I was studying for a test, and I said, well, that's probably Jane Doe. I didn't really -- I was just so stressed out studying for the test, I didn't call them back. But I think they did try to get up with us again. But the day we went they didn't hear it.
Q. So were you there when the judge made comments and took the plea from Mr. Rhinehart?
A. No, I wasn't.
Q. So you made these comments on what the judge said. How do you know what he said?
A. Because I saw it online.
Q. So you read an article?
A. Yeah.

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Q. Did anybody that you know tell you that they were there and they told you what was said?
A. No. I wasn't told by anyone.
Q. So what you know about the hearing came from your -- the reading of the news article?
A. Uh-huh (affirmative). Yes, sir.
Q. Do you know what Mr. Rhinehart is in jail for?
A. To the best of my knowledge, it's for the molestation of John Doe 2.
Q. Was there a trial and he was found guilty or did he plea to the charge? Do you know?
A. I know a judge is involved, but I don't know the particulars.
Q. Are you aware of there being a trial where there was actually, you know, witnesses called and evidence taken?
A. It sounds familiar, but I can't -- again, I can't zero in on it.
Q. What happened to the charges that I presume were made concerning the allegations John Doe 1 had made?
A. We didn't show up for the -- we didn't show up again. The next time -- they tried to notify us, but I didn't -- I didn't catch it. I didn't hear it. I didn't get to the phone. I was preoccupied, and I didn't know that we were supposed to appear.

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But I think they notified us. They told us they notified us, attempted to notify us, but we didn't -- we were predisposed.
Q. You acknowledge getting -- you think you got at least one call?
A. I think so.
Q. Was John Doe 1 living in South Carolina at that point when the charges were pending and they were trying to pursue those?
A. Yes. Yes.
Q. Were you?
A. I was in Georgia.
Q. What were you doing?
A. We had gone to Georgia to go to Life University. I transferred to Life University there. I was just having so much trouble at Sherman, and I lost financial aid there. But Life University said you can get it here, so you just transfer here. So I went there, and I was going to take John Doe 1 there. We actually took John Doe 1 there, Beverly and myself and John Doe 1, and got a little condo there. But John Doe 1 would not -- he would sneak out at night, and we would never know where he was. And he'd just walk the streets. And so we said let's just go back and take a break from school now,

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let's get John Doe 1 straightened out. But he didn't want to go back home. And he would grab the steering wheel of the car, try to run us off the road when we were going back to South Carolina, but we got back. And he was really frustrated, because I think he might have wanted to go to school in Georgia, but we just couldn't control him. So we came back. And I kept him for three months. It seems like it was three months, I think. And then I went back to school. But then due to dropping out -- all -- after I'd already received my financial aid for that quarter, I had to make straight A's to stay in. It was the same deal. I had to make straight A's to stay in school. I didn't do that, so I lost my financial aid. I could still go to school, but I had to pay my own way, and I didn't have any money. So John Doe 1 went to stay with Jane Doe, and Beverly went to Society Hill, her home, and I went to stay with a friend in Chesterfield.
Q. I may have asked you this, but did you talk to Doni Rhinehart about John Doe 1's allegations other than that conversation when she said that SOB did it? Have you had any other communication with her, other than that conversation since the allegations came out?

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A. Let me think a minute. I don't know. If I did, I can't remember it, and I really don't think I did.
Q. What about anyone else that you may have spoken to who may have given you information about the allegations, like other -- any other witnesses, any other people, you know, who might have talked to you about it and said, well, I know this, I saw this, I heard this, anything like that?
A. It seems like I heard that Brian was convicted, but I don't remember who told me.
Q. Were you not following his outcome very closely at that point because of your other issues that you had going on?
A. Yes, sir.
Q. But you do understand that he was sent to prison?
A. Yes.
Q. And you understand he was sent to prison for the abuse to his stepson?
A. Yes.
Q. In the time that you were in the presence of Mr. and Mrs. Rhinehart, and in the time that you were at their home for whatever reason, did you ever have any sort of -- like looking back, any sort of feeling that you should have seen something or caught something or noticed something about Mr.

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Rhinehart and what he might have been doing?
A. No.
Q. So in looking back ---
A. I can't think of anything.
Q. --- if we -- it's my understanding that Mr. Rhinehart pled guilty to abusing his stepson, John Doe 2. Okay?
A. Okay.
Q. So I believe that that's what he did, and he admitted that. So assuming that is true, which for purposes of my questions let's just assume that was true. Looking back, did you ever notice something that was unusual about him that would have tipped you off that he might have been doing that to John Doe 2?
A. No.
Q. As far as you know, did John Doe 2 and John Doe 1 ever talk about Mr. Rhinehart's activities to each other? Did they ever communicate to each other as far as you know?
A. Not as far as I know.
Q. You believe that John Doe 1 was abused by Mr. Rhinehart?
A. Yes.
Q. And do you believe that Mr. Rhinehart also abused

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John Doe 2?
A. Yes.
Q. Do you have any reason to know if John Doe 1 and John Doe 2 knew that the other was getting abused?
A. I read this article in the paper I got up from the Upstate, Spartanburg Herald. I think it was the Herald. I can't remember where I read it and where it came from, so ---
Q. What are you thinking you read?
A. Anything it would be, it'd be hearsay, I suppose.
Q. Well, did John Doe 1 ever tell you at any point that he knew about John Doe 2? And let me help you out with something. It's my understanding from reading the police file that John Doe 1 mentioned that John Doe 2 was getting abused. Do you know if that's true? And that's how it came up.
A. Okay. That doesn't surprise me, because I know he was going over to John Doe 2's house to see if he was okay when he had the car.
Q. Well, do you know, then, how -- if that's true, how John Doe 1 would have known that, that John Doe 2 was getting abused as well?
A. I guess from observation he made on his own.
Q. I'm just asking if you know. Did you ever have a conversation with John Doe 1 or get any information

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from him that he knew that? And if you didn't, that's fine. I'm just trying to figure out if he did know that.
A. I can't remember the part John Doe 2 played and what he has told me about John Doe 2.
Q. My understanding from what John Doe 2 said was that he was -- John Doe 2 says he was abused by Mr. Rhinehart. He also says he was abused by John Doe 1. Do you know if that's true or not?
A. I think I read that in the article, something to that effect. But, you know ---
Q. Well, do you know if that's -- do you have any information, other than what you read, to know if it's true or not?
A. No. I don't have any information, no.
Q. Any reason to think it is true or not true, one way or the other?
A. Not that I can -- no. Not that I can substantiate, no.
Q. Have you ever heard of anyone ever claiming that John Doe 1 had improperly touched them or done some sort of sexual act to them?
A. No.
Q. Did [redacted] ever say that?
A. [redacted]

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Q. [redacted]
A. Not that I'm aware of.
Q. Now, there's a lawsuit that's been filed against Ms. Rhinehart by Jane Doe as guardian for John Doe for John Doe 1. Do you know what the allegations against Doni Rhinehart are?
A. No, I don't.
Q. Do you believe Doni Rhinehart is somehow responsible for the abuse that Mr. Rhinehart may have inflicted on John Doe 1?
A. I don't like -- I don't know all the particulars, but I see Doni as a victim.
Q. Her son was abused by him; right?
A. Uh-huh (affirmative). I would definitely not see her as condoning that.
Q. Any reason to think that she would have known that Mr. Rhinehart was involved in the abuse of either John Doe 1 or John Doe 2?
A. It's very difficult to imagine.
Q. That she would have known?
A. True, that she would have known. I can't imagine it, her knowing.
Q. Do you understand or do you know what she did after the admission by Brian that he had abused her son and what her response to that was? Do you know what

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-- did she ---
A. Response to what?
Q. Well, when he admitted to the abuse to John Doe 2, what Ms. Rhinehart did in response to that?
A. I don't know.
Q. Do you know if she moved to divorce him? Did she throw him out of the house?
A. Oh, I'm thinking right at that instant. I know that they got divorced or she left him; I do know that.
Q. Has anybody ever told you if they investigated Ms. Rhinehart and ever determined if she had any knowledge or involvement in the abuse?
A. I don't know anything about it.
Q. Now, the aftereffects on John Doe 1 is what I want to kind of ask you about. I understand your position is that you believe he was abused by Brian Rhinehart. And I also understand your position is that you felt like the Boy Scouts, through that letter, were retaliating against Mr. -- against John Doe 1 for disclosing the abuse; is that true?
A. Well, the letter -- I feel Brian Rhinehart was behind the letter or -- I mean, this is conjecture on my part, of course. But all he had to do is -- he had access to that letterhead.
Q. Right. So I guess my question is, is I understand

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that's what you believe. For purposes of these questions I'm saying that you -- your position is that he was abused by Mr. Rhinehart and that Mr. Rhinehart was behind writing the letter and he did it because he was trying to somehow cover up his crime?

A. I can't think of too many of us that were not abused by Mr. Rhinehart.

Q. So my question, then, is if that's what you believe, what do you -- first, let's talk about the -- well, can you separate the two out on -- you had mentioned a few times that John Doe 1 seemed to act worse after the allegations came out. Is that what you're saying?

A. Yes.

Q. How did he act worse?

A. He'd never been -- where it's all at that time. It was all around that time. It's, you know, he took the car early in January 2005. But when he was doing the stuff with the -- yanking the telephone out and throwing the brick through the window, that was in -- that was during that time. It might have been a couple of weeks before, it might have been a couple of weeks after. But he -- that was during the time it was coming out, everything was, you

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know, exploding, everything was coming to a head, so to speak. That's when he started the more violent stuff, like he stabbed [redacted] in the arm because he didn't want to go to school. He, you know, threw the brick through the window. He snatched the telephones out. And that was later in 2005.

Q. And so he acted out in a more aggressive way is what you're saying?

A. Yes.

Q. Other than those instances, I guess what I'm trying to ask you is do you -- can you give me any information about how you think the events affected -- the events that are involved in the abuse and the letter, and so forth, have affected John Doe 1? You said that he became more aggressive. And you described some instances. Any other instances or any other examples or things that you can point to?

A. He did -- I don't know all the details of this, but he did attack his grandmother or did something -- some act of violence was involved whereby he was sent to a center in the Patrick Center, maybe. And I can't remember the complete name, but it was in Anderson, I think.

Q. So he -- another act of aggression?

A. Uh-huh (affirmative). Yes, sir.

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Q. Are you aware of any aggressive acts of behavior that he had exhibited prior to sort of this time period when he disclosed the abuse?

A. Not directed towards people, like not physical, violent -- physical violence like that.

Q. Like what would you be talking about?

A. Like throwing a brick through a window or pulling the telephone wires out of the house or stabbing Beverly with a knife.

Q. So what would he have done? You said not like that, so ---

A. He would throw the keys away if we were -- one for instance would be throwing the keys away if he didn't want to go somewhere. I mean, it's hiding the keys if he didn't want to go to his doctor's appointment that day.

Q. But he wouldn't be violent or potentially violent?

A. No.

Q. Or commit a property damage to something?

A. No.

Q. What else? Anything else that you think how his behavior changed other than some of these outbursts that you describe?

A. Let's see.

Q. Let me ask you this too, before you answer that

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questions. I'm sorry. After you moved to -- at some point in 2006, you started going to Georgia and then you came back. Did Jane Doe take over? You know, were you -- was he staying with you in 2007, 2008, 2009, 2010?

A. No. He was at Jane Doe's.

Q. In those -- say, the last five years, how much time -- how many nights have you stayed with him?

A. The last time -- except for being on the internet with John Doe 1, the last time I saw him was in the November of 2006.

Q. So you haven't seen him in five years physically?

A. Right. Right.

Q. And he's either been with Jane Doe or he's been with his mom?

A. Yes.

Q. Has he been with his mom more than the last year? I mean, has he been up there a lot?

A. From what I can tell, yes, he's been up to New York more.

Q. You think he's been up there ---

A. Not more time up there, but more than he has been in the past.

Q. So in the last five years, then, do you know how much time he spent with Jane Doe versus how much

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time with Mom?
A. I'd say at least 90 percent with Jane Doe.
Q. Even though in the last year he's been with Mama, though?
A. So he says. He got home really quick, you know. He said I'm coming home for a visit, and then a couple -- well, you know, he can't get down here quickly if somebody went and picked him up. But it just -- it just kind of surprised me that he was with his mom. I've only known about that for a couple of months, so ---
Q. Well, how come you haven't physically seen him if he's been down here with Jane Doe 90 percent of the time?
A. Because I don't have any -- I don't have the clothes on my back. I don't have -- I have no gas. The only reason I had gas to get up here is my wife gave me money for gas. I've searched for jobs and searched for jobs but, you know, I got -- I almost got a job at Florence, but then they gave you a -- working with the water department. I scored -- every score -- I made 100 on the exam you take to be a water plant operator, but they gave me a physical and said I flunked it.
Q. Well, why did you flunk it?

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A. They said the my -- I had some kind of cavitation in my heart. And then they said for $14,000 they could get -- they could run a test on me to see if -- I forget what you call them. But, you know, I didn't have the money for that test, so I couldn't take the job. But I had qualified for it. So Beverly's got a -- said, well, give him an echo. The echo wasn't as much. She's a nurse, and she got them for like 500 bucks. So they said that from the echo they could tell my -- I was doing okay, but they had to inject something in me -- I can't remember -- to find out, you know, just how bad it was. And we couldn't afford that. So I flunked the physical more or less.
Q. So, then, do you know how -- since you haven't seen him really in years, how, if any -- in any way these incidents have affected him in the long term? Do you know?
A. No.
Q. Would you think that Jane Doe or his mom would know better about that?
A. Yes. Jane Doe definitely would.
Q. When John Doe 1 learned that there was this dispute with the Boy Scouts about the popcorn money, I think you had -- there was some questions I had asked you,

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if you had indicated to the police that he was angry with the dispute. Do you remember him being angry about that dispute?
A. He seemed a little bit frustrated or exasperated. Because I said, John Doe 1, did you have anything to do with the popcorn money or stealing the popcorn, or whatever? He said no, and he just -- he just kept saying no. I said are you being truthful with me, John Doe 1? And he said, yes, I didn't have anything to do with it. And I could see no evidence that he had.
Q. Were you ever involved in retaining lawyers in Florida to look at this case?
A. Oh, yes, sir. That's the first -- I called Marionoff and somebody to see what we could do about it. They said, you know, that it's -- that they couldn't handle it because the parties involved, one party's saying the other party did it, and the other party were saying the other party did it. So they didn't want to get involved.
Q. How did you find Florida lawyers?
A. Just searching the internet.
Q. Were they hired to do anything, do you know? Were they retained as far as you know?
A. No.

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Q. What I'm going to do is, I think Mr. Foster -- the good news is I'm pretty much done, and I'm going to look at my notes. And I may be -- I may have a few more questions. The bad news is he's going to ask some questions now, because he represents the Boy Scouts. So before we start with Mr. Foster, do you need -- do any of y'all need to take a break?
By Mr. Foster:
That's a good idea.
By Mr. Walsh:
Or are we ready to role? Take a break?
By Mr. Foster:
Yes, let's take a little break.
By Mr. Walsh:
Okay. We're going to -- while I'm on record, I'll probably have -- I'll probably look through my notes and have a few questions to ask you. But I appreciate you answering my questions, and bear with me through the -- through these few hours. Okay?
By the Witness:
Sure.
By Mr. Walsh:
Thank you. All right. We'll take five.
(Off the record at approximately 3:00 p.m.; back on the

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record at approximately 3:05 p.m.)
Examination by Mr. Foster:
Q. Mr. Father of John Doe 1, we met earlier in the deposition. My name is Bill Foster. I represent Boy Scout Troop 292 and some other defendants, St. Margaret's, the church that sponsored Troop 292, the Palmetto Counsel. I also represent Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neil, who are defendants in the other lawsuit that Jim talked about. Are you familiar with that lawsuit?
A. I don't know if I am or not. I might have to hear some more to tell you for sure.
Q. Well, just to speed things up, that lawsuit is Jane Doe as guardian for John Doe. And I can tell you it's my understanding that Jane Doe is Jane Doe and brought on behalf of John Doe 1. And in this lawsuit -- and I'll summarize. I'm happy to show you the complaint if you want to see it. The allegation against Troop 292 and Shelby Culbreath, who's signature is on the letter you testified about earlier, is that they intentionally inflicted harm upon -- or the claim is they intentionally inflicted harm upon John Doe 1 by sending him that letter excluding him from Troop 292 after he had or because

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he had reported the abuse of Mr. Rhinehart. And the second claim is that the other defendants that I mentioned were somehow wrong for -- in their supervision of the other two in allowing them to send that letter. Okay?
A. Okay.
Q. So I'm going to ask you some questions that are focused on that. But the first thing I want to talk about is you testified earlier you thought that after the allegations of abuse by Mr. Rhinehart, you thought John Doe 1's behavior got worse?
A. I believe it did.
Q. Is it your testimony that he wasn't violent prior to sort of that time frame right around when the allegations came out?
A. Not -- I can't think of anything that was in the same ballpark as breaking windows and pulling wires out of the house. I mean, I can't think of anything.
Q. Isn't it true that there were reports of violent behavior by John Doe 1 when he was in kindergarten?
A. I'd like to, you know, hear what they were so maybe I would know.
Q. Let's do that. Let's go ahead and mark this. And we'll just stay sequential. This is 3.

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(Court Reporter Marks Document as Defendant's Exhibit No 3; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. Mr. Father of John Doe 1, take a second and look at that. I apologize for the poor quality of this document. This is how it came to us. And the date on this record is February 20th of 1995. How old would John Doe 1 have been in 1995? Four?
A. Four.
Q. It listed family history, mother living, schizophrenia. Father, I'm not sure what all that means. If you flip over, second page, he has carpet in his room and he likes to hide under his bed. That's his, quote, secret place, close quote. His grandmother is more concerned, however, about problems at school. He has apparently become difficult to manage. He is in kindergarten and has difficulty holding in his anger. Do you see that?
A. Yes.
Q. Does that refresh your recollection maybe that John Doe 1 was having problems with anger as early as four years old?
A. Jane Doe hasn't really related this to me. Let's see. Now I do remember there was a time he heard some older boys using some foul language at the

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grocery store.
Q. But you don't remember John Doe 1 having problems with anger and being violent in kindergarten?
A. I don't remember violence in kindergarten. I think he would get toilet paper wet, throw it up, and stick it to the ceiling. And he heard -- I remember one day we were at the grocery store and he heard some older fellows use some very off-color language. And the next day at kindergarten his teacher called me at work and said that John Doe 1 had used those words. And I knew exactly that he was repeating what he had heard.
Q. This medical record from Cheraw Family Medicine is relating to the violence or anger, angry outbursts by John Doe 1; isn't it? He is in kindergarten and has difficulty holding in his anger. If somebody hits him, even unintentionally, he is likely to strike back, usually very forcefully and aggressively, and obviously inappropriately. Do you recall him exhibiting that type of behavior when he was four? I think this actually might -- he might be six at this point.
A. Okay. I know that if you would egg him on, he would strike back. But just this about unintentional is -- even if someone hits him unintentionally, he is

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likely to strike back. I wouldn't think that was an everyday occurrence. But, you know, he was a little bit hyperactive -- hyper reactive, but I don't think he was doing that -- I don't think there was that much of a pattern of it.

Q. I guess your former mother-in-law, his maternal grandmother, apparently thought it was enough of a problem to mention it to the physician?

A. Well, she's a -- she notices a lot. And she's very -- I think she overreacts sometimes to some of his problems, but she is perceptive and she sees a lot of things. But I think she oversees sometimes.

By Mr. Foster:

Go ahead and mark this Number 4.

(Court Reporter Marks Document as Defendant's Exhibit No. 4; Attached to Deposition).

Examination Resumed by Mr. Foster:

Q. I really will try to go through these quickly, because I know you have been here a long time already. Take a look at what's been marked as Number 4, Defendant's Exhibit Number 4. This is a medical record dated October 17 of 2000 when John Doe 1 was nine and a half years old. At this point John Doe 1 is accompanied by his stepmother, [redacted] Ms. [redacted] who served as

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historian today. Do you see that?

A. Yes.

Q. Do you see -- let's see; John Doe 1 is a nine and a half year old who is referred by Dr. San Pablo out of concerns related to symptomatology potentially compatible with attention-deficit/hyperactivity disorder as well as a history of acting out behavior occurring both in the home and the school setting, with reportedly sexually inappropriate behavior." Do you recall your wife taking John Doe 1 to the physician for -- out of concern about him acting out in a sexually inappropriate manner?

A. I think he was reported at school at having done so. But I didn't know she took him to the doctor for sexually inappropriate behavior. But it was like he would -- might pat a girl on her gluteals or something like that. But he wasn't trying to take her clothes off or anything.

Q. You know, if you look down at the last full paragraph of the first page, "John Doe 1 reportedly has a history of sexual acting out and as a result underwent an evaluation at the Durant Center at the request of DSS. This work-up for potential sexual abuse was reportedly negative." Do you see that?

A. Yes.

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Q. Why was John Doe 1 referred to the Durant Center?

A. I think because of the fact that he was ADHD, schizophrenic, and things that he would do. He may put his hands on somebody inappropriately as far as they were concerned, but I don't think there was any malice or aggression behind it; I really don't.

Q. What about the allegation that John Doe 1 performed fellatio on Ms. Dickson's grandson, Chay?

A. I don't know anything about that. I'm not going to deny it or saying it's either way, but ---

Q. Now, when the police investigation of Mr. Rhinehart's alleged abuse occurred, there was an extensive forensic analysis done by Mr. Garrett, Wiley Garrett. You referenced that earlier. And Ms. [redacted] brought up the incident that occurred when John Doe 1 had allegedly performed oral sex on [redacted] who was younger and John Doe 1 was nine or something, I think nine years old, and [redacted] younger. That strikes me as a pretty significant incident. But you're telling me you don't recall that happening or it being alleged?

A. I've never been told of it or anything.

Q. Your wife didn't tell you that she thought John Doe 1 or it had been reported that John Doe 1 had tried to give oral sex to his younger cousin?

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A. Not that I'm aware of, no.

Q. She didn't tell you that she -- I mean, is your -- you don't recall that that may have been why John Doe 1 was sent to the Durant Center for an evaluation?

A. Not that I can recall.

Q. When John Doe 1 was sent to the Durant Center for that evaluation was there any allegation that someone in the home had sexually abused John Doe 1?

A. Not that I know of. Not that ---

Q. No one ever ---

A. I don't know of anybody that did.

Q. Did anybody at the Durant Center or DSS ask you if you had sexually abused John Doe 1?

A. I think they probably did, and I've said no. But they did all kinds of tests on him, and it was confirmed that nobody had had sex with him or vice versa, was what I got out of it.

(Court Reporter Marks Document as Defendant's Exhibit No. 5; Attached to Deposition).

Examination Resumed by Mr. Foster:

Q. Let me show you what's been marked as Defendant's Exhibit 5. You had testified earlier about how you thought John Doe 1 had gotten more violent, and the things like ripping out wires from the house or

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kicking out windows all happened after the alleged abuse by Mr. Rhinehart. This is a Spartanburg area mental health record dated February 4th, 2003. You'd agree with me, that's before Boy Scout Troop 292 was even formed; correct?
A. Right.
Q. That's before John Doe 1 ever was a Boy Scout; correct?
A. Yes.
Q. Let's see. Just looking at the description of main problem, "Missed November 21st appointment, Chesterfield. Paranoid, doesn't like to ride in cars. Scared a lot, ran outdoor school, heard helicopter.. MUSC, Charleston." Do you recall John Doe 1 being admitted to MUSC for evaluation prior to 2003 or sometime prior to this record?
A. Yes.
Q. What was that about?
A. It seemed like getting reclassified in school, whether it'd be MR or LD.
Q. Down below it says -- let's see; "In LD classes resources. Cognitively slow, good vocabulary," and it references his IQ is 68 to 80. And I can't see the last one. It references has jumped out of a car. Do you recall John Doe 1 jumping out of a

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moving car?
A. Yes, when we were struck from behind. And he gets away from situations quick that he doesn't want to be in. But we were struck from behind coming back from MUSC, as a matter of fact. And he was jumped -- he jumped out of the car just as soon as -- I mean, we're still crawling like this (indicating), and he's halfway -- he's down the -- already down the road running.
Q. See where it says kicked out a -- kicked window out, violent? Do you know what that's referring to?
A. Kicked window out. Kicked window out, let's see. Probably about the same time. Let's see. I know he had slammed a door and the glass crinkled and fell out of it. I don't remember him kicking a window out around that time. I don't remember him kicking a window out.
Q. Him kicking a window out?
A. Yeah. But, you know, I just don't remember that.
By Mr. Foster:
Go ahead and mark this. I think it was 6.
(Court Reporter Marks Document as Defendant's Exhibit No 6; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. Mr. Father of John Doe 1, this is number 6. And

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I'll try to run through this quickly. This is a clinical assessment dated October 31st of 2003. This is also before the alleged abuse by Mr. Rhinehart occurred. If you'll look at "Describe child's behavior at home." Actually, move up to the -- this little block right here (indicating) of "Clinician's perception of presenting problem. "It appears claimant has begun to show aggressive behaviors at home and school. Therapist feels CT," and that might be patient. I'm not sure. Or actually John Doe 1, "CL may now be dealing with past physical abuse." Do you see that?
A. Yes.
Q. "Describe child's behavior at home. Angry, slams doors, disrespectful, difficulty sleeping, past self mutilation five years ago." Do you recall John Doe 1 --
A. Yeah, I think I do. Yeah, he was cutting himself.
Q. He was cutting himself in 1998?
A. Yeah.
Q. "Destructive. One time bent grandma's hand back." Do you recall an act of violence around that time against his grandmother where he'd hurt her?
A. That could have been my mother, yes.
Q. Was he ever violent towards your mother?

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A. I think one time he did hurt her. I remember now, yeah, that was back in -- yeah, the early, mid '90s.
Q. If you look below it says, "Sexual abuse stated by Cheraw DSS. Gina stated John Doe 1 told her that Dad touched his penis beginning age four. Began," something, "him how to masturbate." Do you see that?
A. Yeah. And that's not true.
Q. So whoever made that allegation, that allegation's false?
A. Uh-huh (affirmative).
Q. Is that yes?
A. That's true. That allegation is false.
Q. If you look at the second page, it lists down near section F, developmental history. Actually, strike that. Let's go back up at "Child's behavior at school towards teachers."
A. Child's behavior. Okay.
Q. Yeah. "Isolated from students. Gets easily distracted. Won't let other see work. Won't accept help. Disruptive. Gets up and out of chair. Disrespectful to other students. Interferes." I can't read that last one. "Past school supervisors, write-ups this year, anger issues at school." Are you aware that at this stage, October 31st of 2003,

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John Doe 1 was having anger issues at school?
A. Yeah, he did have some anger issues. I think they were more nature involved than nurture. He had -- the paranoid schizophrenia he was born with, it was starting to become more of a problem to him and more frustrating for him.
Q. And that's a condition that continues to get worse as you get older; correct?
A. Yeah. They say it gets pretty well measurable at 17. His mom's been doing pretty well, but that's just hearsay also. But she seems to be getting along. Let's see; she's 56 years old now, and she's pretty well settled.
Q. If you look at section F, developmental stages, it sort of breaks the years of John Doe 1's life, zero to 3, 4 to 6, 7 to 11. I presume he's 11 at this point. How old would John Doe 1 have been in 2003?
A. Let's see.
Q. 12, 11?
A. Yes, 12.
Q. Age 3½, went to live with the grandparents. Is that about accurate when he went to live with Jane Doe?
A. What --
Q. Jane Doe, age 3½? Does that sound right?

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A. Okay. He was there some of the time. Yeah, yeah. But he went back and forth but, yes, he was there. He was with Jane Doe.
Q. Prior to him leaving your home or his home with you and your -- his natural mother -- is it John Doe 1's Mother?
A. Yes.
Q. You and John Doe 1's Mother. Would John Doe 1 have witnessed domestic violence in your home?
A. He could've -- an argument or two I had with his mother that became loud, he could have.
Q. When I refer to -- I should be more specific. Would he have witnessed physical violence between you and his natural mother?
A. No. No, because I never hurt her or put a bruise on her or anything.
Q. Did y'all ever have a physical altercation?
A. No.
Q. Age 4 to 6 years, "A lot of traumatic events have occurred, such as being a witness to verbal and physical abuse." Are you aware of any verbal and physical abuse he would have been witness to from the age 4 to 6?
A. 4 to 6? No. That's probably been some good -- probably been some good focus, mellow time for him,

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I think, because his mama had gone. He would have missed his mom, though, I would be sure, during that time.
(Court Reporter Marks Document as Defendant's Exhibit No 7; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is a school therapist's report dated November 4th, 2003. And it's also before the alleged abuse in this case, years before, actually, the alleged abuse in this case. "On this date therapist contacted DSS in Spartanburg to make a report of sexual abuse." Do you see that?
A. Yes.
Q. And this references another one of his friends who's 12 touching his penis. I think Jim asked you about whether or not you're aware of that allegation. Were you aware of this report to DSS?
A. I'm trying to remember. I don't think I'm aware of the report to DSS.
Q. Do you know if this was Emanuel Blackwell that he's referring to in this report?
A. Okay. I do remember him saying something about Emanuel doing something weird to him. I don't remember the exact words. But we moved from that neighborhood. I do remember we moved from that

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neighborhood because I didn't want to deal with that if that was -- I said -- I don't remember all the details, but I know that there was something flaky about this guy, I felt like, so we did move from that neighborhood.
Q. Was Emanuel Blackwell older than John Doe 1?
A. I'm not sure.
Q. Were you ever aware of the nature of what Emanuel Blackwell may have done to John Doe 1?
A. Not really, no.
Q. Are you aware that John Doe 1 told Mr. Garrett in his forensic exam during the police investigation in late '05 of the Rhinehart case that Emanuel Blackwell had raped him multiple times?
A. I was unaware of the rape thing. I know there's something strange about Emanuel, but that's why we got John Doe 1 away from there. But I couldn't -- I didn't know what it was for sure. Was I supposed to have received this?
(Court Reporter Marks Document as Defendant's Exhibit No 8; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. I just want to look at a couple things. This is a medical record dated December 30th, 2003, from Lori Barwick. Do you know who Dr. Barwick is?

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A. Yes.
Q. Is she one of the physicians that would treat John Doe 1?
A. Yes, I guess.
Q. It says here in -- I won't even try to tell you what -- it's the first paragraph, one, two, third sentence down. It says, "Beginning around the age of 4, grandmother states that John Doe 1 began to spend about 95 percent of the time with them after his mother left." Is that accurate?
A. That's -- it was about 50/50.
Q. It was about 50/50?
A. Uh-huh (affirmative).
Q. I mean, isn't it true that John Doe 1's shuttling back and forth between his grandmother's house and your house was largely caused by, in essence, the people who were keeping him being worn out trying to manage his behavior?
A. Yeah. We needed breaks, both of us did.
Q. And included in that behavior was angry outbursts, ADHD, things of that nature?
A. Yes.
Q. Dr. Barwick states in this last sentence that DSS has reportedly been involved in the past due to concerns of possible sexual abuse and possible

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physical abuse by Father in the past. Do you see that?
A. Yes.
Q. And that's something that Ms. Turner obviously told Dr. Barwick?
A. Okay.
Q. Were you aware that she had done that?
A. Ms. who?
Q. The grandmother is the one ---
A. Okay.
Q. --- who brought him in. She reports that DSS has been involved due to concerns with possible sexual abuse and possible physical abuse by father in the past?
A. Well, this -- there is a bit of vindictiveness about John Doe 1. And the -- I think they said somewhere that this condition runs in the family, and it does on the maternal side. My wife's also -- John Doe 1's mother has also made mention of that about her mother. So her husband's a really settled fellow, and he keeps him under control. But she has made some accusations that were out of the ballpark.
Q. And you think that has something to do with the schizophrenia?
A. Yes. It's in the family, all in the family.

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Q. So you think Jane Doe, the maternal grandmother, might also have ---
A. Yes.
Q. --- mental problems?
A. Yes.
Q. And that she would make these allegations that you had sexually abused John Doe 1 ---
A. Uh-huh (affirmative). Yes, she would.
Q. --- out of vindictiveness against you?
A. Yes, she would.
Q. And this is the condition John Doe 1 also suffers from, schizophrenia?
A. Yes.
Q. So the allegations here, "Apparently John Doe 1 has witnessed domestic violence between his father and mother as well as father and stepmother," is that true, that he would have witnessed that?
A. I say he's probably witnessed more outbursts from his grandmother who would come to the window at our house and scream through the window until he started crying. And I'd have to take him out of the room while she was yelling at her daughter.
(Court Reporter Marks Document as Defendant's Exhibit No 9; Attached to Deposition).
Examination Resumed by Mr. Foster:

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Q. This is a medical record from -- Defendant's Exhibit Number 9. I apologize.
Q. --- a medical record from Dr. Barwick, January 22nd, 2004. "Note at last visit John Doe 1's diagnosis had been ADHD, rule out for PTSD." What is -- do you know what PTSD is? Post Traumatic Stress Disorder?
A. Okay. That makes sense.
Q. Are you aware that Dr. Barwick's concerned he was suffering from Post Traumatic Stress Disorder in January 22nd or January of 2004?
A. I can't recall Post Traumatic Stress Disorder. Let me keep reading and I might.
Q. There's a reference in here to -- "Since the last visit he has been showing increased aggression, hitting and kicking at times." Do you see that? Right there (indicating).
A. Yeah, I remember the pine straw.
Q. Trying to set fire to the house?
A. Well, he started with the pine straw, so ---
Q. Were you aware that John Doe 1 was being physically violent to his grandmother in '04?
A. She had said something about he might have struck her or something, but she doesn't go to detail about that with me.

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(Court Reporter Marks Document as Defendant's Exhibit No 10; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is another record from Dr. Barwick. And I apologize. I really will try to wrap up these medical records quickly. But again she's ruling -- she mentioned -- this is dated February 19, 2004. And again, this is well before any alleged abuse by Mr. Rhinehart or the letter excluding John Doe 1 from participation in Troop 292. Grandmother -- and this is right here in the middle, right here (indicating).
A. Uh-huh (affirmative).
Q. "Grandmother described an incident last week where John Doe 1 began hitting her, leaving some bruises around her shins, after she refuses demand to go and cook him breakfast." Do you see that?
A. Yes.
Q. Apparently John Doe 1 was being physically violent in 2004, at least to his grandmother. Do you recall those incidents?
A. I think I do about the breakfast.
Q. Were you aware of an incident around March of 2004 where he apparently was hitting his grandmother with his fist and leaving bruises?

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A. I didn't see the bruises, but she probably did say something about that.
(Court Reporter Marks Document as Defendant's Exhibit No 11; Attached to Deposition.)
Examination Resumed by Mr. Foster:
Q. This is just a school report that references the hitting with fists. If you look on the second page, the first full sentence -- well, actually if you look at the end of it, it's really hard to read this one. But it says in the first page that the grandfather had to call 911 or threatened to call 911 on John Doe 1. Do you recall that? He was being physically violent?
A. I don't recall the 911.
Q. Grandmother is very concerned -- his grandmother is very concerned about behavior due to something making him rageful, which is March 29 -- or, excuse me, March 31, 2004. Do you have any idea what had been making John Doe 1 rageful in March 2004?
A. March 2004. No, I don't -- let me read a little more and see if I can ---
Q. Okay.
A. (Reviewing document). I remember this pencil stabbing in the hand, but I don't remember anything about -- the details on it, but I remember her

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saying something about that.
(Court Reporter Marks Document as Defendant's Exhibit No 12; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is Dr. Barwick's record of April 14, 2004. Again, this is before the alleged abuse and well before the letter excluding him from the troop. "John Doe 1 is seen in followup today along with this grandmother. Note since last visit I had gotten some reports that John Doe 1 had some increased aggression at home." It references down here in the middle, "John Doe 1 wound out stabbing a boy with a pencil in the arm." You testify -- do you recall that incident?
A. Yes.
Q. So, I mean, that's a pretty significant act of violence; isn't it, stabbing someone with a pencil?
A. Yeah, I would agree that is.
(Court Reporter Marks Document as Defendant's Exhibit No 13; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is a school therapist report for John Doe 1 dated May 7, 2004 by Angela Bellamy. Do you remember Ms. Bellamy?
A. No, I never met Angela.

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Q. This references John Doe 1 is going to go live with his father due to disruptive behavior he is displaying at school and at home. "The grandmother told me that the behavior has gotten so uncontrollable that she can no longer handle it. It also appears this has started to hurt her marriage and there could be the possibility that she could lose her marriage. Talks about that she wants the best for John Doe 1 but realizes at the time she can't handle it. She talked to me at length about this, and also John Doe 1 continues to be aggressive towards her. It even appears in the last week he hit her in the stomach and almost caused her to wreck when she was driving." Were you aware of that incident?
A. I hear so much from Jane Doe that I -- they run together. But more or less, yes.
Q. I mean, that's a pretty significant act of violence, hitting your grandmother in the stomach when she's driving a car.
A. Uh-huh (affirmative).
Q. Do you recall that happening or hearing about it?
A. Yes. Yes. This seems like it's kind of escalating.
Q. Well, it actually it kind of seems like it's been

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there all along, doesn't it?
A. Yeah. Yes. And as you grow you get more flack from other people because they don't understand your illness and that's going to escalate it more.
(Court Reporter Marks Document as Defendant's Exhibit No 14; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is a school therapist's report. It appears to be dated December 29, 2004. And this is an incident where the on-call therapist -- I guess the report from the grandfather. It says during the call that apparently the therapist can overhear a fight. And the grandmother finally got -- "she finally got to the phone and stated that she had to, quote, fend John Doe 1 off her, that he was threatening her with a knife. She went on to tell me that they are keeping John Doe 1 because his father does not want anything to do with him and his father has been known to, quote, brutalize him and emotionally abuse him." Were you aware that John Doe 1 tried to attack his grandmother with a knife?
A. Well, he had attacked my wife with a knife. Let's see; how many months beforehand? About two months beforehand.
Q. In 2004 he tried to attack your wife with a knife?

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A. This is 2004?
Q. Yeah, this is before the alleged sexual abuse by Mr. Rhinehart or the ---
A. I see it here now. I was looking at this one. Okay. That would be before he attacked my wife. Yeah, that -- I didn't know the particulars on it but, yeah, that's -- that makes sense. I had forgotten what year it was.
Q. But you had heard that he had tried to attack his grandmother with a knife?
A. Yes.
Q. My confusion was, you seemed to testify earlier that prior to the allegation of abuse by Mr. Rhinehart or alleged abuse by Mr. Rhinehart and the exclusion from Troop 292, that John Doe 1 really hadn't been violent.
A. Oh, I can see we're coming up with some more documentation here. But I also see that most of it's at his grandmother's house, and she exaggerates and she tends to -- she tends to put blame on others. And that's -- it's like it's everybody's fault but mine a lot of the time. But, you know, that doesn't take away from the fact that he is lashing out. But we -- the only times we had problems with him like that is when there was

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something really seriously wrong. But we've never accused Jane Doe of brutalizing and emotionally abusing him. That would be distressing to anyone to keep being accused of doing things you didn't do. And if she was doing it to John Doe 1, no wonder.
Q. No wonder he attacked her with a knife?
A. Right.
(Court Reporter Marks Document as Defendant's Exhibit No 15; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is January 11, 2005, school note from Ms. McChesney, I believe. But it notes that John Doe 1 had recently threatened his grandmother with a weapon, and two nights ago he took the family car without permission and tried to drive to Asheville. Does that refresh your recollection when he stole the car and tried to go to Asheville?
A. Yes, that's the January I was talking —
Q. January of '05?
A. --- about earlier.
Q. All right. And that's, then -- and there was another occasion where he took your car?
A. Yes.
Q. So this incident occurred in January of 2005, which is before the alleged sexual abuse by Mr. Father of

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John Doe 1 -- excuse me -- by Mr. Rhinehart?
A. Yes, this is at the beginning of 2005.
Q. Do you have any idea what would have made him try to -- or make him steal a car and try to drive? Is that when he was trying to go see his momma?
A. Yeah. Yes.
Q. And that did occur, didn't it?
A. That did occur. Yes, it did.
Q. Do you recall when he went to Asheville -- excuse me, that he actually went and stayed with his mother at some point in 2005?
A. Yes. Let's see which years. Yes, it was 2005, and I took him up there. And we agreed that he would stay up there and enter school there, and two weeks later he wanted to come back.
Q. Did DSS call you from New York and tell ---
A. Yes.
Q. --- you that he was being abused?
A. Fredrika -- I don't know if they used the word abused, but it was Fredrika Brown, I believe was her name, that said that he -- for some reason he couldn't stay there and he had to -- somebody had to come get him. I don't know the details. But initially it was supposed to have worked out.
Q. Let me see if I can find that. Do you remember when

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he would have been in New York?
A. Around 2005, the summer or the early fall. Late summer, early fall 2005 maybe.
(Court Reporter Marks Document as Defendant's Exhibit No 16; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. I'm just trying to get a time frame here. This is Dr. Barwick's note of June 10, 2005. It references the hospitalization at MUSC. "He had gone to live with his mother in New York for a while. He stayed there about five weeks. Apparently a neighbor reported she was being abusive to him and DSS got involved. It's unclear exactly what the events were up there, except DSS in New York contacted dad that he should come and get him." So you went back to New York and got him?
A. Yes.
Q. What did he tell you had happened?
A. I don't remember. I just knew I had to go because his -- Fredrika was telling something -- I know the evaluators came over there initially from DSS and said okay, and so I left. And they said, no, Fredrika Brown was calling, saying come and get him, he can't stay. And I remember his mom saying I shouldn't have opened that beer around DSS or

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somebody, but that's -- I do remember that, but I can't remember. But I knew he couldn't stay and I had to go pick him back up again.
Q. Was there any allegation that John Doe I had done something wrong?
A. I can't remember. I wouldn't deny it, but I just can't remember what it was.
Q. Was John Doe 1's half brother staying there at the time?
A. I know he lived in another place. He lived in a separate residence. But he may have.
Q. I mean, the half brother is John Doe 1's Mother's son with —
A. [redacted]
Q. —[redacted]
A. [redacted]
Q. And they're still together?
A. Yes.
Q. So they would have been together at this time, so his half brother would have been in that same home with him; correct?
A. Yes.
Q. If this is June 2005 and this report is referring to the past, does that refresh your recollection of when John Doe 1 was in New York for a month or so?

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A. Okay. I was thinking late summer, early fall. What does it say? Is this 6/10 the actual day, the actual time?
Q. Well, June 10 is just when this record was created. So I'm just trying to figure out how ---
A. Okay, so this would have been a little bit earlier than mid -- late summer. June. That would have been late spring, early summer.
Q. And this report also -- this is actually a visit with Dr. Barwick that you attended. And apparently you reported to Ms. Barwick, or it was reported to Ms. Barwick, about him having aggressive behaviors and threatening his grandmother with a knife. So does that refresh your recollection whether or not you believe that to be true?
A. I believe it was definitely reported by Jane Doe.
Q. Do you recall the incident where your friend -- where John Doe 1 called the police on your friend who was staying at your house?
A. Yes.
Q. What happened on that occasion?
A. I never did figure that out. His name is Joe Sembera and he was sleeping in the den, the family room. I told him he could spend the night there. And what John Doe 1 did, I still don't know, but

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maybe I can remember.
Q. Your friend got angry and threw a radio at your son because he woke him up?
A. Yeah, he did come in there and wake him up. He probably was aggravating Joe in some manner, but he didn't -- I don't think he threw a radio. He might have knocked one over or -- but I don't -- he might have aggravated Joe, but Joe wouldn't have taken any drastic ---
Q. What's Joe's last name?
A. Sembera
Q. Sembera?
A. Uh-huh (affirmative).
Q. Is he a relative?
A. No, he is just a friend that lived down the road. He had a brother, Frank, who did yard work, and sometimes I would help Frank and take John Doe 1 along occasionally.
(Court Reporter Marks Document as Defendant's Exhibit No 17; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. This is a little bit earlier, jumping back about three months. March 18, 2005, Susan Henderson clinical service notes. She references receiving a call from your wife. "Apparently the client has

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been hurting the dog and throwing rocks at the mother and father, as well as the family car. Client has been destructive. Client has also been doing things such as cutting off electricity in the house and being violent. The client in the past saw another mental health center, and stepmother stated client had been placed in the Medical University of Charleston to be evaluated." Does that refresh your recollection of when John Doe 1 might have ripped the wires out of the house?

A. Yes.

Q. Is that what she's referring to there, do you think?

A. It could be. It's really close to the time and ---

Q. It's also before the alleged abuse by Mr. Rhinehart.

A. Yes, it is. So it'd only be the third month of the year.

Q. Do you remember John Doe 1 hurting the dog?

A. I didn't witness him doing anything to hurt a dog, but he ---

Q. Your wife didn't tell you about him hurting a dog?

A. Not that I can recall, but ---

Q. Did he throw rocks at you?

A. I'm sure he has, but I just can't remember right now. There's so much to recall.

Q. Do you recall Ms. McChesney?

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A. Yeah, I remember Judy.

Q. Do you remember her?

A. Uh-huh (affirmative).

Q. Did she ever tell you around March of 2005 that she thought they had reached the end of their treatment options with John Doe 1 and his parents, you and your step-wife -- no, excuse me, you and your wife?

A. I remember questioning what the end of treatment options meant at the ---

Q. Well, let me —

A. --- I think, at the time.

(Court Reporter Marks Document as Defendant's Exhibit No. 18; Attached to Deposition).

Examination Resumed by Mr. Foster:

Q. March 23rd of 2005, Judith McChesney. Look at that second sentence? Third sentence, excuse me. "Client has been" -- "just been discharged from MUSC. Clinician expressed concern that treatment options have been exhausted with client and his parents. At this time clinician thinks appropriate referrals need to be made to DJJ for incorrigibility." Do you remember that?

A. I can't say that I do right this minute. But Judy said it was -- that's the way it went down, because

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I -- Judy was a pretty straight-shooter.

Q. Do you recall an incident in June of 2005 where John Doe 1 cut himself on purpose with a fishing knife?

A. I can't remember. I mean, there's been so many -- much stuff going by, I can't remember all of that, all of the particulars about all of this.

Q. I think your wife witnessed him do it and then he tried to say you did it?

A. Oh, okay. Now I remember. Yes.

Q. Was that a correct ---

A. Yeah, he did say that I did it.

Q. I think you testified earlier he had had some problem with cutting or self-mutilation before that; is that true?

A. Yes, but that was some years before. But yes.

(Court Reporter Marks Document as Defendant's Exhibit No. 19; Attached to Deposition).

Examination Resumed by Mr. Foster:

Q. This is a note from Ms. McChesney, June 10 of 2005. It's a session that you attended. It talks about the incident with your friend where John Doe 1 had called the police. She says, "Exact details are sketchy, but it seems his older friend had a couple of beers and fell asleep, and John Doe 1 woke him up in the middle of the night and the guy woke up

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swinging at him." Do you recall ---

A. This is the same.

Q. The same incident where —

A. Same incident.

Q. --- he called the police?

A. I just recall he didn't hurt John Doe 1, but ---

Q. He woke up swinging at him?

A. I don't know what he did, whether he threw the radio or swung at him. But he just woke up out of a sleep and reacted to going from asleep to awake.

Q. Do you recall on this visit John Doe 1 being more concerned about whether or not the same two police officers would come back to the house because he was excited to see them again?

A. I remember the two police officers. One was a lady and one was a fellow.

Q. Does this sort of relate to what you said, I think in your statement in October of 2005, that John Doe 1 lives for drama?

A. Yeah, I could go there with that. Yeah.

Q. So calling the police and having the police show up at your house that's exciting for John Doe 1?

A. Yes.

Q. Something he would enjoy?

A. Yes.

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Q. There's been a lot of talk about the letter. So let's talk about it some more.
By Mr. Foster:
Is this 21?
By Court Reporter:
It's 20.
By Mr. Foster:
20. Okay. What I want to also do is go ahead -- nobody laugh at me for printing off a calendar off of Google. 21 is our calendar.
(Court Reporter Marks Document as Defendant's Exhibit No 20 and 21; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. We've already talked about the allegations and the complaint that Jane Doe has brought on behalf of John Doe 1 against Palmetto Council of Boy Scouts, the Boy Scout Troop, and all these different defendants. And if you'll note, the defendants -- the additional defendants are Shelby Culbreth and then the people who are cc'd down here, Jackie LaFontaine, Doni Rhinehart, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neil. Those are all defendants in this case. They're cc's on the letter. Do you see that?
A. Yes. Yes.

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Q. You've seen this letter before; correct?
A. Yes.
Q. This is the letter you referenced having hand-delivered to your house; correct?
A. (Indicates affirmative response).
Q. Do you recall what date you received this letter?
A. No. I asked my wife, and she said it was definitely after the report of John Doe 1 -- about the abuse to Martha Petoskey. It was after that date. She couldn't remember if it was the next day or the next day, but that's what she maintains.
Q. You testified earlier -- and let's look at Defendant's Exhibit 21, the calendar -- that John Doe 1 told you the evening before the police came to your home that Mr. Rhinehart had been sexually abusing him; correct?
A. Yes.
Q. And if you look at -- let's look at Defendant's ---
By Mr. Foster:
Well, actually, do we have the incident report? Is that -- where are the earlier examples?
(Off the record at approximately 4:05 p.m.; back on the record at approximately 4:05 p.m.)
(Court Reporter Marks Document as Defendant's Exhibit No 22; Attached to Deposition).

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Examination Resumed by Mr. Foster:
Q. All right. We've got a lot of stuff in front of you. We've got the letter, and we've got the calendar. Let's look at Defendant's Exhibit Number 22. This is the incident report. Have you seen this incident report before dated October 7, 2005?
A. I may have. I can't remember, but ---
Q. So if you look on Defendant's Exhibit Number 21, that's -- this incident report's October 7, 2005 -- that's Friday. That's the next day after you say John Doe 1 had told you about Rhinehart?
A. Yes.
Q. So the next day the police come to your home; correct?
A. Yes.
Q. Because John Doe 1 had told Martha Petoskey, who is the school counselor, that Rhinehart had abused him; correct?
A. Yes.
Q. And so when they say, "I responded," -- this is the officer's statement. "I responded to 8487 Dandelion Lane" -- is that your home?
A. Yes.
Q. --- "after Martha Petoskey summoned the police to the home." So Ms. Petoskey came to your house that

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day? Or did she just tell the police to come?
A. She just -- she said I've got to call it in. I remember I have no choice but to call the police or notify somebody or -- you know, she said she had to do that.
Q. I mean, it's your testimony that before the police -- or the day -- as of the day the police had come, you hadn't received this letter yet?
A. To the best of my knowledge, no.
Q. And you thought that the letter was sent in order to somehow keep John Doe 1 silent? Why do you think the letter was sent?
A. I don't know. But it doesn't say why. It just kicks him -- it just boots him out with no explanation.
Q. "She advised the school," -- let's see; "John Doe 1 called to speak with her about being molested and sexually assaulted by the Boy Scout leader. When I arrived on the scene I found John Doe 1 to be very confused and uncertain of things. He initially reported that his mother assaulted him when she had tried to waken him this morning to get up for school." Is that the assault that we were -- you were talking about earlier where John Doe 1 said that your wife had assaulted him, or was there

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another assault?
A. It could have been. It could have been that time, because I remember [redacted] telling me what is he saying that for?
Q. "He initially reported that his mother assaulted him when she tried to awaken him this morning to get up for school, which he refused to do. And since he is still at the house now, I learned that the father, Father of John Doe 1, only notified the school." What does that mean? You only notified the school of what?
A. As best I can remember, the school notified me.
Q. That John Doe 1 had ---
A. John Doe 1 reported the incident at the school, and the school called me, the way I remember it.
Q. The school called you about the allegation that your wife had abused him or the school called you to tell you that John Doe 1 had claimed he'd been abused by Rhinehart?
A. John Doe 1 had claimed to Petoskey that he'd been abused by Rhinehart; then she called me. She said it was her obligation to do it.
Q. And so did John Doe 1 tell you the night before that he had been sexually abused by Rhinehart?
A. Yes.

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Q. Did you call the police?
A. No. I said, John Doe 1, are you telling the truth? I said yes. I said, well, if it's really the truth and you feel like you need to tell somebody, I want you to do that, but tell the truth. I left it up to him to tell what he wanted to -- tell what he wanted to tell at that time.
Q. "The son, John Doe 1, did not discuss him not getting up this morning, but did advise on the improper touching by the scout leader, Brian Rhinehart." And that was on the 6th; correct, that your son had reported the improper touching?
A. To me?
Q. Uh-huh (affirmative).
A. Yes.
Q. "He said that Rhinehart also improperly touched his stepson, John Doe 2. The father reports that his son has lied repeatedly in the past, but never a lie of this magnitude." See that?
A. No, but I hear what you're saying.
Q. Do you recall saying that to the officer, that your son ---
A. Yes.
Q. --- had lied repeatedly in the past ---
A. Yeah. Yes.

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Q. --- but never a lie of this magnitude? Is that a true statement?
A. I'd never known for him to lie like that, at that.
Q. Didn't he accuse you of sexually abusing him before this?
A. Well, he didn't press the issue. And, you know, I don't think he would have if this had not been true.
Q. So we've got this, and it's your -- your testimony is you don't think that prior to this day, when the police were at your house making this report of what Ms. Petoskey had called in about the alleged abuse by Mr. Rhinehart, that you hadn't received the letter which is Defendant's Exhibit 20 yet?
A. No.
Q. Are you sure about that?
A. As sure as I can be about any of this.
Q. Do you see where the letter says, "This is a letter to inform you that as of 10/10/05 your son, John Doe 1, will no longer be allowed to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions." Do you see that?
A. Yes.
Q. That's all the letter says; right?
A. Yes.

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Q. If you look on your calender, which is 21, 10/10 is that following Monday; correct?
A. Yes.
Q. Did you receive the letter on the 8th?
A. I can't remember. I just -- Beverly told me this. She said as soon as I called Doni -- okay, that was calling Doni. That's right. As soon as she called Doni and told Doni, that was the same day that she heard that John Doe 1 told Martha Petoskey. [redacted] found out and called Doni because she wanted to make sure Doni knew what was going on. Okay. And that was the 7th. And she said the next day the letter came. And [redacted] got a good mind for that sort of thing. Being a nurse, you have to -- you have to handle medicines and know when you did it. And she said the next day. But she also said it could have been the next day.
Q. It could have been Sunday?
A. Well, see it was not delivered by a mail person.
Q. It was hand-delivered?
A. It was hand-delivered.
Q. Or was it sent certified mail?
A. It was hand-delivered.
Q. Okay.
A. Someone just came to the door and knocked on the

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door and handed it to me and were out of there.
By Mr. Meyers:
Petoskey, by the way, is P-E-T-A-S-K-Y(sic).
By Mr. Foster:
Police have screwed it up?
By Mr. Meyers:
Police have spelled it T-E-T-O-S-K-Y, Tetosky.
By Mr. Foster:
Petoskey?
By Mr. Meyers:
Yeah. I believe it's P-E-T-A-S-K-Y (sic).
By Mr. Foster:
Okay. Thank you.
By Mr. Meyers:
I could be wrong, but pretty sure I got that.
By Mr. Foster:
Petoskey, Tetosky. Either way it doesn't make her feel any better about it.
By Mr. Meyers:
We have the 911 tape.
Examination Resumed By Mr. Foster:
Q. So [redacted]y called -- your wife called ---
A. Yes.
Q. --- Doni Rhinehart when? The 7th?
A. Yes.

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Q. And she thinks after she called Doni, that's when the guy came?
A. Yes.
Q. Well, isn't that the 7th as well?
A. That the -- when we called Doni? Yes, that was the 7th.
Q. So you think the -- your wife thinks, and you're not sure, but that the letter actually might have been hand-delivered on the 7th, the same day as Petoskey calling the police and the police coming to take the first statement?
A. Or the 8th.
Q. Do you have any idea when the letter was written?
A. No.
Q. Let's look at your statement that was Defendant's Exhibit Number 2, and I've got that myself here, if I have to find it. This your statement right there? Jim went over this a good bit earlier, but -- so you're saying that either on the 7th or the 8th you get the letter saying, "Effective Monday, your son, [redacted], will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions," signed Shelby Culbreath. See that?

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A. Yes.
Q. Your statement is on October 12th, which is that next Wednesday. That's your signature, that's your statement; correct?
A. Yes.
Q. When you talked to or when you were being questioned by Jim, you admitted that you initially had some doubts as to whether or not John Doe 1 was telling the truth about this sexual allegation; correct?
A. Right.
Q. It's also true that you were concerned that John Doe 1 might be making this story up because he was angry about being kicked out of the scouts; correct?
A. Yes. That could've been.
Q. You were aware prior to receiving this letter that the scouts, that Troop 292, had told John Doe 1 that if he didn't turn in the popcorn money they thought he had taken, that he would be kicked out of the troop; correct?
A. They had made allegations like that.
Q. You actually, I think -- I don't know if this has been made part of the record. Let me check.
By Mr. Foster:
Was this made part of the record already?
By Mr. Meyers:

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Is that your page 186?
By Mr. Foster:
It says 39. This is the -- just the investigation report. Let's go ahead if we haven't marked this yet.
By Court Reporter:
I don't think it has been, but I'm not sure.
By Mr. Foster:
Okay.
By Court Reporter:
That'll be Number 23.
(Court Reporter Marks Document as Defendant's Exhibit No 23; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. Mr. Father of John Doe 1, this is just a record from the sheriff's department. They do a chronology of their investigation. This is 10/10/05, 15:00 hours, which I think is 3:00, but don't hold me to that. Recalls a conversation with you, "Said the suspect, a deacon of the church and a club scout leader, denies the allegations. He told the victim that if he didn't turn in the money for a popcorn drive they had, he would be kicked out of the club. The victim was very angry about that. The complainant said that the victim is very vindictive. He has ripped

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the phone wire from the exterior of the house when he has not gotten his way." That's your -- that's what you're telling the sheriff, the sheriff's department, on Monday, October 10th. So the gist or one of the reasons you doubted John Doe 1 was because he had been told by Troop 292 that if he didn't turn the money in he would be kicked out; correct?

A. Okay. That was one of the things was about the popcorn. Okay. And I asked John Doe 1 about the popcorn, and he said that he did not take the money or the popcorn. So I said you should always say the truth, John Doe 1, and to stick with it. But I was trying to give -- there was a -- still that remiss or that doubt. And I said -- I was thinking about we don't need this church against us. We just moved here, and they'll slaughter us, you know. Because if they'll do this, who knows what the church is capable of. If they'll molest a child, they could really get on -- they could make our lives a living hell. But I said -- I was trying to just be cool and not get carried away. But I was starting to lean towards John Doe 1. But I was afraid to ruffle any feathers at that point in time.

Q. You were afraid that John Doe 1 was making this up

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because he was angry at being kicked out of the scouts; right?

A. That was part -- that was one side of the coin.

Q. Were you also aware prior to receiving this letter that John Doe 1 had been caught breaking into Shelby Culbreath's car during a scout meeting?

A. I was not aware of that, but I have heard some things about -- something about this lady who was gay and how -- I don't know what their relationship was, but there was something that there was some friction there. But I didn't get to -- I didn't find out about ---

Q. Some friction between John Doe 1 and Ms. Culbreth?

A. That she was the one, the gay lady. I don't know what it was about, but I know there was something going on. But I -- Jane Doe had mentioned something about it or somebody had. But I don't know enough about it to elaborate on it, because I just don't know.

Q. There was also an incident where another one of the volunteers, Jackie LaFontaine, believed John Doe 1 had stolen money out of a car. Does that ring a bell?

A. No. I don't remember that one.

Q. Had anyone in Troop 292 also expressed their concern

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about John Doe 1's violent behavior?

A. No.

Q. Had they expressed their concern about him stealing a car and trying to drive to New York?

A. Not that I'm aware of.

Q. Wouldn't these be violent behavior that we're seeing in the medical record that he's exhibiting at home and at school, stealing? Wouldn't these be valid reasons to exclude somebody from a troop, from a Boy Scout troop?

A. If that is what they did, yeah, if that's what he did to the troop.

Q. What ---

A. But I don't see why they wouldn't just say it. Because, you know ---

Q. Well, if they had already told you that if he didn't turn in the popcorn money he would be kicked out of the troop, why would they need to tell you why he was being kicked out of the troop?

A. Okay. I want to see a receipt or something or a substantiation. I never seen substantiation to the fact that he took anything except their -- what they said.

Q. Hadn't they talked to you specifically about repaying the popcorn money?

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A. But John Doe 1 said he didn't take it.

Q. And you told them we're not going to pay it?

A. We hadn't gotten to that point yet.

Q. So your testimony is that no one confronted you about you need to pay -- are you going to pay the popcorn money back, and you said we're not going to do it?

A. Well, see, it's an ongoing saga, you know. We probably would have if not for the Petoskey thing. But then it started taking on a new complexion. We had to deal with it as it was rolling. And that's what I was trying to do, and it was rather difficult. There was a lot of things going on at once. I was trying to juggle them.

Q. So you never heard that immediately prior to this letter being sent that John Doe 1 had actually been caught literally with his hand in the console of Ms. Culbreath's car?

A. No. No.

Q. This letter's addressed to you; right?

A. Okay. Which one now? It's the ---

Q. The letter, it's addressed to you; right?

A. Yes.

Q. Did you keep a copy of the original?

A. Yes, but I don't have it with me.

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Q. Could you make sure you get that to us?
A. Yes.
Q. Does the original have any kind of date on it showing when it was sent or ---
A. No. It's just like this one except it's in color.
Q. It's in color? Okay. The allegations of the complaint are that the letter to you excluding John Doe 1 from further participation in the troop, that's somehow communicated to John Doe 1 that it was because he had complained or reported Mr. Rhinehart had abused him. Is there anything in that letter that says that?
A. No. There's a lot that's not said in that letter.
Q. Did you tell John Doe 1 that the reason he was kicked out of Troop 292 was because he had reported abuse?
A. I don't know if I actually told him that, but it started to look like that to me. I can't remember whether I told him.
Q. Would John Doe 1, with his IQ and mild mental retardation, would he have inferred from a letter to you that the reason he was being excluded from the troop was because he reported sexual abuse?
A. Say that one more time. I need the ---
Q. Sure. With John Doe 1's mental level, his mild

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mental retardation, his IQ, his emotional development, would a letter to you informing you that he was no longer allowed to participate in troop functions, would he infer from that that it was because he reported sexual abuse?
A. That could John Doe 1 infer that?
Q. Sure.
A. I would think so.
Q. But the letter wasn't given to John Doe 1 or sent to John Doe 1. It was sent to you. So I'm curious as to where John Doe 1 would get the idea that he was being excluded from the troop because he had complained of abuse by Mr. Rhinehart?
A. I think he would be capable of putting two and two together.
Q. Well, who put the two before the other two? Because did you give him the letter and tell him what you thought it meant?
A. I might have told [redacted] what I thought it meant. Because things were starting to fall in the way that it turned out that they was true, that he had abused somebody. And you know ---
Q. You know, you're aware that Troop 292 dissolved, shut down, within weeks of this letter. So what purpose would excluding John Doe 1 from the troop

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serve if the troop shut down, other than if the letter was sent before anyone knew about the allegation, and it was just about his misbehavior?
A. Well, maybe they were just not planning to shut down.
Q. You were aware that it shut down within weeks of this letter?
A. I wasn't really aware, you know, one way or the other.
Q. Back to my question. Who gave this letter to John Doe 1?
A. I did. Because he had it sitting beside his bed.
Q. What did you tell John Doe 1 about the letter?
A. That it said he was no longer in the scouts.
Q. Did you ever contact any of the individuals that are cc'd on the letter to ask them why he had been kicked out? Did you ask Ms. Culbreth?
A. We tried to contact people, but we could never get an answer anywhere.
Q. Did you call Ms. Culbreth and ask her?
A. I can't remember. But we called around or I -- I may have even talked to her, but I can't remember what she said.
Q. Did you ever talk to Doni Rhinehart about why the letter was sent?

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A. No.
Q. Did you ever talk to Brandon Smith?
A. Not that I can recall. I don't know who I talked to. I remember talking to one guy, fellow, and he said he had nothing to tell me. But I can't remember which one it was.
Q. Did you ever talk to Rob Green or even know who he is?
A. I don't know any -- who any of them are anymore.
Q. Now, Mr. Cole was the minister of St. Margaret's; correct?
A. I don't know.
Q. Did you ever talk to Reverend Cole about why the letter was sent? Why the decision was made to exclude John Doe 1 from the troop?
A. No. I can't remember why we just kept running up against a brick wall.
Q. If the letter is so -- was so hurtful to John Doe 1, this letter that was sent to you, that he kept it by his bed and it bothered him so, why wouldn't you talk to Reverent Cole and say, you know, why was the letter sent? Was this an accident? Was this an accident of timing? Isn't that possible?
A. See, I can't remember all the people I tried to contact. But I just -- I do remember that nobody

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wanted to talk. It was all -- it's like they were shutting down and nobody wanted to say anything about anything.

Q. We know -- you testified earlier that you knew there was an issue with the popcorn money and you knew that ---

A. I knew he was being accused.

Q. Yes. I'm not saying he did or he didn't do it. And in the grand scheme of things, I don't think that's important. But you knew there was the allegation; correct?

A. Yes.

Q. And that had been going on for some time.

By Mr. Meyers:

Objection to the form of that last question.

Examination Resumed by Mr. Foster:

Q. You also knew that John Doe 1 had been told that if you don't pay for the popcorn you'll be removed from the troop; right?

By Mr. Meyers:

Objection to form.

Examination Resumed by Mr. Foster:

Q. That's what you told the police.

A. Okay. Whatever -- yeah, I need to read -- I can't remember what I told the police, but that makes

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sense.

Q. Isn't it possible that the committee chairman or the committee of Troop 292, either because of the popcorn or because of the alleged breaking into Ms. Culbreth's car, made the decision to exclude John Doe 1 from the troop. And that the letter was sent, unfortunately, at or around the same time as the allegation against Mr. Rhinehart came to light, and the two were completely unrelated? Isn't that possible?

A. It's not impossible.

Q. So it's possible; right?

A. We have to say so.

Q. You would agree with me that this letter doesn't -- and could John Doe 1 read this letter?

A. Not well, no.

Q. So John Doe 1 really wouldn't know even what this letter said unless you told him; right?

A. That's why I had to.

Q. You know John Doe 1 better than Shelby Culbreth or Jackie LaFontaine or Brandon Smith or Rob Green or Roy Cole, Bob Faulks, Scott O'Neil. You know him better than any of those people; right?

A. I know him better than I know how to explain.

Q. Sure. I mean, you're his dad.

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A. I know when he's telling the truth.

Q. Absolutely. You know his challenges and what he's been through in his life; right?

A. Right.

Q. So you wouldn't have told him that the reason you have been excluded from Troop 292 is because you complained of sexual abuse, would you?

A. I can't remember what I told him. I really can't. But I remember him saying, well, I'll probably get to go back later; won't I? I said I don't think so, John Doe 1. I think this is it. I think this is -- it's over now.

Q. Did you tell him it was because he had reported sexual abuse?

A. I can't remember. I can't remember why I told him, but I remember that the finality of it, I impressed upon him. I think I more knew than I wanted to let John Doe 1 know, that it was permanent. And it might have been because of the popcorn or what he allegedly did to this lady's car, but I just knew it was permanent, that there's something that's happened that they're not going to take him back, because this is too abrupt. This just kicks you out with no explanation, really. And you don't do people like that unless you want them gone.

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Q. How did the letter, if John Doe 1 can't read it, or at least not well, and it doesn't say anything hurtful, how did the letter hurt John Doe 1, just sending the letter?

A. Because he had gotten to the point like where he found something. He found people like him that had the same problems he had to be with. And he -- it was the greatest thing that had ever happened to him. And then they yanked that away from him and make him look like the culprit, like ---

Q. How did they do that when all they did was send a letter saying ---

A. Well, they accused him of stealing popcorn while they're sexually abusing him. I mean ---

Q. Well, there's no ---

A. They sexually abuse this kid and then accuse him of something. I mean, that does make sense that if you've done something that bad to a kid you would figure out a way to get out of it.

Q. Do you have any evidence that Shelby Culbreth knew anything about the allegations ---

A. No.

Q. --- against Mr. Rhinehart?

A. No, I don't.

Q. Do you have any evidence or proof that Jackie

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Lafontaine had any knowledge of ---
A. No, I don't. I don't have that.
Q. Any knowledge of ---
A. I don't even have anything that -- I don't know that Brian Rhinehart didn't write this whole letter.
Q. Well, if you look at it, actually ---
A. He's the first name on the list.
Q. Sure. It's signed Shelby Culbreth. See that slash?
A. Yes.
Q. What's that look like to the right of that to you? Somebody's initials?
A. Okay.
Q. If I tell you that's Jackie LaFontaine's initials, that she signed this letter for Shelby?
A. Okay.
Q. You don't have any reason to believe that Shelby Culbreth knew that Mr. Rhinehart was allegedly abusing John Doe 1, or that John Doe 1 had even reported that when -- at the time this letter was sent; do you?
A. Okay. What was that question now?
Q. You testified you don't know Shelby Culbreth had any idea -- you have no proof that Ms. Culbreth knew that John Doe 1 was being sexually abused?
A. No.

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Q. You have no proof or reason to believe Jackie LaFontaine knew that John Doe 1 was being abused?
A. Okay. I had no way of getting Jackie LaFontaine out of that.
Q. You don't even know Brandon Smith, do you?
A. No.
Q. Do you know who he is?
A. No.
Q. Do you have any reason to -- or any proof that Brandon Smith knew that John Doe 1 had been sexually abused before it was reported to the police?
A. I don't know the guy.
Q. Same question of Rob Green. Do you have any reason to believe that Rob Green knew that John Doe 1 was being abused prior to, you know, the report to the police?
A. No. I don't know how their name got on there.
Q. How about Reverend Cole? Do you have any reason to believe he knew about the alleged abuse?
A. No.
Q. Bob Faulks?
A. No.
Q. Do you even know Mr. Faulks?
A. No.
Q. Do you know Scott O'Neil?

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A. No.
Q. Does the fact that these individuals are cc'd on the letter even mean that they were aware the letter was being written?
A. It actually doesn't. They could, but they could not.
Q. CC means courtesy copy; right?
A. I guess.
Q. That means that these people also got a copy of this letter; correct?
A. Uh-huh (affirmative).
Q. Doesn't mean they wrote it; right?
A. Right.
Q. Doesn't mean they actually were even aware the letter was being prepared, does it?
A. No.
Q. Any reason to believe St. Margaret's Episcopal Church even knew the letter was being written?
A. No.
Q. So you first learned about the alleged abuse on October 6; correct, when John Doe 1 told you?
A. Right.
Q. Well, how did that come up?
A. He was getting ready to go to bed. I said let's get in bed, John Doe 1. I was covering him up, and then

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he said that Brian had been molesting him.
Q. Did he use the word "molesting"?
A. I don't remember exactly. Maybe messing with me or -- and I didn't push it right then, but I said, John Doe 1, are you telling the truth about this? Whatever Brian's done to you, are you telling the truth about it? And he said yes. And I said, well, that's just the -- that's the most important thing, is that you tell the truth. And if you feel you need to tell somebody or talk about it, just tell the truth, you know. And we didn't talk anymore about it that night. I said just remember the truth. And the next day is when he talked with Martha.
Q. Did he give you any details about what had happened?
A. I think sexual molestation is what I said, and he said yes. But I didn't go any further than that at that point in time.
Q. So your son tells you at bedtime that I've been sexually abused?
A. Uh-huh (affirmative).
Q. And what did you do next? You went to bed?
A. Well, I talked with him about it and I said we'll talk about it in the morning or you talk to who you think you need to talk to. Whoever you want to talk

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to a professional about it, just do that. He said okay. And he didn't seem worried. He didn't seem tense. He didn't seem sleepless at the time, but he seemed kind of tired. So I just let him go to sleep.
Q. Are you aware that John Doe 1 was, in the course of the police investigation, interviewed by a forensic psychiatrist? I think it's forensic psychologist, psychiatrist, Mr. Garrett?
A. Yeah, Wally Garrett.
Q. And did you ever speak to Mr. Garrett?
A. Yes, I did once, I think it was.
By Court Reporter:
This is Number 24.
(Court Reporter Marks Document as Defendant's Exhibit No 24; Attached to Deposition).
Examination Resumed by Mr. Foster:
Q. It appears that interviews were conducted of Father of John Doe 1 -- that's you -- John Doe 1, the alleged victim; Jane Doe, the maternal grandmother.
A. Right.
Q. You again, and John Doe 1 again; then Ms. [redacted] you again; and John Doe 1. So it looks like three rounds of interviews, the first on the 20th of October, the second on the 25th of October, and the

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third on the 15th of October. Do you see -- excuse me -- the 15th of November. See that?
A. If I'm on the right page. I was reading this (indicating).
Q. I'm sorry. I'm doing a bad job of telling you where to look. I'm looking at part -- Roman numeral II, Components of the Assessment, part A, Interviews Conducted. It looks like Mr. Garrett did a series of interviews. He interviewed you and John Doe 1 on three separate occasions; is that -- does that seem right?
A. That seems right.
Q. What was your understanding of the purpose of these interviews?
A. To determine the truth of the matter.
Q. To see if John Doe 1 was telling the truth about the alleged abuse; correct?
A. Yes.
Q. Do you recall that in summation, Mr. Garrett found that John Doe 1 had been sexually abused by -- or John Doe 1 reported being sexually abused over the course of three months prior to his reporting the abuse, and that he had in essence been molested or abused on three separate occasions that Mr. Garrett could ascertain?

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A. Yes.
Q. Are you aware of those incidents, two occurred when John Doe 1 was spending the night with his friend, John Doe 2, at the Rhinehart home; correct?
A. Right. Correct.
Q. And a third was at a creek behind the church?
A. Yes.
Q. On none of those occasions was there any scout function occurring?
By Mr. Meyers:
Objection to the form of the question.
Examination Resumed by Mr. Foster:
Q. Correct?
A. I don't know. Just that I know they were on the grounds of the church. The creek, he said, was on the grounds of the church, so I think I recall that.
Q. If you look on page 4 of 11 at the top.
A. Okay.
Q. First sentence, second sentence, third sentence, fourth sentence. "When asked about St. Margaret's, John Doe 1 said that he goes to church there when he's invited over. John Doe 1 disclosed that it was not a scout meeting and that Rhinehart took him there." That's in reference to one of the incidents of sexual abuse.

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A. Okay. So it was on church property, but it wasn't a scout function.
Q. Wasn't a scout function. And the other two incidents occur at the Rhinehart home when it was just John Doe 2 and your son there. Did your son spend the night often with John Doe 2?
A. I'd say a couple times a month.
Q. They were friends; correct?
A. Correct.
Q. Did John Doe 2 have other friends that he spent the night with?
A. I would think yes, but ---
Q. So not all that unusual for John Doe 1 to spend the night with a friend?
A. For John Doe 1 -- for John Doe 2's ---
Q. For John Doe 1 to spend the night with any -- with other friends?
A. It's mostly John Doe 2 and his maternal grandmother were about the only two places he went.
Q. So the only incidents of sexual abuse that Mr. Garrett was able to determine occurred, two happened at the Rhinehart home, I believe late in the evening when no scout functions were occurring.
By Mr. Meyers:
Objection to the form of the question.

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Examination Resumed by Mr. Foster:
Q. And the third was at a creek behind the church when no scout function was occurring; correct?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:
A. Yes.
Q. On page 5 of 11, there's a -- sort of in the middle there right before number 3, page 5 of the report.
A. Okay.
Q. It says, "John Doe 1 said he did not tell his parents because he did not trust them." Do you see that?
A. Okay. Okay. Yes, it's highlighted.
Q. What would John Doe 1 mean by that if he didn't tell his parents if you say he told you on the 6th?
A. I'm not -- I'm getting it out of context. "John Doe 1 said he did not tell his parents because he did not trust him." Maybe something happened to change his mind and he told me, but before then he didn't want to.
Q. Do you see anywhere in this report where -- or any of the police investigation where John Doe 1 says that he told any of the people who are involved with the Boy Scouts about the alleged abuse?

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A. I'm sorry. I got caught up in ---
Q. I'm sorry. Yeah, I should ---
A. I'm sorry.
Q. Do you see anywhere in Mr. Garrett's report or any of the investigation that you're aware of where John Doe 1 claimed that he told anybody involved with Boy Scout Troop 292 or the Palmetto Council or St. Margaret's that he was being abused by Mr. Rhinehart?
A. Up until the time he told me or ---
Q. Uh-huh (affirmative).
A. I don't know of any.
Q. Prior to telling you, are you aware of John Doe 1 telling anybody about Mr. Rhinehart's alleged abuse?
A. I don't know of him telling anybody.
Q. So the first person he told was his dad?
A. Yes, as far as I know.
Q. And obviously, you wouldn't have any reason to believe or proof that Ms. -- that he ever told Ms. Culbreth about the alleged abuse, would you?
A. I wouldn't know anything.
Q. And all you don't know Mr. -- you don't know Brandon Smith or Rob Green, or do you have any reason to believe John Doe 1 ever told them about the alleged abuse before he told you?

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A. I wouldn't think so.
Q. How about Reverend Cole? Do you have any evidence or reason to believe that John Doe 1 told Reverend Cole about the abuse before he told you?
A. No.
Q. And obviously, you don't know Bob Faulks. Do you know Scott O'Neil?
A. No.
Q. Any evidence or reason to believe John Doe 1 told them about the alleged abuse before he reported it to you?
A. To the best of my knowledge, no.
Q. Are you aware that -- strike that. You testified earlier that you have retained a law firm after these incidents, after, I guess, Mr. Rhinehart had been arrested at some point, you retained a law firm in Florida?
A. I had spoken with them, but they didn't take the case. I don't know -- I don't think I retained them. I don't know exactly what context retained --
-
Q. Sure. That's sort of a legal term.
A. I didn't give them any money. I just spoke with them.
Q. Didn't they actually write a bunch of letters for

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you?
A. I think what they came to find out was they didn't want to take the case because it was ambiguous as to where to put any guilt or ---
Q. Isn't it true that prior to the time that letter was sent that Troop 292, the representatives of Troop 292 actually informed you and Jane Doe that John Doe 1 was going to be kicked out of the troop?
A. Yeah. That was after that.
Q. And I'm sorry. I jumped way back in time. But before -- you know, this is before the letter was sent, before you received the letter. Isn't it true that they told you that that decision had been made and that he was going to be kicked out of the troop, before you received the letter?
A. You mean that I contacted the lawyers before I received the letter?
Q. No, I'm sorry. I've done a poor job of sort of jumping back in time, but just going through my notes. Isn't it true that prior to your receipt of the letter, this letter (indicating) ---
A. Okay.
Q. --- the letter, the letter excluding John Doe 1 from the troop, isn't it true that you had been contacted by the troop to let you know that John Doe 1 was

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going to be kicked out?
A. I didn't think -- I might have. I can't remember. I remember the police saying something about that. But I can't recall the details about if he was going to get kicked out. But I didn't believe that he'd taken anything to be kicked out.
Q. Back to the letters. I'm sorry.
A. Because he would have done anything, I believe, to remain in the Boy Scouts.
Q. Back to the letters from the law firm. Do you recall an attorney named Jason Turchin?
A. Yes.
Q. Do you recall seeing some letters that he sent to the Boy Scouts and to the church making financial demands on John Doe 1's behalf, on your behalf, actually?
A. I didn't know much about the letters, but you know, I told him to find out what could be done. I did tell him to find out what could be done.
Q. Did you at any time instruct him to stop pursuing?
A. No.
Q. Did you instruct him to send letters? Are you aware that he sent letters?
A. I might have been at the time, but I didn't instruct him to send letters. I don't remember instructing

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him to send letters.
Q. Can you tell me why that sort of settlement demands, I guess, were abandoned back in '06?
A. I can remember one thing he told me. He said that --
By Mr. Meyers:
Wait a minute. Don't testify about communications between the lawyer and you.
By Mr. Foster:
Very good. Yes.
Examination Resumed by Mr. Foster:
Q. I should tell you that. I don't want to -- I don't want you to tell me about any conversations you may have had with your lawyer.
A. Okay.
Q. Like what you told him, what he may have said to you.
A. Okay.
Q. Those would be privileged. But my question still stands, and you can answer it, do you recall why the process of seeking a settlement by Mr. Turchin or through Mr. Turchin's law firm was apparently abandoned in 2006?
A. Without saying his words, I can't answer.
Q. Any reason why you would have abandoned it in 2006?

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A. I don't know. I don't think I understand.
Q. Are you aware that through Mr. Turchin the demand was, I think, two and a half million dollars?
A. I don't remember.
Q. And you don't remember why that process of seeking that payment stopped?
A. No.
Q. One of the things that Dr. Garrett noted in his report is that John Doe 1 appeared to have been highly sexualized as a young child prior to Mr. Rhinehart's alleged abuse. Do you have any idea what may have caused that?
A. Nothing that I can think of.
Q. Do you know ---
A. I would say something -- I think it was nature, something in his nature.
Q. Do you know if Emanuel Blackwell was ever prosecuted or anything ever happen as a result of the allegations that he had sexually assaulted your son?
A. I don't know.
Q. Did you ever see or followup or ask that the police do something about that?
A. No. We just left the neighborhood. We did leave the neighborhood, though, because there was something going on there that I didn't quite get,

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you know.
Q. In the course of your three meetings with Mr. Garrett did you ever -- was it brought to your attention the severity of what Emanuel Blackwell allegedly did?
A. I don't recall the details. But I do know that there was a need to get away from him, to get him -- get John Doe 1 away from him. I didn't know the details. I don't know what he'd done with John Doe 1. I just wanted to get him out of there. That's all I can remember.
Q. Mr. Garrett also strongly suggested intensive therapy for John Doe 1 to address his own sexual acting out towards other children. Do you know if John Doe 1 received that sort of therapy and that sort of therapy after he met with Mr. Garrett in November 2006?
A. From then on we kept taking him to Mental Health. And they had some private discussions with him, but I don't know exactly what they discussed. It was like between him and them, and they just carried on in that manner. I don't know what they discussed with John Doe 1, because it seemed to be private. But I was never led to believe that he was having -- still having problems.

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Q. After November 2006 when he's being interviewed by Mr. Garrett and then you're also being interviewed, John Doe 1 only lived with you for maybe a few months after that?
A. Let's see what year this is.
Q. That's November 2005.
A. Yes. That would be true.
Q. Did the incident with your wife where he stabbed her or tried to stab her, cut her arm, that was in January '06?
A. I can't remember, but it was -- that's close.
Q. Actually, I think it was February of '06, February 14th of '06.
A. Okay.
Q. Somewhere around that time frame?
A. I like that. That's right around the time.
Q. And after that, he went back to live with Jane Doe?
A. He was incarcerated, I think.
Q. Assault and batter and intent to kill?
A. Yes.
Q. And then after he was released he went to live with Jane Doe?
A. Yes.
Q. And you at that point were ---
A. In Georgia.

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Q. In Georgia. Is that when your wife was living in Society Hill?
A. Yes.
By Court Reporter:
This is going to be Number 25.
(Court Reporter Marks Document as Defendant's Exhibit No 25; Attached to Deposition).
By Mr. Foster:
This is a letter that was produced to us, I think by opposing counsel.
By Mr. Meyers:
Yes.
Examination Resumed by Mr. Foster:
Q. Is this your handwriting?
A. Yes.
Q. Do you recall writing this letter for Jason Turchin?
A. There's no doubt about it, I wrote it. I just ---
Q. Take your time to review it. We should have told you that at the beginning. We show these documents. Take as much time as you need to look them over.
A. (Reviewing Document).
Q. Can you tell me -- it references in here how you tried to find another Boy Scout Troop but couldn't find another special needs Boy Scout Troop. Describe for me your efforts after October 10, 2005,

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to find another Boy Scout Troop for John Doe 1.
A. Well, [redacted] and I looked and called around, but I didn't have much luck. I didn't know who to contact, really. But [redacted] was instrumental in looking around. She wanted to find somewhere, but we didn't find one in that area.
Q. You never found another Boy Scout Troop? Did you contact the Palmetto Council to see if there were any other Boy Scout Troops for John Doe 1?
A. I know we contacted some places, but I can't remember where. But we tried to find places for him. Because [redacted] was instrumental in that.
Q. You testified earlier that Troop 292 was good for John Doe 1 because he was around other kids with special needs?
A. Yes.
Q. Wasn't he around other kids with special needs everyday at school in his self-contained unit?
A. Well, I think -- I don't think he met people that he was closely enough -- had a closer bond. I think he had a lot closer bond in the scouts, because it was not academic. And he still had problems and things that he couldn't do. He said, I still can't -- there's still so many difficult things at school that -- they're too hard for me, Daddy. But in

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scouts they tended to blend more together and work together and have the same goals, like learning to tie knots and going things that guys do as opposed to certain -- there's certain -- like math, there's certain disciplines in school he just couldn't do them.
Q. Can you remember anybody that you actually called or contacted about finding another troop for John Doe 1?
A. I remember going through the phone book with Beverly and trying to find -- we didn't really know who to call because we were outsiders in the town, and we never located anybody. I can't remember all the details, but we tried to find something for John Doe 1.
Q. It's saying up here -- oh, sorry. Go ahead.
A. There's -- I'm bumfuzzled. I can't recall exactly what we did because I haven't thought about it in so long. But I know that we did something, because I remember asking ourselves what we were going to do. And this was -- okay. This was October -- no. This is -- okay. I guess this is about 2005. Other things happened after that too, and it was difficult for us to do what we needed to do.
Q. How soon after he assaulted your wife ---

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A. I think ---
Q. How soon after John Doe 1 assaulted your wife was he incarcerated? If he assaulted her in February 2006 ---
A. It was the same month.
Q. How long was he incarcerated?
A. Altogether around six months or more. Let's see; February -- actually February to November, October or November.
Q. So this is a letter -- do you recall writing this for Jason Turchin?
A. Yes.
Q. That's the attorney who had sent the letters back in '05, '06 ---
A. Okay.
Q. --- seeking a settlement; correct?
A. Yes.
Q. So in this letter you're referring to the harm that you felt had been caused by the exclusion of John Doe 1 from the troop; correct?
A. Yes.
Q. Do you recall Mr. Turchin specifically referencing that particular harm in his demand letters?
A. I can't remember the demand letters.
Q. It says, "John Doe 1 kept asking why he could not go

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back to the Boy Scouts. He took the letter, put it in a drawer beside his bed and kept taking it out and looking at it and asked does it really mean I can't go back or does it say I can't go back for a month? I did the right thing by reporting Brian, didn't I?" Do you remember John Doe 1 saying those things to you?
A. Yes.
Q. What did you tell him?
A. I said, yes, if it's the truth, John Doe 1; of course you did.
Q. Why did you say "if it's the truth"?
A. Because I didn't want to keep him -- I wanted to keep him always thinking about the truth. I don't want him to take his mind off the truth.
Q. Was it still a doubt in your mind as to whether he was telling the truth at this point?
A. Not in my mind. But I wanted to make sure that he was telling the truth, because we could not stand what it would bring if he wasn't.
Q. Given what John Doe 1 had been through prior to joining Troop 292, his issues growing up, anger, violence, medical condition, ADHD, disruptive behavior, disorder, all that stuff, the incident with [redacted], the sexual assault by Emanuel Blackwell,

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and even the alleged sexual abuse by Mr. Rhinehart, do you really believe that this letter that was sent to you saying that your son couldn't attend any more Troop 292 functions, do you really think that harmed him?
A. Booting him out of the Boy Scouts did.
Q. See, that's just Troop 292, though. They're -- that's the troop that St. Margaret's sponsored that shut down a few weeks after this allegation against Mr. Rhinehart. He could join another Boy Scout Troop if he wanted to.
A. Yes, he could I suppose.
Q. How would a letter -- compared to all the other things that happened, how would a letter that was sent to you be expected to harm John Doe 1?
A. Let's see. We're just speaking of Rhinehart as being the alleged perpetrator, but let's just say he is the alleged perpetrator. And the timing of the letter, it wasn't probably the letter's fault at all. But it was just lousy timing. Because it came at a time when I believe my son had been molested, and it just happened to land right there when the guy had molested him and -- I mean, who wouldn't think that's why they sent it?
Q. Yeah. If John Doe 1 -- if Shelby Culbreth at St.

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Margaret's, Reverend Cole, Palmetto Council, and other adult members of the troop, if they didn't know about the abuse and didn't know that John Doe 1 had reported abuse, then when that letter ---
A. They're just innocent -- they're just another innocent victim like John Doe 1.
Q. They couldn't have intended to hurt him by sending that letter, could they?
A. I've already answered that question.
Q. The answer's no?
A. He just -- they're just other innocent victims.
Q. Can you tell me -- I know you had a lot going on after Mr. Rhinehart had been arrested. It was some period of time before he pled guilty. Do you know why, if John Doe 1 was back living with Jane Doe and she had guardianship of him, that ---
A. Okay.
Q. Let me ---
By Mr. Meyers:
Wait a minute. He's not done with his question.
Examination Resumed by Mr. Foster:
Q. I didn't finish my ---
A. Okay.
Q. I'm having a hard time understanding why the charges against Mr. Rhinehart related to John Doe 1 were

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dismissed?
A. Because I had to keep -- I had to remain in school. I had given Cantrell -- I gave her the impact statement and told her to call me as soon as -- we had gone to court, but they didn't hear it that day. They heard Doni's, but they -- in Family Court, but they didn't hear ours. I guess that was Civil Court? Okay. So they didn't hear us. They didn't have time for us that day. I had to go to school. I went to Marietta, Georgia, to go to school at Life University because I'd lost my financial aid at Sherman. That's where I was. And they did -- they made one attempt to call me, if that. I was -- I didn't answer the phone that night. And then they already had tried Rhinehart and found him guilty for John Doe 2. And we didn't -- were unable to make it. We didn't -- we missed the notification. Our one chance to be there, we missed.
Q. Wouldn't they have notified Jane Doe?
A. I don't know.
Q. Probably not a fair question. When did you learn that John Doe 1 was living with his mother in New York?
A. A few days or week -- maybe a week ago. He emailed me and told me.

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Q. Does that strike you as a good idea? I mean -- and I apologize. I don't know anything about her condition or life or anything about her at all. But I mean, someone who is suffering from paranoid schizophrenia being responsible for a 19, 20-year-old boy with paranoid schizophrenia, Bipolar Disorder, ADHD, and needing therapy, does that sound like a reasonable living situation?
A. I don't know what is reasonable now. I mean, it's taken a toll on us taking care of John Doe 1. It's taken a toll on his mother. I think he needs constant care, but we've been through the ringer over it and ---
Q. Sure.
A. --- I don't know -- I don't see any ---
Q. Any perfect ---
A. --- anything I can do. I don't know what to do now. I'm looking for a job at 61 years old. I've got some health problems. But I'm just doing what I can to survive.
Q. Yes, sir.
By Mr. Foster:
Let's take a break.
(Off the record at approximately 5:20 p.m.; back on the record at approximately 5:45 p.m.)

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Examination Resumed by Mr. Foster:
Q. Mr. Father of John Doe 1?
A. Yes.
Q. Do you know why Jane Doe would be suing just for the sending of a letter and the exclusion from the troop and now suing for damages, suing my clients, the Palmetto Council, Shelby Culbreth, St. Margaret's, and these other individuals, why she's not suing them for damages for any of the alleged sexual abuse?
A. I have no idea.
Q. Do you know how sort of the Boy Scout Troop 292 was organized?
A. I know it's organized with special needs kids in mind, but really specifically for special needs kids.
Q. Are you aware that Troop 292 was responsible or had the authority to decide who was a member and who wasn't, and not the Palmetto Council of the Boy Scouts of America?
A. I didn't know that. Our -- I was under the impression that Rhinehart founded it.
Q. Are you aware that the committee ran or was responsible for actually running the Troop 292?
A. I see that it sounds -- seems logical that it would

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be.
Q. Of volunteers, in essence?
A. Right.
Q. So John Doe 1's exclusion from Troop 292, you understood that doesn't mean he could never be a Boy Scout in any other troop again; right?
A. I don't think he could in the regular Boy Scouts or not.
Q. But you were looking for other Boy Scout Troops for ---
A. Yes.
Q. --- special need kids; right?
A. Yes, we always looked at some other placement, camps and schools. I can't remember the names of the towns. One was on the way to Georgia near the South Carolina/ Georgia line. And there was another one, but I can't remember the name of it. It started with an M, Monmonth or maybe -- I can't remember. I just can't remember because it's been too long.
Q. But you don't really have any understanding of how the -- sort of the structure of a troop, Boy Scout Troop, and then the troop sponsor, which here would be St. Margaret's, how that relates to the Palmetto Council or the local council and all that, and how

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the scouting ---
A. I remember the den chiefs and the den mothers and cubs in the Boy Scouts but, you know, I don't -- the hierarchy, I'm not ---
Q. You don't know how the Boy Scout Troop is organized with respect to the council or its -- or the sponsor?
A. No.
Q. With respect to a decision about who is or isn't a member of a Boy Scout Troop, in this case Troop 292, do you have any reason to believe that Palmetto Council would have any say in that?
A. I think they would. I think they would listen to the people like Rhinehart.
Q. The people in the troop?
A. Yes. The officials, they would -- of course they -- you know they would. They would listen to what they said and ---
Q. The letter ---
A. --- make a decision.
Q. But you don't know how it works?
A. I don't know if I'd know or not. I mean, I know communication exists, but exactly the hierarchy or the chain of command, no, I don't know the chain of command.

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Q. The letter that's been marked as an exhibit that you received is signed by Shelby Culbreth, committee chairman of Troop 292. Do you see that?
A. Yes.
Q. Were you aware that Troop 292 had a committee?
A. I realize that she is the committee chairman.
Q. You said the last time you saw John Doe 1 was how long ago?
A. November of 2006.
Q. And what was that occasion?
A. That's when I gave custody to Jane Doe.
Q. And that was in what county?
A. Chesterfield.
Q. How old is Jane Doe?
A. I can't remember if she was born in 1933 or 1936.
By Mr. Foster:
That's it for me.
By Mr. Meyers:
I got a few, but go ahead.
By Mr. Walsh:
I just have one more thing.
Redirect Examination by Mr. Walsh:
Q. Mr. Father of John Doe 1, when you had this conversation with John Doe 1 the night before he went to the school and reported the actions of Mr.

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Rhinehart, I understand he informed you of what Mr. Rhinehart had allegedly done to him; is that right?
A. Yes.
Q. And I guess my question is your son tells you that he's been sexually abused by this Boy Scout troop leader, why didn't you go with John Doe 1 to the school and deal with it on -- in some other way, rather than just letting your special needs son go to the school and just tell some official?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:
A. Well, I was trying to get through school myself. And so I told him, just tell the truth, John Doe 1. If what you say is really true -- that's the first that I had heard of it. You know, I thought to myself, this is going to take some doing to, you know, to get to the bottom of this, which we are six years later now. So I was right about that. We are getting to the bottom of it and we're still not to the bottom of it. And I knew it was going to be a long train running. So I said, okay, the first thing you got to remember, John Doe 1, is to tell the truth. And I believe that's what he did the next day at school.

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Q. Well, I'm just asking why you didn't go?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:
A. I had other responsibilities, and I believed that -- I knew he believed in the truth well enough to speak for himself. And then whatever happened after that, we'd deal with it.
Q. Did you call Jane Doe after John Doe 1 told you?
A. No.
Q. Did you tell [redacted] after John Doe 1 told you?
A. I know I told her. I can't remember if I told her that night. I probably did.
Q. Did you ask her to go with John Doe 1 to the school?
A. She -- I don't know. I can't remember. It's been too long ago. But we took control of the situation.
Q. How did you take control of the situation?
A. I realized that he said that he was molested by Brian. And I said, well, just to tell the truth. Telling the truth is the greatest defense, so I told him to tell the truth. And I said what else could I do right then? I had been to schools and talked with the Petoskey and all them in meetings, and I didn't see where we really accomplished much, except one time I think we did finally get him transferred

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from slightly MR to LD, or LD back to MR. But I just felt confident that we could handle it that way.

Q. That's all I have, sir. Thank you.

A. You're welcome.

Cross-Examination by Mr. Meyers:

Q. [redacted], let me ask you a few questions. I'm looking at a page stamped for identification as MMRS00107. This is a document produced by courtesy of Mr. Foster. It is the 911 call sheet from Spartanburg Communications. The entry for 13:49:57, which is a time entry says, "Speak with a John Doe 1, 15 years old, male, speak with the JUV. Caller is a counselor at the school he attends, but the child father is there also." That's an entry on their 911 call sheet.

A. Okay.

Q. Does that suggest to you that you were actually at the school?

A. That is when Petoskey called?

Q. Right. That's when the call was made to 911.

A. I think Petoskey called me and -- this is what day? October the 7th?

Q. It says October 7th.

A. Okay. She must have told me to come to school then

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I believe that's true.

Q. And do you recall if John Doe 1 told her at school or called her?

A. I believe he told her at school.

Q. But anyway, at least the 911 record says that you're there also either with John Doe 1 ---

A. Yes.

Q. --- or somewhere?

A. She called me and I went.

By Mr. Foster:

Object to the form.

Cross-Examination Resumed by Mr. Meyers:

Q. Let me ask you this; when Brian Rhinehart admitted -- it took him 13 days to admit that he had molested John Doe 2. He admitted it on the 20th of October after initially denying it and initially saying this is because of popcorn money; in other words, right from the beginning he said popcorn money is the reason this report is being made. 13 days later he admits, well, I molested John Doe 2, but I didn't molest John Doe 1, after initially denying he had molested anybody. After he admitted molesting John Doe 2 and the scout troop knew that John Doe 1's report was accurate, at least as to that, if not as to him, when did Shelby Culbreth call you and say

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I've made a horrible mistake, I'm terribly sorry about sending you that letter?

By Mr. Foster:

Object to the form.

Witness Answers:

A. Never.

Q. Did you get any calls from any of the people on this letter? Jackie LaFontaine?

A. No.

Q. Doni Rhinehart?

A. Yes.

Q. And what did she say?

A. Well, actually, John Doe 1 called her son, and then she told John Doe 1 to give the phone to me.

Q. That's the conversation you've already described?

A. Right.

Q. Any call to the effect from any of these people, we had no idea when we sent you this letter that John Doe 1 was telling the truth about John Doe 2?

A. No.

Q. Now, was there any other correspondence with you besides this letter, which is Father of John Doe 1 Exhibit 20, that had to do with popcorn money or somebody breaking into a car or John Doe 1 stealing somebody's car, or any other acting out event with

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the scouts?

A. No.

Q. And have you seen any kind of accounting record from the scouts of what they claim was missing?

A. No.

Q. Did they at any point say to you we need, you know, to have $10.00 come back to us or else we're going to kick John Doe 1 out?

A. No.

Q. Would you have been in a position, between you and your wife to come up with -- or between you and your wife, Jane Doe, and [redacted] to come up with $10.00 if the Boy Scouts were missing $10.00?

A. Definitely.

Q. Let's talk about the sequence here for a moment. And so if we assume that the Boy Scout letter was pure as the driven snow, they had no idea that John Doe 1 was being molested, you're telling me that even after it became known for sure that John Doe 1 was -- claimed he had been molested, and John Doe 2 -- he reported -- he, John Doe 1, reported John Doe 2 had been molested, and Brian Rhinehart admitted he had molested John Doe 2, nobody from the Boy Scouts contacted you to apologize?

A. No.

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Q. Anybody contact John Doe 1 to apologize?
A. No.
Q. Now, let's assume the letter is about the report to the molestation. I need to clarify a couple of things about the time line here. And let's use again Exhibit 21. Let's pull out the calendar. They're probably in numerical order. There you go. As I have understood it, on the evening of the 6th is when John Doe 1 mentions this first to you?
A. Yes.
Q. Then on the 7th by 1:00 in the afternoon, or thereabouts, before 2:00 p.m., the 911 call has been made by Ms. Petoskey. Now, you don't have anything about popcorn money in your statement. There's nothing about popcorn money in Martha's statement, which is one of the exhibits, but I don't know which one, on the 7th. There's nothing about popcorn money in your statement on the 12th. The first mention of popcorn money is in the phone call record from the police on the 10th. So there's no popcorn reference until the 10th when the police call you. And by the 10th, as I understood you, you were pretty sure you had already received this letter?
A. Yes.
Q. And you testified that [redacted] called Doni on the

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7th ---
A. Yes.
Q. --- when the report was made? Do you have any recollection about whether or not [redacted] heard from Doni for the first time anything about popcorn money on that phone call on the 7th?
A. I don't know what went on with Doni and [redacted]
Q. So [redacted] may -- maybe it happened, maybe it didn't happen. [redacted] maybe remembers, maybe she doesn't. Fair enough?
A. Yes.
Q. But given that Brian Rhinehart immediately denied molesting anybody and proposed the popcorn theory -- well, if [redacted] didn't have that conversation, I'll hold that for [redacted] John Doe 1 has had historically a series of problems; fair enough to say?
A. Yes, that's fair.
Q. Did it help those problems or hurt those problems that he was kicked out of the Boy Scouts after he made this report?
A. I think it ---
By Mr. Walsh:
Objection to the form.
Witness Continues:

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A. It hurt his feelings for sure.
By Mr. Walsh:
Did you get the objection?
By the Court Reporter:
Yes, sir.
Witness Continues:
A. And I believe it exacerbated his problems.
Q. Do you have any recollections about John Doe 1 being afraid of Brian Rhinehart?
A. One remark that he made to me made me think he might be afraid of Brian, but it's listed in the documents, that Brian had showed John Doe 1 his gun collection and said that he'd killed a man before.
Q. And that's in -- there's a reference to the gun in Mr. Garrett's report?
A. That's right.
Q. Was there any contact with you by anybody from the scouts after John Doe 2 reported to the Child Advocacy Center that, according to John Doe 2, he confirmed that John Doe 2 had been molested by Brian Rhinehart? Anybody contact you after that?
A. Not that I can recall.
Q. Doni Rhinehart contact you after John Doe 2 agreed that John Doe 1 had been molested by Brian Rhinehart?

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A. I didn't have contact with any of the Rhineharts after that.
Q. You went through a process of trying to ascertain if John Doe 1 was telling the truth about the abuse when he first told you about it; is that fair to say?
A. Yes.
Q. And you were talking with him, and you were testing him, and you were considering his past as you were relating to the police. And all of that was in your mind trying to satisfy you that he was, in fact, telling the truth about this very serious allegation?
A. Yes.
Q. Did John Doe 1 get any commendations from the Boy Scouts after it became known that he was telling the truth about John Doe 2 being molested?
A. No.
Q. And did John Doe 2 get any commendations after -- that you know of, after he confirmed that John Doe 1 was being molested by Brian Rhinehart?
A. No.
(Off the record at approximately 6:15 p.m.; back on the record at approximately 6:15 p.m.
Cross-Examination Resumed by Mr. Meyers:

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Q. Looking back on the summer of 2005, now knowing that John Doe 1 claimed in October that he had been being molested for a few months ---
By Mr. Foster:
Object to the form.
Cross-Examination Resumed by Mr. Meyers:
Q. --- do you have any reflections on his behaviors in that summertime, as looking back on it and being affected by this?
A. I think that it was hurtful to John Doe 1 to be expelled from an organization where he felt a true part of it. I think he became more distant. And I think that he did become more violent, and I agree with the diagnosis of the doctor at William S. Hall, that he had become homicidal since then.
Q. All right. I don't have any other questions for you. Thank you.
Reexamination by Mr. Foster:
Q. I have a few just to followup. How would you believe that John Doe 1 became homicidal after being excluded from Troop 292 when ---
A. That's ---
Q. Wait. Let me finish.
A. All right. I'm sorry.
Q. --- when he had -- when you admitted that he had

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attacked his grandmother with a knife, punched her in the stomach when she was driving down the road, and had episode after episode of serious, violent attacks on family members? Well before he had any involvement with Troop 292 or being expelled from Troop 292, he attacked his grandmother with a knife, for example, before any of these events with Brian Rhinehart or the exclusion from Troop 292 occurred.
A. Well ---
Q. Wasn't he already homicidal?
A. That's his grandmother's side of the story, and I think -- I'm not saying he didn't, but I have found out over the years Jane Doe exaggerates. I can't say one way or the other because I wasn't there, but the first time he'd ever taken and actually done anything with a knife at our house was after, after the alleged molestation.
Q. Wasn't there an incident with your wife where she was ---
A. That was it. That was it.
Q. No, no. Before -- where she reported that she couldn't control him and she was -- three or four of his violent outbursts that were before the incident with the alleged abuse by Mr. Rhinehart or the exclusion of the troop?

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A. I don't think he did anything with a knife that I -- in our house until after.
Q. If the letter, as Greg has suggested, the letter that was written to you, excluding John Doe 1 from Troop 292 was, to use his language, pure as the driven snow -- which you admit was possible, that those people who wrote the letter had no idea that John Doe 1 had been abused or that he was reporting abuse on October 6 -- if that letter had nothing to do with the alleged abuse or the reported abuse, why would anyone who wrote that letter or any of the defendants who are allegedly associated with that letter have to call and apologize when some weeks later it's determined that he is molested? What would they apologize for, if the letter is unrelated to that?
A. Maybe they just didn't want to.
Q. But why would they need to? What would you apologize for, if the letter was unrelated? Why would you apologize for sending it?
A. If the letter was unrelated, then they would have no reason.
Q. The 911 call on October 2nd, I think the police incident report actually says he responded to Dandelion Court. Did Ms. Towski or Petoskey come to

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your house?
A. She called.
Q. She called, okay. The police show up on the 7th, and on the 7th you were already expressing some doubt as to whether or not John Doe 1 was telling the truth; correct?
A. I thought it – I it thought the thing to do not to jump to conclusions.
Q. And on the 7th you falsely accused your wife of assaulting him; correct?
A. Yes.
Q. And on the 7th you told the officer that your son had lied repeatedly in the past; isn't that true?
A. Yes.
Q. It's not until October 20th that Mr. Rhinehart confessed to molesting John Doe 2; correct?
A. I'll go with that. That sounds about right.
Q. Do you know when Shelby Culbreth, Rob Green, Brandon Smith, St. Margaret's, Reverend Cole, Palmetto Council, would have learned that Rhinehart had actually admitted to abusing his own son?
A. I don't know. I don't know what they found out, because I never heard from them.
Q. If in those same police reports John Doe 2 said that John Doe 1 had sexually assaulted him, is that

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something that the Boy Scouts should hand out a medal for?
A. Let's see, if one of those troop members -- I would say not.
Q. And do you know -- and I apologize if I've asked you this before, you've been incredibly patient and I appreciate that. You don't know when Troop 292 dissolved?
A. No, I don't.
Q. Do you know how many scouts were in Troop 292?
A. No, I don't, the total number.
Q. Wouldn't you agree that if Troop 292 was a small troop and two of the members were believed to have possibly have been molested by Brian Rhinehart, wouldn't it be reasonable to dissolve the troop, to shut it down?
A. I would think so, but then the Episcopal Church has gone off on a tangent whereby they accept homosexuality. So you don't know if the whole church was like that or not.
Q. What does that have to do with this case?
A. Because maybe that they just accepted it. Who knows how -- to what degree they might have accepted it? But I do know that the Episcopal Church is at odds within itself. I do now; let's put it that way. I

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didn't then.
Q. Did you contact any of the defendants, either St. Margaret's, Reverend Cole, Ms. Culbreth, Brandon Smith, Rob Green, any of those individuals after receiving the letter that your son was being excluded from the troop? Did you contact them to discuss it?
A. I think -- I can't remember, but I wanted to, because I remember telling the lawyer from Florida, let's get in touch with these people and find out what's going on.
Q. How soon after receiving that letter did you contact the lawyer from Florida?
A. I can't -- I want to think it was after Rhinehart's confession, but I'm not sure. But I think it was around that time.
Q. If the decision to exclude John Doe 1 was so hurtful, why wouldn't you make an effort to contact Ms. Culbreth, whose signature appeared on the letter or seems to appear on the letter, who the letter was from, or St. Margaret's or Ms. LaFontaine or Reverend Cole, why wouldn't you contact them to say hey, you know, I don't think this is right?
A. I remember calling the church, but I didn't get an answer. Or if I did, somebody wasn't there. There

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wasn't -- I don't think there was -- I emailed them. But I don't remember seeing a phone number on here. Maybe there was, and I just missed it.
Q. I mean, if it was -- I mean, if sending the letter and excluding him, if you thought that was unfair or that it was because he had -- I mean, to think that the letter that the church, or Ms. Culbreth or Troop 292 or Palmetto Council, had actually responded to a complaint of child molestation by excluding someone from the troop, I mean, that's sort of an outrageous seeming thing. Did you contact any of these people to ask them is this why you sent the letter?
A. I tried to.
Q. Who did you contact?
A. I don't remember. I don't -- I can't remember back then what the situation was and what I was -- how I was trying to handle it, because it was -- we just felt so ostracized by the church. But I know we tried to get up with them somehow, but I just can't remember what we did.
Q. Isn't it true that before ---
A. Why didn't the police go there? I mean, we told them everything we knew. I thought it was their job. But I also was -- I can't remember. I mean, I do know that I was really exasperated with that

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church because of the inability to find out anything from anybody. I do remember that, but I don't remember what I did. I can't remember how I tried to get in touch with them.
Q. Isn't it true that before you got the letter they had -- that the troop had already informed you that that decision was going to be made, before the letter was even delivered to you, so that the letter actually wasn't a surprise?
A. Yes, it was.
Q. The letter was a surprise?
A. Yes, because I don't -- I don't remember anybody saying they were going to kick John Doe 1 out. And I know John Doe 1 didn't do anything to get booted out.
Q. Well, you told the police on the 12th that John Doe 1 had been told that if he didn't pay the popcorn money he would be kicked out of the troop.
A. But he said he paid it. He said he didn't steal anything. There wasn't anything ---
Q. He said he had paid it or he said he didn't do it?
A. Well, I'm getting confused now.
Q. Sure.
A. Because I've been asked this so many times.
Q. Oh, I know. I know.

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A. But he said he didn't take the money or the popcorn. And I couldn't find evidence of it anywhere. And I just said, well, that isn't what happened. I just didn't -- I said this didn't happen. He didn't take anything from them. But before the 6th of October when John Doe 1 came to you that night, or the 7th when the police arrived or the 10th when you talked to the police or the 12th when you made your statement, before the 6th you knew that John Doe 1 had been told that if he didn't pay it back he would be kicked out of the troop; correct?
By Mr. Meyer:
Objection to the form.
Witness Answers:
A. I don't know. It's been so long, I don't know. I don't recall saying he's going to get -- anybody telling me he was going to get kicked out if he didn't make amends for something that he did. I can't remember. I do remember them suggesting that that could have been the case, and I do remember saying that he could be vengeful or whatever. I do remember saying that to the police.
Q. On 10/10 -- this is Exhibit 23 -- this is you. "I called the complainant, who is the victim's father. He stated that he wanted to believe the victim, but

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the victim has been known to make false statements before. He said that the suspect, a deacon at the church and the Club Scout leader, denies the allegations. He told the victim that if he didn't turn in the money for a popcorn drive they had, he would be kicked out of the club. The victim was very angry about that." So the victim was angry. So the victim had been told before he made the report of abuse that if he didn't pay the popcorn money he would get kicked out.
By Mr. Meyer:
Objection to the form of the question.
Witness Answers:
A. If he's not guilty, of course he's going to be mad of accusing some -- being accused of something.
Q. That's not my point. It's just a matter of timing.
A. That is a matter of timing.
Q. I know that. It's a matter of timing. You're telling the police that you were worried, that your son tells lies, he's vengeful. So when he told you, you're worried that it's because he's mad because he had already been told that if he didn't pay the popcorn money he would be kicked out of the troop; correct?
By Mr. Meyer:

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Object to the form of the question.
Witness Answers:
A. That's what the police told me, that he had ---
Q. That's what you told the police, according to the police report.
A. Yeah, I agreed with them, because I told you I was on shaky ground. I wasn't going to say heck no, he didn't do that. Because I knew that the church was against us. I was buying time. I was treading water. I said what are we -- okay, we're going -- I'm going to get to the bottom of this. I said, John Doe 1 -- I found out that he wasn't lying, because he didn't want to be away from this Cub Scouts, the Boy Scouts. And I truly believe he did not take the money. And in retrospect, I would suspect that Brian Rhinehart lied because of what he's already been accused of.
Q. My question is not about ---
A. I don't think John Doe 1 took the money.
Q. Let me finish. I don't -- I'm not asking you whether you think your son took the money or not. I'm not even saying that that's what the popcorn thing was about.
A. Okay.
Q. But you testified earlier in this report -- the

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police officer reports, "I called the complainant, who is the victim's father. He stated" -- you stated -- "that he wanted to believe the victim, but the victim has been known to make false statements before. He said that the suspect, a deacon in the church and the Cub Scout leader, denies the allegations. He told the victim that if he didn't turn in the money for a popcorn drive, he would be kicked out of the club. The victim was very angry about that." John Doe 1 was very angry about being told that. That's why you were doubtful of your son's story at the beginning.
A. Okay. I can go with that.
Q. That's it.
By Mr. Walsh:
No questions.
Re-Cross-Examination by Mr. Meyer:
Q. Well, [redacted] I'm intrigued by this, what Mr. Foster just read you, because this statement of yours on the 10th includes the denial by Brian Rhinehart. Fish out this exhibit. It's 23. Let's just walk through this. We're in the first paragraph. "I," meaning Nicki Cantrell, the investigating officer who is making this report, "called the complainant, who is the victim's father." Now, that's you;

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right?
A. Yes.
Q. "He stated," that's you, "that he wanted to believe the victim." Now, that's you saying you want to believe John Doe 1. "But the victim," that's John Doe 1, "has been known to make false statements before." Right? That's your statement to Nicki Cantrell; right?
A. Yes.
Q. "He said that the suspect," now this is you talking about the suspect, meaning Brian —
A. Yes.
Q. — "A deacon at the church and the Cub Scout leader denies the allegations." So on the 10th you already had information that Brian Rhinehart was saying I didn't do it, didn't you?
A. Yes.
Q. And then you repeat the popcorn theory. "He," meaning Rhinehart, "told the victim that if he did not turn in the money for a popcorn drive they had, he would be kicked out of the club." And that comes from Rhinehart; right?
By Mr. Walsh:
Objection.
By Mr. Foster:

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Object to the form.
Witness Answers:
A. What does "deny the allegations" pertain to? "The suspect, a deacon at the church." That's Rhinehart.
Q. Rhinehart denies the allegations; in other words, Rhinehart says, I didn't molest anybody.
A. Okay.
By Mr. Foster:
Object to the form.
Re-Cross-Examination Resumed by Mr. Meyer:
Q. And then the next sentence says "He told the victim," now this is Rhinehart tells the victim, John Doe 1, if John Doe 1 doesn't turn in money for a popcorn drive he would be kicked out of the club and John Doe 1 was very angry about that.
By Mr. Foster:
Object to the form.
Re-Cross-Examination Resumed by Mr. Meyer:
Q. This is how Rhinehart explains to the police, when he goes down on the 20th -- this is right where Rhinehart starts. He starts with, look, I told him he was going to be kicked out because of popcorn money and that's why he's making this report. I didn't do a thing to anybody.
A. Okay.

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By Mr. Foster:
Object to the form.
Re-Cross-Examination Resumed by Mr. Meyer:
Q. Your reporting on the 10th includes Rhinehart has already said I didn't do it. So somewhere between the 7th of October and the 10th of October, you apparently got some information from some source that you are reiterating to the police that includes that Rhinehart says I didn't do it.
A. Okay.
Q. Now, this -- you're still trying to figure out, Rhinehart says he didn't do it, John Doe 1 says he did.
By Mr. Foster:
Is there a question coming?
Re-Cross-Examination Resumed by Mr. Meyer:
Q. Fair to say you're still in the process of figuring out whether John Doe 1 is telling the truth?
A. I think that's fair to say, especially on the 10th of the 10th month.
Q. But you don't have any recollection today of what the source of the information was that got to you that Rhinehart is saying, I didn't do it and this is all about the popcorn money?
By Mr. Walsh:

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Objection.
Re-Cross-Examination Resumed by Mr. Meyer:
Q. You don't recall where that information came to you from?
A. No.
Q. Fair enough. I have nothing else.
Reexamination by Mr. Foster:
Q. Didn't you testify that your wife called Doni Rhinehart on the 7th?
A. Yes.
Q. Did you talk to Mr. Rhinehart?
A. No, she did. She talked to Doni.
Q. Between the 7th and the 10th did you talk to Mr. Rhinehart?
A. I had -- I don't think so.
Q. Okay. That's it.
(There being no further questions, this deposition is concluded at approximately 6:30 p.m.)

REPORTER'S CERTIFICATION
I, KAY C. VAUGHAN, a notary public for the State of South Carolina, certify:
That the foregoing proceedings were taken before me

at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of the testimony given by the deponent.

I further certify that I am not a relative or employee of any of the parties or the attorneys, and am not of counsel or attorney for any of the parties to said action, and am not in any manner interested in the case, financial or otherwise.

That all offered exhibits, stipulations, and objections, if any, involved in this cause are duly attached or included herein. In witness whereof, I have set my hand and official seal.

Date: 6/10/11

Kay C Vaughan

Notary Public for South Carolina

My Commission Expires: 12/17/17

Electronically signed by Kay Vaughan (101-037-122-7304)

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State of South Carolina — In the Court of Common Pleas

County of Spartanburg

Jane Doe, as guardian for John Doe,

Plaintiff,

vs. — Case No. 2010-CP-42-2349

Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill,

Defendants.

And

These Two Cases Combined For Purposes of This Deposition

Jane Doe, as guardian for John Doe,

Plaintiff,

vs. — Case No. 2010-CP-42-2350

Doni Rhinehart,

Defendant.

Deposition of Jane Doe

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 20th day of May, 2011, commencing at approximately 10:19 a.m., attended as follows:

Electronically signed by Vickie Stewart (401-211-214-4086) 2501fd08-8ad2-4ec6-96db-7a8cf3e4b9d5

Appearances:
GREGG MEYERS, ESQUIRE
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Attorney for Plaintiff,

JAMES P. WALSH, ESQUIRE
Clarkson, Walsh, Terrell & Coulter
1164A Woodruff Road
Greenville, South Carolina 29607
Attorney for Case # 2010-CP-42-2350
Defendant, Doni Rhinehart,

WILLIAM H. FOSTER, ESQUIRE
Nelson Mullins
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, South Carolina 29601

Attorney for Case # 2010-CP-42-2349
Defendants.

Deposition Reported By: VICKIE J. STEWART, CVR
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Exhibits (attached to deposition)

Defendants' Exhibit No. 26 marked 171
Defendants' Exhibit No. 27 marked 175

Pursuant to notice and/or agreement to take deposition, the within deposition was taken by the above reporter, a notary public, as required under the South Carolina Rules of Civil Procedure, Rule 30, et al., by consent of all parties, at the office of Clarkson, Walsh, Terrell and Coulter, 1164A Woodruff Road, Greenville, South Carolina.

Waiver:

It is agreed by the witness and counsel for all parties that the reading over and signing of the deposition by the witness are NOT waived.

** ** ** **

The witness was duly sworn to tell the truth, the whole truth and nothing but the truth of her own knowledge concerning the matter herein.

JANE DOE, being duly sworn, testified as follows:

Examination by Mr. Walsh:

Q. Good morning, Ms. Doe.

A. Good morning.

Q. We just met. My name is Jim Walsh, and I'm an attorney. I represent Doni Rhinehart, and she's now passed away, so it's ---

A. Yes.

Q. --- her estate that I represent now for this case. The gentleman on my left is Bill Foster. He's an attorney.

He represents the Boy Scouts and some individual Defendants that are Defendants in a separate suit that he's involved in. We're both here today, though, because we want to take your deposition. You've been identified as a witness in both cases, and so that's why we're here. Do you understand that's what you're here to do, is give ---

A. Yes.

Q. --- your deposition? Okay. Tell me your full name, please.

A. [Redacted by agreement of counsel]

Q. Okay.

A. Is that what she just told me to ---

Q. Yes, ma'am. That's fine. Have you ever had your deposition taken before?

A. I don't think so. I'm 76 years old. How can I remember -- I don't think so.

(Off the record)

Examination Resumed by Mr. Walsh:

Q. So, I think I asked you had you ever had your deposition taken before, and what did you tell me?

A. I said I don't think so. And I'm trying to think, have I ever been in court, where I might have had -- for 30 years, I -- my life's been fairly normal. But I -- I don't believe so. I dated a lawyer for three and a

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half years, and there were times when I thought I was being cross-examined.
Q. I'm sure you probably were.
A. They have a way of getting in there and finding out everything they want to do -- want to ---
Q. Yeah. That's what ---
A. --- learn.
Q. That's what my kids tell me. But what I'm here to do is just ask you some questions. That's what really a deposition is: it's just, you're put under oath, and we're here to ask you some questions, because you've been identified as a witness.
And the lady here on your left is the court reporter, and she's talking into that mask, and she's got all this equipment. And her job is to take down everything we say in this room, and then she types it up into a booklet that we can all read later.
So there's a few kind of basic ground rules to get through the deposition that will help all of us understand what your testimony was. One of them is to give a verbal answer to my questions rather than a nod or a shake of the head, or an "uh-huh."
A. Okay.
Q. She may be looking at her machine and not looking at you, and she may not know what you meant. So, if you

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would, do that for me, please. Also, just sort of your normal voice was fine, but then you used a low voice. Just ---
A. Okay.
Q. --- make sure you talk up, so we can hear you. But I don't think that'll be too much of a problem.
Also, try to let me finish my question before you start to talk, and I'll try to let you finish your answer before I start to talk. And if any of the other lawyers have a question about what we're doing, let's try to stop and let them speak. The point is, we all want to be talking one at a time. Sometimes it's hard for the court reporter to get multiple voices, and when she's trying to hear two or three people talking at once, it's hard to do that.
A. I understand.
Q. Okay. So we'll try to do that. Also, your deposition will probably take several hours, I expect. So if you need to take a break, we'll take breaks anytime you want. We typically take them about every hour or so. But if you need to take one sooner than that, just tell me: we'll be glad to do that. If I'm in the middle of a question, I may try to get through that question or that series of questions before we take the break, but we'll be glad to let you get a break when you need it,

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okay?
A. Thank you.
Q. Okay.
(Off the record)
Examination Resumed by Mr. Walsh:
Q. Also, if you have any questions about what I'm asking, just ask me, you know, to clarify it or rephrase what I'm doing. Sometimes I may ask a question that's not clear. And if I do that, it'd be fine for you to tell me that you don't understand it, or to make it clear. If you don't, though, I'll assume that you understood my question, okay?
A. All right.
Q. Okay. The lawsuit that I'm involved in is captioned Jane Doe, as Guardian for John Doe. Are you Jane Doe? Do you understand that's who you are in this lawsuit?
A. Well, if that's what you're telling me, of course I understand now.
Q. Are you the guardian for John Doe 1?
(Off the record)
Examination Resumed by Mr. Walsh:
Q. The lawsuit is captioned Jane Doe, as Guardian for John Doe. It's my understanding that the Jane Doe is used as sort of a way to not identify -- Jane Doe and John Doe -- not to identify the names of the people in a

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sensitive, personal kind of case. But am I correct to assume that you are the Jane Doe referenced in the lawsuit?
A. Well, you need to understand that I didn't bring the lawsuit; I didn't initiate it.
Q. Okay.
A. And you also need to know that I am not the one who informed the police and all of that. John Doe 1 told me first, but I said, "Honey, you have to talk to your dad about this." Because at the time, I didn't have custody or anything. And I knew that, if I did and it -- well, you know, there was a -- there was a deep pain and there was also a rage. And I said, "You have to let Dad know this first, and then you have to do whatever he says about it."
Q. Okay. And I'm going to get to that in a minute. I just want to ---
A. I'm sorry.
Q. No. That's fine. I appreciate that. So, you didn't initiate the lawsuit, you're saying?
A. No.
Q. Do you know who did?
A. My guess is, it was Father of John Doe 1, because he -- they -- the nickname that they have for him in the town that we both came from is, "Be careful around him,

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because he'll sue you." And I know of several times when he's done that. And this one was, I think, thrown out by some other attorney or someone who decided that he couldn't take it for whatever reason.

Q. Okay. It's my understanding from Father of John Doe I's testimony yesterday that he had went to -- he corresponded or communicated with a law firm in Florida. Do you know about that?

A. That's what I have heard, but I have no idea what the name of it is or anything.

Q. Okay. And so your relationship with Mr. Meyers and his attorneys is what? Is he your attorney?

A. Yes.

Q. Okay. So are you -- even though you didn't initiate the lawsuit, are you -- do you consider yourself to be the Plaintiff in this case now?

A. Yes.

Q. Okay. So you would be Jane Doe?

A. Okay.

Q. Are you saying that?

A. Yes.

Q. Okay.

A. John Doe I needed and advocate. He's never really had an advocate, except me. And ...

Q. So you are his advocate?

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A. From the day he was born.

Q. Do you have legal —

A. I will —

Q. — rights over him?

A. I had legal custody of him until he became 18. And I signed papers just this week agreeing to be guardian, because it's my opinion that he is perhaps not quite capable of doing some things that need to be done himself. And one of those things would be his ability to make a decision based upon what's right and what's appropriate. Both of -- they're different.

Q. So you signed some papers to be guardian for John Doe I just recently?

A. Well, that's not the first time I've signed papers regarding him. But the guardianship -- well, you know, Dr. Lehl (phonetic), who is president -- I'm sorry, not president -- he has something to do with the school system. And he called me once and, because of some things that had happened -- and a lot of John Doe I's behavior has been as a result of what has happened to him here, because it's just another person he was not able to trust.

Q. Okay.

A. But he gave me -- he said he was going to have me named as -- I'm sorry, I don't know the name of that. But

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anyway, he said that John Doe I needed that. I'll think of it before the -- I haven't -- I've been -- I haven't gone to bed since 3:00 o'clock this morning. My grandson wanted to talk. He was -- he hasn't slept well. And he's up and down all night, and he is -- fear was put in him.

Q. Your grandson; you mean John Doe I?

A. Yes.

Q. Is he staying with you now?

A. He's been with me now for several weeks after having gone to New York state to visit his mother. I didn't want him to go. The environment up there is not the best. But you have to let a young man who's his age pretty much do what he -- I mean, you can't keep him from doing something if you don't know a specific reason why. And I didn't want him that far away from me, for one thing.

Q. So you have executed some papers recently to be ---

A. Yes.

Q. --- John Doe I's legal guardian?

A. Yes.

Q. All right. And so he's obviously older than 18 now, right?

A. Yes.

Q. So, what is the basis of your guardianship of -- does

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he have some kind of disability that makes him need a guardian?

A. John Doe I had a learning disability that was not diagnosed in the school system here. I have a daughter who teaches school now for 15 years, and she says that it would have been impossible for it not to be diagnosed in Connecticut. And they have -- they're -- I don't mean to knock this state, but -- and I'm not from South Carolina. But I don't know of a less -- well, you can't -- you don't have the confidence here that you need to for that sort of thing.

John Doe I needed certain things at school, which he was not given. And a lot of it had to do with his attitude. He didn't know how to express what was -- he went to school for -- you know, with all this going on too, and being treated terrible at school.

And I went to the school to talk to them about this treatment, because of what they were saying to him and about him because of this situation here. Because Boiling Springs is a very small community, and the Rhinehart's have been there for many generations, and respected. And John Doe I's father has not cut an honorable path through the way he's living, how he's living. And so naturally -- that's how I got involved.

I went over to the schoolhouse to see if there was

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something we could -- they would tell me about John Doe I that I could help with. Because he begged me to go with him, just like he begged me to stay at Scouts when this started happening.

Q. So, let me just go back a step. And I appreciate you telling me that. But at this point right now, John Doe I, in your view, is not capable of functioning in society without a guardian; is ---

A. He is ---

Q. --- that true?

A. He is -- I would question what -- his ability to make decisions that might affect the rest of his life.

Q. So ---

A. And I don't expect to be guardian from now on; it's just that -- right now.

Q. Well, I mean, so this is a limited time period that you expect to be guardian?

A. I'll be here for him as long as I live. I'm saying limited because, like I said, I'm 76 years old.

Q. Well, obviously, you ---

A. I've had breast cancer. I don't know what tomorrow holds for me. But I certainly want to be here for him, since -- actually, there's no one else here for him. My husband loves him, has loved him since he was this long (indicating) and been a wonderful grandfather to

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him, but he's not his grandson. You see what I'm saying?

Q. Okay. So, has John Doe I agreed to you being the legal guardian for him?

A. I read the paper to him. He didn't say, "Don't do it." And so, you know, silence usually indicates agreement, does it not?

Q. And so you are -- have you filed these papers anywhere, with the court?

A. I'm sure they have been filed, yes.

Q. All right. And is John Doe I going to live with you now full-time? Is that the plan?

A. I hope so. But, you know, he's 20, like I said, and I don't think any child wants to be on his own more than children -- young people his age. See, we're old folks, you see? We go to bed at reasonable hours and we don't -- we don't have the kinds of things that most young people want in their lives, like a lot of people in ...

Q. How long had he been away before he came back this time?

A. He was six months away. And I talked to him -- he called me often. And his mother called me to let me know that he was having a wonderful time and they loved having him there. And she seemed to think that I could

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make him come home any time I wanted to, and I said, "Mother of John Doe I, he needs to be with you. You need to be able to bond with him."

He was taken from her when she was -- when he was two and a half years old. And by that I mean, she had the choice, but she was not in any condition to realize she had rights. Because -- you know something? I probably shouldn't volunteer this information, because I did learn that it's best just to answer questions.

The attorney who represented Father of John Doe I when he decided that he wanted John Doe I to himself so he could deliver him to me to raise -- that's exactly what happened -- he came to me -- he called me up on the phone. Miller Ingram -- you may know him; his father was the mayor of Cheraw for many years, and he had an office in Columbia for some government thing or South Carolina government thing. But he called me up and he said, "Jane Doe, I'm really sorry. I did not realize what was going on. And I'm really sorry that I didn't advise her to think about this."

She just wanted to do what Father of John Doe I told her to do, because he told her -- they were having some problems. And he told her that, if she would sign that paper giving him custody, that it would help their marriage. And she believed him. My husband had his

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arms around her trying to get her not to -- that's how emotional it was.

And I made a remark to the lawyer at the time that was not very nice. I said, "Miller, as long as I've known you -- a little boy -- I can't believe you can't see through this, because you know Father of John Doe I. I can't believe it." And then he found out, and then he called me and he apologized.

Q. What did he find out?

A. What?

Q. What did he find out? You said "he found out."

A. He found out that things were -- well, Father of John Doe I couldn't keep a job. He took Mother of John Doe I over there to live with his -- Mother of John Doe I is my daughter -- to live with his mother -- his mother and father. And the mother said, "I have two wonderful sons" -- neither one of them are hers; they're adopted, and she was a foster parent -- she said, "I have two wonderful boys, and they both married sorry women." And she said that to my face. And because she was 20 years older than me, I let her get away with it.

But it wasn't long till he was bringing John Doe I to me, and she was calling me and asking me would I come and get John Doe I because she had to go to work or this or that or the other. And he was glad to come.

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Q. So, what is John Doe 1's -- like what kind of -- what does he like now? You said he spent six months there; now he's with you. You know, what does he need help with from a day-to-day standpoint for you to do?
A. What does he need help with or ---
Q. Yes, ma'am.
A. --- what does he help with?
Q. What does he need help with? What are his limitations that he needs sort of help to do things? I think you said earlier he wasn't quite capable of doing certain things out in society.
A. He is unsure of himself, and he listens to people advise him on things that -- I don't want to be the advisor; that's not what I'm saying this for. I want him to be able to stand on his own two feet and make decisions that affect his life in a positive way, because he's been criticized so much. He's been called names, bad names.

He had some trouble at school when I finally convinced them to let him come back after he'd been at -- he's had a -- John Doe 1 has been in hospitals twice directly resulting from what's happened here. And I convinced the principal that it would be right and a good thing if John Doe 1 could come back to school. And he had two wonderful teachers who, to this day, are

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concerned with him. And they're good teachers. They're nice people.

But he had a first sergeant -- is that what they call him -- First Sergeant Tate in the ROTC, which he so much wanted to be a member of. And the medication that he was on and had to be on and still is on prevented him from being able to do the physical things involved, like the running for a long distance in the heat and doing a hundred pushups and all that.

He saw the first sergeant take liberties with one of the female ROTC members, and to this day, she treats him like dirt. And the first sergeant put some pressure on him; he didn't see what he thought he saw and so forth. And of course he did; it was obvious.

And it wasn't long until the principal called my husband and me to his office. And they wanted to warn us and -- that John Doe 1 was stepping over the line.

I think he was so affected by what had happened to him -- and he thought a lot of Lacy (phonetic). She was 17 years old and First Sergeant Tate was forty-something, -one or -two. It made him furious what he saw, what he did.

And I told him that the feeling that he had was a good one, but that, "You have to be careful where you say things like that, because people want to hurt you,

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even when you tell the truth, if it makes them look bad or might get them in trouble."
Q. So on a day-to-day basis, what makes John Doe 1 need a guardian?
A. I don't like the fact that I'm feeling like you're trying to make me feel like I want to take charge of him and manage his affairs, because I can tell you that I don't.
By Mr. Meyers:
No, no. Listen, Jim is just trying to get information.
By the Witness:
Okay.
By Mr. Meyers:
So ---
By the Witness:
And I'm giving him too much.
By Mr. Meyers:
You give him the answer you think is appropriate, and tell the truth. But ---
By the Witness:
I am telling the truth.
By Mr. Meyers:
But he's not trying to make you feel bad; he's just trying to get information so he can ---
Examination Resumed by Mr. Walsh:

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Q. I don't know John Doe 1. I've never ---
By Mr. Meyers:
He doesn't know John Doe 1.
Examination Resumed by Mr. Walsh:
Q. --- met John Doe 1. I'm just trying to understand about John Doe 1.
A. I watched the CD that told me that you are not my friend and that you will try to trip me up.
Q. What CD is that?
A. DVD, I mean. It's about giving a deposition.
Q. When did you watch that?
A. Recently. I can't tell you exactly the day. But it opened my eyes, when I'm trusting everyone. And there are people you cannot trust. And I'm not saying that you're one of those people. But ---
Q. Where did you watch the DVD?
A. Where?
Q. Yes, ma'am.
A. In my house.
Q. Who gave you the DVD?
A. You can get them. You know, you can -- you can send off for them; you can rent them; you can ---
Q. I'm sure you can, but where did you get yours?
A. It came in the mail.
Q. Who sent it to you?

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A. I asked for it.
Q. Who sent it to you?
A. I asked her to send it to me.
Q. Who sent it to you?
A. Michael Jeffcoat's paralegal.
Q. Okay. Do you still have a copy of that DVD?
A. No, of course not.
Q. What did you do with it?
A. I looked at it. My husband looked at it.
Q. And then what did you do with the DVD?
A. I put it back in the mail and sent it right back to her.
Q. Okay.
A. I told her I -- I said, "I feel like I need to know what a deposition looks like, is involved in and so forth."

Because my husband -- my husband is a wonderful, loving, Christian man, but he would rather not do anything that might be controversial at all. And so he was willing to -- he said, "I don't know why I should have to give a deposition, and I don't know what that is." And I said, "They just ask you questions and you just tell them the truth."

And then Shelby, sometime when we were talking with her -- well, I think I told her that he had -- was

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wishing he didn't have to do it, because he can't even discipline his own children when they were little. And I decided that, if it was available and he could watch it, that we would let him watch it.
Q. Okay.
A. And then, when he wanted me to come up there and watch it with him, I did.
Q. Where did you go to watch it?
A. Upstairs, on the machine that put -- you put those things in and they show up on your TV.
Q. Okay.
A. What do you call that?
Q. DVD player.
A. Okay. I don't use it. It's John Doe I's.
By Mr. Walsh:
Gregg, can we get a copy of that DVD?
By Mr. Meyers:
Sure. I'll ask Mike for it.
By Mr. Walsh:
Okay.
Examination Resumed by Mr. Walsh:
Q. You said the DVD said not to trust me?
A. No. It implied that, even though you might be real nice -- and you are -- and pleasant -- and you are -- that a lot of things like that -- and I learned this

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from the man I already told you about, the lawyer -- that a lawyer will say and do anything to get you to say and do what he wants you to.
Q. That's what the DVD said?
A. No.
Q. That's what your —
A. The DVD —
Q. — boyfriend told you?
A. — told me —
Q. I'm sorry. Who —
A. The DVD told us that we should listen to your questions and give an honest answer, and that was it.
Q. Okay.
A. And it showed some examples of a woman who, like me, can't shut her mouth and volunteered and said all kinds of things. But, you know, it did help me.
Q. What did it help you with?
A. It helped me know what a deposition looks like and what you are supposed to do when you're giving one.
Q. So what are you supposed to do?
A. I am supposed to listen to you respectfully and try to respond to the questions that you ask me and as far as I know. If I don't know, I'm supposed to tell you that.
Q. Did it tell you anything else about what you're

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supposed to do in a deposition?
A. Oh, no. I mean, it was just to tell me what one was and to show me what it looked like -- or, you know, him. And he wanted me to watch it with him, and I said, "You need to watch it by yourself."
Q. Did you get any documents as well, any papers to read?
A. Oh, no.
Q. In preparation for your deposition, have you looked at any papers or documents or e-mails or anything ---
A. No.
Q. --- like that? Have you read the lawsuit ever?
A. I know that there are names on there that I don't know. I know Jackie; I know Shelby. I know that Jackie helped in this situation once -- and you know what? I am so trusting and naive -- and I really am -- she was doing something right there in front of me, and I didn't realize it.
Q. What was she doing?
A. Brian called John Doe I to come and go with him for a few minutes. He said, "Grandmother, don't leave me. I'm" -- see, Brian took him home from Scouts when he was going there from Father of John Doe I's house. I took him and either waited for him and came back and got him from being up at the -- you could almost see Wal-Mart from the church. My husband always went to

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Wal-Mart. I sat in the car sometimes, and many times I was in the meeting, because I took photographs of the badges they earned and that sort of thing.

And she -- Brian called him and said, "John Doe 1, come here. I want you to help me do something." And he looked at me, and I said, "What?" And he said, "Don't leave, Grandmother. I want you to be here. I want to know that you're here, and I'll be back." And I -- he -- Brian went on, and John Doe 1 went behind him. And I called John Doe 1, and Jackie said, "He'll be all right, Jane Doe. He's just going with Brian to do some chores or something." And that's not what it was about.

Q. What was it about?

A. It was about Brian getting him away from the crowd, and I don't know what he was doing to him. But I do know some of the things he said to him.

And I can't believe the times that they were at our house. John Doe 2 spent the night with us several times. They were good friends.

Q. Okay. Has John Doe 1 ever had a job where he earned money?

A. He worked at McDonald's for -- let's see. He went to training. They have a place where they train their employees. And then he worked at the McDonald's in

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Inman for a couple of months.

Q. And what happened with that job?

A. He had been talking with his mother on the phone, and he had been telling her that he wanted to come up there. And they made plans for him to go, and he had saved money, enough to pay for his plane ticket. And he came in and he said, "I'm going to go up and see my mother for a little while." And I said, "When did that happen?" And he says, "Well, Mom and I have been talking about it over the phone, and I want to go."

And he loves it up there. The place where they live, there's a river that runs right behind it. And there are fishermen and hunters and all of that. And he's very outdoorsy.

Q. So was he able to work the job?

A. Yeah.

Q. And he did fine?

A. But he didn't -- he didn't work very -- they gave him like 15 hours a week. And he came home each day telling us what he had done. They let him fry the potatoes one day, and they -- he was excited about it, but we could see that the job was not going to be a job that would help him be able to take care of himself.

Q. Well, is he capable of doing other jobs, more demanding jobs, you think, than that?

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A. I think -- I know that John Doe 1 is not -- he doesn't have an IQ of 120.

Q. Do you know what his IQ is?

A. It's under 100.

Q. Do you know what it is?

A. No, I don't.

Q. How do you know it's under 100?

A. I was told it.

Q. They told you it was under 100, but didn't tell you what it was?

A. Well, I think I already mentioned the fact that I was not his guardian, his custodial parent, for many years. And he was almost -- he was at least 16 when that happened.

Q. When what happened?

A. When I became his custodial ---

Q. Okay.

A. And you know what? His dad came to court. It took about that long to get him. His dad pled poverty; he said he didn't have a home. The judge asked me if I wanted child support, and I said no; it wouldn't be necessary. And he said to me, "If you change your mind, you come back here and see me." I think he was annoyed by the fact that this father didn't feel any responsibility.

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Q. So who told you that his IQ was less than 100?

A. Someone mentioned it in -- you know, we used to go to IEP meetings. Do you ---

Q. What is that?

A. --- know what those are?

Q. What is that?

A. It's when the individual's -- independent educational program or planning. And it's where they -- that's when they do something for a child because he can't -- he's not able to do what the regular classroom is doing. And all of this comes after he was -- I was told how smart he was.

I knew how smart he was. I read to him every single day when he was, you know, this big (indicating). And every night, that's how we ended the day, was reading. It got to the point where he would take the book or -- we read many different books. But he would take the book and he'd say, "Grandmother, does this say 'the'?" or whatever, you know, whatever the word was. And I said, "Yes, it does."

And I think that he'd been called an idiot and he'd been treated like he was -- he's an artist. That's what he does.

Q. So, who told you what his IQ was?

A. It came from the school.

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Q. All right. Did they give you a number?
A. Well, that's what it was, sir: a number.
Q. Well, what was the number?
A. I'm telling you, I don't know. But ---
Q. Okay.
A. --- I know that it was under 100 ---
Q. Okay.
A. --- because I remember thinking, John Doe 2's was seventy-something, and they had a class or two together. And I need for you to know that I know that emotional trauma can do a lot to a person's mentality.
Q. Has John Doe 1 had emotional trauma throughout his life?
A. You know, you're doing it now.
Q. What am I doing?
A. Has he been traumatized by his life? Of course. Look at ---
Q. From ---
A. --- it: divorce, and parents that fought each other physically; hair was pulled. He was knocked around.
Q. "He" being John Doe 1?
A. Yes.
Q. Who knocked him around?
A. His father, the man that you kept here for quite a while yesterday.

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We thought he might come over to see his son, because he knows where we live. He's been there many times. And his son thought he might, too. But he got more and more irritated -- or not irritated -- agitated as the time -- day went by, when -- I said, "You know, your dad's going to be so close to it, he might come over, and we'll have a visit." And in the beginning, he thought that was -- would be great. But he didn't come.
Q. What do you see in the future for John Doe 1? What kind of -- do you think he could be employed somewhere where he could make a steady income?
A. I hope so.
Q. What would you see his abilities could match a job? What would you see that he could do? What kind of a job would that be, you think?
A. He likes to tell me what things he can do. And he wants -- I think -- if he could be a chef, he would be in hog's heaven, because he really likes doing that. And I let him cook at home, because, you know -- he doesn't do it very often, but he likes to do it, and so I let him.
Q. Is he capable of remembering the orders and doing it in the 30 seconds that they require everything to be done like that?

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A. No, he wouldn't be -- he wouldn't be like a -- the guy that's from Greenville. I can't -- I love him. He's -- he wouldn't be like him.
Q. Well, do you think that John Doe 1 is capable of working in a commercial kitchen and being a professional kitchen person of some kind; maybe not a chef, but work in that environment? Is he capable of that?
A. I don't know. I don't know. It would be -- it would depend on how the people treated him, and that would also depend on how he behaved. Because when he told me of what had happened to him in Scouts -- you know, this is really bad, to have to rehash this. But I know that you have to know it, because you're representing the other side. But I don't think you or any of those people will ever know how this just added insult to injury that was already there.
And I cannot believe -- yes, I know he's in prison, but I don't think he got enough time. I don't think he -- I know Brian well enough to know -- "Well, I served my time, and let me get back to my life, you know, being the way I am."
Q. Can John Doe 1 take orders and execute tasks, as you say?
A. He wants to.

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Q. Well, can he, is the question.
A. You're asking his grandmother.
Q. I'm asking his guardian. Yes, ma'am.
A. I can remember when I thought he could do anything he wanted to. And I watched him go downhill without having any ability to stop it from happening; identify it, and know what was going on, and not be able to do a thing about it.
Q. We're going to talk about his history, his life over time soon. But right now I'm trying to just figure out where he is today; not how he got there, but how he is today. And so, you know, if he was working on a crew with a bunch of men digging ditches, can he be told to ---
A. Absolutely.
Q. --- dig a ditch ---
A. Absolutely.
Q. --- ten feet, three feet down in an hour? Can he do all of those tasks?
A. I'm not sure he could do that task, but I'm sure he could follow that ---
Q. Okay. So he's able ---
A. --- and would want to.
Q. --- to follow that?
A. He wants to please.

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Q. Well, whether he wants to or not, the question is, if you would instruct him to, "Cut these bushes in the yard, pick it up, throw it out, clean everything up," could he do all that?
A. Yes.
Q. All right. So he's capable of following directions and executing a plan that's laid out for him?
A. He can do that, but I'm not going to say he would do it until the job was finished.
Q. So he might start cutting your bushes, and then he would just finish them ---
A. He would come ---
Q. --- halfway and leave?
A. --- inside and he'd say, "It's too hot" or, "I need to lay down" or something. But it's not because he's lazy. It would be because he's -- the heat, the red face, the sweat.
Q. I'm not asking why, necessarily; I'm just trying to figure out what he can and can't do.
A. Well, that's part of it, sir.
Q. So he would just -- he would start a job -- if you said, "Wash my car; I'll pay you for it," he might start washing it, and then he would just stop in the middle? Is that what ---
A. No. I'm saying about cutting shrubs and mowing the

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grass. He mows the grass all the time when he's at our house.
Q. So can he do that without supervision?
A. Oh, sure.
Q. So he can put the gas in ---
A. I mean ---
Q. --- the mower?
A. No. My husband doesn't let him put the gas in there.
Q. How come?
A. Because my husband won't let me put the gas in there, and he wouldn't let his own sons do it. I don't know. My husband is a control freak, okay?
Q. All right. So it has nothing to do with John Doe 1 as a person; it's just he wouldn't let him put the gas in there?
A. He would not let him, because -- well, he would want to do it himself. He's sure that it's done right and that nobody is going to get hurt if he does it himself.
Q. And would you feel comfortable if you said to John Doe 1, "The mower is out of gas. Get the gas, fill up the mower, and cut the grass"? Would you feel comfortable with him doing that?
A. I think he should be -- I think he should be given the chance, yes. We ---
Q. So ---

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A. We have -- sometimes we have words over this.
Q. So you wouldn't have any problem leaving the house and saying to him, "The gas -- you're going to cut the grass. There's no gas in the mower. Put the gas in, cut the grass, and then put the mower back," and just leave? You wouldn't have a problem with that?
A. I wouldn't leave him there by himself. Because there is an element of danger involved, and that would be a hot lawnmower and an inexperienced child, person, doing that particular job of putting the gas in it. And I know that my husband does not put it in immediately when he does that, because it is hot.
Q. So he's 20 years old right now -- John Doe 1 -- right? Is that true?
A. That's a number. Yes, he's 20 years old.
Q. So, what is his -- what is his kind of effective age, then? You say he's a child, person. What would you say -- a 20-year-old man should, in theory, be able to do that task of knowing how to put the gas in and cutting the grass and not having a problem. But a ten-year-old child might not, you know, because he might not understand all the ramifications of what he's doing. Can you kind of give me kind of an idea where he might be, sort of his mental age kind of thing, his developmental age?

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A. I've always known that he could do things he was not allowed to do, and I've always known that he wanted to do them. And I see a lot of good in him and a lot of ability in him. But my husband has children -- has one extremely capable child, his oldest, and he also has other children who have been handicapped by the fact that he thought they couldn't do the things, that he had to do them himself. And that -- he has -- he has managed to transfer that to John Doe 1, much against -- much with my objection.
Q. My question is really how you would characterize his developmental state. He's a 20-year-old man physically, but his emotional and intellectual development doesn't match his age; do you agree with that?
A. Yes.
Q. So can you give me an idea of where he is? I mean, and maybe you can't. Does he have the abilities of a typical, you know, eight-year-old, ten-year-old, fourteen-year-old? You know, is he -- you know, can you tell me that? Do you have a sense of that?
A. When we're there by ourselves and my husband is not there, I think he wants to do things himself, to just do things himself. Because, you know, some people just want to do everything; they want to be in charge. And

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they -- you know, and they lack the ability or the wisdom to see that children have to do in order to learn.

Q. Do you think he can live alone?

A. I don't.

Q. Okay. What would prevent him from living alone, you think?

A. Okay. Suppose he got a paycheck, and it was $100. That's not enough for a week; we all know that, counting rent and food and all of that. But I think that he would not be able to determine the fact that it had to go -- it had to last for seven days. And I think probably by the middle of the week, he would be coming to Grandmother and saying, "I don't have any food. Can I get some food?"

And he's the only grandchild I have who is like that. And because they're all intelligent -- and he was to start with, bright as a penny. One drawback after another -- and I call this a gigantic one right here, because trust was involved and trust was violated, in addition to his body. And you have to be encouraged by people allowing you to do the things that you can and should do, and you should be praised for it instead of -- Brian knew what kind of home life he had. And people like that choose people like John Doe 1 to

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do their bad things with.

Q. Let's say that John Doe 1 was living alone and his money situation was supervised, that someone would give him enough money on a daily basis or every week to live, and he could -- the money situation was okay. Would he be able to go to the store and buy his groceries?

A. Yes, he would. But I'm saying that he doesn't -- his understanding of how far money will go is not good.

Q. Okay.

A. He is more likely to feed the moment and to not worry about -- I would hope that that changes with time.

Q. Would you feel comfortable if he was living alone -- let's say that he had the money to do it. Would you be comfortable knowing he was living alone and he was cooking ---

A. Yes, I would.

Q. --- without any supervision? He wouldn't leave a pot on the stove and ---

A. No.

Q. --- leave the house?

A. No.

Q. Okay. Would he know how to do laundry?

A. Oh, yes.

Q. He can do ---

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A. He does ---

Q. --- laundry?

A. --- his own laundry.

Q. Okay. He knows how to clean, keep his house clean?

A. He's scrubbed his bathroom since he's been here.

Q. Well, would you expect that he would be able to maintain the home and keep it clean and do dishes and throw things out that are spoiled and, you know, all the things that a person needs to do, and take the trash out? Could he do all those things?

A. The food would not have a chance to spoil. He has a ravenous appetite.

Q. So, would he be able -- does he know how to take the trash out and ---

A. Oh, sure.

Q. He can do all -- so you think he can -- other than the money thing, you think he can live on his own; you wouldn't have any question he would be safe and wouldn't have an accident?

A. He wouldn't be safe, because he has -- even -- we will call them friends who would help him decide what to spend the money for. And ---

Q. So he's susceptible to peer pressure?

A. He's grateful for people who treat him with respect and act like they love him.

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Q. Does John Doe 1 drive?

A. He got his driver's license -- no -- his learner's permit, and he drove for six months. And I think he would be an excellent driver, because he does -- he's very calm. He does not get -- even with me yelling at him from the back seat because he's letting this truck that doesn't have the right of way make him feel like he needs to move out of the way.

Q. So when did he get his permit?

A. When he was 16.

Q. And so that was four years ago, roughly?

A. Well, he's -- you have to remember that he's been in the hospital twice. I picked him up in the hospital after I got out of my surgery and ---

Q. What hospitals ---

A. --- recovered ---

Q. --- was he in?

A. He was in Hall Institute in Columbia.

Q. And when was he in there?

A. Well, I picked him up in 2006. I'm not sure -- it was in the middle of summer. And then he was in Patrick Harris in Anderson.

Q. And approximately when was he in there?

A. I should have written all these things down, because ---

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Q. Well, that's okay. We'll get the records. It's just approximately. I'm just kind of wondering.
A. Well, he stayed there for nine months.
Q. Was that after the Hall Institute?
A. Yes.
Q. And why was he in there?
A. Because the situation at school got unbearable for him, and he put his foot down and said he wasn't going back to school. And his stepmother said yes, he was, and she pulled him out of the bed and threw him on the floor a time or two and made him go. And she didn't know what was going on there.
Q. Is this [redacted]
A. Yes. And he told her he wasn't going, and she called the police. And Father of John Doe 1 had taken his leave of the situation, which was common, and gone into their bedroom and closed the door. And he stayed there until the police came and got him.
He ran to the kitchen and got a butcher knife, because he was going to show her that he was 16 years old and she wasn't making him go to school anymore because she didn't understand what was going on there. And I said, "John Doe 1, I can't believe you got a knife." And he said, "Grandmother, you don't know how she kept on and on and on, and she wouldn't listen to

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what I tried to tell her about why I couldn't go to school anymore, or didn't want to. And Daddy would say, 'Leave me out of this.'"
Q. So did John Doe 1 —
A. —"it's between you and them."
Q. Did John Doe 1 cut her with the knife?
A. I'm – I'm sure he probably tried to. You don't – you don't know her. She has nice children, but she – she professes to be a devout Christian woman. I don't think so.
Q. So —
A. Because she wanted John Doe 1 out of her house from the – from day one. She wanted him – she called me up and she said, "I married his father, but I'm not raising him, and you'll need to come and get him."
Q. So, was John Doe 1 arrested for that?
A. Yes, of course he was.
Q. And was he committed to Patrick Harris Hospital?
A. He was admitted to William Hall Institute.
Q. After that arrest?
A. Yes.
Q. Was he ordered by the court to go there, or was that – or did —
A. I'm not sure.
Q. — somebody voluntarily refer him? Like was he

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ordered by the criminal justice system to go there?
A. I'm sure that you have all the answers to that, or can get them. And I have to tell you this about me. I have a hard time seeing wrong in him, because I remember when he was not affected by all these things. And you would not want to be around a better, more pleasant person.
Q. So, as part of his -- was he sentenced and he was sent to Hall Institute, do you think?
A. No. He was sent there because it was obvious that he needs to -- needed some psychological -- an evaluation. Like I said, I didn't go to bed till this -- till 3:00 o'clock this morning, and I was up at 7:00. So the old girl needs her sleep, you know.
Q. Why don't we let you take a little break right now. It should be a good time to ---
A. That's good. Thank you.
Q. --- do that. Okay.
(Off the record, 11:12 - 11:38 a.m.)
Examination Resumed by Mr. Walsh:
Q. Let me kind of change gears a little bit and ask you some questions that are about you. You live where? What is your address?
A. It is a really ridiculous name, but I live on a golf course, and all the streets are named after golf

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courses in Scotland. So mine is Royal Troon; it's number 21.
Q. What town is that in?
A. It's in – it's in Gowensville, but that's about all that's there. We get our mail from Campobello; it's delivered from that post office. So that's the address I have to use.
Q. Okay. Who lives there?
A. My husband and me and John Doe 1 when he's with us.
Q. And your husband's name is what?
A. [redacted]. Terrible boss, wonderful husband.
Q. And he's a ---
A. What I'm saying, I worked for him for nine years.
Q. What was his career?
A. He worked for Goodyear all – for 40 -- over 40 years. And at this -- in Cheraw, which is where we both lived at the time, he was the store manager. And I —
Q. The plant manager?
A. Sir?
Q. Was he the plant manager?
A. No, no. He was a store manager.
Q. Oh, for Goodyear, a Goodyear ---
A. Yes.
Q. --- tire store?

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A. Yes.
Q. Okay.
A. But don't look down your nose too much at that, because he's very smart.
Q. I wasn't looking ---
A. And ---
Q. --- down my nose ---
A. --- two years ---
Q. --- at all.
A. Let me tell you something, two years while I was there, he was the top salesman in the country and got bonuses that just -- that were more than my salary.
Q. What was your career?
A. I was a -- well, they sent me to school to train me for store management, which I did not want. And ---
Q. In what field?
A. In that. My major in college was history. And -- but I -- you know, they pay you more when you're -- see, I didn't get my degree till '92 or '3 or somewhere along there.
Q. Where did you go to college?
A. Coker College, where the Governor's School is in South Carolina -- well, it was at that time.
Q. And what was your degree in?
A. It was history. I had almost a double major. I went

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to school to be -- to study fine arts, because I used to be an artist. And then I changed before entering my senior year to history, because I was more interested in that than I was the art direction things were going in.
Q. Are you currently working anywhere?
A. No -- yes, but I'm not getting paid for it.
Q. Where was the last place you worked?
A. Well, I did some substitute school teaching a little bit, but not much. And I decided, just like my youngest daughter decided five years into a career she thought she wanted, which was also in fine arts -- she was -- she worked for the Westport, Connecticut newspaper, which came out twice a week. And it was while she was there that she decided to go back to school and get her -- get certified to teach. And she's an absolutely wonderful school teacher, and has been rewarded. But what I'm getting at is, she seemed to do what she thought I was not able to do.
Q. Okay. So ---
A. I forgot ---
Q. --- how long did ---
A. --- your question.
Q. --- you substitute school teach?
A. How well or ---

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Q. How long.
A. --- how long? Whenever they called me. And I got calls from two schools for the same week more than once. So I don't know ---
Q. So, how many years was that; one year, two years, three years, ten years?
A. Well, it couldn't have been very long, because four years after that all happened, we moved to Greenville County.
Q. And what was the purpose of your move to Greenville County?
A. My husband grew up here, and he wanted to come back to where his roots were. And I had three sisters at the time. And one had moved here from Washington state, and one had been here for 36 years, and then my baby sister was in Lexington. And we decided, in our old age, we wanted to be near each other so we could visit. Because I'd go for ten years and not see some of them.
Q. Where were you born?
A. Ansonville.
Q. What state is that in?
A. It's in North Carolina. I'm so sorry.
Q. Where is that; what part of the state is that in?
A. It's -- do you know where Albemarle is?
Q. Yes, ma'am.

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A. Okay. It's very close to that.
Q. And when did you move to South Carolina, approximately?
A. My husband, who worked for Burlington Industries, brought me here, kicking and screaming.
Q. About when was that?
A. '62, April.
Q. What is your date of birth?
A. 6/16/35.
Q. Have you ever been involved in a lawsuit before?
A. I have been -- I've been awarded a settlement from a lawsuit that I refused to get involved in. And the EEOC manager in St. Louis called me up, and he says, "Jane Doe, your name is on the list of women who were doing the jobs previously done by men and they did not pay you what they paid the men before you. And you are therefore being put on this. And if you want to bring your own case against Goodyear, then you need to get an attorney." And I said, "Sir, I'm not interested."
Q. About when was that?
A. 1988.
Q. Okay.
A. And I was awarded $10,000 for whatever they didn't -- and I -- it shocked me, because I'd said I didn't want to ---
Q. Now, John Doe 1's mom is your daughter ---

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A. Yes.
Q. --- is that right? That's Mother of John Doe 1?
A. Yes.
Q. Mother of John Doe 1 lives in Upstate New York; is that right?
A. Yes, she does.
Q. Is she married?
A. No, she's not. She has a partner. She and I have been around and around about this.
Q. Okay. Her partner, is that a man or ---
A. Yes.
Q. --- a woman? A man?
A. Oh.
Q. Well, sometimes people use the word "partner" to mean ---
A. It means the other person in your life that's helping you raise a child together. Usually that's what it means. And she does have a son with him; Andrew.
Q. Does Mother of John Doe 1 work?
A. No.
Q. Do you have any other children besides Mother of John Doe 1?
A. I have [redacted] who is in Connecticut; and [redacted] who is in Greensboro -- or rather, he works at the main office of BB&T in Winston-Salem.

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Q. Do you have any relatives that live in Spartanburg County, you or your husband?
A. He has cousins there.
Q. Do you know what their last names are?
A. [redacted]
Q. [redacted]
A. [redacted].
Q. Is your husband retired?
A. Many years. He's 79.
Q. How long did you work for Goodyear?
A. I retired about one month before my tenth anniversary would have been observed.
Q. And that's about the nine years you were working there at your husband's store; is that what you were saying?
A. Yes. Well, he managed that store for -- from '65 until he retired from it. And then he went to work at the Greer store. And that was because, like so many men who involve themselves in what they do all day long there, they don't really have a life, you know; they don't have any interests, I mean. He worked six days a week. And so he went back to work when he decided he couldn't be retired right now.
Q. Okay. Now, have you been married prior to your marriage currently?
A. Yes; twice.

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Q. Okay. And ---
A. They're both dead. The first one died many years ago, and the second one has been dead 12 years.
Q. Did those marriages end with the death of your husband or were you all ---
A. No. A divorce.
Q. Were those divorces in South Carolina or some other state?
A. North Carolina.
Q. Okay.
A. Wait a minute. The second one was in South Carolina.
Q. Who was that gentleman?
A. [redacted].
Q. And where were you all divorced; what county were you living in?
A. Chesterfield County.
Q. And you say he's the one that brought you to South Carolina?
A. Yes -- no, no. Yeah, [redacted]. Yes, yes.
Q. Kicking and screaming, you said?
A. Right. Well, think about it. And I love South Carolina now. But I gave him a really hard time, because he didn't tell me he was doing it; he didn't ask me if I wanted to go. He just came in one day and he said, "We're moving to South Carolina."

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Q. That submission thing again, right?
A. Sir?
Q. That submission thing; wives ---
A. Oh, yeah. Right. But -- and I said, "What?" And he said, "I'm the wage earner. You have to go where I take you." See, he was -- he was almost 20 years older than me. And he and my dad got along real well. They used to get drunk together.
Q. Now, Mother of John Doe 1 is -- who is her father?
A. I was never married to him, because I could see that we -- he was wealthy, from a prominent family, and he'd been -- he was a playboy type. And I don't know what he ever saw in me, but he absolutely wiped -- swept me off my feet.

And I was, at the time, separated from the first husband, who took me to his father and mother's house to live and wouldn't get a job, because I had a really good job. I worked -- I had good jobs at Burlington Industries and J.P. Stevens for many years. And he was promised a job when we left Wingate College, which is where we met. And when he got there to get the job, he had to pass a physical. And his back -- he had a ruptured disc or something.

So for several months, I worked and came home every day hoping that he had found another job, because

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I knew we couldn't leave his father's house if he wasn't also working. And he didn't seem real interested in it. He was a nice guy; everybody loved him. He -- full scholarship, sportsman, and -- but he wasn't -- he wasn't mature enough to be a husband and a father. And so we parted ways friendly.

Q. Is he still alive?

A. No. He's been dead since 1985.

Q. Did he have any active role with Mother of John Doe 1?

A. He loved her, and he -- [redacted] who is my oldest child, was the apple of his eye.

Q. That was not his child, though, was it?

A. Mother of John Doe 1 is not his child. And when I decided not to marry her father, it was -- everyone that knew about it in our family said I was making a mistake. And I said, "No. I'm not. I just -- I trust my vibes, and I'm just not going to do it." And he was not happy. But we didn't get married, and I've never regretted the fact. And he stayed in touch with me for several years.

Q. Have you ever been arrested for anything?

A. Me?

Q. Yes, ma'am.

A. No.

Q. Just a routine question.

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A. A patrolman has stopped me twice for speeding. And one time -- the last time, which was two or three years -- two years ago -- I'm talking too much.

Q. No. And I'm just -- it's just a question that we typically will ask a witness. It doesn't mean I think you have been. It's just something we need to ask.

A. No, sir, I have not been arrested.

Q. Okay. So, what is Mother of John Doe 1's situation? I understand from your testimony that, at some point, she signed over her --

A. John Doe 1.

Q. -- rights to John Doe 1 to Father of John Doe 1; is that --

A. Right.

Q. -- right?

A. Mm-hmm (affirmative).

Q. And then what did Mother of John Doe 1 go do after that?

A. When he got what he wanted, which was custody of John Doe 1, he would not let her see him.

Q. Why did he -- you say he got what he wanted. What -- do you know --

A. He wanted to be rid of her, because he wanted to live at his mother's house, and she had gotten to the point where she wasn't going to do that anymore.

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Q. Well, why do you think that Father of John Doe 1 wanted custody of John Doe 1 if he wanted to get rid of Mother of John Doe 1?

A. Now you're asking me a question I could not possibly answer. I have my own take on it.

Q. That's what I'm asking, what you think.

A. Well --

Q. Either what you know or what you think.

A. I wish I could say something kind about Father of John Doe 1, but I can't. He beat my daughter. He -- she has scars on her that long (indicating) now, cuts. And --

Q. I asked him yesterday if he had ever abused -- physically abused Mother of John Doe 1, and he said not that ever raised a bruise on her. It was kind of a funny way of answering it. Your belief --

A. Black eyes.

Q. He would beat her, basically?

A. Yeah.

Q. Beat her up?

A. Bear her up. Bruises on her back.

Q. How often would that happen?

A. Well, she didn't let me know anything about it until I saw some marks for myself, just like I did on John Doe 1. And I asked her, I said, "Mother of John Doe 1,

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what's happened to you?" And she says, "I'm not going to talk about it, Mother." And I said, "Okay. I'd like to know who did it to you."

Q. How long were Father of John Doe 1 and Mother of John Doe 1 married before they had John Doe 1, or --

A. Were they married before they had John Doe 1?

Q. Yeah. I mean, were they married before or did they get married after John Doe 1?

A. Oh, no. She was -- they were married nine months.

Q. Okay. And --

A. But it was not a full year.

Q. And in the time before he took John Doe 1 from Mother of John Doe 1 and got custody of him, you started to notice that she had bruises and scrapes and things on her body?

A. The bruises, most of them were noticed before she gave him custody. But there was one incident when I went to see about her because I hadn't heard from her in several days. And she was -- had been harmed so much that she could not get up out of the bed; she couldn't bend her knees because the cuts were on both of her knees. And the -- what caused those cuts were rocks and not -- you know, no weapon that he'd had against her. But it was just -- she was running to get away from him.

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And listen, their marriage was not good from the beginning. And when -- he came -- he brought her to my house in Cheraw -- our house -- and told me that they were going to get married. He had known her since she was 11 years old and he was 19 at the time, I think. She was friends with his -- with his first wife. He's been married four times. He does not live with his present wife.

Q. How long have they been separated —

A. I don't know.

Q. — [redacted] and Father of John Doe 1? [redacted] and Father of John Doe 1 —

A. Father of John Doe 1.

Q. — do not live together?

A. Right. I don't know, but -- I don't know whether she did it or he did it, but I do know that it was very rocky for quite a long time.

Q. So, does Mother of John Doe 1 have any medical problems?

A. Yes. She has schizophrenia.

Q. And what does that mean in terms of her symptoms? What does it do? What happens to her?

A. She's on very strong medication to control the symptoms. But I can remember when she was just like John Doe 1. I can remember when both of them were

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different, better.

Q. So with Mother of John Doe 1, she was not experiencing the symptoms for some period of time of her life, and then she started to?

A. Yes.

Q. What were the symptoms that she started to experience?

A. I would hear her talking to herself in her room, loud, laughing loud. She couldn't go to sleep at night, because you can't settle -- they tell me that you -- it's -- you pace a lot. It was very disruptive to our family. And the main thing for me, though, was that I knew something was wrong with her.

And my second husband, whom I divorced for some obvious reasons -- and I'm not saying I'm perfect. I'm very flawed. But there are two areas that you'd better not go into with me, and one of them is about my children, and, in this case, about my grandchildren. Because I take the time to know these people, because I love them. And when my husband told me that I was creating a problem for her when I said she needed help. I didn't get it for her for a long time.

And then my family doctor said, "Mother of John Doe 1 needs to see a doctor, a special kind of doctor, and I'm going to send her to one in Columbia. And I want -- of course, I want you to" -- and when she was

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in therapy with a Dr. Walter Gunter, there was a lady named Deb Sheffield always present. She was a psychologist-in-training. She got into it and heard us, and she asked for permission to tape all of our sessions. I would go every Thursday to Columbia and visit with Mother of John Doe 1, and we'd have -- spend some time together. And she always wanted to be there.

And when she had an appointment with the doctor, she said that it was -- she'd been so normal. And, you know, there are all kinds of symptoms that show up early, but you don't know what they are and you don't pay any attention to them. I mean, you try to convince yourself that these things are not happening.

Q. Like what?

A. She would -- it's -- I don't know what you call it, but your brain races. She was very intelligent. Her dad graduated at UNC in Chapel Hill. And she -- her body is like his. And he was real smart. And I think -- she didn't get it from me, I'm sure. But she was -- her wit was so quick, it blew my mind. Because we're all intelligent, but we're not that smart.

Q. So when did she start to show symptoms that you recognized as being symptoms?

A. It was a look in her eyes; they were kind of flashing. And the laugh was -- well, you see your child --

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something happening to your child, and it really -- it really works on you.

Q. So, about what age was this?

A. Seventeen -- 16, 17.

Q. So, she was not showing any symptoms until a teenager?

A. Yes. Right.

Q. Okay. And then, in retrospect, you didn't -- there were no symptoms; they just started when she was 16 or 17?

A. She was -- she was very popular and she was very talented. She did all of the art -- important artwork at school, and she was happy in her life.

And she had girlfriends. I caught them smoking in their treehouse. It was -- we had property next to the house where we lived, and she would go over there every day in the afternoon. And I said, "Where are you going?" And she says, "Mama, we're building a treehouse over there in the woods." And she said, "I don't want you to see it now, but you can come when we're finished."

And one day I noticed when she walked across the yard that she had something in her back pocket that was the size and shape of cigarettes. She would have been 13 at this time. And I said, "When did you start smoking?" and she said, "Oh, these are not my

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cigarettes; they belong to Suzanne." And later she confessed.

But I found out that one of the girls had a brother who always was able to get marijuana. And we had a serious talk about that, of what it would do to you and why you couldn't use it: it was against the law, you could get arrested and put in jail, and that it was not a good thing. And she says, "Mama, you feel that way. Everybody does it." And I said, "No, everybody doesn't do it." I get sort of tired of that excuse coming from children, because there's a lot of people that don't do these things.

Q. Now, with John Doe 1 ---

A. And I'm not sure that she didn't also smoke some.

Q. Right. Does John Doe 1 have a schizophrenia diagnosis as well?

A. He has been diagnosed once with both -- with bipolar and once with schizophrenia. And both times, I was told that the symptoms that he had were more consistent with this illness at one time, and then this one.

But what I also have been told is that traumatic things in a person's life can set off those responses. And in each case, there had been. And ---

Q. "In each case" meaning Mother of John Doe 1 and John Doe 1?

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A. Yeah. Yes. Mother of John Doe 1 and John Doe 1.

Q. What was it in Mother of John Doe 1's life?

A. Well, you know what? I'm not so sure that I ought to be telling you this, because she's not here and I don't have her permission.

Q. Well, I'm just asking you from your standpoint as ---

A. I know.

Q. --- the mother.

A. I know what you're doing, sir.

By Mr. Meyers:

But I would also say that you have an obligation to tell the truth, and ---

By the Witness:

I am.

By Mr. Meyers:

--- so the -- but the information -- I mean, Mr. Walsh, I'm sure, would be discreet about using the information. So you are in a position where you have to disclose those things.

By the Witness:

All right.

Witness Continues:

A. Well, let me tell you ---

By Mr. Meyers:

If the question calls for it, you just answer it.

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Examination Resumed by Mr. Walsh:

Q. Yeah. I'm not asking for any super-sensitive information. But ---

A. Well, that's from where you're sitting, sir. I'm very super-sensitive about it, because it brings back some memories that are very hard for me.

Q. I understand.

A. Because I watched her spiral down.

Q. Well -- and this is John Doe 1's mother, and I'm trying to -- John Doe 1's got ---

A. He was taken away from her ---

Q. Is that when she ---

A. --- when she was ---

Q. --- spiraled down?

A. --- two and a half years old -- when he was two and a half years old.

Q. So is that what caused her spiral down?

A. That had something to do with it.

Q. Do you think it was also the way she was being treated by her husband?

A. Absolutely.

Q. So, Father of John Doe 1 would -- you thought Father of John Doe 1 would beat her up from time to time? They'd get into some kind of dispute and he'd hit her, is what you think?

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A. Once. I know that she hung onto him when he came in, took a bath, got dressed and went out again. And he did that a lot. And she didn't want him to leave. Well, he left her there with his parents, and neither one of them wanted her there. Neither one of them wanted his wife there.

Q. Did you actually ever see physical abuse between Father of John Doe 1 and Mother of John Doe 1?

A. I didn't -- you mean did I see him hit her?

Q. Yes, ma'am.

A. Of course not.

Q. All right. Did ---

A. He knew better than that.

Q. All right. Did his parents ever tell you that they saw it?

A. What did I tell you Father of John Doe 1's mother said? "I have two wonderful boys. They're both so smart. They're" this, that and the other. And one of them is retarded. And I love him; he's a fine guy, very fine. He has problems. I don't know that he's retarded.

Q. So the answer is no? The answer is, they never told you?

A. When she tells me that her two wonderful sons married -- what was the word she used?

Q. Ma'am, I'm sorry. It's just a yes or no.

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A. No, it's not.
Q. If they didn't tell you, that's fine. If they did tell you, that's fine. I just want to know if they ever told you.
A. This is what you do more damage with than anything, I think.
Q. All right. So did they tell you?
A. She told me that my daughter was sorry.
Q. I understand. But I'm trying to find out about the abuse that Father of John Doe 1 -- you claim Father of John Doe 1 inflicted on Mother of John Doe 1. And you didn't see it, and I'm trying to find out how you know it. So I'm asking you if the parents -- his parents told you that they saw it.
A. No. Mr. [Redacted by agreement of counsel] never said very much. When we were around, he was -- he always was not there.
Q. Okay. So, then, Mother of John Doe 1, did she ever admit that it was ---
A. No.
Q. — happening?
A. She did not. But I'm not stupid.
Q. Okay. So based upon your observations of your daughter and her physical condition, you believe that there was some kind of abuse going on?

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A. No, I -- well, I knew there was, because I saw the marks.
Q. Right. Okay. Now, do you think that Father of John Doe 1 was also hitting John Doe 1?
A. I know he was.
Q. And how do you know that?
A. Because I counted 14 belt marks and a buckle one time when he was just a little, tiny guy.
Q. Like how old, do you think?
A. Seven.
Q. Okay.
A. Six or seven.
Q. So, any other instances of physical abuse that you can relate to Father of John Doe 1 relative to John Doe 1?
A. (No response)
Q. In other words, do you think that was the only time it happened?
A. Oh, no, I know it isn't ---
Q. And how do ---
A. --- because I saw ---
Q. --- know that?
A. --- other marks.
Q. Okay. So ---
A. And I also -- he crawled up into my lap one time and he says, "Grandmother, what is an idiot?" And I said, "Why would you ask me a question like that?" And he said, "Daddy said I was one." I said, "Well, you certainly are not."

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Q. And how old was he when he said that?
A. About the same age, maybe a little bit younger.
Q. So, if I can sort of summarize, you believe that, throughout John Doe 1's early years, he was physically abused by Father of John Doe 1?
A. I think he was more verbally abused, but it was because -- Mother of John Doe 1 got an SSI check every month. It was over 500, but not quite 600. At the time, Father of John Doe 1 was desperately in debt. He married her -- no one will ever tell me otherwise -- because of that check. He would not let her report the fact that she was married to the people she knew she was supposed to tell. It was like a Svengali thing, you know.
Q. So ---
A. Anyway, as soon as they stopped the check because she was married, the problems started.
Q. All right. And ---
A. Because when she got the check, she handed it to him.
Q. So, you thought -- you believe there were numerous instances of physical abuse, but also verbal abuse by Father of John Doe 1?

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A. I think the verbal was worse.
Q. Okay. What would he -- you said that Father of John Doe 1 called John Doe 1 -- John Doe 1 told you Father of John Doe 1 called him an idiot. Any other things you think Father of John Doe 1 called him, or how did he do that? How did he verbally abuse John Doe 1?
A. I don't -- how can I answer that? He didn't want him.
Q. So when he -- and he took him at two and a half and got Mother of John Doe 1 to sign over custody; is that right?
A. With a lie.
Q. And then they separated and got divorced at some point?
A. She stayed with me for a very short time during that, because I had already told her that I would help her all I could, but she could not come to our house and live.
Q. About how long was it from the time that he took custody until the time they got a divorce, do you think?
A. I'm sure it was right away.
Q. Okay. And then ---
A. As soon as he could.
Q. And then did Father of John Doe 1 -- you said, I think, at the very beginning of your deposition that Father of John Doe 1 then basically turned John Doe 1 over to

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you?
A. He said -- he made some comment about, "I know you want to see John Doe I." And I -- he brought him to my house one time, and for three weeks I never heard or saw him again.
Q. What was Father of John Doe 1 doing?
A. I have no idea. But I have my suspicions, because I -- you know, people want to tell you all kinds of things that you'd rather not know. And Father of John Doe 1 had a reputation around town, and it was not good.
Q. What was his reputation?
A. Well, his first -- his first marriage had been to a high school girlfriend, and she's a hopeless alcoholic, drug user now. And all of that, she got from him. He's used drugs for years.
I can't -- I can't -- in high school, he drove a hearse. That was his car, a black hearse. He painted his nails black, he dyed his hair black, and he wore black clothes. I think you call them Gothics now. Okay. And you have no idea how many ---
Q. And that was 50 years ago?
A. It was ---
Q. That must have been quite a sight back in those ---
A. He was -- people -- everybody in town laughed at him, but they laughed at him with -- you know, he was one of

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ours, you know. He was a Cheravian, and people -- and he was very gifted musically.
Q. And so ---
A. And he put his -- he put some of his instruments in the back.
Q. So from the time that Father of John Doe 1 got custody of John Doe 1 until now, 20 years, you know -- seventeen and a half years later, what percentage of the time do you think you had John Doe 1 and raised John Doe 1 versus Father of John Doe 1?
A. Well, when we moved to here from Cheraw, John Doe 1 did not come with us. And I knew that he should have.
Q. So ---
A. Because ---
Q. I guess what I'm trying to ask is, who raised John Doe 1?
A. Well, he waited yesterday thinking his dad might come over there, because I told him he would be so close by. He loves his dad. I'm glad he loves his dad. But ---
Q. So do you think you ---
A. I bought all his clothes; I took him to the dentist; I took him to the doctor; I took him to school a lot.
Q. You looked out for him, made sure everything was going good and everything?
A. And he was with us a lot.

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Q. So, he ---
A. For a year when we moved down here, he wasn't, and I could not believe the change in him.
Q. And when was that; what year was that?
A. '99 when we moved, and it was the next year that they moved.
Q. So he was nine at that point?
A. Yes.
Q. So when did you start to notice sort of developmental issues or psychological issues or medical problems with John Doe 1? What changed from that child he was to starting to show signs of something else?
A. Well, I had been to a meeting at the school when he was in Cheraw, and I -- well, I always took him to school when he was with me. And there was an IEP meeting there -- one. And that's about planning an educational program that is special for him.
Q. So, how old was he then?
A. Eight.
Q. So was he in sort of the mainstream school up until then?
A. Yes. He's been put in -- he's been -- he's had these programs -- I used to go to school so I could be there. I used to tutor children so I could be there. And I couldn't see a whole lot of difference between what was

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happening with him and what was happening with the other children. And ---
Q. So did he start off like in kindergarten in the normal kind of regular class?
A. What's the old saying? He -- there was a school called Saint -- old Saint David's. Saint David's School is what -- it was an Episcopal school. And I had to beg them to let him in there, because I knew he needed what they had. And ---
Q. Why would you have to beg them?
A. Because they -- well, the same way I begged Emmanuel to take my stepdaughter. I tell you what ---
Q. I mean, was he having problems already at that point, in ---
A. Oh, no.
Q. --- kindergarten?
A. It's -- it was -- I hesitate to say this, because we like to think it's not true, but it is true. And you wouldn't know anything about it, because your job classification alone would permit your children to do things that maybe some other children could not do. Okay? We know that, don't we?
Q. Well, what were you going to say? I'm the one asking the questions, not ---
A. Well ---

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Q. — you. What I'm trying to figure out is, you said you had to beg them to let him into kindergarten.
A. I told them how much he needed what they did.
Q. Well, what was he needing at —
A. They had — well, he —
Q. — that time, at four or five years old?
A. His life was not structured like a normal — I have some wonderful grandchildren who have intelligent, loving parents. And like I just was telling her, my oldest granddaughter just graduated from James Madison University in Harrisonburg, Virginia. She wanted to come south, it's so cold up there. She was inducted into Phi Beta Kappa. Well, she's wonderful, and I love her, and her mother is smart and her dad is smart.

But a lot of children can do that; they just don't have the right kind of direction.
Q. So what was — at that point, when you took John Doe 1 to the doctor, was he starting to show signs of having some problems that needed to be dealt with medically?
A. No.
Q. When did that first occur?
A. When he couldn't get along at school.
Q. And about when was that?
A. Second grade.
Q. And what kind of problems did he start to have at

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school?
A. His mouth said things that he knew better than to say, but he'd heard it all the time at home. And children don't — you know, you can teach them until you're blue in the face, but they follow the example you set.
Q. So, during those years, those early years when he was in, you know, first, second, third, fourth grade, was he living with Father of John Doe 1?
A. He lived with both of us.
Q. So how would that work? What would be the arrangement?
A. Sometimes Father of John Doe 1 would bring him and ask me if I could keep him, and then I wouldn't see him for three weeks.
Q. Okay.
A. And I called him once and I said, "You know what? It's been three weeks and your son has not seen his daddy. When did you — when were you planning to come back and touch base with him? I'm fine with him being here, but when are you going to be, 'Daddy's at the door'"? He came over that day.
Q. And then would weeks go by when Father of John Doe 1 kept him and everything would be fine, and then he'd send him back, or —
A. My husband and I used to go to the beach in the fall and stay — we've stayed as long as three months,

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coming back once a month because my husband needed to do that. He liked to do that. And every time we left him, I worried. I've been — I've been protective of him all his life, because he's been hurt so badly. So I mean, he's just — and it keeps on going.

You see right here? I'm talking about — I really don't see any need for this, because it's obvious. Brian admitted it. John Doe 2 and John Doe 1 verified the fact. He knows that they both had problems, he knew what kind of problems they had, and he picked them to do this abominable thing. And I just —
Q. Well, let me —
A. It blows my mind that any kind of human being could do that to children.
Q. Well, let me make sure we're clear on something. I don't represent Brian Rhinehart. Do you understand that?
A. I know who you represent, sir.
Q. Okay. And my client is Doni Rhinehart.
A. Doni —
Q. The —
A. — the deceased?
Q. The deceased.
A. Widow of Brian.
Q. The mother of John Doe 2.

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A. Right.
Q. All right. And so whatever Brian Rhinehart did, that's not my client, okay? You are — if you are the Jane Doe, as Guardian for John Doe 1, you filed a lawsuit against Doni Rhinehart. That's the lawsuit that was filed. Do you —
A. Okay.
Q. — understand that?
A. Yeah.
Q. Why did you assert a lawsuit against Doni Rhinehart?
A. I'm not thinking about what to say. I'm — I am trying to plug into my source that helps me always tell the truth, which also encourages me to say anything that might make the truth more plain.

And I had one question for her. She called me to tell me how sorry she was, to ask me how John Doe 1 was, and did I hate her. And she cried. And I said, "Doni, I have absolutely nothing against you. As far as I know, I mean, you didn't know this any more than I did."

And then I saw her name on a lawsuit, and I couldn't figure that out, because she told me she had lost her house — had lost her home, and that she had to go and live with her sister because she had no money and she had no house.

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And I said, "Doni, being a Christian, as you know I am, I can't hate Brian. I have to pray for him. And I don't hate anybody that's involved in anything here, because we have to forgive the people that we feel have offended us or hurt us. And we have to try and move on, with God's help, of course, because sometimes you can't -- you need help getting out of that place."

And the only question I would have for her is, "Where were you when it was going on in your house?" And I would ask her that today. I didn't ask her at the time, because like I said, I'm trusting and naive. I'm stupid. My husband doesn't trust until he has a reason to trust. He's suspicious, you know. I don't get that.

Q. So why have you sued Doni Rhinehart?

By Mr. Meyers:

Objection to the form.

Witness Answers:

A. I wanted her -- I wanted her to know that this -- that what happened to this child on top of everything else that's happened to him in his life is unconscionable to me. And she knows these things.

Q. Well, if she knows it, why do you -- why was a lawsuit brought against her? The lawsuit alleges that Ms. Rhinehart knew or should have known about the abuse

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that was alleged.

A. Didn't I just say that?

Q. Do you think she knew about the abuse?

A. I knew that she took pills a lot to get her through situations. And I can remember one time when Brian gave her a pill because she was making a little more noise than he wanted to hear.

And I think about all the times they came to our house, and I -- you know what strikes me the most? He was doing these things to my boy, and he was hugging and kissing me at the same time.

Q. All right. So, let's stay on Ms. Rhinehart. Do you believe that she had knowledge that either her son or your grandson were being abused by her husband?

A. I don't think she could not have known it about John Doe 2, because she was -- I think -- well, no. Let me put that differently. I don't see how it could have happened without John Doe 2 telling her.

Q. All right. Why do you say that?

A. John Doe 1 told me. When he told me, he said, "Grandmother, I know it's not right." But Brian had showed him a gun once, and he said, "You know, John Doe 1, I want you to see this gun. I have this gun. This is mine. I had it on a job I had once as a security guard" or something, and he said, "I had to shoot a man

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once."

That was a threat, a veiled threat. And that child for years could not sleep in his room because the windows, you can pull them up and step out onto the ground. I can't tell you how many nights he came in there and wiggled up through [redacted] and me to get between us and feel secure.

Q. Well, he was like that for many years of his life, though; he slept with you all?

A. What?

Q. Didn't he? As late as 12 years old, he was getting into bed with you, wasn't he?

A. No.

Q. You didn't tell the doctors that he wouldn't sleep alone and that ---

A. I told the doctors that he was terrified for some reason I hadn't been able to figure out, and I thought maybe it might be insecurities.

Q. This was years before he ever ---

A. I know.

Q. --- knew Mr. Rhinehart.

A. I know. You said about 12 years old.

Q. Okay. So you think that Ms. Rhinehart would have been told by John Doe 2, but John Doe 1 was afraid to -- that he didn't even -- well, let me make sure I

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understand this. You believe John Doe 1 didn't tell because he was threatened?

A. Yes.

Q. And you don't think John Doe 2 would have been threatened, and he lives with the man?

A. I'm sure he probably was.

Q. Okay. And so you think, though, that despite the threats that scared John Doe 1 to the point where he couldn't sleep ---

A. He was not only scared of that, sir.

Q. --- that John Doe 2 ---

A. He had a violent father.

Q. Let me finish my question.

A. Excuse me.

Q. That John Doe 2 would have volunteered to say the very thing that John Doe 1 was afraid to say, and John Doe 1 didn't even live with the man; is that what you're saying?

A. Well, John Doe 2 lived with the man.

Q. Right.

A. You just made that point.

Q. So wouldn't he be more afraid of the violence that could occur? John Doe 1 was out of the situation when he came home to you, and he wouldn't speak because he was afraid of the violence. He didn't even live with

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the man. John Doe 2 lived with the man, okay? So wouldn't that be an even more immediate threat of danger, that would make him even more afraid to talk?

A. John Doe 2 is very retarded.

Q. He's retarded?

A. Yes.

Q. Okay.

A. His IQ is somewhere in the 70's; 78, I believe.

Q. So, what's the point of that?

A. The point of that is this. If John Doe 1 was threatened, which [redacted] and I both think he was -- [redacted] is my husband -- I'm not so sure that -- well, Brian thought he could control John Doe 2, because he's right there in his own house. He didn't know what John Doe 1 was going to say when he left the Scout meetings, and he knew that I was most always going to be there.

And we might need to go over that question again. You're -- you know, when things are unpleasant, I can't do anything about them except pray, which I do a lot. And I didn't say that for any reason other than to tell you how it is with me.

Q. Well ---

A. I was -- go ahead. I was right in the middle of a sentence, but you go ahead.

Q. Go ahead. Tell me what you were going to say.

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A. I'm not intimidated by you.

Q. Okay.

A. Because what we're talking about is very serious, and it hurt a person that is -- I cannot begin to tell you how dear to me he is.

Q. I'm not trying to intimidate you, but let me tell you what I'm doing. Ms. Doni Rhinehart, may she rest in peace, has been sued, and the allegation is that she covered up her son's abuse, her own blood, and then covered up the abuse by your grandson. So I do ---

A. Of my ---

Q. --- take it very ---

A. --- grandson.

Q. I take it very seriously too.

A. Okay.

Q. Okay?

By Mr. Meyers:

Object to the form of the question.

Examination Resumed by Mr. Walsh:

Q. And so I want to know what evidence you have that Doni Rhinehart somehow knew what this ---

A. Pills.

Q. --- person was doing and didn't say anything about it. That's what I want to know.

A. Well, let's put it this way, sir. If he would -- if he would abuse children, he could probably also intimidate his wife. And considering how much she took medicine that made her the way she was every time I saw her almost, kind of elsewhere and loose ---

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Q. So you let your grandson go stay with a loose ---

A. Listen ---

Q. --- elsewhere woman; is ---

A. --- this has all come ---

Q. --- that what you're saying?

A. --- to me recently, sir. Do you ---

Q. So you didn't know that then?

A. I didn't know that she took as much medicine as she did.

Q. Well, how do you know what medicine she took?

A. You know, I'm not going to implicate anybody else, because I don't know that you won't be going after them.

Q. I want to know -- you just made a statement that basically suggests that Ms. Rhinehart was being given pills by Mr. Rhinehart ---

A. I saw it ---

Q. --- that put her out of it and loose.

A. I saw it once.

Q. And you also suggested that she took these all the time, and this was ---

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A. It made her ---

Q. --- the kind of person ---

A. --- feel better.

Q. --- that she was.

A. They made her go to sleep.

Q. Let me finish my question.

A. Certainly.

Q. I want to know what evidence you have of that. I want to know what you saw, what you were told, what you know.

A. (No response)

Q. If you don't have any evidence, then tell me. But if you have evidence, I want to know what it is.

A. Well, it's like I told you, sir, I don't -- I try my best not to decide for myself what's going on unless someone tells me.

Q. Well, then, tell me what you know. I want to know -- here's the problem. Ms. Rhinehart has passed away.

A. Yeah.

Q. Anything that people say about her, you know, she can't defend ---

A. Can't defend ---

Q. --- herself ---

A. --- herself.

Q. --- anymore, can she?

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A. No, she can't.
Q. So I need to know where you make these allegations against her. You've made some pretty serious allegations against her right now, and I need to know where this is coming from.
A. I saw her take the medication. I also saw her mix wine with the -- they always had wine. I'm not criticizing them. A lot of people drink wine. But you can't mix pills and wine.
Q. What pills was she taking?
A. She said they made her feel good, made her feel better, so I know they must have been a mood-altering drug, like a tranquilizer.
Q. Well, you can have a headache and take a Tylenol to make you feel better, can't you?
A. Well, of course you can. You and I both know that. But you -- but I've seen enough of the medications myself to know what a headache pill looks like and ---
Q. So what was the pill?
A. I have no idea. I ---
Q. All right.
A. --- didn't ask her. It's ---
Q. No idea.
A. --- none of my business.
Q. You saw her how many times take a pill?

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A. I knew that she took them daily.
Q. How did you know?
A. Because her husband made the remark once ---
Q. What did he say?
A. --- before I knew any of this other. That she went to bed early and she slept a lot. And I thought a great deal of her, and there's no way on this earth that I would slander her. You need -- I would defend her. And I dislike -- and I didn't like that little laugh that you just did.
Q. Well, ma'am, you're basically saying that she would take pills and go to bed and sleep all day, and I'm trying to figure out ---
A. I didn't say all day; I ---
Q. --- where this is ---
A. --- said early ---
Q. --- coming from.
A. --- in the evening, perhaps.
Q. This is coming from Brian Rhinehart? Is that -- is that what your ---
A. Brian told me that she ---
Q. --- source of information is?
A. --- slept a lot. And this is before I knew anything bad that Brian Rhinehart had done.
Q. All right. So, what else do you know about

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Ms. Rhinehart's ---
A. Ms. Rhinehart ---
Q. --- activities?
A. --- or Mr.?
Q. Ms. That's my client. Whatever Mr. Rhinehart did or didn't do ultimately is not my concern in this case. The claim is against Doni Rhinehart that's been made, okay? And I'm trying to figure out where you're getting this information that you've said about her.
So here's what I think you've said. You saw her take a pill one time, and you've said that she told you that it made her feel better.
A. Right.
Q. But you don't know what kind of pill it was?
A. I have no idea.
Q. Okay.
A. But I'll tell you what; I know what kind of pill makes you feel better.
Q. What kind is that?
A. That would be a mood-altering drug.
Q. Like what?
A. Xanax.
Q. Have you taken those yourself?
A. No.
Q. What kind of medicines ---

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A. Paxil.
Q. What kind of medicines do you take?
A. Do I take?
Q. Yes, ma'am.
A. I take medication for high blood pressure, which it's not really high; they just want me on it. And I take a baby aspirin every day. And I take bupropion, which helps control IBS, which I have suffered from for years. And it's controlling it beautifully. Which is Wellbutrin. And I take vitamin D3. That's what I take.
Q. What is Wellbutrin?
A. Wellbutrin is -- they prescribe it for people who have irritable bowel syndrome. And what some of that comes from is -- well, you -- they say that you have a -- I had a doctor tell me once -- I've seen several doctors -- that any kind of strong emotion can -- like grief or anxiety or fear or whatever, can upset your system, and that some people have a more delicate system than others. I've never ---
Q. Isn't Wellbutrin a mood-altering drug as well?
A. I don't know what it is. I just know that the doctor gave it to me. And he said -- I told him about an accident I had had. It's been years ago, six years ago. And he said, "Why haven't you told me about this

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sooner? You don't have -- I mean, that doesn't have to happen to you." And I said, "Well, I'm glad to know that, you know." Because I had ...

Q. But what medicines does your husband take?

A. He takes high blood pressure medication, and he takes Allopurinol, which is a gout medicine, and he takes medication for arthritis, which he suffers from greatly in one knee and a wrist. I believe that's it.

Q. Do you know if the medicine that you're not sure what it was, but you think it was, was prescribed by a doctor?

A. Yeah, I do.

Q. That Ms. Rhinehart took?

A. Yes.

Q. And do you believe that the -- what is the relationship between taking -- if it -- whatever it was, if it was a Xanax or a Prozac or something, would ---

A. You asked me to describe a mood-altering drug, and I named a couple that I knew of.

Q. No. Here's what I asked. I asked what evidence you had that Ms. Rhinehart knew or should have known that her husband was abusing her son and your grandson. And you said, "Well, I knew she took pills."

And so my question to you is, if she took a pill prescribed by a doctor -- and you don't even know what

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it was -- how does that prove that she knew or should have known anything that ---

A. Her husband told me that she took pills and she slept a lot. That's where I got that information.

Q. Okay. And so if she took medicine that was prescribed by a doctor and she slept a lot, do you know what "a lot" means: four hours, six hours, ten hours? Do you know what -- did he ever say what "a lot" meant?

A. Well, I think it's early to bed and late to rise. That's what I would -- how I would describe her.

Q. Well, how do you know that? Have you been a guest at her home and spent the night?

A. I called her one night. She had asked for John Doe 1 to come and -- you know what I figured out? She liked for people to help her with her duties. When John Doe 2 was with me, he wasn't with her. He was a high-maintenance child. I don't know if that's the right application. But he is in your face, and you can't -- a child like that is not like a child that you can say, "Let's don't talk about this anymore" or, "Let's -- why don't you go and get a book and let's read" or something.

It's -- I would wonder how she would want John Doe 1 there -- actually, Brian wanted him there. He would say, "Why don't -- let us -- let John Doe 1 spend the

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night tonight, and I'll bring him home tomorrow" or, you know, something like that.

And I know that he looked after the kids a lot, because she was -- you're asking me questions that I'm supposed to say, "I don't know." I have opinions -- I have impressions, rather, of what was going on without feeling that I had the right to ask any questions, even though my grandson was there some, because I had no reason to doubt that he wasn't safe.

And all I said was, I'd like to know where she was when it was going on in her own house. And I'd like for you to -- if you don't mind, I'd love for you to make a response to that.

Q. Well, the way ---

A. Is that legitimate?

Q. No, it's not. The way this works is, I get to ask the questions and you get to give the answers, and you don't get to ask the questions. So as much as you want to ask questions ---

A. That's the only one ---

Q. --- I'm not ---

A. --- I think I've asked you.

Q. --- testifying today. So -- and I just happened to pull up Wellbutrin. It says Wellbutrin is an anti-depressant that works to treat depression. It's used

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to treat major depressive disorders and seasonal affective disorders. So you take a mood-enhancing ---

A. Read -- read on.

Q. --- drug, don't you?

A. Read on.

Q. Do you take that ---

A. It also says it's dispensed to control IBS, and it ---

Q. Okay.

A. --- lists another -- I don't -- listen, I don't ever get a drug that I don't thoroughly investigate what it is and what it might do to my body.

Q. Okay. But you agree with me it's used to treat depression?

A. Well, I don't -- if you read it to me off of whatever you're looking at ---

Q. Well, I ---

A. --- yes.

Q. I thought you researched it? You just said you -- do you know what you take ---

A. I don't take Wellbutrin. It's bupropion. And all I said was, it treats IBS. I didn't -- I didn't -- I don't need my mood altered. I'm a happy person all the time, and thankful, and I get angry at things that people should get angry about.

Q. Generic name: bupropion. Wellbutrin.

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A. Yes.
Q. Yeah. Okay. So, for whatever reason you take it, you understand that Wellbutrin is a mood enhancer; it's a depression drug; it's made to treat depression; is that true?
A. Well, you said so.
Q. Do you believe that to be true?
A. Yes. I don't ---
Q. Okay.
A. --- think you'd lie to me.
Q. All right. So the fact that you take a pill that ---
A. I don't go to bed, sir, and sleep all day and all night, half a day. I do good to ---
Q. Okay.
A. --- get to bed by 1:00 ---
Q. So now you ---
A. --- o'clock in the morning.
Q. --- do say that she slept all day and all night?
A. I'm ---
Q. Okay.
A. --- saying ---
Q. So why do you ---
A. --- what was told ---
Q. --- say that?
A. --- to me. I was saying what was told to me. I've

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called her before in the evening, and she would already be in bed.
Q. Okay. What time would that be?
A. Well, I don't call anyone after 9:00 o'clock at night, because I don't think it's the right thing to do.
Q. Who told you she was in bed?
A. It would be either [redacted] which is her oldest child -- who is her oldest child, or her husband.
Q. Well, do you think it's possible they just -- they didn't want to talk to you, and that's why she ---
A. No.
Q. You don't think that's possible?
A. No, I don't.
Q. Everyone would ---
A. We were ---
Q. --- want to talk to you?
A. We were good friends.
Q. You were good friends with ---
A. Yeah.
Q. --- a woman you say sleeps all day and all night?
A. I know that she had some -- well, having a son like John Doe 2 -- you probably will never know the emotion that I know very well. And I'm sure -- well, she's talked about John Doe 2 and cried before. Because you look at a child that, when he was young, he seemed okay

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Q. So, what makes you say you were good friends with Doni?
A. She came to my house. She invited us to her house several times. We went once, that I can remember. But she came to my house. Brian came to my house -- our house. My husband would always find something else to do.
Q. But you considered Doni to be your good friend?
A. I considered her to be the mother of a Boy Scout who was in my grandson's —
Q. Well, you just said she was your good friend. Was she your good friend or not? Because that's the words ---
A. I don't have —
Q. --- you used.
A. --- any enemies, sir. You're doing – you're talking to -- I don't —
Q. I mean, that's the words you used, ma'am. So was she your good friend or not? Because now you're saying, "Well, she was a mother of a son my grandson knew." So you've said two different things, and I'm trying to figure out —
A. Would we —
Q. — what it is.
A. Would we be friends and would we do things together? I don't think so, because she's younger than my oldest

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child. And while she has called me a number of times and I helped her in some Boy Scout things like selling stuff in front of Walgreen's and Girl -- I can't remember what it was. I'm trying to think now. I was a Girl Scout leader and neighborhood chairman myself, so sometimes these things – I move on. I don't dwell
Q. So, you knew Doni Rhinehart enough that you were around her when she was working for Boy Scout activities?
A. Yeah.
Q. And what kind of things ---
A. Well, both of ---
Q. --- was that?
A. --- the boys were in that troop.
Q. What kind of things would you see her doing?
A. Well, we both baked things for those things. And she was there helping the Boy Scouts do -- it was something she did, but I only took John Doe 1 and stayed there with her and helped her a little bit. It was not —
Q. Okay. Well ---
A. It hadn't ---
Q. --- what would she do at the Boy Scouts meetings?
A. I don't mean at the meetings, sir. I'm talking about the things that -- yeah, she was always at the meetings, almost every single time. And I've got pictures that I took.

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Q. Why is that so important to you?
A. Well, you just asked me the question.
Q. No. You've got pictures. I mean, is that -- do you think that's in dispute or is it somebody ---
A. No. The pictures were taken to show the boys getting their badges, to show the boys' group pictures when they were doing something that they were interested in. It was -- I've got some great pictures of all of them. I'm very happy to have them.
Q. Okay. Well, let's go back to what I was asking you about. So you would see Doni at meetings -- Boy Scouts meetings; is that right?
A. Yes.
Q. And she was doing what, things involving the meeting?
A. She was sitting in a rocking chair.
Q. And was she involved in the meeting; was she ---
A. She would call a boy's name or call one down or, you know, she'd -- I think once she even told the people that were running things -- she expressed her opinion about something. And I remember thinking, you know, she didn't usually -- she was just there, you know. She didn't really take an active part in what was going on; she was just there.
Q. So she would go to all the meetings and ---
A. I didn't say she went to all of them.

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Q. Oh, I thought you just said that. She was at all the meetings, I think you just said.
A. If I did, I'm sorry. I did not mean that.
Q. All right. She went to a lot of the meetings?
A. Yes.
Q. And she seemed drugged up and out of ---
A. No.
Q. --- it then? Okay. She ---
A. No.
Q. --- was perfectly fine at those meetings, right, that you saw?
A. I would not call her sharp.
Q. What does that mean?
A. You know perfectly well ---
Q. No. I ---
A. --- what it means.
Q. --- want you tell me what it means.
A. It means what I'm not today because of no sleep, and I usually am very. That's what it means.
Q. No. I want you to tell me -- tell me what you think it means about Doni Rhinehart; not about what you are, but what she was.
A. I loved her. I thought she had her hands full. And I was glad she had Brian, because he did a lot of the child care that was done. And then, after a while, [redacted] came into the picture, the older sister, and she was -- I think Doni -- Doni needed help, after I got to thinking about it later, many years later, in looking back on the situation.

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Q. You don't think Doni is responsible for this abuse, do you?
A. Oh, no. I didn't say that. But I still would like to know where she was when it was going on in her own house, involving her own son.
Q. Well, are you aware that supposedly it would have -- that whatever occurred would occur in the middle of the night in John Doe 2's bedroom?
A. No. Because I know where it occurred.
Q. Where did it occur?
A. It was in the unfinished room that was an extra room if they wanted to finish it off.
Q. And how do you know that?
A. Because my grandson told me. And she told me about the room a long time ago. And I have a room like that too, but mine's finished; it's nice. You can let the children go up there and do the things that they like to do. Like John Doe 1 likes to play his -- what do you call those things that they have, these -- video games.
Q. Do you think that John Doe 1 was truthful to the police about what happened to him?
A. I've never known John Doe 1 to lie.
Q. All right.
A. But I can't -- I will not say that he hasn't.
Q. Well, are you aware that the police records indicate that John Doe 1 indicated that he was abused by Mr. Rhinehart twice in his home? Do you understand that to be the case?
A. I knew that he -- I knew that John Doe 1 was there in his home, because he told me last night -- this is what I said to start with. Last night, for some reason, he decided he wanted to talk about it. I've never quizzed him about it, but I've always told him that if he ever wanted to talk about it, I would be glad for him ---
Q. Well, do you ---
A. --- to talk ---
Q. --- understand that it happened twice in that -- that he alleges it was twice in the house?
A. I don't think John Doe 1 knows how many times anything happens.
Q. Okay. You're not aware that the police records indicate that he said it ---
A. No.
Q. --- was a total of three times, twice in the house and once behind the church? Is that -- have you ever heard

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that before?
A. No.
Q. Okay. So if it is true -- I'm going to ask you a hypothetical question, and to assume for me that it happened twice in the house, as the police records indicate John Doe 1 said. Do you think that Doni Rhinehart would have to be around and supervising every single second ---
A. I do.
Q. --- if it happened twice in the course of---
A. I don't go to bed and leave my children -- I never have. I wait up for them when they're out. I just think you need to know where your children are and who they're with and what they're doing.
Q. So you sleep with your children?
A. No.
Q. So when they go to bed, you're in your room and they're in their room?
A. Right.
Q. All right. So was it proper for Doni Rhinehart to go to bed and leave her son and his friend in their room sleeping? Are you saying it's improper to do that?
A. No, I didn't say that.
Q. Okay.
A. I said I can't understand how it was going on in her

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house -- and I think the two times is wrong -- without her knowing it was going on or without her wondering what they were doing up there. And I would check on them.
Q. How do you know she didn't?
A. Because I believe she would have somehow brought him to bear about it, and she would have also put a stop to it.
Q. You believe, if she had known, she would have stopped it?
A. Yeah.
Q. All right. So the fact that she didn't put a stop to it, doesn't that suggest she didn't know?
A. I'm suggesting that she was in no condition to know a few times.
Q. Okay.
A. Because I've talked to her when it was obvious that our conversation was not going anywhere because of her inability to interact.
Q. What kind of health problems are you aware of that Ms. Rhinehart had?
A. I'd like to know what that has to do with this. But I'm not sure that she -- I know that she was -- she had some form of mental illness, and I think it was bipolar, but I'm not sure.

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Q. And you knew this when you met her? You figured that out?
A. Oh, no.
Q. You knew -- you ---
A. No.
Q. --- learned this after the fact?
A. She told me.
Q. So during the time that John Doe 1 and John Doe 2 were friends and John Doe 1 was spending the night at John Doe 2's house, you knew that Ms. Rhinehart had some kind of mental illness?
A. (No response)
Q. Is that what you're saying?
A. I'm saying that she told me that she had some problems, and someone else told me later what that problem was.
Q. Who told you?
A. Well, it wasn't just one person. Brian.
Q. Who else?
A. Well, she told me she had some problems.
Q. Who else told you?
A. I'm not sure, but I think it was one of the ladies at the Girl Scouts -- at the Boy Scout meetings, I mean. Shelby, Jackie. I think it's important that John Doe 1 was fearful of Jackie. He didn't want to be around her.

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Q. Let's focus on Doni right now.
A. Well, I'm trying to tell you that -- I think I already told you that I -- I don't keep things -- I don't -- when things are -- okay. When the things were going on between John Doe 1 and Father of John Doe 1, I didn't do anything except comfort him when I had him. But that doesn't mean they weren't going on. Same thing with Doni.

Same thing with Jackie. Jackie was a lesbian, and she actually brought her partner to one of the meetings -- two of the meetings. And the reason I mention that is this. Things are slow coming to me, because I'm not suspicious. But after a while, you can put things together and realize what you may not have been told. And I'm not talking about this right now.

But when she assured me that John Doe 1 was all right and he'd be back in just a little bit, I know that that was to protect -- to keep me from going down there. Because, see, I had gotten out of the car and I was going over there and calling John Doe 1. And he -- well, Brian was saying, "Come on, John Doe 1." And he listened to Brian and he did not listen to me. Because Jackie said, "He'll be back in just a little bit. He'll be -- he's fine. He's going to help Brian do something."

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Q. Okay. Let's go back to Doni Rhinehart. So you knew -- Doni told you that she had some kind of mental problem; is that —

A. She told me that she had some problems. She had been married to a Middle Eastern man who abused her, who got cancer and died, according to her, an excruciatingly painful death. All the while, his mother and father were telling her that it was her fault, because she didn't cook the foods that he needed to eat -- that he wanted and that he needed to eat. And so it was her fault that her husband died.

That would probably do a bad thing to anybody, especially -- I don't know what her problems were. I don't know.

I do know that she said this one time. And I hope that God will forgive me for this if it's the wrong thing to tell you, but I know that you want a truthful picture of what's going on. She said that she and Brian were seeing each other for several months, and she got pregnant and they got married. And judging from what she said to him a few times, it was obvious to me that it was not a good -- a perfect marriage, you know. It was —

Q. Do you know of a perfect marriage?

A. No.

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Q. Okay.

A. But I think I have a pretty close to perfect one.

Q. That's good. So, you had shared all this information with her, obviously, prior to the allegations of abuse coming out, and ---

A. Right.

Q. --- I take it that, after that, you probably didn't have much to talk about?

A. No. The only time I talked to her after the arrest and all was plastered across the front of the newspaper -- the second page of the newspaper -- I've got the articles at home. I started to bring them. I figured you had already seen them. But ---

Q. What did you all talk about? Did you talk to her one time after the incident came to light?

A. She called me.

Q. All right. And what did you all talk about?

A. I just told you.

Q. Well, tell me again. I'm sorry. I missed it.

A. She wanted to -- she wanted to tell me how sorry she was. She wanted to know how John Doe I was. She wanted to know if I hated her. And she cried.

Q. Was she ---

A. We both cried.

Q. Do you view her as a victim?

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A. Yes, I do, absolutely.

Q. Did you ask her the question that you've been posing here; how could she not know? Did you ask her that question?

A. No, of course I didn't.

Q. Well, how come you didn't?

A. I will tell you why I'm asking it now and I've asked it for several years now. You know, this has been going on for a long time. John Doe I was just a boy when it started. And it's affected his whole life since then, in a very negative way. Okay. Wait just a minute, if you don't mind.

Q. Sure.

A. I lost a crown. This side of my head sometimes hurts (indicating). I haven't had a chance to get it fixed yet, with a broken finger and a few other things that have happened. But -- and no sleep also makes you feel kind of not good.

By the Witness:

I expect you to hit me when I'm doing -- when I've gotten back to where I'm not supposed to be, Gregg. Gregg?

By Mr. Meyers:

Yes?

By the Witness:

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I expect you to hit me or say something ---

By Mr. Meyers:

No, no, no. That's not what the rules -- the rules are. Jim is entitled to ask you a fair question; you give him a fair and truthful answer.

By the Witness:

Okay. You're a lawyer; he's a lawyer. I'm not a lawyer.

By Mr. Meyers:

Right. And the rules are that I'm really -- there are very few things that I can do. I'm allowed to make an objection to form; I'm allowed to confer with you about questions of privilege. Now, if you need a break, just to take a break, that's fine. But I think there's a question on the floor, isn't there? Isn't there a question pending?

By the Witness:

About Doni.

By Mr. Meyers:

Yeah.

Examination Resumed by Mr. Walsh:

Q. What I'm trying to bring you back to is, you had this conversation with her after the allegations of abuse came to light. You told me that you and her had a conversation. And before I ask you what wasn't said, I

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just want to make sure I know what was said. So is there anything else about that conversation that you had with her that we haven't talked about? She was crying. She —

A. She started to cry after she asked me how John Doe 1 was and told me how sorry she was.

Q. Did you ask her how John Doe 2 was?

A. I did.

Q. Okay. What did she say?

A. She said, "Well, the whole world knows what my husband did, and it's not good."

Q. Did she tell you that she was divorcing him, that they were no longer together, anything like that?

A. I know that it was her testimony that put him in prison. And you know what? I had already decided John Doe 1 wasn't going to testify. He was not going in that courtroom and look at Brian, who had threatened him, and – John Doe 1 was – he was terrified of him; naturally he was.

Q. Do you think John Doe 1 is going to testify in these lawsuits?

A. I was told that he probably wouldn't have to. And that's what I'm hoping for, because you don't need his testimony unless you want to disregard the information that you already have on it. And I think he's been

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through enough.

Q. So you say that Doni's testimony put her husband in jail. What do you mean by that?

A. I know that she was humiliated by what happened, naturally. And she also had other children in the house, [redacted] and [redacted]. And she hated the fact that they were going to know about their father. He had to -- he -- Brian had -- I think, if I'm not mistaken, Brian had adopted John Doe 2 and [redacted]. But she was humiliated; she said so.

Q. So how did your testimony -- you know, you said her testimony ---

A. She was -- she was out to get rid of all this. I mean, she was -- she says -- I was really shook by the phone call, because I didn't expect it. And I was shook by the fact that she was apologizing to me and hoping that I didn't hate her. Because she didn't do anything, except, like I said, I wondered where she was when it was going on in her house.

And I don't -- I think you need to forget the number of times of any of it, because I know it was more than that.

Q. Well, if John Doe 1 doesn't lie, why would John Doe 1 have told the police something different that ---

A. Was he in the police station, sir?

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Q. My understanding was —

A. Had he been arrested?

Q. No, ma'am. This was after he had reported it and they were investigating.

A. Well, I would be intimidated.

Q. So if you're admitting to two, why don't you admit to all of it if it's ---

A. I don't think ---

Q. --- more than two?

A. I think he was so confused at that point over somebody that he trusted and loved -- and by the way, Brian told him that he loved him. He loved him.

Q. Well, you don't really know how many times it was, do you?

A. I know that it was enough times that -- if it happened less than -- if it happened one time, that's enough to ---

Q. I appreciate that. But my question is, you don't know if it was one time, three times, ten times? You don't know, do you?

A. I know that most of the time that it happened, Father of John Doe 1 had asked Brian to drop him there at his house.

Q. All right. Do you know how many times it happened?

A. No.

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Q. Okay. And so the best evidence that we have is what John Doe 1 told the police; would you -- and his school counselors; wouldn't you agree with that?

A. I'm not sure, sir, because of this reason right here. Last night, early this morning, was the first time he ever wanted to talk to me about it. Because he said -- he said to me years ago -- he said, "Grandmother, would you go over there and get Brian?" And I said, "John Doe 1, I think I'd let the police handle that."

Because he thought -- he thinks that I'm his protector, which I am if I can be. And -- okay. Let's take a break, please.

Q. Okay.

By Mr. Walsh:

It's time for a lunch break.

(Lunch break, 1:00 - 1:34 p.m.)

** ** ** **

JANE DOE, having been previously sworn and remaining under oath, continued her testimony as follows:

Examination Resumed by Mr. Walsh:

Q. Let me ask you about how you found out about the incident involving John Doe 1. You said that he came to you and told you about it?

A. Mm-hmm (affirmative).

Q. What did he say?

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A. He said, "Grandmother, Brian touched me where he's not supposed to." And I said, "You mean on your penis?" And he said, "Yes, ma'am." And I said, "When?" and he said -- he said, "Well, it was at Boy Scouts." And I said, "In St. Margaret's Church?" and he said, "Well, no, it wasn't in the church," but it was at the -- where the meetings were held. Do you know about the letter that he received on the St. Margaret's stationery?

Q. Tell me about that.

A. You need to know that.

Q. Okay.

A. He got a letter that said he was not welcome at the Scout meetings anymore, and he was not welcome at St. Margaret's Episcopal Church anymore, and that -- at any time. And he was crushed. I cried.

But it was after I went to see the -- I went over to see the secretary, and I said, "You know, my grandson got a letter that I can't believe came from -- on your stationery from this office right here." And she said, "Jane Doe, this church did not send that letter to John Doe 1." But she said, "I can probably find out where it came from." And by the time we got through talking, I was tearing like crazy. She was balling. And I said, "Well, you can imagine what it

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did to him."

And I never have heard where the letter came from, but I have some suspicions: Jackie, for one, and Brian. You know, Brian's family is involved in that church, and they were -- he and Doni were. And I find that hard to believe; you know, a church, and that kind of thing going on.

But anyway, I couldn't do anything about it, because I didn't have custody, and Father of John Doe 1 was involved, and he'd already called the police and all of this stuff. And ---

Q. Well, so, the letter, as you referred to it, did you actually see it?

A. Yeah.

Q. Well, wasn't it signed by somebody?

A. It was signed by St. Margaret's Episcopal Church.

Q. Okay. What did it say?

A. It just -- I just told you. It said he was not welcome there, that he was not to come to the Scout meetings anymore, and he was not welcome at the church and he would please not come there anymore. And he was 13 years old.

Q. Now, the letter, was that -- did you know about the letter before John Doe 1 came to you ---

A. No.

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Q. -- or after?

A. After. After.

Q. So, when did you know about this letter in relation to when John Doe 1 came to you?

A. Father of John Doe 1 called me and told me about it.

Q. And when was that in relation to when John Doe 1 reported his abuse to you?

A. It was not very long afterward. Well, Father of John Doe 1 got right on it immediately. And ---

Q. What do you mean, he got on it? What does that mean?

A. Called the police and, you know, got the ball rolling.

Q. About the letter or about the abuse?

A. About the abuse.

Q. Okay. Well, so John Doe 1 comes to you -- and let's just focus on what John Doe 1 did first before we talk about the letter. John Doe 1 comes to you and he says that Brian -- he called him "Brian"?

A. Mm-hmm (affirmative).

Q. Is that right?

A. Mm-hmm (affirmative).

Q. That's yes?

A. Yes.

Q. Okay.

A. I'm sorry.

Q. That's okay. He had touched him, and he said he did it

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at the -- outside the church is what you said?

A. Well, he didn't say it that time, but I found out later that it was outside the church. Because ---

Q. All right. Well ---

A. Because of the letter, which you asked me not to mention but I'm mentioning it anyway -- that made it look like it happened in the church. Because if it happened outside the church, why would they be sending a letter like that?

Q. What does the -- what do you think the letter has to do with the abuse? The letter made it sound like it happened inside the church? How ---

A. It ---

Q. --- was that?

A. What it had to do with the abuse, sir, was, the letter in itself was abusive.

Q. Okay. Well ---

A. It was like getting kicked in the stomach.

Q. Okay. Well, you just said that the letter made it sound like it happened inside the church.

A. It happened at the church.

Q. What did the ---

A. I just ---

Q. --- letter ---

A. --- assumed that it happened inside the church, because

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I couldn't imagine that something like that would have gone on outside of the church.
Q. Well, what does ---
A. But it ---
Q. --- that -- what does the letter -- how does the letter add or take away from what you thought happened?
A. I thought it was insult after injury. It was just like driving the nail in further. It was ---
Q. Is that the letter you're talking about?
By Mr. Meyers:
He's showing you Exhibit 20 from ---
Witness Answers:
A. I asked you ---
By Mr. Meyers:
--- yesterday's ---
Witness Continues:
A. --- if you knew about the letter, if you'd seen it, and you said no.
Q. No, you didn't ask me that. You said I should know about it, and I asked you ---
A. Yes, you're ---
Q. --- to tell me about it.
A. --- exactly right. That's exactly what I said. (Reviewing document) Troop 292 ...
By Mr. Walsh:

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Gregg, you've got the ---
Witness Continues:
A. Okay. Now, Shelby was the one ---
By Mr. Walsh:
--- exhibits for the court reporter, okay? This is my copy.
By Mr. Meyers:
Gotcha.
By Mr. Walsh:
I'm just going to take it back. But you've got it.
By Mr. Meyers:
Yeah. I mean, do you want her to use —
By Mr. Walsh:
No. I don't -- it's -- they're the same. I just don't want -- I just want to make sure that you know that those are the court reporter's.
By Mr. Meyers:
Fair enough.
Examination Resumed by Mr. Walsh:
Q. All right. So, is this the letter you're talking about, ma'am?
A. Yes.
Q. Okay. And so, when John Doe 1 came to you about this issue of abuse, you didn't know about this letter; is that what you're saying?

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A. The letter hadn't been sent by then, sir.
Q. Well, how do you know when the letter was sent?
A. I don't.
Q. Okay. So you don't know if it was sent or not, do you?
A. I know that Father of John Doe 1 called me as soon as John Doe 1 got it.
Q. Well, John Doe 1 didn't get it, right? I mean, it went to Father of John Doe 1. It's not addressed to John Doe 1, is it?
A. John Doe 1's name is Father of John Doe 1.
Q. Does anybody call —
A. His dad's name —
Q. — John Doe 1 —
A. — is Father of John Doe 1.
Q. Does anybody call John Doe 1 Father of John Doe 1?
A. Yeah; everybody calls him that, until they learn that he goes by John Doe 1.
Q. "This is a letter to inform you that as of 10/10/05, your son, John Doe 1" ---
A. Okay. Then that would have been addressed to —
Q. Right.
A. — Father of John Doe 1, Senior.
Q. Okay. And so you don't know when Father of John Doe 1, Senior got the letter, do you? You just know when he called you?

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A. I just know when he called me, right.
Q. Okay.
A. And it was right after he got the letter.
Q. Well, that's what he told you, or ---
A. Yeah.
Q. Okay. But you don't know; you weren't there when he got it?
A. No.
Q. All right. And so John Doe 1 tells you that Brian had touched him at or near the church where the Boy Scout meetings were; is that what ---
A. He just said at the Scout -- after the Scout meeting.
Q. Okay.
A. And I guess I assumed that it was inside the church. Because like I said, I couldn't imagine it going on anywhere outside the church. Where?
Q. Okay. And then what happened? What did you say?
A. I said, "You need to tell your dad this," because I knew that there was nothing that I could do. And I also -- well, they wouldn't -- it's just like at the schoolhouse when I went over there. They used to send notes to Father of John Doe 1 and [redacted] both that -- and ask them to come to the school about John Doe 1's grades or something, and they just ignored them. They didn't return calls; they didn't -- you couldn't find

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them.
Q. So why did you think that they needed -- that he needed to go to see Dad when Dad ignored everything?
A. Sir?
Q. Why did you think that -- why would you tell John Doe to go talk to his father when his father ignored all the notices that the school gave him?
A. Because his father needed to know this.
Q. Well, why didn't you ---
A. Because the first ---
Q. --- tell him?
A. --- thing the police would tell me was, "Where are his parents? Why are you telling us this?"
Q. Well, did you call the school yourself?
A. I -- what do you mean about calling the school? This (indicating) is from the church.
Q. Ma'am, we're not talking about the letter. We're talking about when John Doe 1 reported to you this abuse. Let's just put the letter aside for a second, okay?
A. Yeah.
Q. The letter has nothing to do with this conversation that -- because you already told me that John Doe 1 didn't mention the letter and he didn't know about the letter until after he had told you about the abuse

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several days later or so, right? Isn't that what you just told me?
A. The things happened in pretty quick succession. At that time, he was with his dad. And ---
Q. Well, he was with you when he told you what had happened?
A. Oh, yeah. He was in my car.
Q. All right. And so did you call the police or call the school or call anybody after John Doe 1 told you what happened?
A. I told him I needed to tell his father, because his father would know what to do.
Q. That's not my question. My question is, did you call anybody and tell anybody ---
A. No ---
Q. --- what you had just learned?
A. --- absolutely not.
Q. Okay. How come?
A. As a matter of fact -- why didn't I?
Q. Yes, ma'am.
A. Because I thought his father should handle it, and because -- well, you have to know me.
Q. Well, how come you didn't call the father yourself and make sure that he knew exactly what the story was?
A. Father of John Doe 1 and I did not get along well, sir.

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Q. How come?
A. Well, I confronted him about the marks on John Doe 1. Didn't say a word to him about Mother of John Doe 1, because they were adults and he knew how I felt about that situation anyway. And he had gotten rid of her. So ---
Q. Did you ever accuse Father of John Doe 1 of sexually abusing John Doe 1?
A. I was told one time that he probably had. And I don't know where that came from, either. And I don't even remember who told me. But ---
Q. Was that reported to DSS?
A. Every time I went to the school to say anything about John Doe 1 or to ask any questions about him, they would not talk to me. And it got worse as time went along.
Finally I went in there one day and I said, "I'm not leaving here. I'm going to sit right there till somebody comes and talks to me. Because I'm trying to help the situation involving John Doe 1, and I can't help him if no one will talk to me. And you can -- you can forget about the parents coming, because they're just not going to come."
Q. Well, did DSS get involved and investigate allegations of sexual abuse against Father of John Doe 1?

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A. I didn't know whether any of this was true. And I'm not even sure, like I said, who told me. But I do know that -- because he told me one time when he was little that his daddy told him that, if he rubbed his penis fast, it would get hard. And I said, "Honey, who told you that?" and he said, "My daddy told me that." And I said -- I don't ...
Q. So, based on that information, did you report that?
A. I'm trying to think of all the people that I have talked to at DSS and at the mental health center and all those places. And they asked me questions, and I told them just exactly what I've told you right there. And ---
Q. So, do you know if Father of John Doe 1 was investigated?
A. I don't -- I know that he keeps a rage going against me, and I don't know if -- you know, he told me that I needed to mind my own business. And, you know, I said, "When you bring your son to me and leave him for a time -- you know, lots of time and I don't know where you are and I don't know when you're coming back, I have to take -- you know, I have to do some things myself, because you're not here to do them. And one of them is to protect this boy if he needs protecting." And I said, "If I had to list just one reason why I do that.

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it's because of the marks you have put on him."
I don't know whether that was the answer or not, but you asked me a question, and I don't know "yes" and "no."
Q. So do you believe John Doe 1 was sexually abused by Father of John Doe 1?
A. I hope not.
Q. Do you have a suspicion that he was?
A. Father of John Doe 1 has absolutely no morals, none.
Q. Do you know if John Doe 1 had ever been abused by anyone else, sexually, besides Brian Rhinehart?
A. I don't know of anyone. And as hard as it was for him to talk to me about this -- and why he wanted to do it last night, I'll never be able to figure out -- knowing his reluctance to talk to me -- he's -- he was ashamed, you know? He was ashamed of what --
Q. Was there some kind of incident involving Emmanuel Blackwell?
A. I know that Emmanuel showed him how to shoplift. And when he went home and told his daddy, he said, "Well, you'd better not get caught." That's all I know about Emmanuel. He was a black boy that he liked a lot, because he befriended him and he wanted to spend time with him.
And I said, "Well, you -- I want you to tell me

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what he told you." And he says, "Well, what you do, Grandmother, is, you go and you pick up something that you really like, and you put it in your pocket. But then you go and get something, usually small as far as money is concerned, and you take that up to the register and you buy it." And I said, "John Doe 1, you have to forget that, because it's all wrong and it's all a lie. And if they ever catch you shoplifting, it will be on your record forever." And he said, "Well, that's the only time I've done it, and I'm not going to do it again." He needed somebody to talk to about it, because he knew it was wrong.
Q. So, back to the conversation that you and John Doe 1 had in the car, you instructed him to talk to his daddy, and you didn't ---
A. I thanked him for telling me, but I said, "John Doe 1, your dad will be the one who has to" -- I thought so at the time, that his dad would have to be the one that ---
Q. Okay.
A. --- brought charges or whatever.
Q. So, then, what's the next thing you knew about the incident that John Doe 1 had talked about? What's the next thing that happened?
A. I knew that he -- that Father of John Doe 1 had called

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the police.
Q. How do you know Father of John Doe 1 called the police?
A. John Doe 1 told me.
Q. Are you aware that actually the school called the police?
A. No, I was not aware.
Q. Do you know if Father of John Doe 1 went with John Doe 1 to the school to report the abuse?
A. I'm having trouble wondering why they told the school. I mean, it was the Boy Scouts and John Doe 1 and Brian, so why would they tell the school?
Q. You don't know why?
A. Well, I know Brian -- I know that John Doe 2 was there.
Q. Okay. How do you know that?
A. Because they went to the same school and they had a class or two together, I think. And every time I went there -- and the same day that I told you I said, "I'm sitting right here and I'm not leaving until someone talks to me," after 15 minutes, the coach came.
And John Doe 1 saw him, and he said, "Come on, Grandmother." He took me by the hand and he said, "This is the coach. I want to introduce you to him." And he did. And the coach told me what a nice boy John Doe 1 was and how much they liked having him there. And I'm thinking, "Well, I may have a little problem

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with that."
But that same day, I was walking down the hall going to the cafeteria to be sure that he had -- that his meals had been paid for, because I had usually gone and paid them myself when they weren't being paid for. And John Doe 2 saw me before I saw him, and he came flying to me like I was his long-lost friend, and hugged me and kissed me. And I -- you know, we exchanged this friendly thing between us. I loved the boy; I did.
Q. So, going back to the time of the incident, is it fair to say that you don't know how the abuse was reported and who reported it?
A. All I have to go on is what John Doe 1 told me.
Q. All right.
A. Oh, yeah. Well, I heard from Father of John Doe 1, you know, sometime after that, that he had. And ---
Q. So if the records reflected that John Doe 1 went to the school and told the school personnel about what happened, do you know if that's true or not?
A. It makes sense that it would be, because I had asked him to tell his dad, and he and his dad ...
Q. All right. And so, then, were you interviewed by the police?
A. No.

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Q. Were you ever interviewed by the school —
A. No.
Q. — about this?
A. No.
Q. And so the next thing that happened was what; you heard from Father of John Doe 1?
A. We talked about it a couple of times. And then I found out that he was suing somebody, and I said, "Well" – to myself, I said, "Well, that's what he does."
Q. All right. So you said Father of John Doe 1 called you about a letter?
A. He called me and told me about the letter, this letter right here (indicating).
Q. Okay. And so that was when in relation to when you talked to John Doe 1 about the incident?
A. I can't tell you, sir.
Q. Was it the next day, two days, three days?
A. It was not the next day.
Q. All right. Was it a day after?
A. I can't remember, sir.
Q. Okay. All right. Now, did you and Father of John Doe 1 talk about whether John Doe 1's story against Mr. Rhinehart was true?
A. Knowing John Doe 1, you – I have to tell you this, because it's part of my feelings about this. John Doe

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1 does not lie usually – I don't know -- around my husband and me. If he decides to lie or stretch the truth, he always comes back to us and tells us, "Well, it wasn't really that way. It was this way." And he tells it, whatever it was. And I've not caught him in any lies.
Q. Well, are you aware that Father of John Doe 1, when he was —
A. Is a proverbial liar? Yes, I'm aware of that.
Q. That wasn't my question. But the question was, are you aware, when Father of John Doe 1 was interviewed by the police about John Doe 1's allegations, whether he told the police that John Doe 1 has lied repeatedly in the past? Do you know if he said that?
A. I'm sure he's lied if he thought he was going to get a whipping, as John Doe 1 calls it.
Q. Would you consider John Doe 1 to act in a vindictive way at —
A. No.
Q. — any time?
A. No. I'll tell you one time he was vindictive: whenever he saw -- he thought a whole lot of Lacy Blackwell, the girl in the ROTC. And when he saw the big, bad sergeant taking liberties with her, it really upset him.

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Q. Well, you weren't there, were you?
A. I know. But he told me about it.
Q. Okay.
A. And he told me about it again yesterday.
Q. But other than what he told you, you don't know what kind of liberties were taken? You seem to believe —
A. He told me —
Q. — everything —
A. No, no. I don't.
Q. Let me just finish my question. You seem to believe everything John Doe 1 says —
A. I don't.
Q. — gospel and verse. But you weren't there with the incident with the coach or the sergeant and Lacy, right, so you really don't know what happened, do you?
A. I was sitting across the room from him when we were called to the school for a conference regarding John Doe 1, and John Doe 1 was there too.
Q. Were you there when the sergeant and Lacy had some kind of —
A. It was —
Q. — inappropriate —
A. — when they went on some kind of a trip and —
Q. Were you —
A. — they were —

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Q. — there?
A. — staying at -- no.
Q. Okay.
A. They were in tents.
Q. Okay.
A. And he told me that last night. And he said that was the reason he thought that the sergeant had it in for him. And I said, "Well, he would if he thinks you saw that. He most certainly would."
Q. Did John Doe 1 tell you that his -- I guess it's Father of John Doe 1's wife —
A. Beverly.
Q. — Beverly, had assaulted him at any time?
A. Well, she assaulted him with her tongue lots and lots. Because she assaulted him with me listening on my way out the door with [redacted] oldest son and [redacted] on our way to church. And she's saying, "Come get this boy. I am not raising him." And I said, "Beverly, Father of John Doe 1 is his father and you're his wife."
Q. Well —
A. And I said, "I have four stepchildren, and they're my children."
Q. According to the police records that were generated and the school records generated after John Doe 1 reported this incident, he also indicated that, that same

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morning, his stepmother had assaulted him. And he reported the abuse from Mr. Rhinehart as well as the assault from [redacted] on the same day. Not that the abuse happened the same day as the assault, but he reported it the same day. He not only said that Brian Rhinehart had abused him, but also that his stepmother had assaulted him. Have you heard anything about that?

A. I think it is -- it would be considered an assault if a woman who doesn't care a thing about him pulls him -- goes in there and beats on him with her fists and says, "Get up. You're going to school," and then pulls him out of bed and drops him on the floor. Yes, I would call that abuse.

Q. Well, I just asked you two minutes ago if you ever knew of her doing that, and you said with her tongue. And now you're telling me that she beat him with her fists?

A. Well, he said she tried to -- listen ---

Q. I mean, I'm -- where did that come from? Did you get that from somebody?

A. John Doe 1 told me.

Q. Okay. Well, how come, when I ask you if she had ever assaulted him, you said, "With her tongue. That's assault"? And now you're telling me that it was with her fists?

A. Well, that -- well, I don't know. That's what he told

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me, and I'm -- you know, I'm -- he -- I think he's looking for me to rescue him, you know? Because he can't get any help anywhere else.

Q. Well, if you're rescuing him, why did you put him back in the hands of his dad to ---

A. I have a ---

Q. --- report this?

A. --- husband.

Q. Because you have a husband?

A. I have a husband. And my husband has raised four children and he's also had two of my children in his life a lot. And he's 79 years old, as I said, which means he was seventy-something when this was going on. And ---

Q. So when John Doe 1 came to you and ---

A. I can't ---

Q. --- told you ---

A. --- say. Sir, I can't say. He's not going anywhere. He's staying here with me.

Q. No. That's not my question. My question is, when John Doe 1 comes to you and tells you he's been sexually abused and he's come to you for protection, to save him, you send him back to his dad, who doesn't ---

A. That's not ---

Q. --- take the time to ---

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A. --- what I ---

Q. --- save him?

A. --- said, sir. You have put words in my mouth, and I know I didn't say that. What I said was, he told me about it. I knew that it was not something that I should handle. Father of John Doe 1 should know it. He allowed Brian to bring him home as often as he could get him to. One time when Brian brought him home, he went inside the house and he was molested then.

Q. Whose house?

A. Father of John Doe 1 and [redacted] in Springfield.

Q. How do you know that?

A. John Doe 1 told me last night.

Q. So what else did John Doe 1 tell you last night? He told you he was abused in Father of John Doe 1 and Beverly's house?

A. He told me that Brian went into the house when they were not -- and it was their custom whenever they went out to eat -- even when John Doe 1 was there with them, they would leave him at home and say they would bring him a hamburger from McDonald's while they went out to a restaurant, usually a Chinese restaurant, to eat.

And he called me several times saying, "Grandmother, there's not any food in the house. Can

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you bring me something to eat?" And I said, "Well, I certainly can, but are you sure there's no food there?" And he said, "Yes, I am." And I got over there and -- the second time he did that, I said, "You know, I have to see that for myself, because I find that hard to believe, John Doe 1. No crackers or peanut butter or jelly or soup or something?"

And I went in there, and there wasn't any food. There was a pitcher half full of tea and a piece of celery that, when you picked it up, it would fall over. That's what was in there for a boy to eat.

Q. All right. Well, let's leave that and go back to this abuse that John Doe 1 told you about. He told you that he was abused by Brian in Father of John Doe 1's home?

A. He didn't ever use the word "abuse," because he doesn't -- that would not be his -- in his vocabulary. He would say, "He touched me where he should not have."

Q. Okay. And so, did he tell you when this happened?

A. He said it was more than one time. And I said, "And while you were at Scouts" -- well, that would have been the only time, because there was only two or three times that he was ever at Brian's house without us. [redacted] and I were usually there when he was. And it was usually after we had gone to take John Doe 2 home after he'd spent the night with us.

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Q. So did he tell you about any other times when he was touched in the wrong spot?
A. I can't recall it.
Q. Okay.
A. I sound like these women that you see in the movies who say, "Well, I don't want to hear about that." You know, it's not something that I want to hear about. That's what this feels like to me. And I don't wish to falsely accuse anyone of anything. All I know for sure is that his Scout leader molested, violated him, abused him in a way that is -- with a child that already had issues with not being loved by the people who are supposed to love children.
Q. In ---
A. And that's how he got his -- that's how Brian got -- he -- like I said, they pick their victims very carefully.
Q. In 2003, was John Doe 1 living with you?
A. He lived with me part of the time in every single year that he's been born.
Q. And were you aware that he was joining the Scout troop?
A. I joined him.
Q. Okay.
A. Doni and Brian came to my house -- our house and asked me would John Doe 1 like to be in a Scout troop. And I looked at my husband, and he'd never been a Scout, but

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like I said, I was a Scout leader and I've known lots of Scouts and a couple of Eagle Scouts. And I knew that it was a wholesome organization where boys could make good friends and do worthwhile things. And I said, "This is wonderful. It's a Godsend." That's what I said.
Q. Okay. And so Doni was not ---
A. Doni was right there.
Q. Doni was not looking drugged up or sleepy or anything like that, right?
A. I didn't -- I assume that the personality that I saw in her at that early time was the way she was.
Q. And that wasn't the way she was?
A. I don't know. That's all I ever saw.
Q. Okay. All right. So she seemed perfectly normal and fine, and you entrusted her husband with John Doe 1? You didn't have any problem with that?
A. I had heard that he was -- people knew him and knew his family, and yes, I wanted to know those things, and I asked questions.
Q. And you were ---
A. And I ---
Q. --- fine with it?
A. Sir?
Q. And you were okay with it after your investigation?

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A. I didn't see -- I didn't hear anything that would make me feel like John Doe 1 could not go there.
Q. All right.
A. But you need to also know this. He was not the original Scout leader.
Q. All right. So, in 2004, was John Doe 1 living with you?
A. He lived with me part of every single year since ---
Q. So, how much —
A. --- he's been born ---
Q. --- of 2004?
A. --- except two thousand and -- instead of -- in -- he did not live with me any in '99.
Q. How much in —
A. I went ---
Q. --- 2004?
A. --- to get him five weekends in a row to show him we hadn't left him.
Q. How much in 2004 did he stay with you, would you say percentage-wise; 10 percent, 25 percent, 50, 75, 100? What would you say as an estimate?
A. I have no idea.
Q. Well, was it one day a week every week, or was it every weekend, or would you have him for weeks at a time? You described scenarios where Father of John Doe 1

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would leave John Doe 1 for weeks at a time. Was that going on in 2004?
A. I probably kept him more that year, because he -- his mother was gone and Father of John Doe 1 didn't know what to do with him.
Q. Okay. So would you think you had him more than half the time?
A. Well, they all -- Father of John Doe 1's mother and Father of John Doe 1 both brought him by the house and left him.
Q. I wasn't there, so you need to help me understand how much that was. Was that half the time?
A. I don't know how much it was. He could have been there all the time. It would have been fine with me.
Q. That's not the question.
A. I know it's not.
Q. The question ---
A. But you're ---
Q. --- is, can you give me an estimate of, was it 10 percent, more than 10 percent?
A. More than 10 percent.
Q. More than 30 percent?
A. Yes.
Q. More than 50 percent?
A. You know what? I should have written all this down,

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but I had no idea I would need this. There were lots of things I should have written down. But it's like keeping score, you know?
Q. Do you think it was half the time?
A. It feels like it. But I worried about him so much when he was not there, every – I mean, all the time, every year.
Q. Okay. So, then, did you – how often were the Scout meetings?
A. Every week.
Q. And how often would you take John Doe I and pick him up?
A. I took him even when he wasn't with me, because I'd go and get him and ---
Q. Okay. So how many meetings did you drive him there and then pick him up; most ---
A. All of the ---
Q. --- of them?
A. All of the ones that Father of John Doe I didn't take him.
Q. All right. Well, I need to know what that was. Was that most of them, a few of them? You know, again, I don't – we like to have – lawyers don't like to deal with "few" and "most" and "some."
A. I understand that.

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Q. I'm looking for some better understanding of that. If they were there every week -- let's say there were roughly 50 weeks a year. And would you say ---
A. Well, they didn't meet in the summertime ---
Q. All right.
A. --- all the Scout troops, you know.
Q. So they don't meet, what, June, July, August?
A. Yeah.
Q. Okay.
A. I'm not -- I'm trying to think about May. I'm -- I know that they don't meet several months.
Q. Don't they go to some kind of camp in the ---
A. Yeah. He ---
Q. --- warmer months?
A. --- went to -- that was -- you know, that -- I'm glad you brought that up, because there was a time that he went to a camp. And I can't even remember the name of it, but I could probably drive you there.
And it was -- and every -- here's the thing that got me about that as I was thinking about it later. The parents were invited to come up there and see the place and visit with their camper and all of this. And every time John Doe I was coming to see us, Brian was right behind him.
Q. All right. So, would you say that, about every other

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meeting, you would take John Doe I and pick him up?
A. I took him to all – many of them right in a row. But there was a time when he was -- when we were at the beach or when he was with his dad that I didn't, except the two times he called me and said he wasn't going to be able to go because his ---
Q. You think you took him more than Father of John Doe I took him?
A. Oh, yes.
Q. A lot more?
A. Yeah.
Q. Okay.
A. And I joined him to it.
Q. And when you went, did you stay and watch?
A. I stayed more than I left.
Q. All right. So how many meetings do you think you actually observed? Like are we talking 5 or are we talking 50?
A. Well, we're not talking 50, because, as you will learn when you see all -- every -- all – everything that's involved, the Scout troop – he didn't go to the Scout troop that long. It was over a year, but he did not go ---
Q. Well, when did he stop going?
A. (Witness indicates)

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Q. Okay. You just held up a piece of paper. That's really not an answer.
A. It's the letter that you showed me.
Q. All right. So, that's September of —
By Mr. Meyers:
October.
Examination Resumed by Mr. Walsh:
Q. I'm sorry. October of 2005?
A. And I don't think that the church had anything to do with this —
Q. All right.
A. --- letter.
Q. So —
A. I believe that.
Q. — when did he join?
A. Oh, by the way – what?
Q. When did John Doe I join the Boy Scouts? When did you sign him up?
A. He was – he was one of the first members.
Q. Well, other records have indicated it was like fall of 2003. Does that sound right?
A. He joined the troop as soon as the people who were involved with the troop came to see us.
Q. And does it sound like the —
A. If you know the date when that was, I'm happy for you

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to provide it, because I do not know exactly.
Q. It's my understanding it was sometime in the fall . . . months of 2003. Does that sound right?
A. John Doe 1 would have been —
Q. Father of John Doe 1 produced —
A. — 11 years old.
Q. — an article that he had found showing that the troop was formed like in October, November of 2003, something like that. Does that sound about right?
A. I was thinking John Doe 1 was a little older than 11 when he joined, but he may not have been.
Q. So, then, he would have gone – if he went through 2004, then he went through 2005, up until this letter that you referred to, and then he stopped going, that's almost two years?
A. Well, he didn't – he didn't go anymore after the letter —
Q. Right.
A. — was received.
Q. So do you think that he went to the Scouts – he was a member of the troop for about two years, roughly?
A. You're saying so, sir.
Q. You said to me, "If you'd tell me, you know, maybe I can agree with it." Do you agree with that or not?
A. I'm having a hard time thinking two years, you know.

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But I do know that he went – he didn't miss any of the meetings except one, and he was not well.
Q. So, however —
A. And if he was —
Q. — long he was a member, he went to every meeting but one, is what you believe?
A. Yes.
Q. All right. And there's an article here of November 15th, 2003 that Father of John Doe 1 gave us yesterday that shows John Doe 1 and John Doe 2 in the same picture.
A. (Reviewing document) Yeah.
Q. So they were obviously members on November 15th, 2003; would you agree with that?
A. Yes.
Q. Okay. So, up until roughly October of 2005, John Doe 1 was a member and went to every meeting but one?
A. That I can remember.
Q. Okay.
A. Well, now, from his dad's end, I can't – I can't tell you what he did.
Q. Okay. And so, in 2005, did you also take him and pick him up, like you had done in 2004?
A. I don't know the dates, sir.
Q. I'm not asking for the dates. I'm asking you if —

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A. You said in —
Q. — you did it.
A. — two – you said – you just called a date and asked me a question.
Q. I gave a year. I said, in 2005, did you also – you said in 2004 you did it a lot, unless you were at the beach. And then I said, in 2005, did you also drop him off and pick him up, or did you not do it?
A. I can't remember but one time when I left the meeting. They had a church pew right outside the door where they met, and I would park myself right there unless they asked me to come in and do something.
Q. Okay.
A. Because I didn't want to interfere.
Q. So do you think you took him in 2005 as much as you did in 2004? Would there have been any reason —
A. I'm not —
Q. — for a change?
A. — going to answer that, because I do not know.
Q. All right. Was John Doe 1 also living with you in 2005?
A. He lived with me part of every year except the year we left Cheraw.
Q. Would you say that he lived with you in 2005 about half the time as he did in the other years, or was it less

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or more?
A. My husband would have to tell you that answer, because I don't – you know, it – I don't – that's not something that I need to know, you know. I know that he's there when he wants —
Q. Do you —
A. — to be, when his dad lets him come, and he's there a lot more than my husband —
Q. Is it —
A. — would have wanted —
Q. Is it fair to say —
A. — at that time.
Q. — when he wasn't living with you, you still stayed in contact with him regularly?
A. Yes.
Q. Would you talk to him every day?
A. No.
Q. Every other day?
A. No.
Q. Well, how often would you stay in contact with him, then, if he wasn't living with you? Did you talk to him once a week?
A. Some days I talked to him more than one time. I think you also need to realize that there are things involved here that you are not interested in and carefully

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avoiding that have affected me to the point that my only objective where John Doe I was concerned is to protect him from home.

Q. Okay. And so do you think that, in 2005, you had the same kind of pattern of keeping him a fair amount, or did -- was it ---

A. He was in the ---

Q. --- different?

A. --- hospital part of that year because of -- the day before I was to have my surgery, he called me and told me that he was at Hall Institute, and that was the first I heard of it.

Q. Was the before the abuse was disclosed, or after?

A. It was after.

Q. Okay. Well, I'm talking about before he came to you and told you about Brian Rhinehart. I'm asking you about that period of time from January to the end of August. Had he stayed with you that year, in that period of time?

A. 2005?

Q. Yes, ma'am.

A. Well, he was not with me for several months, but I can't tell you how much time before that he was with me. But we had a pool next door, the community pool, and he came a lot because -- and he had his little

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friend with him. And they went over there every day.

Q. It was —

A. I went with them.

Q. It was the summer of 2005?

A. Yes.

Q. So you saw him a lot in the summer of 2005?

A. Yes, I did.

Q. Would he stay with you typically —

A. Wait a minute.

Q. — too?

A. Wait a minute. I'm sorry. '99 is when we moved down here, and the pool was in Cheraw. And he was -- I used to take him over to Lake Jocassee, and his friends. And he had scuba stuff and —

Q. So, what about the pool: where was that?

A. The pool was when we lived in Cheraw.

Q. And that was in 1999?

A. That's when we left Cheraw. You're asking me about 2005.

Q. Yes, ma'am. And you mentioned the pool, and he would come over and swim. And —

A. Well, I wasn't thinking about the date. I'm just thinking about the events in his life —

Q. All right. So —

A. — and I was —

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Q. — in the summer of 2005, were you taking him to Lake Jocassee?

A. (Witness nods head affirmatively)

Q. Is that yes?

A. Yes.

Q. How often would you do that?

A. Well, it's 50 miles, so I didn't take him real often. Every week.

Q. So you saw him pretty frequently that summer?

A. Yeah.

Q. And you said he'd take a friend. Who would —

A. That was in Cheraw.

Q. All right. So —

A. Clayton Brock.

Q. — when he would go to Lake Jocassee, he would be alone, without a friend?

A. Well, my daughter and her children were with us some.

Q. Did you have a boat?

A. No. He had flippers and —

Q. Okay. So —

A. — snorkel stuff.

Q. — you'd go to like a park and just use the facilities at the park?

A. Right.

Q. Okay. And during that summer when you would see him at

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the lake and so forth, was he acting in any way unusual?

A. He was reserved.

Q. Was that not his normal way?

A. He gets more and more that way every year.

Q. So, he's been reserved in the past?

A. He has become more reserved, sir, is what I said.

Q. All right. So, other than being reserved, anything else about him that was unusual?

A. The fear element in his life. He was very robust when he was younger; wasn't afraid of anything. And then, all of a sudden, he's afraid of the dark. If a loud noise -- he almost jumps on me if a real loud noise —

Q. Well, he couldn't even sleep alone, though, as a young teen, right?

A. Do not make a judgment about that, because you have to know that a child who is not secure —

Q. I'm not making a judgment. I'm asking if it's a fact.

A. I'm telling you that he came in and woke me up many a night. And there was one night when I said, "You know, I can't do this forever, because I'm not getting any sleep."

So it became easier for me, but not when he was a teen, for me to go in there and -- when he's up or I

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could hear him crying or -- and he was younger, though, you see, much younger then. And I said, "John Doe 1, what's wrong?" And he said, "I don't want to be in here by myself. It's dark, and I can't -- I don't -- I just" -- and I said, "Well, come in here and get in the bed with Pop."

And when he came in there and got in the bed between us -- you know, I told you how he would work his way in there between us -- I always got up and left him in the bed with my husband. And that got to be -- I felt like, if that happened a few times, that he would maybe get to the point where he would stop doing it. And he did.

Q. So, other than being reserved ---

A. Not saying much is what I mean. And he was a live wire when he was young.

Q. There was -- of course, he was medicated to calm him down too, right? That's what the whole purpose of the medicine was, wasn't it?

A. I don't think he was on the medication at that time. I'm talking about in the beginning.

Q. Yeah. When he got medication, that calmed him down. That was all part of the medicine?

A. It didn't take the fear away from him.

Q. So, you had no suspicion that he was being abused in

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the summer of 2005, did you?

A. (Witness shakes head negatively) Didn't see any signs of it.

Q. And all the times you were around the Boy Scout troop and Brian Rhinehart, you had no suspicion that he was being abused, did you?

A. No.

Q. Okay.

A. But I did -- I will tell you this. I did think his growing attachment to Brian was unusual.

Q. Okay. But you never confronted anybody or said anything or did anything about that, did you?

A. You mean -- you're asking me if I ever said anything to anybody about it?

Q. Yes, ma'am.

A. That would be the last thing in my mind.

Q. Okay. All right. So you had no suspicion that Brian Rhinehart was doing anything improper to John Doe 1?

A. No.

Q. Okay. Until John Doe 1 told you, right?

A. (Witness nods head affirmatively) And until he admitted it.

Q. Okay. Well, Brian Rhinehart has never admitted to abusing John Doe 1; you're aware of that, right?

A. (Witness shakes head negatively)

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Q. You believe he admitted it?

A. I was told that he had.

Q. Who told you that?

A. Well, I heard it in this office right here earlier today, but I've heard it -- Doni told me that he was guilty and that he admitted his guilt.

Q. Did she tell you that he admitted his guilt about John Doe 2?

A. Yes. Here's what she said. She said, "Jane Doe, he even did that to my son."

Q. Well, you don't know if he admitted it; you've never heard him say that, have you?

A. I haven't seen his face since all of this came out.

Q. And you've never seen a document where he's admitted it?

A. No.

Q. All right.

A. I'm trying real hard not to hate him.

Q. All right. And so, in all the times you were around him, and at the Boy Scout meetings dropping him off, staying at the meetings, and coming to your house, you going to his house, you never had a suspicion one time that he might be doing anything improper to John Doe 1, did you? Because you would have done something if you had, right?

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A. Of course. I would probably have accosted him myself.

Q. So he was pretty good about keeping it all secret, wasn't he?

A. Yes. I was also told that about him.

Q. What were you told about him?

A. What you just said. He put on a front that was false, and he could keep things that no one would suspect

Q. Okay. And you think that that false front, that false face that he put on the world, he also fooled -- so he basically fooled you and fooled other people as to what his real intentions were?

A. Exactly.

Q. Do you think he fooled his wife?

A. Yeah, I do. I'm very sure she would not have let it go on like it did if she had known about it

Q. Have you reviewed any of the police file about this case?

A. No.

Q. Have you seen any documents where John Doe 2 was asked if he ever told his mother about the abuse, and he said he did not? Have you ever seen that?

A. No, sir.

Q. Okay. Do you have any information that you can tell me about that you think that John Doe 2 would have told Ms. Rhinehart what had happened?

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A. I think that Brian put fear in both of the boys, and they were -- I think that's why it took John Doe I longer than I would have thought it would to tell what was happening ---
Q. You think ---
A. --- because he feared ---
Q. You think that Brian was manipulative enough to scare both boys ---
A. I do.
Q. --- into being quiet?
A. I do.
Q. Okay. So you don't think John Doe 2 would have told Ms. Rhinehart?
A. I think that he -- most children see things go on between their parents that make them sad, and they avoid that at all costs if they can. And he was probably told that it was not wrong and that it showed he loved him, you know, that kind of thing, and it would cause trouble; he would say, "It would upset your mother a lot."
Q. Right.
A. That's just my take on it.
Q. After everything kind of came out, there were court proceedings where, at some point, Mr. Rhinehart was -- I understand he pled guilty and then was sentenced.

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Were you present when that happened?
A. No, sir. And I told -- I told my husband -- and he will tell you this himself -- that I decided there was no way John Doe I was going to be there and see that man and get -- and so he would -- here's what he said. He said, "Grandmother, if Brian thought I had anything to do with this, he would be real mad at me." And I said, "John Doe I, don't ever think that anymore, because you did the right thing." It should have been told, and it should have been told before it was.
Q. Has anyone ever -- have you ever heard anyone accusing John Doe I of sexually abusing anyone?
A. No. But it wouldn't surprise me, because usually that's what happens. It's just like the fixation on pornography. I'm sure he was showed some of it. I'm not at all sure that he wasn't photographed.
Q. Well, prior to his contact with Mr. Rhinehart, were you aware of him ever being accused of sexually abusing any other person?
A. No. No. But I -- I don't know everything there is to know about John Doe I, sir. But I do know that he's a good child, and I don't think that of all children. I have a grandson I would never say that about.
Q. And then, other than that one conversation you had with Ms. Rhinehart after the incident that was reported ---

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A. When she called me.
Q. --- you had no other conversations with her?
A. No. She moved to Anderson, you know. She called me from Anderson ---
Q. After she had moved?
A. --- because she had lost -- she said, "Jane Doe, I lost my house. All of this has cost me my home." And she bought the home, because her husband had a good -- her late husband had a good insurance policy, and he left her secure. And she didn't stay secure after Brian came into the picture, and then she lost her home. And she -- as I told you, she had to go and live with her sister, because she had nowhere else to go.
Q. Did you ever learn that she had been diagnosed with cancer?
A. She told me that day.
Q. The day she called you?
A. The day she called me, she told me that she had breast cancer. And I can't remember if she said she was on chemo then or if she'd finished it, but I do know that she didn't have any hair. And I said, "Well" -- I called us the Bobbsey Twins, because I didn't either. And I was very sorry, because I thought she'd been through so much.
And I don't know how in the world you get the

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notion that I would do anything harmful to her.
Q. Well, ma'am, she's been sued.
A. Okay.
By Mr. Meyers:
Objection to the form of the question.
Examination Resumed by Mr. Walsh:
Q. You understand that, right?
A. Yes, I do; of course I do.
Q. All right. And there's this claim for monetary damages against Ms. Rhinehart, seeking money. Are you aware of that?
By Mr. Meyers:
Objection to the form of the question. Go ahead.
Witness Answers:
A. I did not -- here is what I thought, sir. I thought that any compensation or any settlement of any kind would be determined, if there was to be one, however much it would be, by a judge or whoever heard this case.
And I've always felt that it was not Christian to sue. I think the Bible is very clear on that point. But it's not me; I'm not the one who was abused.
And I do believe with all my heart that, when my husband and I are gone, John Doe I will need things he won't be able to provide for himself. And if it's so

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judged by whoever hears this case, I will not say that I'm sorry about it, because I will be very happy.
Q. So you support Doni Rhinehart paying money ---
A. Doni Rhinehart is dead. She's not going to pay anything. And she's lost her home and everything else she had. I don't know why -- why would you ask me that question?
Q. Because this is the Complaint that was filed, ma'am, right here (indicating).
A. I've read it.
Q. That's -- you've read that?
A. (Witness nods head affirmatively)
Q. So you're aware that that's the allegation, that Ms. Rhinehart was alive and she was sued by Jane Doe, as Guardian for John Doe. You are the guardian for John Doe 1.
A. Yes.
Q. You are the Plaintiff in this case.
A. I know that.
Q. And you are suing Ms. Rhinehart. You sued her when she was alive.
A. I hope my attorneys are suing her.
Q. Well, no. You are.
A. Well, they're handling it. Let me put it ---
Q. Well, I realize that.

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A. --- that way.
Q. But you are the Plaintiff -- you and John Doe 1 are the Plaintiffs. You have sued her, claiming that she did something wrong, that she's responsible for what happened.
A. Her husband did something wrong, and I believe that she should have been -- she should have known something about it. And knowing her as I did, I would not be a bit surprised if she knew it, didn't know what to do about it, and did nothing.
Q. What did you know about it?
A. I knew what my grandson told me.
Q. So, all the times you were with Doni Rhinehart, all the times you were around Brian Rhinehart, all the times you were around John Doe 1, you knew nothing, did you?
A. No.
Q. And you think that she should have known something?
A. He didn't live with me. My goodness. I mean, she shared a bed with him.
Q. I thought you just told me that he was very good at keeping secrets and being private, and that she wouldn't have known anything; but now you're telling me you think she knew? Which is it?
A. I don't think that she would have known ---
By Mr. Meyers:

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Wait a ---
Witness Continues:
A. --- it and done nothing.
By Mr. Walsh:
I'm sorry?
By Mr. Meyers:
Objection to the form of the question. We don't need to get argumentative. Ask her for information; she'll tell you.
By Mr. Walsh:
Well, I'm trying to.
By Mr. Meyers:
Well, you're trying to argue with her now, and I don't appreciate it and it's not proper.
Examination Resumed by Mr. Walsh:
Q. Please answer the question.
By the Witness:
(Speaking to Mr. Meyers) Thank you.
Examination Resumed by Mr. Walsh:
Q. Please answer the question. You just told me two different things.
A. Okay. What did I tell you?
Q. Okay. You told me ---
By Mr. Meyers:
Objection to the form of the question.

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Examination Resumed by Mr. Walsh:
Q. You told me that she didn't know anything; there was no way she would have known anything; that ---
By the Witness:
(Speaking to Mr. Meyers) I thought he was supposed to stop ---
Examination Resumed by Mr. Walsh:
Q. Ma'am ---
By the Witness:
--- when you said that.
Examination Resumed by Mr. Walsh:
Q. --- here's the thing. If you have a question, you direct it towards me. You don't ask your attorney and you don't turn to your attorney and ask questions. You direct those to me.
By Mr. Meyers:
She didn't ask me a question. She made a statement.
By the Witness:
I made a statement about what I thought ---
By Mr. Meyers:
All I can do is, I can state my objections on the record. I've not instructed you not to answer. In fact, you need to answer.
By the Witness:
All right.

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By Mr. Meyers:
So if I say something, it's to ---
By the Witness:
It's to ---
By Mr. Meyers:
--- have the court reporter record it.
By the Witness:
All right.
Examination Resumed by Mr. Walsh:
Q. So you tell me, so that I'm understanding, do you believe Doni Rhinehart knew that John Doe 2 was being abused by Brian Rhinehart?
By Mr. Meyers:
Objection to the form of the question. Go ahead.
Witness Answers:
A. (Witness shakes head negatively)
Q. Is that a no? Please say it.
A. I'm trying to think. I'm trying to answer, how I won't be questioned any more about this. Because whether you can see it or not, this is very, very upsetting to me. I love my grandson, I love the boy that he was friends with, and I loved Doni. I had no reason except, you know, a sense of the -- people like Brian are just not -- they're not ...
I need for you to know this. When I joined John

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Doe 1 to that team -- to that troop, the man who was the Scout leader was wonderful. He knew what he was doing. He taught John Doe 1 more good stuff. And he left, and we have never been able to find him, and no one else has. And I -- we need to know what he knew and didn't say. Because, see, if we'd known any of this that was going on, we'd have taken John Doe 1 out of that troop immediately.
Q. Okay. So, here's my question. My question ---
A. Okay.
Q. --- is, do you have any evidence to support a belief that Doni Rhinehart knew about the abuse that Brian Rhinehart was committing on John Doe 2?
By Mr. Meyers:
Objection to the form ---
Witness Answers:
A. No, sir.
By Mr. Meyers:
--- of the question.
Examination Resumed by Mr. Walsh:
Q. All right. Do you ---
A. The only thing I can -- I would like to respond further, if I may.
Q. Sure.
A. Do you think -- no, you wouldn't know me or our

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situation. I don't think my husband could even think of such a thing without me knowing it, and I'm certain that he couldn't be doing it without me knowing it.
Q. Okay. Do you have any evidence to support a belief that Doni Rhinehart knew that Brian Rhinehart was abusing anyone?
A. Of course I don't have any evidence to support it.
Q. Okay.
A. I can only hope she didn't know it, since she didn't do anything.
Q. Well, you didn't do anything either, did you?
A. I think I told my grandson to tell his father, because I didn't want him jumping all over me for knowing what he didn't know and me going ahead and acting on it.
Q. So, after he ---
A. Because believe me ---
Q. --- told you -- only ---
A. Because believe me, I could have and would have.
Q. Only after he told you did you know?
A. He showed an interest in sex toward himself that I now know was because of that. At the time, I did not know it. But it -- I've talked to people who have told me things that you -- that manifest themselves when a child has experienced this. And I just thought he was going through a normal thing with children -- which

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children go through that's -- boys, especially.
Q. You don't think Doni Rhinehart really is responsible for anything, do you?
A. I can't say, sir. I would -- I would understand if somebody held me responsible for not doing anything if my husband had done -- I mean, that's like -- they lived like this (indicating). My husband and I live like this (indicating). He knows what I do and think and feel, and so do I him.
Q. So you know what he's doing right now?
A. My husband?
Q. Yeah.
A. He's probably watching television, because I'm not there to say, "Have you folded the clothes yet?" or whatever. He ---
Q. But you don't really know? You don't have a video monitor on him, do you? He's not ---
A. No.
Q. --- wearing an ankle bracelet?
A. I -- the only way I can say I know is because I know what his habits are.
Q. Okay. But ---
A. And I've known him 30 years -- 35 years.
Q. But what he's actually doing, you don't really know?
A. No.

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End of adverse examination by Mr. Walsh, counsel for Doni Rhinehart, begin adverse examination by Mr. Foster, counsel for Troop 292 et al.

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Q. Okay.
A. He may be taking a nap.
Q. All right. And no one has told you and no one has provided you with any information, other than this feeling you have, that Doni Rhinehart knew anything about what her husband was doing relative to abusing anybody?
By Mr. Meyers:
Objection to the form ---
Witness Answers:
A. I think I'm ---
By Mr. Meyers:
--- of the question. Go ahead.
Witness Continues:
A. I think I'm angry because I want to think she could have put a stop to it or informed the people involved if she had been paying attention.
And it hurts me that my grandson had this awful experience and will probably never have a normal sexual experience with any woman. Now, it follows that he might take a liking to men because of this incident, and that adds more to what I just said.
I don't know what you want me to say, sir. I'm telling you the truth, as I see it.
Q. I appreciate it.

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By Mr. Walsh:
Ma'am, that's all my questions for right now. I think let's just take a little break, and we'll swap sides, and I appreciate you bearing with me for these hours. The good news is, I'm done and I may or may not have any more questions. The bad news is, Mr. Foster, who represents the Boy Scouts, now gets a chance to ask you some questions.
By the Witness:
That's fine.
By Mr. Walsh:
And then Mr. Meyers may have some questions for you as well.
By Mr. Meyers:
Jim, do you mind if we mark the article as Exhibit 26?
By the Witness:
I have the highest regard for the Scouts. I think it's ---
By Mr. Walsh:
Go ahead.
By the Witness:
--- a wonderful organization.
(Off the record)
(Court reporter marks document as Defendants' Exhibit No. 26 attached to deposition)

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Examination by Mr. Foster:
Q. My name is Bill Foster. We met earlier in the day. I am ---
A. Mr. Foster.
Q. I am the attorney for the Palmetto Council of Boy Scouts and Troop 292, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks and Scott O'Neill, the Defendants in the other lawsuit ---
A. I see.
Q. --- that you have brought as Jane Doe for your grandson, John Doe 1. Have you reviewed the Complaint that was filed against my clients?
A. No.
Q. Were you aware that that lawsuit only seeks damages based on the alleged harm to John Doe 1 from the decision to send him the letter excluding him from the Boy Scouts?
A. No, I was not aware of that.
Q. Were you aware that this lawsuit that you've filed on behalf of John Doe 1 does not have a cause of action seeking damages for the alleged sexual abuse by Brian Rhinehart? Were you aware of that?
A. Yes.
Q. Okay. Can you tell me why that is?

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A. Why am I aware of it or why —
Q. Why in this lawsuit are you not seeking damages from my clients I just named based on the alleged sexual abuse by Boy Scouts?
A. You don't want to hear my answer, but I'll try.
By Mr. Meyers:
He does, actually.
By Mr. Foster:
Yeah.
By Mr. Meyers:
Do your best.
Witness Continues:
A. I'm going to reference the Bible again, sir.
Q. Okay.
A. And I am a good Baptist. I'm not as good as I should be, but I am a good Baptist. With all my heart, I believe every word in it to be the truth and inerrant. And it says for us not to seek vengeance, because vengeance is God's, and he will repay. And when you take the vengeance yourself, you are usurping his promise to avenge. And there's nothing I could think of to hurt anyone that -- I don't want to hurt anybody -- that would be better than that.
Q. Okay.
A. The only thing I want is to be sure that my son – my

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grandson is able to get whatever help he needs to get past this and live as much of a normal life as he can.
Q. Yes, ma'am.
A. He's a very loving child, and he's -- you know what he said to me recently? And it just blew my mind. He said, "Grandmother, when Brian comes out of prison, do you think he will come over here and do anything?" And I said, "No, I don't, because there will be a restraining order against him. And you do not need to fear that." But he said, "I meant to visit, because we used to be good friends." And he still -- he clings to that.
Q. To that feeling that they were friends?
A. Yes; that he loved him.
Q. So just to kind of try to sum up your response, or maybe rephrase it, it's your conscious decision that in this lawsuit you all aren't seeking damages from Boy Scout Troop 292, Palmetto Council, my clients that I've named, based on alleged damages from the alleged sexual abuse by Brian Rhinehart?
A. Now, say the first part of your question again.
Q. That's your conscious decision -- if I'm reading this Complaint correctly, you're not in this case seeking damages for the sexual abuse?

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A. I'm hoping that whoever hears the case will assume that he needs some care that I cannot possibly get for him, and that would be to convince him that he has not done anything wrong, that the wrong was done to him, and that he can have whatever kind of therapy he needs to -- and if that can be had free -- I don't think it can.
Q. My question is actually whether or not you can confirm for me that it's your understanding that the Complaint that you've filed on behalf of your grandson against Boy Scout Troop 292 does not seek damages from these Defendants based on the alleged sexual abuse by Brian Rhinehart.
A. No, sir, I'm not -- I'm not saying that at all.
Q. Okay. Have you read the Complaint?
A. I know what the Complaint said, but have I read it? No, sir.
By Mr. Foster:
Well, let's go ahead and mark this as 27.
(Court reporter marks document as Defendants' Exhibit No. 27 attached to deposition)
Examination Resumed by Mr. Foster:
Q. I'll give you a chance to look at it. And I will not ask you -- try not to ask you -- and Gregg can object if he thinks I am -- any sort of legal questions, because obviously you didn't draw the Complaint up.

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And if you'll flip over to page 4 ---
A. (Reviewing document) I may not have drawn the Complaint up, sir, but I'm very much in favor of it ---
Q. Okay.
A. --- because I ---
Q. Certainly.
A. --- think it's very appropriate.
Q. Certainly. This is the first cause of action. You'll see "Intentional Infliction of Emotional Distress." "Plaintiff" -- this is paragraph 17 -- "Plaintiff was the first child to report James Rhinehart's sexual misconduct with plaintiff and other children. Because of plaintiff's report, James Rhinehart was investigated, and criminally prosecuted." Do you see that?
A. Yes.
Q. Okay. Then it says, "Behavior by officials of Troop 292 to punish, by his immediate and permanent exclusion from all Troop 292 activities, a child known to have pre-existing conditions of developmental delays and mental impairments, and in addition to those known pre-existing conditions who was also known to have been sexually abused by James Rhinehart while participating in activities for Troop 292, is atrocious, utterly

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intolerable in a civilized community, and so extreme and outrageous as to exceed all possible bounds of decency." Do you see that?
A. Yeah.
Q. Okay. Then paragraph 19 goes on to state, "Troop 292 officials acted with intent to inflict emotional distress or acted recklessly when it was certain or substantially certain such distress would result from their conduct. Plaintiff was known by defendants to benefit from his participation in Troop 292 (apart from the sexually abusive portions of his participation). Plaintiff was known to be otherwise socially isolated except for his participation in Troop 292."
Paragraph 20, "Actions by Troop 292 and its officials to report the child who first complained about James Rhinehart's sexual abuse caused the plaintiff to suffer emotional distress."
And then 21, "The emotional distress suffered by the plaintiff was so severe that no reasonable person, particularly with the known pre-existing conditions the plaintiff had, could be expected to endure it."
Paragraph 22, "Troop 292 intended its harm to the plaintiff, and attempted by acting aggressively towards the plaintiff to cover up James Rhinehart's abusive conduct towards children, and to discourage others from

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reporting James Rhinehart. South Carolina law requires abusive conduct to be reported, and penalizing the child who reports was extreme and outrageous conduct by Troop 292."

Paragraph 23. "Stacey" (sic) "Culbreth acted with gross negligence in effectuating the tortious intention of Troop 292 through the letter sent to" Father of John Doe 1 "and as a proximate" result "the plaintiff was injured, and is entitled to actual and punitive damages in amounts to be assessed by the finder of fact."

The next cause of action is for "Negligent Supervision." And I'll summarize that, because I do want to avoid reading all this to you. But in essence, the other members of the troop, the other Defendants, were negligent in allowing this letter to be sent to John Doe 1 excluding him.

A. Well, it's signed by one of the people ---
Q. Yes, ma'am.
A. --- Shelby.
Q. By Shelby Culbreth. At least it appears to be. So the Complaint that we have that you've brought and we're here today to take your deposition about against my clients is, in essence, based solely on the decision to send the letter exclusively to John Doe 1 allegedly based on his having reported the abuse by

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Mr. Rhinehart. Do you understand that?
A. Yes, I do.
Q. There's no allegation in this Complaint that my clients caused or were responsible for the sexual abuse by Mr. Rhinehart?
A. Here's how they're responsible, sir.
Q. I'm not asking that question. And I'm -- I don't mean to cut you off, but ---
A. That's fine.
Q. --- my question is, that's not in the Complaint; we haven't been sued for that; is that right?
A. Right.

By Mr. Meyers:

Yeah, although you might want to ask her about it, just in case she wants me to move to amend.

By Mr. Foster:

Well, the deadline for that has passed, although I'm sure we can talk about that.

Examination Resumed by Mr. Foster:

Q. But I want to know what the lawsuit is about. That's what the purpose of the deposition is. And ---
A. Well, you haven't -- you didn't let me say what I think it's about, what ---
Q. Okay. Well ---
A. --- I know ---

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Q. --- what's the ---
A. --- it's about.
Q. What does the Complaint allege? It's only alleging that we intentionally inflicted emotional harm on John Doe 1 by sending the letter; is that correct?
A. Yes.
Q. Okay.
A. But they did not screen the people who were going to head the troop up.
Q. Is it your ---
A. Because if they had screened them, you know, Paul wouldn't have left abruptly and we'd know some things that we don't know now.
Q. Is it your belief that Brian Rhinehart had some sort of record of pedophilia?
A. I don't think it started with these two boys, but I don't know. You know, I have no way of knowing.
Q. Excuse me?
A. I said, I don't know. I have -- it's hard for me to believe it would have just started with these two boys, but I have no proof, so I can't answer the question except to say I suppose it means that it was the first, or it could have been the first.
Q. Okay. So if this was the first time it happened, how could you screen or do some sort of investigation to

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predict this would happen?
A. That was not -- that would not be the full intention of screening, sir. There would be other things, other flaws in character that would permit -- prevent him from being the kind of Scout leader that you -- that your people should want.
Q. Okay.
A. And I want that for myself, because I've been a Scout leader myself, neighborhood chairman and all this other stuff. And they do screen you.
Q. Okay.
A. I think they didn't screen them because the boys were -- had problems, mental and emotional and all that.
Q. Okay. What information about Mr. Rhinehart's background were you aware of when he and his wife came to your house and asked if John Doe 1 —
A. I didn't know them.
Q. Did you look into their background or did you do anything before you signed John Doe 1 up?
A. I probably asked people who knew them about them; were they -- I said, "They seem like really nice people." And I would have no reason to doubt that the troop wouldn't be good. Well, I knew several of the boys that were going to be in the troop. And I decided that, for instance, if Paul was going to be there and

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was going to allow his son to be there, that made it okay for me. H-o-u-l-e.
(Off the record)
Witness Continues:
A. But he was wonderful. I wish he had stayed. He was just – and he did come to our house a time or two, too. And his son had spent the night with us and —
Q. How would —
A. — they were good friends.
Q. I'm sorry. How would Doni and Brian Rhinehart know to come to your house?
A. I have no idea.
Q. Had you ever met them before?
A. Never.
Q. Were John Doe 2 and John Doe 1 friends before then?
A. They met at school and they really seemed to hit it off. And that – you know, I thought – well, at the time, I didn't know that John Doe 2 was not Brian's son.
Q. So you thought he was his natural son?
A. Yes, I did.
Q. And so John Doe 1 and —
A. John Doe 2.
Q. — John Doe 2 were friends from school?
A. Yes, they were.

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Q. They were in the same class?
A. They had classes – they – neither of them stayed in the same room all day long, but they had classes together.
Q. Were they both in sort of the —
A. They were – I know what you're – the question you're fixing to ask. And this is – there were varying degrees of —
Q. Learning disabilities?
A. Yes.
Q. John Doe 1 was more —
A. He was more advanced than —
Q. — advanced than —
A. Yes.
Q. — John Doe 2?
A. As a matter of fact, we weren't aware that he had any learning problems until one of the IEP meetings.
Q. You weren't aware John Doe 1 had any learning problems?
A. I wasn't aware that he had any.
Q. How old was he when you became aware he had problems, learning problems?
A. He was probably eight, eight or nine.
Q. Did John Doe 2 and John Doe 1 visit each other or socialize outside of school prior to Boy Scouts?
A. No. They were already in Scouts together when John Doe 2 spent the night at our house several times and John Doe 1 went over there.

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Q. Okay. So John Doe 2 would come spend the night with John Doe 1 at your house?
A. Yes.
Q. And then he would also go over to the Rhinehart and stay?
A. Right.
Q. How often would John Doe 2 – or how many times can you remember John Doe 2 spending the night at your house?
A. It wasn't many, maybe three at the most.
Q. To your knowledge, how many times did John Doe 1 spend the night with John Doe 2?
A. I can't tell you that, because his dad – his dad used to let him go places and then forget to go and get him.
Q. His dad would basically dump him off on people —
A. Right.
Q. — correct?
A. Exactly.
Q. And he would dump him off on the Rhinehart?
A. The church that he attended – John Doe 1 was invited to a church, Living Waters over there on Boiling Springs Road, or off it. And this little boy asked him to go home with him after church, and I said, "Well, his daddy would have to give permission for that, but I'll be glad to see if I can get in touch with him."

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And he was supposed to pick him up the next morning. And he didn't come, and he didn't come, and the next day he didn't come. And late that evening – well, night almost, he called me and asked me was I going to pick him up. And I said, "Is he still there?" And that had happened more than once.
Q. He just left him at the church?
A. Left him with the man – the boy, the people that were there. The man was a deacon at the church, I think, because he was one of those up front, you know, when you come in. And after that, he never – the friendship, if there was one – and I think it was because he wasn't picked up. Because they seemed to get along real well.
Q. You had testified that you felt that this abuse by Mr. Rhinehart was responsible for a lot of the problems that John Doe 1 has?
A. Absolutely.
Q. What sort of problems have been, in your view, caused as a result of what Mr. Rhinehart did?
A. It's horrible to make a child feel like you care about him when you don't; you're just using them. And to this day, he still thinks Brian loves him. But he's angry, because he told – and I said to him recently, I

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said, "John Doe 1, had he loved you, he would never have done this to you. Because it's a bad thing, and it's also wrong."
Q. You testified that you felt that John Doe 1 was more fearful now than he ---
A. Absolutely.
Q. --- had been?
A. And he's become more combative. He's done things mostly with his mouth, trying to build a shield around himself, so nobody will come in there and hurt him. And it wasn't like that before. It's -- it is to a point now that I have to hold him and say, "John Doe 1, you're getting over there again. There's nobody here that's going to hurt you. Everybody here loves you, and you don't have to do that."
Q. What would he do with his mouth; be ---
A. Be very disrespectful. He doesn't curse, but he says things -- I'd rather -- I'd almost rather hear profanity than to hear this.
Q. Hasn't John Doe 1 always had difficulty with authority?
A. Well, you're asking his grandmother, and I never had any problems at all with him like that.
Q. There you go.
A. Because I held the treats, you know, and the ---
Q. Yes, ma'am.

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A. I had the scowl. And he wanted to please me, and I knew that. And he loves his grandfather very much, because he's a wonderful man.
Q. Let's go to some of these exhibits and maybe walk through them real quick. If you look to your ---
By Mr. Meyers:
I'll fish them out for her.
Examination Resumed by Mr. Foster:
Q. Exhibit Number 3 is a medical record.
By Mr. Meyers:
It's a little hard to read.
Examination Resumed by Mr. Foster:
Q. And a lot of these are, and I apologize. Some of them are hard to read. This is a medical record that's been produced in this case by your counsel, I believe. And this is ---
A. Kathleen Reiner (phonetic)?
Q. Yes, ma'am. And actually, I think, if you flip over to the second page of this exhibit, the date on the bottom appears to be May 20th, 1997. And this is apparently a visit ---
A. This is Dr. Cutchin. This is ---
Q. --- where you brought him in -- brought John Doe 1 to see the doctor?
A. Yes.

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Q. And it says -- and I'm just looking at it real quick -- "He apparently has become difficult to manage. He is in kindergarten and has difficulty holding in his anger. If somebody hits him even unintentionally he is likely to strike back, usually very forcefully and aggressively and obviously inappropriately." How old was John Doe 1 when you took him to the doctor on this occasion?
A. Well, I had him several times. I had him to -- he's always had breathing problems, and I took him to an ENT doctor, who scanned his head and all that stuff.
Q. So, if this is May 20th, 1997 -- and I agree it's a little difficult to tell exactly; there are dates all over this document ---
A. Well, he was six years old at the time.
Q. Six years old?
A. Mm-hmm (affirmative).
Q. Is it fair to say, by the time John Doe 1 was six years old, he was already exhibiting some issues with aggression?
A. I think he was very defensive if he sensed danger to himself. Or he heard a lot of things that no child should hear, and ---
Q. And was the violence he witnessed in his home between his ---

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A. The loud noises of the ---
Q. Did he witness physical violence between his father and ---
A. It was ---
Q. --- mother?
A. --- committed, so I'm thinking that, because he was there during some of that, he must have seen or at least heard it. And I do know that, when he came to my house the first time to stay for an extended period, he screamed for two weeks constantly, until he was whipped down, until he couldn't scream anymore. And he'd just fall asleep and then, as soon as he woke up, you'd hear that little -- like this (demonstrating), like you knew he was just waking up. And he'd start it all over again. I was ---
Q. He'd start screaming?
A. I was absolutely -- I couldn't figure out what was wrong. And then it occurred to me that he hadn't seen his mother in a while, and that he wondered where she was. And ---
Q. How old was he then?
A. Three.
Q. Was his mom in town then, or had she already gone to New York?
A. She was in town, but she was in a house. She went to

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see him more than once, and she did something terrible. To this day, I can't believe she did it. But Father of John Doe 1 told her to get on away from there; he was calling the police and this and that. And she picked up a stick and broke windows because he wouldn't let her see him.

And he had told her -- and I heard him tell her -- to sign the custody paper and she could see him whenever she wanted to. And I got to thinking about that. And every -- almost every -- animals, humans, birds, whatever, you don't want to get a mother excited about her babies.

Q. Can you -- and this is something I know that Jim asked you about at length. But do you have any idea why Father of John Doe 1 would -- if he wants to get rid of your daughter, as you said, why he would want the responsibility of a ---

A. Child support.

Q. --- two-and-a-half-year-old?

A. Child support. That's the only -- he didn't want to pay child support. He also knew that, if he was with me, which he was a lot, as you know, I wouldn't request it ---

Q. Okay.

A. --- mainly ---

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Q. Okay. So that's -- you think what his thought was, "I'm going to get divorced, and if I get custody, I won't have to pay child support"?

A. Exactly.

Q. That makes sense in a bad way, doesn't it?

A. Father of John Doe 1 was himself a foundling.

Q. What is -- I think I know what a foundling ---

A. It's a child that's been deserted. And he never knew who he was. And I can remember him being in my house one time, and I put my arms around him and I said, "I know who you are. You're Mother of John Doe 1's husband, and she loves you, and that's all I need to know." And he hugged me back. And I always felt sorry for him. That must be awful.

Q. Do you want to take a little break?

A. No -- yes.

Q. Please do. Anytime you want a break, we can ---

A. Everybody in this whole scenario -- Doni, the Scout troop, all of the people that are involved -- are victims. You know that? And Father of John Doe 1 has been so desperate for money so much of the time that I've known him that he would jump at an obvious case to hit somebody hard. And he's capable -- he graduated from college; he got certified to teach math; went -- he taught -- did that student teaching or whatever they call it.

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Q. Yes, ma'am.

A. And he came out of there and he says, "Get me out of here. I can't take a roomful of kids all day long." And that's -- you know, that's sad. But you can't do things like that if you do drugs all the time, and drink. I mean, you've got to have a clear mind in order to ---

Q. What kind of drugs would he take; do you know?

A. If it was available.

Q. Anything?

A. Yes. And the sad part about it is, his first wife, whom he married when he was 19 and she was 18, I think -- he has a daughter named [redacted by agreement of counsel]. And guess who the child was named after? My daughter, whose name he loved. And this was when she was a little girl. She is a hopeless basket case now. She cannot do anything without some kind of drug in her, or alcohol.

Q. And he got her started on that?

A. Yes. He got my own daughter using it again after, you know, she -- I'm sure she took some in high school, or used some in high school, but I never knew it. And I'm pretty observant, so I don't think she would have done much. I did see her eyes one time when they were too

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red to be just normally red.

Q. Yes, ma'am. Real quick, jumping back to the foundling thing, because that -- was he adopted by the people he grew up with?

A. They were foster parents ---

Q. Foster parents?

A. --- for a good while, and then they adopted him.

Q. Okay. So ---

A. And his -- they have two -- they had two sons.

Q. Do you think he was over-indulged by ---

A. Oh, absolutely.

Q. I gathered that from your earlier testimony. Let's look at Defendants' Exhibit 4 real quick.

(Off the record)

Examination Resumed by Mr. Foster:

Q. If you'll look at -- this is a medical record for John Doe 1 that's dated October 17, 2000. And it references, in "History of the Present Problem" -- when you look at the second paragraph under "History of the Present Problem," "According to Ms. [redacted] -- and that's, I understand, Beverly [redacted] (sic) ---

A. Mm-hmm (affirmative).

Q. --- Father of John Doe 1's wife, John Doe 1 "had a birth weight of" "6 pounds, his mother was in her 30's and reportedly her pregnancy was complicated by

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marijuana usage and cocaine."
A. No. That's not —
Q. Is that —
A. — true.
Q. — not true?
A. Hmm-mm (negative). I am not saying the marijuana might – but I'm absolutely certain that cocaine was not involved. And I saw her very often when she was pregnant. She lived one mile from me.
Q. If you look at the next paragraph down, the second-to-last sentences says, John Doe 1 "reportedly has had a history of sexual acting out and as a result, underwent an evaluation at the Durant Center at the request of DSS." Were you aware of that?
A. Yeah.
Q. What can you tell me about that?
A. That was her – she was – she's not a registered nurse, but she was a nurse person. And Father of John Doe 1 once said she thought she was a doctor. And she did try to tell people what their problems were, and they were all physical or mental.
And I would like to say, I wonder what her problem was in marrying someone like Father of John Doe 1, because he had a record as long as my arm. I got – I took my daughter to get him out of jail one time and

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paid the – whatever it was that he – what is it – the bail?
Q. Yeah.
A. Yes. Okay.
Q. What was he in jail for?
A. As far as I can remember, because it's been a long time, it was driving under the influence.
Q. Had you ever heard there was an allegation that John Doe 1 had ...
A. Just go ahead and say it, sir. I've heard everything, and I can take it.
Q. Yeah. That he had molested Ms. Dickson's grandson?
A. No.
Q. Okay. When he was – and this happened when John Doe was, I think, around nine or ten, and the boy was a little bit younger than John Doe 1. Did you ever hear about that?
A. No. And I'm really surprised she didn't tell me, because she told me every bad thing she could find out about him. But you know what? I could go home today and ask him was that true, and he was say yes or no; he would tell the truth.
Q. Any idea of how John Doe 1 would have – or if there would be any reason at the age of nine or ten to be acting in a sort of sexually aggressive manner?

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A. That tells me that maybe Brian was not the first. But I don't know. I do know that he had access to literature that should never have been brought into a house.
Q. You've known Father of John Doe 1 —
A. Since he was 18.
Q. And I apologize; I think Jim probably asked you this. But in some of these medical records – and you can tell, obviously, you spent a lot of time, you know, taking John Doe 1 to the doctor, going to the school psychiatrist and school therapist and trying to get answers and trying to get help – that you may have reported your concern that possibly Father of John Doe 1 was or had at some point sexually abused John Doe 1?
A. I don't think a father should tell a son what he told John Doe 1, that you've already heard me —
Q. Yes.
A. — say. I can't imagine a father saying that to his son.
Q. Certainly not a four-year-old boy?
A. Yes.
Q. That's a bit —
A. Well, even —
Q. — unusual.
A. — saying it that way. I mean —

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Q. Yeah.
A. I don't know why I'm laughing, because there's nothing funny about it.
Q. I know what you mean. Let's look at Defendants' Exhibit Number 5.
A. You know, I was lying beside John Doe 1, reading him a story, or it – we were – we started out reading, and then we started talking. And he was a teenager when this happened. And I was trying to get him to – you know, to just relax and maybe he could go to sleep. I missed a lot of sleep because of him. And I am not complaining, but I – it's a fact.
But he said – he was talking about some unhappy things, and I said, "John Doe 1, we all have experiences like that that make us cry and we wish – and it hurts us and we wish it didn't happen. But what we have to do is not dwell on it." It's just like now the people at the mental health center have told him he needs to forget this. And I cannot get over that, to save my – he can't forget it, except to bury it. And it needs – he needs to be able to work through it with someone who knows what to do.
But I said to him, "Everybody needs to know that somebody loves them. And do you doubt that Grandpa and I love you?" And he said, "No. I know you all do, but

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you don't count because you're supposed to love me." And I said, "Well, I have other grandchildren whom I also love, but I would have a hard time picking any of those over you. But you can't say that; that's between you and me." And ---

Q. That's a good thing for him to hear.

A. --- I was -- what?

Q. That's a good thing for him to hear, though.

A. Oh, yes. And I told him yesterday there was absolutely nothing he could do that would make me not love him. said, "I might be disappointed and I might cry and I might feel like punishing you, but it wouldn't make me not love you anymore."

And that night when that went on, he nuzzled over there close to me, and he put his arm around me, and that's the first time he's ever done anything that made me think, you know, "This is not a good thing." And so I took his hand and put it back over there, and I said, "Wait just a minute. I'm going to the kitchen." And by the time I got back -- I drug my feet a little bit -- he was sound asleep.

But I didn't want him to ever get the idea, with him being 13'ish, that he could lay down beside me in the bed and put his arms around me, or that I would do the same, because that's just not -- well, you don't do

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that. You hug them when they're out of the bed, you hug them when you're sitting in a chair, but you don't hug them if they're -- you know, you just don't do it, especially a child with his -- I think some people would do anything to feel loved.

That might even be Father of John Doe 1, you know. I have compassion for him. I could probably strangle him, but I have very much compassion for him. He's too educated and too intelligent to -- very ---

Q. Squander his ---

A. --- manipulative.

Q. --- life?

A. Huh?

Q. Squandering his life is ---

A. Yeah. Right. Exactly.

Q. If you look at Defendants' Exhibit 5, this is just another medical record. This is February the 4th of '03, Spartanburg Department of Mental Health. If you look in the "Description of main problem," it references a missed November 21st, appointment, "Chesterfield - paranoia - doesn't like to ride in cars - scared a lot." And down here it says, "has jumped out of car." "Kicked window out." "violent."

A. You know, the only thing that I can add to that -- were you done?

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Q. Yes, ma'am. I'm sorry. I was just kind of noting these things. And I asked you if you were aware if, around February 4th of '03, John Doe 1 was having problems with paranoia and fear and was acting out in violent ways.

A. They had a wreck. They were rear-ended. He was in the back seat, and he was very much injured. His mouth was all -- he was bleeding, and there was some question about whether teeth damage had happened. And they got sued.

Q. The people that hit them got sued?

A. Yeah.

Q. You mentioned that Father of John Doe 1 had sort of reputation for suing —

A. Yeah.

Q. — people. Were you aware -- and you may have actually referenced this in your earlier testimony -- that Father of John Doe 1 had retained a law firm in Florida sort of after Mr. Rhinehart was arrested and all this came out, that he'd actually retained a law firm in Florida and they'd written some letters? Were you aware of that?

A. Hmm-mm (negative).

Q. Okay. He never told you that he was —

A. No.

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Q. --- making settlement demands and things like that back in '05, '06?

A. We haven't talked very much at all.

Q. All right.

A. And he knows how I feel about that, too. He wouldn't -- he's not very likely to tell me. I don't -- I think, if you lose wages or if there's physical harm done to the person ---

Q. Yes, ma'am.

A. --- that suing makes sense. I had a good, Christian man to tell me just a week ago that we didn't perpetrate the harm, the sin, whatever, and that's why what I told him the Bible said was not -- did not apply here. And I'm still kicking that one around in my head.

But I don't feel the least bit -- I would -- I think John Doe 1 is owed; I really and truly do. Because -- you know what? We were talking about -- I'm sorry. We had a brand new Volvo a few years ago, and it had this bad habit -- if you dropped something in the floorboard, it would suck it up in there and it'd make this loud flapping noise until you stopped it and got up under there with either your hand or something that you could grasp it with and pull it out. And you know how kids are in the car. They've got papers and

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all that.
Q. Oh, yeah.
A. He started to scream when he heard that noise, and he had his hand on the doorknob. And I said, "John Doe 1, wait a minute. I'm going to stop the car." So when I stopped the car, he went out that door just like -- and I said, "What in the world is wrong with you?" and he said, "What was that noise?" And I told him what it was, and he said, "Well, I thought something was wrong with the car and it was going to blow up." And that's because of the accident he'd been in ---
Q. The car wreck?
A. --- not too long before that.
Q. Okay.
A. So it all made sense then.
Q. That's probably why he didn't like to get in cars?
A. Right.
(Off the record)
Witness Continues:
A. Well, you do know that John Doe 1 -- I'm sure it's in that paper too -- that John Doe 1 took our car one night?
Q. We're going to try to get to -- yeah, we'll ---
A. Okay.
Q. --- get to that.

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A. All right.
Q. That's definitely on the radar. Let's look at Number 6 real quick. And I won't belabor these. I'm just trying to get a sense of the medical issues. This is Defendants' Exhibit 6. This is a medical report from October 31st of 2003. And it's a clinical assessment from the Spartanburg Area Mental Health Center. And I believe you took John Doe 1 on this occasion. Do you recall taking him to Spartanburg Area Mental Health Center for an evaluation?
A. And who was the doctor? (Reviewing document) Oh, Dr. Mistra. Yeah. I met Dr. Mistra, so I must have gone. And I remember him, so I must have taken him.
Q. Okay. The "Family's Perception," if you look at "A" right here, it says, "appears" John Doe 1 "has a lot of anger. Lived in a home where parents were physically abusive toward each other and" John Doe 1. Was John Doe 1 having problems with anger -- or has John Doe 1 always had problems with anger?
A. He doesn't exhibit his anger much around me. If he -- if he tries to do something and can't get it done like he wants it, I'll see him -- (demonstrating) or, you know, stamp his feet or something.
But I think you need to realize, in his case -- and I know this because I have pursued it and I've

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asked experts and all of that. And he had a really good therapist in Spartanburg at the Fernwood Baptist Church area. He was not a pastor, but that's where his office was during the week. And he told me a lot of things about John Doe 1 and about what the possible causes were.
And I think that he began to fight back when he realized that no one was going to -- well, you know, parents protect their children, and they can -- the children can count on that. And I don't think he -- I think he began fighting his own battles at a very young age. And he didn't realize that his dad would be more likely to be more strongly abusive because of that. You know, you -- he expected him to stand still and take his medicine.
You know, there's a lot of fathers like that. I've never known a mother like that, but I've known a lot of fathers -- a few fathers. I don't know a lot.
Q. It asks -- or the record reflects, "Describe Child's Behavior At Home." It says, "Angry, slams doors, disrespectful, difficulty sleeping, won't sleep by himself. Runs outside screaming, past self-mutilation 5 yrs. ago." And these are things that you're reporting; is ---
A. That was hard. That was hard. I saw these cut marks

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on his arm. I said, "Honey, what in the world happened to you?" And he said, "I just got hurt." And it took me quite a while to find out that he had done it. And do you know why children do that?
Q. No, ma'am.
A. Well, they don't like themselves very much, because they've been made to feel that they're not likeable.
Q. Was John Doe 1 at that time, in October 2003 -- he had been for some time having the difficulty sleeping, correct?
A. Always.
Q. Always?
A. (Witness nods head affirmatively) Wakes up at the drop of a pin.
Q. Is that something that you noticed, I think you said before, with the schizophrenia with your daughter also, the difficulty settling down and sleeping at night?
A. But it was -- I found out what the reason was with both of them. They felt more secure when the daylight happened, and nighttime was fearful to them because all the people that were protective of them and were there for them were asleep.
Q. And they didn't want to be alone?
A. Right.
Q. There's a reference here -- and you may or may not be

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aware of it -- but a sexual abuse claim -- or it says, "Sexual abuse - stated by Cheraw DSS. G'ma" -- I don't know who that is; maybe you do -- "stated" John Doe I "told her that dad touched his penis" -- at "age 4 began" -- and it's something about masturbation. Is that -- were you aware of any sort of investigation by Cheraw DSS of possible sexual abuse by Father of John Doe 1?

A. I remember Father of John Doe I calling me one time, and he was furious, and he wanted to know what I had told the DSS. And I said, "I don't remember telling them anything that you should be having this reaction to." And he said, "about masturbation." And I said, "Well, tell me what this means." Father of John Doe 1: "'If you rub it fast, it'll get hard.' What is that?" And I said, "In my book, that's masturbation. And you taught it to him." And he slammed the phone down and he didn't say another word to me. So I don't know.

Q. There's also a reference to Emmanuel, and it says "2x," "States friend touched him on private part a" ---

A. Emmanuel.

Q. --- "couple of" weeks ago.

A. Emmanuel.

Q. Were you aware the -- I suppose you were aware at this time, October 2003, that he had been sexually abused by

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Emmanuel Blackwell?

A. I wasn't sure about that. But you know what? If a man -- if a father is guilty of anything that might be questionable, he's definitely going to look for somebody else to -- and he's even going to lie to the child. And he has done a lot of that.

But I -- it's hard -- John Doe 1 has not had an easy life. He's had a lot of things to deal with. He was secure and safe with us; he knew he was loved. He wanted to stay with us all the time. I took him home -- I came and got him -- I went to Cheraw and got him and took him to the beach with us one time and kept him for a week while we were down there, and I had to take him home because he had to go to school.

And when we got there, I took some bedding in that I had bought for him. Because they had stuck him in the corner of a room after Father of John Doe 1 married Beverly, and he didn't even have a room. And every drawer was full of junk. And how do I know that? The same way I knew how there was no food in the refrigerator when he said there was nothing there to eat. And I ---

Q. You went over there and looked, didn't you?

A. Yes. I said, "John Doe 1, where do you put your things?" And I wanted somebody to hear me. And

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[redacted] daughter heard me say that, and I looked at her and I said, "Is this John Doe 1's room?" I said, "This is none of my business -- I know that -- but I'm wanting to know if this is John Doe 1's room. And where is his pillow, and where are his drawers?" And his closet was full -- Father of John Doe 1 has humongous amounts of clothes. And they're ---

Q. The father?

A. --- vintage clothes. Yes. There -- his parents used to run a dime store, and they had a lot of old stuff in it. And he kept stuff, shoes and jackets and things that were -- he even had a zoot suit. Do you -- you're too young to know what that is.

Q. I know what a zoot suit is.

A. Okay.

Q. A big, baggy ---

A. Wide shoulders ---

Q. Yeah.

A. --- fits your waist. Well, I put the things on his bed the next time I came back, and I think they thought I had come to get him. And I said, "I brought these things for your bed, and here's a blanket for you to rub when you're going to sleep." You know, all babies like to do that ---

Q. Oh, yeah.

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A. --- or children. He was, what, seven or eight in '03. And when we -- he walked me with -- walked with me to the door. And when I got there -- I may not be able to tell you this -- he said, "Grandmother, please take me with you." And I said, "I can't. You have to go to school. But I'll call you just as soon as we get home."

And I went back to the beach and I told my husband, I said, "I'm not sure I can ever do that again, because he wanted to go -- come with me, and you said he couldn't come back." And he says, "Well, honey, we're down here for us right now." And I said to him something I haven't forgotten to this day and should never have said. I said, "I've never known a man in my life that wasn't selfish." And I said, "You're supposed to be serving."

And since I knew some things about his own children -- and he's a wonderful man and they love him to death. He has three children that didn't finish high school. And he has one daughter who could do anything, be president if she wanted to, and all his efforts went into her. And she's lovely. She and I get along great. Got the prettiest Mother's Day card I got from all our children from her, and that's including my children. Mine were good, but hers was

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better, you know?

But I said, "What is it with you men that you have to -- you think we've got to give all of us to you?" I'm a mother. I'm a grandmother. And I -- that -- I changed my feelings about him that day, and I cannot seem to get rid of it. I love him, but I can't believe, knowing that that child wanted that bad to be with us, that he said, "Don't -- he can't come back right now."

Q. There is a -- I think it's on page 2 of 6 of this Exhibit Number 6. It's "Developmental Stages" way down at the bottom, "f." And it's giving a history of sort of John Doe 1's developmental stages, 0 to 3, 4 to 6, 7 to 11.

A. Oh, okay.

Q. And I just wanted to -- it's just kind of helpful for me to get an idea of where John Doe 1 was in terms of physically where he was living. Zero to 3 years, I guess the first -- zero to three years, he was living with your daughter and Father of John Doe 1 until ---

A. Two and a half.

Q. — about —

A. Two and a half, he -- was when she left.

Q. Was it three and a half that he came to live with you, or two and a half?

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A. She was still with Father of John Doe 1 when he was first with us.

Q. Okay.

A. And I kind of had a feeling that her being in Father of John Doe's parents' home and them not wanting her there, and that if I kept John Doe 1 and they had time, that it might help their marriage, you know, if they might have time to have some time without a baby.

Q. Work on their relationship or ---

A. Sir?

Q. Work on their relationship or something?

A. Yes. Right. Mother of John Doe 1 used to have to get up in the middle of the night and take him outside, because Father of John Doe 1 would say, "Get that child out of here. He's keeping me awake." And he'd wake up and cry a little bit or he could hear him, and so she'd take him outside and talk to him about the moon and show him all of this stuff. And he loved her to death. And that's why he cried so after she was not there anymore.

But somebody else raised his oldest daughter too, the one with the first wife. Her grandparents raised her. And I don't know what he thinks that ...

Q. Yeah. Age 4 to 6, it references "alot of traumatic events have occurred such as being a witness to verbal

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and physical abuse." "Also this is occurring to him." Is that -- so, four to six, he was living with Father of John Doe 1?

A. "3 1/2 went to live with grandparents." Well, he was with us more than he was there.

Q. Okay. But when you ---

A. And I didn't have custody.

Q. Okay. And when he was with Father of John Doe 1, you would see the abuse and ---

A. Yeah.

Q. --- things of that nature? Okay. And then 7 to 11, it references, "age 11 permanently went to live with grandparents." That's you and your husband, correct?

A. Well, he still had some time with the others, but for the most part he was with us. And when the school wanted to talk to anyone about him, they called us, to tell us what -- you know, things that were planned and what -- he sang in a little program once, and it was -- all the kids do it. And we were there, and I took pictures and -- a couple of pictures.

Q. Let's flip over to Defendants' 8, and this is a medical report from Dr. Lori Barwick.

By Mr. Meyers:

Here it is.

By the Witness:

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Oh, okay.

Witness Answers:

A. (Reviewing document) I'm sorry. I don't have it turned right.

Q. Quite all right. This is October -- or excuse me -- this is December 2004. And this is at a time, it appears, that you and your husband brought John Doe 1 in to see Dr. Barwick. Do you recall Dr. Barwick?

A. Oh, yeah.

Q. Was she a therapist?

A. She's a -- she's a psychiatrist.

Q. That treated ---

A. She writes ---

Q. --- John Doe 1?

A. --- prescriptions. Yes.

Q. Oh, okay.

A. But, now, she and I had some -- she won't get involved in this. I guess you've heard that.

Q. No, ma'am.

A. She was asked to do some things for us, simple things, and she refused. She continued to see John Doe 1 beyond the age of the patients that she has. She has them up to a certain age, and then someone else takes them.

She left us in the waiting room for an hour and a

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half. That doesn't sound like much time to you all, but it -- you know, you don't -- this -- and then you get there, and she writes the prescription for him, and she says, "I'm not going to have much time today, because" -- she had two children real close together. She said, "I'm not going to have much time today to talk, John Doe 1, so I'm just going to give you your prescription."

And the third time that happened, I said, "You know, we sat out there for an hour and a half, and now we finally get back here, and you tell us you don't have time?" And she says, "Well, Jane Doe, I'm not supposed to be seeing John Doe 1." And I said, "Well, then, why are we here?" She said, "He's over 18 now, and he's supposed to see another doctor." And I said, "Well, could we make the arrangements today?"

Q. To see the other doctor?

A. Yes. And said, "Yes. I'll give them a call right now." But it just kind of -- "Why have you been seeing him if you're not supposed to?"

Q. I take it you've probably had your fill with psychiatrists and school therapists and all ---

A. Most of them have been very nice.

Q. That's good. That's good.

A. But, you know, she's nice too, but it just -- I kept

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Q. It's frustrating?

A. She wanted to hear all that was going on in there; it wasn't just John Doe 1. Because she asked my husband and she asked me lots of questions, and they weren't about him.

Q. What had she been asked to do with respect to these cases that she wouldn't do?

A. Like I said, she had just had two babies. It's been a couple, three years now. But I don't -- she -- her time changed; her interests changed; her focuses changed. And she wanted to be out of there at a certain time. And that's what I attributed it to.

Q. But had she been asked to do something with respect to these cases and she wouldn't ---

A. She was ---

Q. --- get involved?

A. She was asked to do an evaluation, I think.

Q. Oh, okay.

A. My husband talked to the people, who wouldn't even let him speak to her, because she had said she didn't really need to talk to him. And he turned around, and he says, "Dr. Barwick doesn't want to talk to us, and I don't know how we're going to request what we need to have." And I said, "Well, there are others, so we'll

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just go that route."

Q. Okay.

By Mr. Meyers:

Bill, I suspect that's part of the guardianship process.

By Mr. Foster:

No problem. No problem.

Examination Resumed by Mr. Foster:

Q. In this report, I was noting that she mentioned that -- and this is the last sentence of the first paragraph -- "DSS has reportedly been involved in the past due to concerns about possible sexual abuse and possible physical abuse by father in the past." Is this something you would have told Dr. Barwick about?

A. I do recall her asking me once, and I said, "Well, I can't say that it hasn't happened, but I also cannot tell you for sure that it did happen." But ---

Q. Knowing Father of John Doe 1 as long as you have, I mean, had you heard -- have you ever heard anything like that about him, other than your experiences with John Doe 1, him being suspected of abusing other children?

A. Well, I do know that he apparently had sexual relations with his own daughter when he was married to my daughter. And he told her ---

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Q. He told your daughter that?

A. He did. And she called me. And I said, "Mother of John Doe 1, he must be trying real hard to get you to leave, because if it had happened, I don't believe he'd have come home and told you about it." And she said, "Well, Mama, he -- seeing them together, I'm not surprised at all." And I -- I'm afraid I didn't want to hear about it, you know?

Q. Yeah.

A. Because she's over there in the same house, and his daughter is there, and she's giving my daughter a hard time. And she came running up to me at school one time when we went to get -- when we first moved down here, we went -- five weekends in a row, we went back to Cheraw to get him -- I think you may have heard me mention that -- so he ---

Q. Yes, ma'am.

A. --- could see that we had not deserted him. And one of those weeks, we picked up his friend, Clayton Brock, the one I mentioned about the swimming pool.

Q. Yes, ma'am.

A. His daughter came flying over there where I was, and she acted like I was her long-lost friend. And I said, "Daughter of John Doe 1's father, let's just cut all of this and tell me what you're here for, because I know

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you're dying to ask me a question." And she said, "Well, did you come to get John Doe 1? How long are you going to keep him? Is he going to live with you?" Just on and on and on. And I said, "You need to ask your dad that. He would be the one to know that, because that's where John Doe 1 lives now." And I've heard other things that she's done for him.

There's so many people on this earth who are victimized and don't even realize it. I don't think -- Father of John Doe 1 is musically inclined. My son is, also. They both are guitar ---

Q. John Doe 1 is a -- plays guitar?

A. I'm talking about my son, Chuck.

Q. Oh, I'm sorry.

A. But Chuck -- but John Doe 1 also -- he bought himself a wonderful guitar. And when all the folks were there when Cindy, my baby daughter, got married, Father of John Doe 1 was there and [redacted] was there, and they started talking about music and writing songs. And I said, "Father of John Doe 1, I wish so much that you could write a song that you would be pleased with and it would be -- would provide you with funds, because I know that would make it mean that much more to you." And I said, "And then I guess you'd give God the thanks for helping you do that."

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Because every good thing that we're able to do, I think -- we don't do anything alone, in other words. A lot of people confuse some good things that happen to them with God, when it's not God at all.

But anyway, he says, "Well, if it ever happened to me, I'd give the devil all the praise he wanted." And it set me back. And I said, "I think you're going in the wrong direction." And he says, "No." And then I got to thinking about the black fingernails and the hearse and the black hair and the -- all that stuff, and black lipstick even.

Q. Goodness gracious.

A. Trying to draw attention to himself, I'm sure. Because everyone laughed at him, some of them lovingly, because he was so strange. But ...

Q. And you knew him back then?

A. Yeah. And Mother of John Doe 1 thought he was so cool. She was a little girl, and she just said, "Mama, he is so cool."

Q. In Defendants' Exhibit 8, in December of '03, you're noting -- or Dr. Barwick notes there's "problems with him fighting or showing" "aggression to other kids." Do you recall that being a problem back in those days?

A. No, I don't. Because he -- we let him have friends at our house all the time, from school and other places.

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And he wanted me to -- he kind of, you know, took the person and -- no.

Q. If you look on the second page, it references that one of John Doe 1's teachers was pregnant and reported she was fearful of him. Do you recall that?

A. I recollect that somewhere, but I don't know why. I don't remember asking what made her fear him. Ms. Bellamy ---

Q. Do you ---

A. --- is that who we're talking about?

Q. I think there's a reference in the report here that says, "one of John Doe 1's teachers who was pregnant reported that she was fearful of him." You believe that was Ms. Bellamy?

A. I was just -- I knew that she was involved with him on some level. But I asked him why would she be fearful of him, and he said he didn't know. And I said, "Well, have you said anything to her that scared her, or have you done anything that you shouldn't have done?" And he says, "Well, no. But I noticed that she was pregnant." And I said, "John Doe 1, that's how you got here, you know. That's a normal thing. That's why we're all here." And I said, "You shouldn't stare at her and you shouldn't say anything about that to her."

Q. Was John Doe 1 having problems setting fires around

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that time?

A. He loved matches. There -- he went through a phase. We had to take everything that you could light with and either get rid of it or put it where he couldn't find it. Yes, he did. He had -- he went under the house once with a cigarette lighter.

But, now, listen, this happens to a lot of children and in a lot of families and in -- mostly it's boys; 99 percent of the time it's boys.

And I was gone to the grocery store, and my husband was -- he wasn't where he should be -- should have been, because John Doe 1 was too young to be on his own in the house, in the refrigerator, in the cabinets and all of that. He knew what drawers were his to go into.

And he had the lighter under the house, and he came flying out of there and went wherever my husband was and he says, "Pa-Pa, I've started a fire. There's smoke everywhere." And it -- my husband went in there right away and called the fire department.

John Doe 1 was terrified. When I got home, he was like -- you know, all those -- that fire truck and all those firemen and the neighbors and all of that. And he's -- my husband is out there jawjacking with the firemen, and I said, "Your grandson is in here

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trembling, and he needs somebody to assure him that yes, he shouldn't have done it, but no, he's not going to get killed for it." And he -- I couldn't get over that.

Finally, one of the neighbor women came, and she came in the door and she says, "Jane Doe, is John Doe 1 all right? Is -- did John Doe 1 do the fire or" -- and I said, "Well, I'm glad you're here."

But yes. He went under the house with a lighter. And there's a lot of pine straw down there. And he did not deliberately set it. Let's put it that way.

Q. Okay.

A. But he is -- he's very -- even now, he is interested in fire and what fire will do.

Q. Flip over to Defendants' Exhibit 10. It's a medical record from Dr. Barwick of February 19th, 2004.

(Off the record)

Examination Resumed by Mr. Foster:

Q. This is Dr. Barwick's report dated February 19th, 2004. And just based on the police investigation and the interviews with John Doe 1 conducted by Wiley Garrett, the alleged abuse by Mr. Rhinehart would have occurred, you know, sometime late in 2005. So this is before any of the alleged abuse by Mr. Rhinehart. This is a medical record that references John Doe 1 becoming

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aggressive and physically attacking you. It says that, "Grandmother described an incident last week where John Doe 1 began hitting her, leaving some bruises around her shins" ---

A. Yes, he did.

Q. --- "after she refused his demand to go and cook him breakfast." Do you recall that -- I'm sure you recall that occurring?

A. I'm sure -- I do recall that he has struck me more than once. But I have to tell you that children learn what they live, and Father of John Doe 1 has knocked his elderly mother flat on the floor more than once. And I don't need to know anything else about him to despise him.

Q. That would do it, yeah.

A. Yeah. After all she -- well, she -- I'm sure she added to some of the ---

Q. Father of John Doe 1 ---

A. --- ego.

Q. --- hit his own mother?

A. Yeah. Knocked her flat in the floor. And guess who told me that? His mother.

Q. When did she tell you that?

A. She told me right soon after it happened.

Q. Was that ---

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A. Oh, I'm sorry.

Q. --- years and years ago, or ---

A. Well, she's been dead for, well, nine years, anyway. She would -- she'd be very elderly -- she's 20 years older than me, so she'd be 96. I wanted her to know that she is not the only one that he hits. But I didn't say anything, because I wanted her to go on thinking she had two wonderful boys.

Q. Now, you mentioned, I think, in this record of it -- and the record speaks for itself -- that your concern was that the aggression might be modeled behavior. You ---

A. Yeah.

Q. --- referenced ---

A. Yes.

Q. You think -- you were afraid he was copying what he saw his dad do?

A. Right, I do think that. And I also think that he began to fight back when he saw that you could do that and get away with it, because of things -- John Doe 1 was kind of looked upon as, "Let's put him back here and, you know" -- that's why the Scout troop seemed like such a good thing. Because he was -- the guy -- Paul was such a wonderful man, and his wife was there. And Shelby was -- Shelby is a nice lady. I would reserve

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my comments about Jackie, because -- well ---

Q. We'll get to all that. There were other instances where John Doe 1 -- you mentioned other instances where John Doe 1 became violent with you?

A. He grabbed me by the arm and shook me one time, because I said no, he couldn't do something.

Q. Okay.

A. And I said, "You can't shake me to death. You're not going to do it. I don't care" -- so -- and I said, "I don't know where you got the idea you could do that, but you can't." And I said, "All I have to do is call Pop."

Q. Would he ever get violent with Pop?

A. Oh, no. But what I meant was, well, I could fix him

Q. Yes, ma'am.

A. I've been -- I've been soft with him at times, because I know what he's been through. And this -- this thing is one of the -- I think you can get through any kind of problems that a child has if you love them enough and they know it and you let them say anything they want to say

The thing that echoes in my ears is how he loved Brian and how much he thought Brian loved him. I just -- that just blows me away, that, knowing what he knew ...

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Q. Let's flip to Defendants' Exhibit Number 11. It's the next one. And this is Angela Bellamy's record of March 31st of 2004. And I won't try to get you to read this. It really is a very, very poor copy. But it references an incident where apparently you were trying to get -- John Doe I had gotten up in the middle of the night and gone over to the neighbor's.

By Mr. Meyers:

Are you in the top paragraph, Bill?

By Mr. Foster:

Yeah. I'm trying to find a good place to start.

By Mr. Meyers:

I had the impression when I saw the copy, which was all I had to start with, that this was the real thin onion-skin paper, and so it almost copies -- what's on ---

By Mr. Foster:

Both sides.

By Mr. Meyers:

--- the back comes through some of it ---

By the Witness:

(Reviewing document) Yeah, it sure does.

By Mr. Meyers:

--- which is unfortunate.

By the Witness:

Well, I can still read it.

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Examination Resumed by Mr. Foster:

Q. Do you recall calling the 24-hour on-call about an incident with John Doe I where he attacked you when you were trying to get him to put some clothes on, and that your husband had to break up the confrontation and threaten to call 911?

A. That -- you know, that -- I don't remember anything about that.

Q. Okay.

A. I'm trying to -- 2006?

Q. No, ma'am. This is ---

A. Oh, 2002?

Q. 2004.

A. Okay.

Q. If you look right here, you'll see March 31st of 2004.

A. I've got you. Right here?

Q. Yes, ma'am. And it states on the second page, "His grandmother is very concerned about his behavior due to something making him rageful." Seeing as how this is before the alleged abuse by Mr. Rhinehart, do you have any idea what would have been making John Doe I so rageful that he would attack you?

A. His medication is the only thing I -- when he went to New York to stay with his mother for a while, she took him -- he's -- they had him in their program

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immediately. Within a week, everything was taken care of.

Q. In New York?

A. Yes. And what they did -- the first thing they did was ask him why in the world he was on Risperdal, and he said, "Well, that's what they decided was best for me." And she said, "Well, you're not going to get any of it up here, because it's too strong for you."

And I have to go back to a couple of other incidences in his behavior ---

Q. Yes, ma'am.

A. --- and I know that medication had as much as anything to do with his reaction. So I don't -- I don't blank -- I don't erase things that I don't want to think about anymore that are like this, but I really don't remember this.

I can't -- at 6:50 a.m. -- oh, you know what? It was medication, and I do remember it. And I was upstairs calling the mental health office. They have a crisis line.

Q. Yes, ma'am.

A. And he asked me to describe what things were going on and I told them. And they asked me what kind of medication he was on, and I told them. And, "How long has he been on it?" And, "Has this happened before?"

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And I said, "No, it hasn't. And that's why I'm wondering why it's happening now, because I haven't seen anything like this."

And if I'm not mistaken, it was determined that either he was off his medication or he was not taking it, you know. I don't -- he was never allowed to take his medication on his own. But it amazes me -- I had this experience with his mother -- they can really make you think they've taken medicine when they haven't sometimes. And you trust them, you know. They know why they're taking it.

But John Doe I and Mother of John Doe I both have told me that the medication made them sleepy. And they put Mother of John Doe I in slow motion, and I'm thinking, "That's where she needs to be."

Q. "That's what we're trying to do"?

A. Yeah, right. Thoughtful.

Q. Yes, ma'am.

A. And I know why I called them. I'd been up all night long, and I was at my wit's end. And I said, "John Doe I, we need to talk about this and figure out what's going on here." And that's when I decided to call them. And the first question they asked me was about his medicine. And I said, "I gave it to him myself. I saw him take it." And later he told me that he had not

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taken it.
Q. He spit it out or ---
A. He said, "Sometimes I do it" -- he showed me what he did. And now -- well, he gets an injection now, because that's the only thing you can do that you know ---
Q. They're taking?
A. I pretend that he's diabetic, because a lot of diabetes patients do that. But all the medication has good and bad.
Q. Let's flip over to 12. And I'm going to try to speed things up and not wear you out too much with these. But this is Dr. Barwick's note of April 14, 2004. Do you recall an incident where John Doe I stabbed a boy in the arm with a pencil at school?
A. No. Let's see. (Reviewing document) "That that is what he should do, is tell the teacher, so they were concerned that the teacher did not respond." John Doe I "admits his father has told him that if someone is" -- yeah, he -- this is true, because he's told me that. "Fight back." And that is not what you're supposed to do. You're supposed to tell somebody.
Q. The therapist, I think, mentions that they were concerned that he was getting inconsistent guidance. You were telling him to tell the teacher, and his

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father was saying, "Fight back." Was that a problem that you felt was occurring with John Doe I, getting sort of what you viewed as bad advice from his father?
A. Yeah, I think it's very bad advice. Well, now, if somebody is trying to kill you, I mean, that's different. You're permitted to -- self preservation permits you to defend -- but you don't settle anything with acts of violence.
Q. Let's flip over to 13 real quick. It's a little bit better copy than that last one. This is May 7 of 2004, a note from Ms. Bellamy.
A. I was just ---
Q. Oh, sorry. And if you want to keep reading that one, that's fine too. But ---
A. No. I just -- I noticed the word "bullied," and I had thought for a long time that that was happening to him. And I think it was when he -- he was little; he was tiny. He was, you know, very small at this time.
And I'm not saying he didn't do things he shouldn't, because he did. But knowing how he loves the boys that are his friends now, and defends them and trusts them and all that, it's hard for me to believe that he would respond unless he was being bullied.
Q. Okay.
A. And now we're looking at ---

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Q. Number 13.
(Off the record)
Examination Resumed by Mr. Foster:
Q. This is a note of a meeting you had with Ms. Bellamy in which you advised her that John Doe I was going to go live with his father due to the disruptive behavior at school and at home. It says, "Grandmother told me that the behaviors got so uncontrollable that she can no longer handle it. It also appears this is starting to hurt her marriage, and there could be a possibility that she could lose her marriage."
Further down, it references that John Doe I "continues to be aggressive toward her. It even appears in the last week, he had hit her in the stomach and almost caused a wreck when she was driving." Do you recall that happening?
A. Yeah.
Q. Okay.
A. When you've put children before husbands before -- it won't work. And he wanted to go and live with his father, because -- well, I have to tell you, we were strict. We had rules. And when he didn't obey the rules, then he was -- things were withheld from him that he wanted, like TV time and, you know, other things.

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But my husband and I have had more than one -- and I have told him not to make me choose, because I would have absolutely no trouble. And ---
Q. Is that about the time that John Doe I went back to live with his dad? Did he, in fact, in around May of 2004, go back to live with his father?
A. Well, he was living with his father in 2005, because that's when he was in the hospital and called me and told me where he was, and the day before I was to have my surgery.
Q. When did you have -- when was that? Do you recall sort of what time of the year, what month it was that you had to have ---
A. Yeah.
Q. --- your surgery?
A. Yes. January of 2006.
Q. January of 2006?
A. Mm-hmm (affirmative).
Q. Okay.
A. January the 6th, I think it was.
Q. So that's after -- January 6th of 2006, that's after Mr. Rhinehart was arrested and all that?
A. Yes.
Q. Okay.
A. Yes.

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Q. When would John Doe 1 -- you know, in May of 2004, John Doe 1 is apparently still living with you and your husband. Was there a period of time that he left and went to live with his dad again, you know, through the time that, you know, Mr. Rhinehart was arrested and all that came to light? Kind of take me from May of 2004 to January 6th of 2006. Where was John Doe 1 living during this period of time?

A. My daughter told me several years ago that I ought to be journaling.

Q. Yes, ma'am.

A. She said, "Mama, you don't have to try and remember. You've got it right there." And I've never ---

Q. And this is a long time ago. I realize that.

A. I know. And it's like I said; we get through things, and then we go on with our living. And I feel -- I feel funny about making records that can serve no useful purpose whatsoever, as I can see, except to answer questions like you're asking me and he asked.

Q. Understood. Well, as we get further along in the records, maybe we'll try to refresh your recollection. I'm sure I wouldn't remember things that long ago very well. If you look at Defendants' Exhibit 14, this is a clinical service note dated December 29 of 2004.

This references a call that came in, and I

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think it's Nikki Parker. And she notes that this is Ms. Bellamy's case, but that she was on call when the call came to the center. Your husband, apparently -- John Doe 1's "grandfather called in wanting a new" prescription "for Concerta."

And she references hearing an argument in the background. Ultimately, you get on the phone and state you, quote, "had to fend John Doe 1 off her, and that he was threatening her with a knife." Do you recall that incident?

A. I remember the incident. But what I don't think any of the people involved here understand is what mental health can do -- mental illness can do to you. And having been to all these places with his mother and watching what happened to her and seeing mistakes that I made because I wanted her to be a good little soldier, you know, and do what she needed to do -- and I worked all the time. I had to, because I was single for 14 years.

And I decided that I could -- most of this part of it is about my husband, because it's almost like he's looking for reasons to -- and now he -- you know, he's different now. He loves -- he's loved John Doe 1 from the very beginning, but he has -- he really sees that what you accumulate in this life doesn't make a hill of

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beans' difference; it's what you do, what you contribute to others or to whomever needs you.

You know, I was -- this is -- I'll hope you'll understand why I'm telling you this. But when I came up off the ramp over here on 51 -- exit 51, there was a boy standing there on the side. You've seen many of them. I used to give them money every time I came up on the ramp, and my husband got madder and madder about it. He said, "Let them get a job." All men are like that. I don't know a single man who's not like that. And I was thrilled today that he wasn't with me, so I said, "I'll do exactly what I please, because I know it's the right thing to do."

And he wouldn't have had that sign there, in that embarrassing position and place, if he wasn't needy. And you could look at him and tell it. So I held the money out the door -- the window -- excuse me -- and he dashed over to the car. There was nothing coming in that lane.

And that was -- and see, I'm not saying that because I want you all to think any way or other about me. It was just wonderful to be able to do it and not have to listen ---

Q. And not have to hear ---

A. -- to my sweet husband.

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Q. -- your husband tell you not to do it?

A. Right. He says, "I guess you'd give them your last dollar, wouldn't you?" And he doesn't know how big a "yes" I would have said. Because that's what we're supposed to do; we see a need, and we're supposed to fill it. Okay.

Q. See, I would have tried to give him money, and my wife would have told me to quit doing that. I guess the roles are reversed in my house. She's the tough one.

A. I watched a boy pull some slices of cheese out of his book bag sitting at Barnes & Noble at Myrtle Beach, and he was trying to eat it without anybody seeing him. I don't want John Doe 1 to end up that way.

Q. Yes, ma'am. If you would, look at -- let's just go back. For some reason -- do you recall why John Doe 1 threatened you with a knife?

A. He was off his medicine, and I was saying no to something he wanted to do.

Q. Your experience with your daughter and with John Doe 1, you obviously had to have more experience with schizophrenia than I'm sure you would want to have. But is it something that sort of, as they get older, the symptoms get worse, more ---

A. No.

Q. They don't?

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A. Mother of John Doe 1's symptoms are much – they're not – she's not as bright as she used to be, as sharp as she used to be, but she's also – no. No.
Q. But your —
A. And I – excuse me. I'm sorry.
Q. No, no. You're fine. So during this time frame of 2003 to 2004, John Doe 1's outbursts and aggression are definitely getting worse; isn't that true?
A. No.
Q. Okay. Well, it's gotten to the point in May of 2004 that you —
A. Oh, I'm sorry. Were you talking about earlier then?
Q. Yes, ma'am.
A. I'm sorry.
Q. No. It's —
A. I think this has been going on a very long time.
Q. The deposition? It has definitely been going on a very long time.
A. I'm —
Q. In this period of time, sort of in 2004 up to May 2004, when you tell the lady that you're going to send – you think you're going to have to send John Doe 1 back to his father, his aggression and outbursts were getting worse?
A. Well, he wanted to be with his dad. Do you realize

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that, no matter how a parent is, a child always worries about them, wants to see that they're all right? He knew he'd been in jail, knew he didn't live with Beverly anymore, and they had – he – Father of John Doe 1 ...
Q. Let's look at 15. And please finish, if you want to.
A. I was – I was rambling again. But I do think it's all connected somehow.
By Mr. Meyers:
Bill, do you mind giving me a break for a few minutes —
By Mr. Foster:
I don't mind at all.
By Mr. Meyers:
— before we start in on 15? Okay.
(Off the record)
By Mr. Meyers:
What part of 15 do you want to focus on, Bill; the bottom of the page?
By Mr. Foster:
Yeah.
Examination Resumed by Mr. Foster:
Q. Now, is —
A. Oh, my gracious. "Client is accompanied by his grandparents who state with great exasperation that

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they haven't slept in 2 nights." Well —
Q. And that's probably an understatement —
A. Yeah.
Q. — if you haven't slept in two nights. I would be very exasperated. This kind of gets us to the point where - and this is January 11th, 2005. You haven't slept in two nights. It references that John Doe 1 "had recently threatened his grandmother with a weapon and 2 nights ago he took the family car without permission and tried to drive to Asheville."
A. Wait just a minute, sir, please.
Q. Oh, absolutely. I'm sorry.
A. Did you -- did you just say January the 11th, 2006?
Q. No, ma'am. January 11, 2005.
A. Oh, I see. This is December 30th, 2005.
By Mr. Meyers:
Well, actually, there's a lot of pages with that December 30th stamp on it.
By the Witness:
Okay.
By Mr. Foster:
Yeah.
By Mr. Meyers:
We don't know what that is. Here is another date that looks like the date of this entry.

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Witness Continues:
A. 01/11/2005. That's it.
Q. I apologize. Yeah. I should be referring you to these spots, and you could see them more quickly. But yeah, if you look down right here in the corner, that date is the date of the report. Tell me about the incident with John Doe 1 taking the car and trying to drive to Asheville.
A. I was lying in bed reading. My husband likes to go to bed early, and I like to read, so sometimes he sleeps in another room. And this particular night, I was in our bed reading, and John Doe 1 got up and came in and he spoke to me and said he was going in the kitchen and get something to drink, and was I sleepy. And I said, "Well, I'm reading."
And I remember thinking how funny it was, because it was so obvious what he had his mind on. And it wasn't whether I was sleepy or not, but, "When are you going to sleep, so I can do what I'm planning to do?"
I don't know how he got out without me hearing him, because I sleep real light. But about 1:00 o'clock -- this was about 11:00. And about 1:00 o'clock in the morning or 1:30, a deputy from Asheville called and said, "Is this Jane Doe?" "Yes." "Do you have a grandson named John Doe 1?" And I said, "Yes,

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do. What's wrong?" Because I didn't realize John Doe I wasn't in the house at that time. And he says, "Well, I was on duty, and he flagged me down." And he said, "I've got him right here." And I said, "Where?" And he said, "In Asheville."

And I looked at my husband and I said, "John Doe I is in Asheville." And he said, "He's what?" So he gets up and he sees one of the cars gone. And he said, "Well, he must have driven himself up there." And we were very upset, you know. He was 13 years old. Was he 13? Let's see.

Q. I think that's right.

A. '91 -- no. Yeah. Well, just about -- he was somewhere around 13. And he'd been wanting to learn how to ---

By Mr. Meyers:

I was going to say, his birthday is in May, if I remember right, so he was short of his 14th birthday.

Witness Continues:

A. '91. He's 14, right. Okay.

By Mr. Meyers:

But I really had no business interjecting like that.

By the Witness:

Thank you.

By Mr. Meyers:

Sorry.

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Examination Resumed by Mr. Foster:

Q. How old was he?

By the Witness:

Fourteen?

By Mr. Meyers:

He was 13 in January of '05. He would have turned 14 in a few months.

By the Witness:

Right. Right. Okay.

Examination Resumed by Mr. Foster:

Q. How did he know how to drive a car?

A. Well, I didn't let him drive without a license. And I didn't ask my husband; I don't think he would have, either. But John Doe I is smart.

Q. He'd seen ---

A. And he's ---

Q. --- you all do it, and ---

A. He's also crafty. But the deputy said, "He's fine. He's driven up here." And he told me what kind of car he was driving, and he said, "He flagged me down, and showed him where to pull -- you know, he came off the interstate. And he told me what he had done." And I said, "What had he done?" And he said, "He drove your car up here, because he's going to New York." And I started laughing.

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I said, "Well, has he had an accident? Has he hurt anyone? Is he all right?" And he said, "He's fine. No accidents, no anything. And he's sitting right here telling me all about what he did and why he did it."

And he seemed to think -- we -- tell me what kid wants to live with grandparents. Nobody. So he was trying to find his mother and see if she wouldn't let him come and live with her. And so when we got there, I think he thought we were going to really fly into him, because he was kind of sheepish. And we just -- all we did was put our arms around him and hug him and thanked God that he was safe and thanked God that he hadn't hurt anyone.

Q. Made it all the way to Asheville without wrecking the car ---

A. Right.

Q. --- and hurting himself?

A. Well, I didn't care about the stupid car. You can get another car.

Q. That's the truth.

A. Anyway, he said, "I know I'm going to get punished." And I said, "Well, I don't know. I wish you hadn't done it, because you shouldn't have. And now the deputy knows you did it. And, you know, some things,

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you carry the rest of your life."

And he said, "Does that mean you don't hate me?" I said -- we both laughed. It's really not funny. I don't -- sometimes you laugh when you're nervous; you know that?

Q. Or when you're relieved.

A. Right. So we thanked the deputy and we got him in the car. I drove one car and he went with my husband, because I think he was afraid that I might come down on him in the car, away from anyone. And he had a reason to think that; because sometimes I have done that, because I didn't feel like making somebody else uncomfortable because of what he did, and I was his grandmother, you know?

Q. Yes, ma'am.

A. So I told my husband before he got in the car with him, I said, "There's a restaurant up the road about a half an hour. Let's stop there, and we'll get to talk some about it and we'll" -- we pulled in there, and he ate so much I could not believe it.

And he got more and more talkative and more and more -- anyway, he said, "Grandmother, I think I need to be with my mother." And I said, "John Doe I, you should have said this before you did that, because maybe we can work something out." And we got him home

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We shouldn't have fed hamburgers to him till he had had enough. There should have been some discomfort in it for him. But we were so grateful ---
Q. That he was okay?
A. And he gave us the information. We didn't have to pull it out of him. He was sorry. He said he knew he did something he shouldn't have done, but he wanted to go where his mother was. So ...
Q. On the second page -- and again, I apologize for the quality of these copies -- there's a reference here in I believe the second full sentence; "Recommendations at this time include having the grandparents take him to DJJ and charge him, have him declared incorrigible and ungovernable. Also, they should try to obtain legally custody." Did any of those things happen after this incident?
A. No.
Q. At some point after this, did John Doe 1 go visit or stay with his mom, between January of 2005 and the time that you had your surgery in January 2006?
A. His daddy took him up there and dropped him one time. And Mother of John Doe 1 has a situation where her partner from whom they -- they've split now over this, over him. She said, "I have to keep the peace." And I said to her, "Mother of John Doe 1, you had John Doe 1

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before you had Eric, since -- you're having trouble with your priorities." And she says, "Mother, I also have Andrew, and Eric is his father." And I said, "I don't care. Eric is -- Andrew has Eric. Who does John Doe 1 have?" And ---
Q. Let's flip over to Defendants' 17.
A. I was trying to read this ---
Q. Oh, yeah. It's -- I know. We may follow up with them and see if we can't get better copies. If we ---
A. I hope you didn't pay somebody for those things.
Q. I don't know. I think Gregg is right; it's the type of paper they're using. But if you'd look at Defendants' 17, this is March 22nd, 2005. Apparently -- and the reason I pulled this is that, at this point, a few months after the incident where you were -- or with John Doe 1 driving or taking the car to Asheville, he's now living with his dad again?
A. I thought Father of John Doe 1 -- when we found out where he was and that he had taken the car, I said, "Father of John Doe 1, I think you need to spend more time with John Doe 1. I think he needs to know that he has a father and who knows he's here" and all this. And I told him where he was, and he did not call back to see how he was, if we got him, or any of that stuff.
And so I called him again and I said, "You know

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what? I think he needs to be with you, because he's -- he obviously feels deserted by both his parents. And my husband says we need a break, and we can't -- because he scared us to death."
And so yes, I guess he was now living with his father and stepmother. And I knew that was dangerous too, because she -- if a stepmother will say horrible things about a child in front of a child, that is a dangerous person, you know it? Well —
Q. Yes, ma'am.
A. — you know it. I don't have to tell you. But I have to -- I often have -- I have won this battle, though, now. And I have told ...
Q. Do you recall how soon after the Asheville incident he would have gone to live with his dad?
A. I really don't know.
Q. Okay.
A. I know that he -- I was afraid for him to go over there, because I knew his dad would beat him up or something. Because that's what he always said: "Why can't you behave yourself so your grandma won't have to send you back over here? Why can't you behave yourself so she'll let you stay there?" And ...
Q. Were you concerned when you let him go back over there that John Doe 1 could be ---

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A. I was.
Q. — physically harmed?
A. I was. But I was more afraid of the stepmother's influence, which was absolutely cruel sometimes. Cruel.
Q. Would she be physically -- because I think you mentioned where you felt she was physically abusive to ---
A. You can do more damage with this (indicating) than you can with —
Q. With your words ---
A. Right.
Q. --- than your physical -- so she was verbally abusive?
A. Yes.
Q. If you look at 18 -- and I think you're on 17 now. If you grab the next one right there on top of the stack -- I'm sorry. If you look in the middle, this is a medical record, Defendants' Exhibit 18, March 23rd, 2005. It's from Judith McChesney. And the only thing I noted here is that it says, "Client" -- and this is the second -- third sentence here -- "Client has just been discharged from MUSC." Do you remember John Doe 1 being sent to MUSC?
A. That's where they had gone -- that's where they had taken him when the accident occurred that got him so

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fearful of cars, riding in cars.
Q. Okay. Why would he be taken to the Medical University of South Carolina for a car wreck?
A. I think [redacted] was trying to make issues out of everything that happened so that she would have grounds for —
Q. To have him committed?
A. And getting rid of him. And what ended -- what happened, she ended up being gotten rid of herself. And ...
Q. [redacted] did?
A. She is -- they don't live together. I don't know if they're divorced. I have no idea. But once again, I would like to tell you -- and I know you know it, so I'm really telling you something I don't need to, but I want to anyway, because it makes me feel better.
Q. Yes, ma'am.
A. When a child is treated by everyone the way he has been treated, and every time he trusts someone and feels like he is accepted and loved by that person, and then he gets a foot in his teeth, it is a miracle to me that he hasn't done some real damage. He's 20 years old now, and he's still -- he likes our love, but he wants somebody outside of people that are family.
Well, now my daughter [redacted] now, he's -- he has a

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love affair going with her and she with him. And every time she comes down here -- she's coming in three weeks -- she takes him off by himself, just the two of them, and she takes him to places where he likes to go. And the last place was to Frank's Fun House. You know where that is, down the street here?
Q. Frankie's Fun Park?
A. Uh-huh (affirmative).
Q. Yes, ma'am.
A. That's where he decided he wanted to go. And she'd never been. And she said, "Mama, that is -- that place is groovy. I can understand why he loves that place."
And she sends him cards, writes him letters, just very loving. She said, "I love him. You know that. But Mother of John Doe 1 can't do anything for him, so I can help her and him that much."
Q. Is Mother of John Doe 1's medical condition now such that she could -- or her -- I guess medical condition is the best way to say it. Is she capable of caring for John Doe 1 herself?
A. He's been there long enough this time that -- so far, things are -- seem to be -- I don't like him being up there, because I don't think it's -- well, look at me, trying to hang on. And it's not that. I'm trying to protect.

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Q. Yes, ma'am. You mentioned that she's got a situation or —
A. They both have rented a room from -- the man who -- from whom they rent the rooms has -- had a wife who had had a stroke. And she went to his house a couple of times a week and grocery shopped for him, did some cooking and laundry for him, and even helped care for the woman before she —
Q. Mother of John Doe 1 did?
A. Yes. — before she died. She died last year sometime. And she said, "Mother, I don't want you" -- John Doe 1 had called her upteen times wanting to come up there because of the river, because of Eric and the fishing and the hunting and the turkeys. And I understood. There's nothing going on at our house that would interest a boy his age, except he has his own room and bath and a nice TV and other things, a computer and stuff like that. But ...
Q. We talked about the allegations of the Complaint against my clients, the Palmetto Council of Boy Scouts, St. Margaret's, Shelby Culbreth, Jackie LaFontaine, all the individual Defendants I named. It's in essence about the letter that was sent to John Doe 1. If you look at Defendants' 20 -- I think you looked at it before with Jim, but let's look at it now. That's the

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letter to Father of John Doe 1. Prior to this lawsuit being filed, had you seen the letter?
A. No. Oh, yes, I have. But I didn't -- I was only showed it. I came over there in the car either to get John Doe 1 or to bring him home, and Father of John Doe 1 brought it out here and showed -- out to the car and showed it to me.
Q. Did he ever tell you -- and I apologize; I know you've been asked this probably before -- but did he ever tell you when he received it?
A. My -- well, I understood that he received it the day he called me, because he said, "You won't believe this."
Q. Do you know what day he called you?
A. Oh, no. It's been years..
Q. Let's do -- and this is something I did with Father of John Doe 1 as well, and that's just to get this calendar out to try to help us a little bit to look at a time frame of events. And I can pull the police report out, but I think, just to speed things up, October 7th is the day that Martha Petoskey contacted the police about the fact that John Doe 1 had told her that Brian Rhinehart was molesting him.
By Mr. Meyers:
And Jane Doe, so you know, we agree with that day, because Exhibit 22 is the police report, dated October

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7th by the police officer, about getting the phone call from her on that day.
By the Witness:
Okay.
Examination Resumed by Mr. Foster:
Q. And Father of John Doe 1 testified that the evening before, John Doe 1 had told him about that and that, in essence, he had said, "Well, you need to tell somebody at school."
A. Father of John Doe 1 said that? I can't figure that out. But ...
Q. Your testimony earlier was that you believe that John Doe 1 had told you that this was happening -- do you remember when John Doe 1 told you?
A. Would you believe that was traumatic for me?
Q. Yes, I would.
A. Well, do you know what trauma does to your brain?
Q. No, ma'am.
A. Well, the normal psyche pushes out of it everything that's unbearable to think about, if it can.
Q. Yes, ma'am.
A. And you get forgetful and you forget things, and that's how you are protected, by that. And I think that things were happening -- I know that -- I knew that he told someone at school, who did absolutely nothing.

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Q. You believe that John Doe 1 told someone at school —
A. Mm-hmm (affirmative).
Q. — that he was being sexually —
A. Yeah.
Q. — abused?
A. Yeah.
Q. Who was that?
A. I don't know her name, but I think he did mention it at school. We didn't really talk about it in depth. Because like I said, until yesterday, I had done very little talking with him about it and he had done no talking with me about it, because he felt like he had done something wrong.
Q. Okay. And so you don't know when sort of in this time frame -- October 6th, when Father of John Doe 1 says John Doe 1 told him that evening that he had been abused and that he told John Doe 1 he needed to "go to school tomorrow and tell somebody," and then, on the 7th, apparently John Doe 1 did that, because Ms. Petoskey called the police and they showed up at Father of John Doe 1's home to get the investigation started -- you don't know when John Doe 1 might have told you?
A. Well, I would say that it had to be before that, but it couldn't have been much before that, because as far as I know, he went straight home that day and told his

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dad.
Q. Okay. Where were you when John Doe 1 told you; in the car?
A. Yeah. I had just -- I had been over there to pick him up and take him home.
Q. Pick him up from —
A. Scouts.
Q. — Boy – from Scouts?
A. Mm-hmm (affirmative).
Q. Okay. And so you picked him up on, say, Thursday – the Scout meetings for Troop 292, I think, were Tuesday and Thursday?
A. Tuesdays. Yeah. Well, I'm not sure about the Thursday, but I know they met on Tuesday.
Q. You know they met on Tuesdays? Okay.
A. I don't know any Scout troop that meets twice a week.
Q. Yeah. I don't know why I'm thinking twice a week. That would be a lot for a Scout troop.
A. Yeah.
Q. So it would have been on – probably Tuesday, you would have picked him up and taken him home, so it could have been – you really don't know when he told you, but your assumption is, it would have been near the time he told his dad?
A. Yeah.

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Q. And that's because you had told him, "Tell your dad"?
A. Yes.
Q. Please don't think I'm being judgmental, but did you ever think about -- when John Doe 1 told you about it, did you ever think about calling the police?
A. Yeah, I did think about it. And I decided that, if I had done that, I would see Father of John Doe 1's temper, because he would feel like he -- that was in his area, and that I should not be in -- should not intrude.
Now that I know that he called -- told him to tell somebody at school and they called, you know, I could kick myself for not handling it and taking him home with me that day and saying -- but I can't. I have a situation where I can't -- I used to do things because I thought they were right, and it didn't matter to me what ---
Q. What happened?
A. Yeah. But it was important that John Doe 1 see peace and feel peace at our home, and love. And my husband would have taken Father of John Doe 1's stance on it, because he doesn't make waves if he can at all prevent it.
Q. Do you think it's -- Father of John Doe 1's reaction, do you find that to be odd?

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A. I do.
Q. That he would have said -- you know, basically tell his disabled, mentally challenged son, "Well, go tell someone at school," and then go to bed?
A. I think that it was heartless, and I think that it was another example of him passing the buck, which he was very good at and still is, at least in my most recent experience with him. But that's a time when you should ensure a child or be able to tell a child that it's not anything he did.
Q. You testified earlier that you during this time were pretty involved in John Doe 1's Scout participation; is that accurate?
A. Well, the thing that sticks the most firmly in my mind is the fact that he was anxious to get there when it first started, and there near the end, he did not want me to go. He ---
Q. He didn't want to go, or ---
A. He didn't want me to go.
Q. Okay.
A. He didn't want me to drop him and go to Wal-Mart or whatever, or to even sit in the -- sit out there in the yard. He wanted me to sit there on that pew right beside of the door unless I wanted to come in.
And I don't think I interfered. I mean, I think

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they were glad that parents were there. There were other parents there, too. Paul's wife was there always, and Doni was almost always there, but not always.
And I didn't pick up on the red flags like, "Now, Grandmother, I don't want you to leave. I want you to be right here, and I want you to sit right there" or, "I want you to sit in the car" and so forth and so on. "And when we get ready to go, when you know it's time for us to go, I want you to come to the door and call me." And ---
Q. So when John Doe 1 was interviewed by Wiley Garrett as part of the police investigation -- he interviewed him three times, and I'm sure sort of using whatever protocol they use, to try to find out what happened. His conclusion was that John Doe 1 had been molested on three occasions within the past three months by Mr. Rhinehart. So, that was in October, November, so it would have been, you know, September, August, July, that time frame. Is that ---
A. They didn't meet ---
Q. — there toward the end ---
A. — in the summer. They didn't meet in the summertime.
Q. They didn't meet in the summertime?
A. Hmm-mm (negative).

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Q. When did they stop meeting for the summer?
A. I don't think any Scout troop meets in the summer.
Q. Okay.
A. They didn't when I was involved.
Q. I'm sorry. I misspoke. When did they stop meeting, for the summer; like when school got out?
A. Oh, yes. It would have been -- well, you know, the kids are all scattered after school is out.
Q. How involved were you -- were you very involved in sort of what went on with the police investigation?
A. I didn't know anything about it.
Q. So you didn't know, in essence, the three incidents of alleged sexual abuse were two occasions at Mr. Rhinehart's home late at night, and then once behind the -- is there a creek behind the church?
A. A creek and a lake, and a boat and a pier and -- or a dock.
Q. But those are the three occasions; twice at Mr. Rhinehart's home and once behind the church, near the creek. And none of those were Scout events; you're aware of that?
A. You know what I'm getting tired of? You and others saying "alleged" when the perpetrator has admitted to doing it. So it's not alleged; it is absolutely true.
Q. Okay. I understand your feelings, and I apologize to

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even ask you questions about something that I know is ---
A. You're very nice. I hate to ---
Q. No, no. I understand. And I appreciate your patience, and I can't even imagine how unpleasant all this must be. And so I truly don't want to pester you or to make you feel bad. But ---
By Mr. Meyers:
He's got technical reasons why he's got to do that. It's ---
By the Witness:
I know.
By Mr. Meyers:
--- lawyer stuff.
By the Witness:
I understand.
Examination Resumed by Mr. Foster:
Q. It's lawyer stuff. But, you know, for whatever reason, Mr. Rhinehart has actually never admitted to the allegations involving John Doe 1.
A. Well, do you know -- you know what? That's not what Doni told me.
Q. Well, and ---
A. And why would she call me up and apologize and to see how John Doe 1 was if that wasn't true?

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Q. In any event, Mr. Garrett is the person who interviewed John Doe 1. And you believe John Doe 1 told the truth in the police investigation?
A. I think that John Doe 1 was probably -- he wasn't glad to be there; I can tell you that. And he's intimidated by police, because he thinks they're going to hurt you or that they're -- he's seen police come and get his daddy.
He's seen police -- [redacted] -- [redacted] would never call the police when Father of John Doe 1 did something he wasn't supposed to do. But she has three grown children, and they are the ones who call the police. And in the meantime, he promised and begged and pleaded, and by the time they got there, she decided to tell them yes, it was true, but she had decided not to press charges. So he got away with it again.
Q. What would he get away with -- Father of John Doe 1, what would he get away with?
A. He got away with doing things he shouldn't do.
Q. Abusing his wife?
A. Yeah.
Q. Abusing John Doe 1?
A. I can't prove that he abused him, but I saw marks that shouldn't have been there. And when I asked him about

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them, he got furious with me. He even -- Mother of John Doe 1's life over there was so hard, because she didn't have a car, a TV, a washer or anything, and she had a baby.
Q. Back when she was married to ---
A. Yes.
Q. --- Father of John Doe 1?
A. And Father of John Doe 1's mother thought she was going to be her maid, and I set her straight in a hurry. I said, "She's got a little baby. That's where her energy is going. And she's not living there to be your maid."
You asked me a question, and I have again ---
Q. You're doing the best you can. Don't worry about that. And my question, I believe, was, do you believe that John Doe 1 told the truth in the police investigation. And you were, I think, indicating that you felt he might have been intimidated or ---
A. I know he was.
Q. By the police?
A. (Witness nods head affirmatively) I've not seen John Doe 1 cry very much in his life. He's a very tough little boy. He's strong. But when I see tears well up in his eyes because he was afraid, I notice that. And I think he told part of what went on, and I think three

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times is ridiculous. And it's -- I don't know how in the world -- you know, the fact that he told that it happened -- I'm not sure he knew how many times it happened.
Q. You testified earlier today that last night John Doe 1 told you that there were times that Mr. Rhinehart would drive him back to his father's house -- John Doe 1?
A. Taking him home from the Scout meeting.
Q. Taking him home from Scouts, he would take him to Father of John Doe 1's house?
A. And one time, that I ---
Q. And one ---
A. --- know of ---
Q. --- time, he abused him in Father of John Doe 1's house ---
A. Right.
Q. --- because no one was home?
A. Right. And I said, "In your own house? In your own father's house?" And he said, "Yes." And I said, "How did that happen?" And he said, "Well, he took me home, and when he found out that they weren't there and probably weren't going to be -- because he asked me how long I thought they would be. And I told him that, when they went out to eat, it was usually a couple of hours before they got back. And he came in with me and

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did what he did."
And I said, "John Doe 1, that is -- that was so dangerous. Your parents could have come in any minute I mean" -- and I said, "I know you're telling the truth, because you don't lie to me." And he said, "I am telling you the truth, Grandmother. I promise you I'm telling you the truth." And I said, "I believe you."
But here's the thing. He couldn't settle down last night. He knew about the deposition today. And I said to him earlier, I said, "You know I've got to go over there, and I don't know how long I'm going to be gone, and I really don't know a whole lot to tell them except the main things. But it would help if I knew how many times it happened. It would help if I knew where it happened. And did it happen up until the time that you told it?" And he said a few things. He got him something to drink, and he went back to bed.
And he wasn't up in 20 minutes again. He sat across the table from me, and he said, "It happened not a whole lot of times, but it happened many times." And I said, "Was anybody around but you and him?" And he says, "Well, no, not when he was bothering me, there wasn't anybody else around." And I said, "Well, what about John Doe 2 and you upstairs?" Because I

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understand that's where some of it took place, up there.

And that he had -- I asked him did he ever see him with a camera. I already told you that. And he said, "No, he didn't have a camera, but he had his computer." And I said, "Well, did he show you things on the computer?" And he -- you can see the fear on him when -- it's like -- Brian said to him one time -- John Doe I told me this -- he said, "I will find you if you do anything -- if you tell anyone about this, I will find you."

Q. And so you asked him if there was anyone around when he was messing with John Doe 2?

A. (Witness nods head affirmatively)

Q. And did he say there was —

A. I said ---

Q. — someone else?

A. --- "Where was John Doe 2 when all this was going on?" And he says, "Well, sometimes he was with me." And I -- this picture went off in my head that he used the two boys to get his thrills. I don't know that that's the right terminology, but you know what I mean.

Q. Yes, ma'am.

A. And it's very difficult to kick stuff out of your head that you ...

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Q. There was -- you were -- do you need a break?

A. No. Well, I know my attorney would like to go home to Charleston or wherever ---

By Mr. Meyers:

I'm all right. Don't worry about me.

Examination Resumed by Mr. Foster:

Q. Most of John Doe 1's life, he's lived with you; you've been his protector, his champion ---

A. His grandmother ---

Q. --- his grandmother?

A. --- that loves him. And he knows that, and he trusts me.

Q. That sums up all those things.

A. Okay.

Q. You're his grandmother, and ---

A. Well, I don't have ---

Q. We know what ---

A. --- on armor or any of that stuff, horns on my ---

Q. Well, we know what that means, though. We know what "grandmother" means.

A. Yes.

Q. And you testified that, before that, before John Doe 1 came to you and you were the first person he told about this alleged abuse, that you obviously didn't suspect something like that was going on, correct?

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A. I was floored. I was absolutely floored.

Q. Do you have any reason to believe that Ms. Culbreth or any of the folks that I represent -- Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks and Scott O'Neill ---

A. I don't know any of the people you've -- whose names you called out, except Shelby and Jackie.

Q. When this letter was written -- and this is to Father of John Doe 1. "This is a letter to inform you that as of 10/10/05, your son John Doe 1 will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions." Do you have any evidence or proof that Shelby Culbreth or Jackie LaFontaine knew that John Doe 1 had reported to the authorities that he had been abused by Brian Rhinehart?

A. The behavior of people is what I'm going by. And there was -- it shocks me that Shelby's name is on here, because she was -- she didn't fit with the other people that I'm thinking of there.

And I know you're going to think this is weird, but I don't -- this doesn't look like the letter -- this (indicating) doesn't look right. That signature doesn't look right. And I'm wondering if it could possibly be two letters.

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Q. Because the letter doesn't say anything about, you know, "You can't be in the troop because you've reported Mr. Rhinehart to the police" or anything like that.

A. It doesn't have to be there for it to have happened.

Q. Okay. What ---

A. But the thing -- excuse me.

Q. No. I'm sorry. Why do you think this letter was because John Doe 1 had reported Mr. Rhinehart had abused him?

A. Did I say that?

Q. Or do you think this letter was sent because John Doe 1 had reported Mr. Rhinehart?

A. Well, I understand that he was accused of stealing. And I don't believe that for one moment. And yes, I believe a lot of things about him that I wish I didn't have to think about at all, but I don't believe that. Because the money -- he didn't have access to money except when he was selling things for Scouts. And every single time, it was either my husband or Brian that took him. Brian took the whole troop one or two times out to sell popcorn. I took John Doe 1 some around my neighborhood, which is not permitted in our neighborhood, which I didn't know at the time.

Q. Did the homeowners' association send you a letter?

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A. Yeah, the POA.
Q. I know about those people.
A. I said, "Well, okay. You don't -- you need to have a sign out there on the gate that says, 'No Soliciting' or whatever you call that."
Q. I've got one of those —
A. Have you?
Q. — homeowners' -- yes, ma'am.
A. It's like that at the beach too. I tell you, you can get tangled up in those things.
Q. Isn't it -- and I didn't mean to cut you off about the —
A. That's all right. I -- when I get tired and -- I'm not confused, but I feel like I've answered some of the questions more than once. And I'm not doing a good job; I know that. But —
Q. Isn't it true that, at one point, Jackie LaFontaine had spoken to you about her concern that John Doe 1 had taken some money out of her car, money that she had because she was selling things for the Red Cross? Do you remember that?
A. I do not recall that, no, sir.
Q. Do you remember, right before John Doe 1 was excluded from Troop 292, Shelby Culbreth calling you to come get John Doe 1 early from the Scout meeting because she had

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caught him breaking into her car?
A. No, sir, I don't remember that, either. I don't -- are you sure that happened?
Q. I'm asking you, do you recall if that happened?
A. No, I do not.
Q. Okay. You don't recall Ms. Culbreth calling you and telling you you needed to come get John Doe 1 because they had caught him in her car during the meeting, during the Scout meeting?
A. No, I don't remember it. But I'm wondering if maybe she called Father of John Doe 1.
Q. Could she have called your husband to come get him?
A. I think he would have told me.
Q. You don't remember having a conversation with Ms. Culbreth about, you know, this might be John Doe 1's last meeting because they had caught him breaking into her car?
A. Oh, no, that didn't happen.
Q. Were there problems that had been reported to you about John Doe 1's behavior in Troop 292 prior to the letter being sent excluding him?
A. No.
Q. Were you aware that John Doe 1 had been told that, if he didn't pay the popcorn money that was missing, that they suspected he was involved in, that he would be

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excluded from Troop 292? Were you aware of that?
A. I think that that is all made up; I truly do. Because like I said, either my husband or Brian one time or me -- or I were with him each time he was -- and he never had the -- he didn't have the money himself. It was turned in, and Brian took the money. And I don't know where in the world that comes from.
But you know what? That's a hard thing to -- for a child to prove is not true, because you've got all these grownups saying something, and ...
Q. I'm not trying to prove ---
A. I'm not ---
Q. --- John Doe 1 took the popcorn money or not, but were you aware prior to John Doe 1 being -- or Father of John Doe 1 being told John Doe 1 could no longer participate in the troop -- were you aware that the popcorn money was an issue?
A. No, I was not.
Q. Okay.
A. And when we heard about it, my husband said, "There's no way that can be, because you know that I was with him most of the time." And he was. Brian took them out one time -- the boys, all of them. And I took John Doe 1 as far around our neighborhood as I could until Paul Shannon told me that I -- that, "We don't do that

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around here."
Q. Did you ultimately pay for the popcorn money that was missing, you yourself?
A. Oh, no. Why would I pay for something that I don't know anything about?
Q. So your testimony is, you never contacted anybody involved with the troop and actually paid for the popcorn that was missing?
A. I never had -- I never thought about any such thing until my husband told me he had been -- somebody told him that this was one of the things that they were claiming that John Doe 1 did. And he looked at me, and we both laughed. And he says, "Well, we know that's not true, don't we?"
I will tell you something I guess I shouldn't tell you, but I'm going to tell you this anyway.
By the Witness:
Gregg, I'm going to tell him something that I probably shouldn't tell him, but I'm going to tell it anyway.
By Mr. Meyers:
Tell him the truth. That's all I can ---
By the Witness:
Thank you.
Witness Continues:
A. When John Doe 1 went to the -- to high school, he was

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really in the tenth grade, and he -- they graduated him. He wasn't graduated, of course, but he got what looks like a diploma. And Mr. Ryan Sherman felt good about giving him that, because he had something to show for -- one day when he was in Mr. Cummings' class, Mr. Cummings' drawer was open, his desk drawer -- is that a desk drawer -- was cracked, and he saw money in there. And this was after all of this. And he took a twenty-dollar bill and put it in his pocket and brought it home.

And he said, "Grandmother, I did something I shouldn't have done today, and I'm going to have to do something about it tomorrow." And he told me, and I said, "John Doe 1, I can't believe you did that." And he said, "Well, I'm going to take it back tomorrow and I'm going to tell him how sorry I am." And you know what he did -- Mr. Cummings? He wrote a note telling us what had happened and thanking us for sending John Doe 1 back to do the right thing.

And I called him, and I said, "We didn't send him back. He decided on his own that he wanted to do that." And I said, "I don't know why he took it, because he can have $20 if he asks for it here, if he gives a good enough reason for it." And then, when we had a meeting right before he graduated, or what -- he

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didn't graduate. He didn't participate in it. And I have to tell you that I was not real happy about how he was treated.

But you know, he said -- I thanked him. I thanked Colonel Sanders -- I said, "John Doe 1, please don't ever mention the chicken place to him." And he says, "Other people do, Grandmother, but I know better. I'm not going to do that." And he was nice too. And Mrs. Goforth -- I mean, they were all wonderful.

But anyway, Mr. Cummings said, "Please don't worry about that anymore. It would not be the first time it's happened to me. And you never know what a high school child is going to do. I mean, the ones who do these things will surprise you."

Q. So you don't know anything --
A. I don't think --
Q. -- about the --
A. -- it's serious -- I don't think -- it's nothing.
Q. You don't think there's anything -- you didn't know anything about the popcorn money situation at --
A. No.
Q. -- the time it was happening?
A. No.
Q. And you said you helped him go around and sell popcorn. How would they do it? Did they have popcorn to -- like

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they'd knock on the door and say, "Hey, do you want to buy this popcorn I have?"

A. They had to order it.
Q. They had to order it?
A. But they were -- the people paid the money beforehand.
Q. Okay.
A. And ...
Q. I'm listening. I'm sorry. I'm just --
A. I'm -- that's okay. I'm ...
Q. So the people would pay the money for the popcorn before the popcorn got there?
A. It's not like the Girl Scout cookies, which set up a table at Wal-Mart and sell the cookies, you know, and you get the cookie and you pay the money. It's -- they had to order however much the people wanted, and they chose the kind. So there would be no way they could go around with all that much popcorn and let people --
Q. They'd be tempted to eat it?
A. Well, possibly.
Q. That's what would happen if I was selling that popcorn. And you don't know Scott O'Neill?
A. No, I don't.
Q. So you don't know whether Scott O'Neill had any involvement in drafting this letter or the decision to exclude John Doe 1 from the troop, do you?

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A. I think they got together and decided to help Brian.
Q. But do you know whether Scott O'Neill was even involved in this letter?
A. I don't know him.
Q. How about Bob Faulks; do you know Mr. Faulks?
A. Hmm-mm (negative). I don't know the names.
Q. Okay. Do you have any reason to believe or evidence that Mr. Faulks was involved in drafting this letter or making the decision to exclude John Doe 1 from the troop?
A. I don't know, sir.
Q. How about Mr. Cole, Roy Cole?
A. The names are foreign to me.
Q. Do you know Rob --
A. Except for Shelby and Jackie, of course.
Q. Okay. Rob Green -- do you have any knowledge or information or evidence that Mr. Green was involved in drafting this letter or the decision to exclude John Doe 1?
A. I don't -- I would not know it.
Q. How about Brandon Smith; same? Do you have any reason to believe that he was involved or evidence that he was involved in drafting the letter or the decision to exclude John Doe 1?
A. I don't know him.

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Q. Okay.
A. All I can remember are the tears from the secretary, who was as shocked as I was.
Q. What was that secretary's name?
A. I don't know.
Q. Okay. I believe you testified earlier that you didn't believe the church had anything to do with sending this letter?
A. She said they didn't. And she shed tears to prove it. And she also said, if I could get a copy of the letter and bring it back to her, that she would get to the bottom of it for me. And when I asked Father of John Doe 1 about delivering it over there, he said, "It's not -- it ain't going nowhere. I'm keeping it."
Q. How would the letter harm John Doe 1?
A. Oh, gosh. "Your son John Doe 1 will no longer be able to participate in any functions that Troop 292 may hold" ---
Q. "Now or in the future."
A. That's like being ostracized from something that's supposed to be a ---
Q. Well, ma'am, the letter is to Father of John Doe 1. And the allegation in the Complaint ---
A. "Your son" ---
Q. --- is -- let me finish.

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A. Okay.
Q. Let me finish. The letter is written to the dad.
A. Okay.
Q. And Father of John Doe 1 testified yesterday that he knew that John Doe 1 had been told prior to ever reporting any alleged abuse that, if he didn't pay for the popcorn money that was missing, he'd be kicked out of the troop.
A. That's what they -- I've been told that they said.
Q. And that's what Father of John Doe 1 said that he knew.
By Mr. Meyers:
Wait a minute. I'm objecting to the form of that question.
By Mr. Foster:
Okay. Well, that's ---
By Mr. Meyers:
His testimony was, he got this letter after the report ---
By Mr. Foster:
But he also testified ---
By Mr. Meyers:
--- and before ---
By Mr. Foster:
And you're not testifying. And if you want to ask her questions, you ask her questions.

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By Mr. Meyers:
I'm telling you what's in the police reports that are your exhibits.
By Mr. Foster:
And I'm telling you what he testified to yesterday and what's in the police reports, which you're misrepresenting.
By Mr. Meyers:
Well, we disagree about who ---
By Mr. Foster:
Well, if you want to object to the form ---
By Mr. Meyers:
I did.
By Mr. Foster:
--- that's the proper thing to do. No, you didn't.
By Mr. Meyers:
That's what I did.
By Mr. Foster:
No. You're doing a speaking ---
By Mr. Meyers:
I'm objecting ---
By Mr. Foster:
--- objection, which is ---
By Mr. Meyers:
--- to the form of the question.

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By Mr. Foster:
--- a violation of the South Carolina Rules of Civil Procedure.
By Mr. Meyers:
No. I'm objecting ---
By Mr. Foster:
Yes, you are.
By Mr. Meyers:
--- to the form of the question ---
By Mr. Foster:
And that's ---
By Mr. Meyers:
--- on the ground that it misstates the evidence. That's ---
By Mr. Foster:
That's objecting ---
By Mr. Meyers:
--- the form of the objection.
By Mr. Foster:
And so you want to strike all your testimony you tried to give before?
By Mr. Meyers:
I'm just stating what the form objection is.
By Mr. Foster:
Okay.

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By Mr. Meyers:
Now, if you want to show her the documents and walk her through them, then I've got no problem.
Examination Resumed by Mr. Foster:
Q. Father of John Doe 1 receives a letter saying, "Your son can no longer participate in the troop." It says nothing about that it's because he reported abuse. How would John Doe 1 get the impression that the reason he received this letter was because he had reported Brian Rhinehart to the police?
A. Ask that question again, please.
Q. Sure. If -- the letter is sent to Father of John Doe 1 and it says, "This is a letter to inform you that as of 10/10/05, your son John Doe 1 will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions." That's given to his dad. How would John Doe 1 be led to believe that this letter was sent because he had reported Brian Rhinehart to the police on October 2nd?
A. I don't think there's anything there that would imply or indicate that. But I think it's very unusual that they do that and they don't put anything on there about what it was that caused them to do that, like, "He took money that wasn't his" or anything that would be on

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that letter that could be passed around or copied and so forth. Because, you see, they're not implicating themselves when they do that, until they accuse him of something. That's the way I see it. And if I'm wrong, I'm sorry.
Q. Let's dig through the exhibits here.
(Off the record)
Examination Resumed by Mr. Foster:
Q. This is Father of John Doe 1's statement. Have you seen this before today?
A. (Reviewing document) No, I have not.
Q. Okay. This was written on October 12th. And so, if you look, October 7th is a Friday. That's when the police are called by Ms. Petoskey. The 12th is when Father of John Doe 1 is giving his statement. He says, "John Doe 1 (my son) attests that he has been sexually molested by his scoutmaster of troop 292. I have questioned him repeatedly concerning the validity of his claim and he persists in maintaining his assertion that it is the truth.
"I am trying to be as objective as possible in this situation. Other members of the household have heard John Doe 1 make such statements e.g. 'I know how to handle adults.'"
A. Oh, good Lord.

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Q. "When John Doe 1 does not get his way, he can be vindictive... e.g., 'tearing the phone wires'" ---
A. This is what ---
Q. --- "'out of'" ---
A. Excuse me, sir. You're saying this is what Father of John Doe 1 is saying ---
Q. This is your ---
A. --- about his own son?
Q. Yes, ma'am.
A. Okay.
Q. "'Tearing the phone wires out of the outdoor installation,' cutting off the master power switch to the house... In January he confiscated his grandparents' car and drove to Asheville from Campobello (@ 2:00 A.M.).
"He has claimed recently that his stepmother assaulted him because he would not get up and go to school... I personally know this is not true."
A. He wasn't in there. How would he know?
Q. If you look -- and I'm trying to do what your attorney asked me to do and walk you through some of the things that I'm looking at. This is a summary -- let's find it.
A. You may not know this, sir, but I want the truth just as much as you do.

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Q. Oh, yes, ma'am.
A. I see absolutely no reason to try and like protect him or protect someone -- her right here. He says, "I personally know this is not true." And I told you earlier that he went to the -- went way up there to the bedroom when she called the police, and he did not come out of that room the whole time they were there. So he could not possibly have seen ---
Q. If you look at Defendants' Exhibit 23, this is part of the investigative report of the Spartanburg County Sheriff's Department, 10/10/05. That's the Monday after Ms. Petoskey called the police. It says, "I called the complainant, who is the victim's father. He stated that he wanted to believe the victim but the victim has been known to make false statements before. He said that the suspect, a deacon at the church and the Cub Scout leader, denies the allegations."
A. Cub Scouts? It's not Cub Scouts. Okay.
Q. It's the Boy Scouts. Yes, ma'am. "He told the victim that if he did not turn in the money for a popcorn drive they had, he would be kicked out of the club. The victim was very angry about that. The complainant said that the victim is very vindictive."
A. No.
Q. "He has ripped the phone wires from the exterior of the

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house when he has not gotten his way in the" present. "I asked the complainant if I could interview the victim. We scheduled it for Wednesday," et cetera, et cetera.

So, what Father of John Doe 1 is saying is that, when he learned of the abuse from John Doe 1, he questioned it, because he thought he knew John Doe 1 to be vindictive and that he knew that John Doe 1 had been told that, if he didn't turn in the popcorn money, he'd be kicked out. And my understanding of his testimony is that the reason he was concerned is, he thought that John Doe 1 might be making this up, because he was mad that he had been told he might be kicked out of the Scouts over the popcorn money.

By Mr. Meyers:

Objection to the form of the question.

Examination Resumed by Mr. Foster:

Q. So, is it your testimony you weren't aware of any of the popcorn money issues ---

By Mr. Meyers:

Same objection.

Examination Resumed by Mr. Foster:

Q. --- prior to Father of John Doe 1 receiving this letter?

By Mr. Meyers:

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Same objection.

Witness Answers:

A. I can't -- I can hardly get past my anger right now that his father would say the things that he's said about his own son, especially about -- which wasn't true -- about, you know, the stepmother assaulting him because he would not get up and go to school.

Oh, me. You asked me a question, didn't you?

Q. Yes, ma'am. I said, your testimony, I believe, is that you weren't aware of any of the popcorn money issues prior to ---

A. My husband was told about it, and I was not. And when he told me that there was no way that that could be true because -- and he told me all the reasons why.

And I asked -- I said, "John Doe 1, would you ever -- would you ever say something was true when it wasn't, when you know, as far as money is concerned, if you need money for something, you can ask us for it?" And I just don't get that. I mean, I don't -- I can't get that connection.

Q. John Doe 1 was living with his dad at the time, right?

A. Well, I've gone over there and taken things to him, and I've gotten him for a day or two and gotten whatever it is he wanted, within reason. I don't just give him, give him, give him. He has to -- it has to be a

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legitimate -- well, okay. I bought him an Xbox game or two. But ---

Q. Why do you believe or what evidence do you have that the letter that Father of John Doe 1 received was anything other than the communication of the decision to exclude John Doe 1 based on what they had already told Father of John Doe 1 was going to happen and had nothing to do with his report to Ms. Petoskey on Friday morning that he had been abused?

A. I got all of that, sir, about the time frame here, and I -- I'm having a very hard time with some things here that I just can't -- I've hit a snag, and I don't know how to get around it, because it's going to color everything else I say. I don't know how you can base so much emphasis on what a man who abuses women, abuses -- physically abuses his child, is a known liar, has been in jail upteen times, and all of this other stuff -- that you can believe a word that he says.

And I can tell you by reading this he's trying to make an impression, you know. He's try to let everybody see how smart he is. He doesn't -- I don't believe -- the dates on this are carefully set down to make it look like what it isn't. That's what I believe. Like the abuse -- like this came up because they needed something to -- the money, that came up

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because they needed some reason to ---

Q. What evidence do you have that Shelby Culbreth at any point prior to October -- let's just use the effective date. The letter says, "This is a letter to inform you that as of 10/10" -- that's the Monday following the first report to the authorities by Father of John Doe 1 -- or actually by Ms. Petoskey, because Father of John Doe 1 had told her of abuse by Mr. Rhinehart. This letter has an effective date -- unfortunately, the letter is undated, but it has an effective date of 10/10. It says, as of this date, he can no longer -- "your son" can no longer participate in the troop.

What evidence do you have that Ms. Culbreth had any knowledge that John Doe 1 had reported the abuse to Ms. Petoskey or to the police or that she was aware of the abuse having ever occurred?

A. I know that Jackie LaFontaine knew about it.

Q. How do you know Jackie LaFontaine knew ---

A. Because ---

Q. --- about the abuse?

A. --- she stopped me from going after him ---

Q. Do you know that any ---

A. --- by telling ---

Q. Do you know that any abuse occurred that day?

A. No.

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Q. Do you know that ---
A. What I'm ---
Q. --- actually ---
A. --- saying is ---
Q. --- actually that ---
A. --- that it was ---
Q. --- your -- that John Doe 1 didn't report any abuse happening at any Boy Scouts events, so that your ---
A. He told me ---
Q. --- suspicion ---
A. --- he didn't know what to do.
Q. Okay. But you testified earlier that Jackie LaFontaine, when you were dropping John Doe 1 off at the church for a Boy Scout event, said, "Don't worry. He'll be okay"?
A. Now, what I was doing was sitting in the car, and Brian called him. He was with me. And I said, "What does he want?" He -- John Doe 1 said, "He said he wanted me to help him do something." And I got -- I -- a red flag went off in my head, and I'm saying, "What's this all about?"

And so I got out of the car and went around it, and I called him. Brian was already outside, and John Doe 1 was slowly walking down this little path. And I said, "John Doe 1, wait just a minute." And she spoke

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up and said, "He'll be back in just a few minutes. He'll be all right."
Q. Was he back in a few minutes?
A. Yes, he was.
Q. Do you have any evidence that John Doe 1 was assaulted on that occasion?
A. I don't care whether he was this time or not. I know he was assaulted, and in that same way.
Q. Why would you have any reason to believe Jackie LaFontaine knew that John Doe 1 was being abused simply because of that episode that you just described?
A. Because I'm fixing to say something that is not appropriate ---
Q. Because she's a lesbian?
A. Yes.
Q. What's that got to do with what Brian Rhinehart ---
A. Oh, also ---
Q. --- and John Doe 1 did?
A. --- that she'd been a friend of theirs for years and years and years.
Q. She's not a friend of Brian Rhinehart's.
A. She was at that time.
Q. No, ma'am. Because Ms. Culbreth's a lesbian, you think she knew that John Doe 1 ---
A. Not Ms. Culbreth.

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Q. Excuse me. Ms. LaFontaine. Because you think she's a lesbian, you think she knew that John Doe 1 was ---
A. I'm not ---
Q. --- being abused?
A. --- judging her. I don't have to judge her. She's already judged. But I ---
Q. Do you think she's going to go to hell because she's a lesbian?
A. I think that Sodom and Gomorrah were removed from this earth because of the same thing. And if you don't believe it, you don't read your Bible or you'd know that too. And listen ---
Q. I've read it from start to finish, ma'am, but ---
A. Well, I don't mean ---
Q. --- that's not the question.
A. I don't mean that you haven't read it. I mean ---
Q. So your impression that Jackie LaFontaine ---
A. I have nothing ---
Q. --- somehow has ---
A. --- against -- I have nothing against her.
Q. Let me finish my question. Your evidence that Jackie LaFontaine knew that John Doe 1 had been sexually abused by Brian Rhinehart is based on the fact that she's a lesbian?
A. I think that her attitude toward things would be --

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would be more lenient than someone who is not involved in the kind -- listen, I've had a couple of conversations with her, and it's almost like she knew or felt that I had her under a magnifying glass. And while I care what happens to her soul, if that's the lifestyle she chooses, then have at it, but don't protect Brian if my grandson is in danger.
Q. Ma'am, nobody knew your grandson -- knows your grandson better than you. You were at many of these Scout meetings sitting on a pew outside. You ---
A. Some of the time.
Q. You've had -- you've been to Brian and Doni Rhinehart's home ---
A. Invited.
Q. --- with all this interaction, and you didn't suspect a thing until he told you. How in the world would Jackie LaFontaine or any of these other Defendants have reason to believe that this was happening, if you didn't know?
A. You can -- I know that you are trying to defend these people, and I understand that. But let me tell you, I have my opinion about the lifestyle she has chosen, and I would not want her around my grandson. And I -- there are other types I also would not want around him.
Q. Did you know she was a lesbian?
A. Yes, I did. She brought her partner to the Scout

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meeting one time, which I thought was very inappropriate.
Q. Why did you allow John Doe 1 to continue participating in the troop if ---
A. That was near the end of it, the end of his being there.
Q. Okay.
A. I didn't say a word about her or to her all the time this was going on, but I had this strong urge to distance myself from her, especially to distance my grandson, because I didn't see any reason for him to know that. Because children have a way of thinking, because somebody they know does something, it's okay.
You know, he's not -- he wasn't old enough then to -- but if he turns out to be a homosexual himself, I won't be surprised, because he experienced during that a feeling of being loved, of pleasantness. You know, there are all kinds of ways that these things ...
Q. Isn't it true that you don't have any evidence that Jackie LaFontaine knew that Brian Rhinehart was doing anything sexual to John Doe 1, other than -- you don't have any evidence of that, do you?
By Mr. Meyers:
Objection to the form of the question.
Witness Answers:

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A. They were very chummy, and she was a lot of times at their house. And once when I was asked to come over, she was there. And she had this attitude about her, like she thought I was judging her. And I'm not; I don't have to.
Q. I appreciate all that. But do you have any proof that she knew that Brian Rhinehart was allegedly abusing John Doe 1 or that John Doe 1 had ---
A. Why did she stop ---
Q. --- reported on the 7th that he had been abused to Ms. Petoskey when this letter was written?
By Mr. Meyers:
Objection to the form of the question. Go ahead.
Witness Answers:
A. I don't think she would have stopped me that day when I was walking in that direction if there was not some reason for her to do it. I don't think -- I don't see any reason why it wouldn't have been all right for me to walk down that path myself, unless she thought something might be going on that I ---
Q. If she thought nothing was going on and that the scoutmaster was just asking him to do something, wouldn't she have been appropriate to think, "You don't need to go down there; it's okay"? Isn't the purpose of ---

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A. She said, "He'll be all right," is what she said.
Q. And as far as you know, he was all right that day, wasn't he?
A. Well, you'd better believe I would have been right behind had I known what had happened to him and ---
Q. Maybe Ms. LaFontaine would have too if she'd have known what had happened to him.
A. That may be true. I don't know. I just ---
Q. You didn't know what had happened to him, did you?
A. No, not until he told me.
Q. Okay.
A. I can go on all night, if you want to.
Q. Okay. And ---
A. I don't intend to fall over or whatever you ---
Q. I don't ---
A. I'm just ---
Q. I don't want you to fall over.
A I want you to ask as many questions as you want to while my husband wonders where in the world I am.
By Mr. Meyers:
Do you want to call him and let him know?
Witness Continues:
A. And I brought my -- I didn't bring my cell phone in here, because I didn't want him calling me.
Q. Do you want to call him real quick?

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A. Yes, I do.
(Off the record)
Examination Resumed by Mr. Foster:
Q. You spoke earlier that you've spoken to Shelby Culbreth before. Have you ever talked to her about this case or about ---
A. I haven't ---
Q. --- these events?
A. --- seen any of them since this all happened.
Q. Have you ever spoken to Shelby Culbreth about this?
A. I just said I haven't seen any of them.
Q. Okay. I'm sorry. Earlier, I thought you mentioned a Shelby. Do you have another friend who's a Shelby, or ---
A. What did I -- how did I mention Shelby?
Q. You said you had spoken to Shelby about something. Do you know Shelby Culbreth?
A. Yes, I know Shelby. She works at the Charles Lea Center.
Q. What is the Charles Lea Center?
A. It's a -- it's a facility that helps people who have problems. I'm not sure. I think they're on medication, most of them, and they're being taught things that are useful to them and that sort of thing. And she's -- I don't know if she's an LPN or exactly

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what her function there is. I think she does administer medication, but I'm not sure.
Q. Okay.
A. I just listened to her talk about it one day, and I remember thinking what a nice thing to do. I mean, to have your life tied up in something like that. I like people who help other people.
Q. Did you know Ms. Culbreth through John Doe 1's participation in Troop 292?
A. Yes. That's the only time I'd ever seen her.
Q. Okay.
A. And Jackie also.
Q. So you didn't know Shelby before then?
A. No, sir.
Q. If the letter was sent to Father of John Doe 1 and it would be harmful to John Doe 1 to think that the reason he was excluded was because he had reported abuse by Mr. Rhinehart, who would have told John Doe 1 that that's the reason that this letter was sent?
A. I don't think anybody had to tell him, because the things -- I'm not sure John Doe 1 can distinguish a few days from a week or, you know, that sort of thing. And because everything happened so quickly -- the letter and the abuse -- the reporting of the abuse -- I think that -- he thinks they're all connected, and I do

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too. And I don't know how anyone could think anything else.
Q. Well, isn't it possible -- I mean, if you look at the letter, it says, as of 10/10/06 (sic) ---
A. That's in there for a reason, sir, the date.
Q. Why is that in there?
A. Because they want to be sure they've covered -- you know, they -- whatever they're using as the excuse, they want to be sure that it jibes with ---
Q. Okay. The police report is the 7th of October. That's that Friday. The ---
A. The letter is not ---
Q. --- effective date ---
A. --- dated. You already said that.
Q. The effective date of the exclusion is 10/10. How would any of these people even know that John Doe 1 had reported anything to the police?
A. News -- bad news travels fast. And if Father of John Doe 1 reported it as soon as he heard it -- and I can't believe he told John Doe 1 to tell a teacher. That absolutely blows me away. I would probably have been over there and have his neck. I wouldn't have hurt him, but I would have let him know that I'm -- this ---
Q. Thinking ---
A. --- is very serious, and, "How dare you touch my son."

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Q. What purpose would the letter serve? How would that ---
A. To hurt him.
Q. Why would it ---
A. And it did.
Q. How would a letter to his father hurt him?
A. "My son" -- or "Your son" ---
Q. But if the letter was about John Doe 1's misconduct and had nothing to do with a police report, which -- I mean, if the letter -- you've said yourself that the letter and the police report and all these things happened all around the same time. Isn't it possible that this letter was prepared and sent prior ---
A. By people ---
Q. --- to the 7th?
A. By people ---
Q. --- prior to the 7th -- let me finish -- before John Doe 1 had ever made a police report, and that this is ---
A. No.
Q. --- a matter of very bad timing?
By Mr. Meyers:
Objection to the form of the question. Go ahead.
Examination Resumed by Mr. Foster:
Q. Isn't that possible?

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By Mr. Meyers:
Same objection.
Witness Answers:
A. No.
Q. Okay. Do you have any evidence that the reason this letter was written was because John Doe 1 had reported Mr. Rhinehart's alleged abuse to the police?
A. I think -- I think that is the only reason it was sent. I think they were trying real hard to hurt him back. Because I can't tell you how close all these people were. And ---
Q. That's your ---
A. --- what ---
Q. I'm sorry. Go ahead.
A. What shocked me was that Doni would call me like she did, and apologize and tell me how sorry she was, and hoped John Doe 1 was all right and all this. And then she said, "And do you know he did the same thing to my son?"
Q. Did you ever call Ms. Culbreth, Ms. LaFontaine or Reverend Cole or any of these individuals and ask them why John Doe 1 had been excluded from Troop 292?
A. Well, I'm not a good person to be around when I'm -- I might have said something that would have been unacceptable. Because I have a very strong feeling

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about all of this and all of them, because it was obvious that -- Brian has some physical problems, and I'm not sure he doesn't have some mental ones. But he does have some physical problems, like asthma and all of that. And Shelby is a nurse; Jackie is a pharmacist. And his parents babied him all of his life because of this illness. I know that for a fact, because Doni told me that. Had spoiled him rotten because of -- and they would just be shielding him or defending him or whatever, like John Doe 1 was not important at all.

But the people -- you know, Doni liked John Doe 1, and she invited John Doe 1 also, not just ---

Q. Did anybody prior to ---

A. --- to her house -- excuse me.

Q. I'm sorry. You testified earlier that they had talked to -- the leadership of Troop 292 had talked to your husband about the popcorn issue, and he said there was no way that could be correct; do you remember talking about that?

A. I remember him saying -- he said, "You know what they're doing now? They're accusing John Doe 1 of something that absolutely is not true and cannot be."

Q. When did that conversation occur?

A. Oh, I have no idea.

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Q. Was this before or after John Doe 1 had reported to Ms Petoskey?

A. It seems to me like it was after.

Q. Okay. Is it possible it ---

A. But I ---

Q. --- could have been before?

A. No, I don't think so.

Q. Okay.

A. But they all -- they're all kind of clumped together, you know, because they were close.

Q. So you never talked to any of these people on the letter or any of my clients about why this letter was sent?

A. No. I only talked to the lady at the church.

Q. Okay. And did you tell me her name? I'm sorry.

A. I didn't tell you her name, sir, but somebody may have. I didn't know her name.

Q. Do you know it now?

A. No, I don't. But I do know that she was as shocked as ---

Q. Could you ---

A. --- I was.

Q. I'm sorry.

A. I didn't have the letter at the time, and she asked me -- she said, "If I had a copy of the letter or had the

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letter, I could find out -- I could get to the bottom of it. I believe I could get to the bottom of it."

And when I asked Father of John Doe 1 if he would let her have it, he said, "Absolutely not. It's not -- it's not going out of my hand."

Q. Why not?

A. Because it was proof of something that he wanted to --

Q. Make money off of?

A. Do you ---

By Mr. Meyers:

Objection to the form of that question.

Witness Continues:

A. I didn't hear the question, because he's got his ---

Q. No. I mean, I'm sorry. I don't mean to be offensive; I truly don't. I mean, you ---

A. I don't ---

Q. --- testified earlier that he had a propensity to sue people and stuff, and ---

A. Yeah.

Q. --- my impression from what you said about he wasn't going to give it up was that you thought he wanted to use it ---

A. Absolutely.

Q. So I'm not being unfair when I'm -- I'm not suggesting you're doing anything wrong, but that you thought that

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Father of John Doe 1 wouldn't share the letter because he wanted to ---

A. He was afraid he would lose the letter if he didn't -- if he let go of it.

Q. Okay.

By Mr. Foster:

I wasn't trying to be offensive, counselor. I apologize.

By Mr. Meyers:

Well, I mean, there's no claim for Father of John Doe 1 in this case.

By Mr. Foster:

I understand.

(Off the record)

Examination Resumed by Mr. Foster:

Q. Would it be consistent with your experience with Father of John Doe 1, John Doe 1's father, for him to ignore dealing with a problem?

A. Yeah. He is very good at that. He is -- he likes for somebody else to deal with his problems.

Q. It would not be unlikely that, if he were told that this issue with the popcorn needs to be addressed or John Doe 1 might be kicked out of the troop, for him to just ignore it or not deal with it?

By Mr. Meyers:

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Objection to the form of that question. Go ahead.
Witness Answers:
A. Father of John Doe 1 has displayed a violent temper to a lot of people, and I've seen it myself more than once. And I have a stepson who also has that kind of temper. And my guess is that, if they ever wanted to say anything to Father of John Doe 1 about it, they might say it to me and hope that I would tell him, because they're -- you know, Father of John Doe 1 is -- I think a man behaves that way because he doesn't really know how to be a man in situations like that. But that's just my opinion.
I don't think I answered the question again. I think my brain is tired.
Q. I'm sure it is. It should be. It's been a long day. Okay.
By Mr. Foster:
Counselor, do you have any questions?
By Mr. Meyers:
I do not.
By Mr. Walsh:
No questions.
By Mr. Foster:
Thank you.
By Mr. Meyers:

I think you are done.
(There being no further questions, this deposition was concluded at approximately 6:00 p.m.)

State of South Carolina
County of Greenville

Certificate

This is to certify that the foregoing deposition of Jane Doe was taken by the within court reporter, a notary public for the State of South Carolina, duly commissioned and qualified as such, on May 20, 2011 at the office of Clarkson, Walsh, Terrell and Coulter, 1164A Woodruff Road, Greenville, South Carolina.

That said court reporter is not a relative or employee of any of the parties or the attorneys, and, further, is not of counsel or attorney for any of the parties to said action, and is not in any manner interested in the case, financial or otherwise.

That the witness was duly placed under oath and admonished to speak the whole truth. That the oral deposition was duly taken and transcribed as to the questions propounded and the answers given; that the foregoing 307 pages is a true, accurate and correct record of the testimony given by the witness, together with such changes as said witness may have made, if any, during the reading over and signing procedure.

That the court reporter has retained the original deposition in her possession for the purpose of sealing and filing same with the proper official.

That all offered exhibits, stipulations and objections, if any, involved in this cause are duly attached or included herein.

In witness whereof, I have set my hand and official seal.
DATE: June 20, 2011

Notary Public for South Carolina
My Commission Expires: 02/10/15

Electronically signed by Vickie Stewart (401-211-214-4086)
2501fd08-8ad2-4ec6-96db-7a8cf3e4b9d5

State of South Carolina — In the Court of Common Pleas
County of Spartanburg

Jane Doe, as guardian for John Doe,
Plaintiff,
vs. — Case No. 2010-CP-42-2349
Boy Scout Troop 292, Spartanburg, SC, Palmetto Council of the Boy Scouts of America, St. Margaret's Episcopal Church, Shelby Culbreth, Jackie LaFontaine, Brandon Smith, Rob Green, Roy Cole, Bob Faulks, and Scott O'Neill,
Defendants.

and — These Two Cases Combined For Purposes of This Deposition

Jane Doe, as guardian for John Doe,
Plaintiff,
vs. — Case No. 2010-CP-42-2350
Doni Rhinehart,
Defendant.

Deposition of Husband of Jane Doe

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 18th day of August 2011, commencing at approximately 1:28 p.m., attended as follows:

Appearances:

MICHAEL R. JEFFCOAT, Esquire
The Michael Jeffcoat Firm
4723-A Sunset Boulevard
Post Office Box 1860
Lexington, South Carolina 29071
Attorney for Plaintiff,

WILLIAM H. FOSTER, Esquire
Nelson Mullins
Poinsett Plaza, Suite 900
104 South Main Street
Greenville, South Carolina 29601
Attorney for Defendants, Boy Scout Troop 292, et al.

JAMES P. WALSH, Esquire
Clarkson, Walsh, Terrell & Coulter, P.A.
1164 A Woodruff Road
Post Office Box 6728
Greenville, South Carolina 29606
Attorney for Defendant, Doni Rhinehart.

Deposition Reported By: BONNIE J. WALKER
Depositions And..., Inc.
101 Broadus Avenue
Post Office Box 10589
Greenville, South Carolina 29603
(864) 235-3518

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Exhibits (Attached to Deposition):

Defendant's Exhibit Number 1 (Marked) 27

Defendant's Exhibit Number 2 (Marked) 43

Defendant's Exhibit Number 3 (Marked) 53

Defendant's Exhibit Number 4 (Marked) 55

Defendant's Exhibit Number 5 (Marked) 58

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Defendant's Exhibit Number 7 (Marked) 62

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Defendant's Exhibit Number 10 (Marked) 77

Defendant's Exhibit Number 11 (Marked) 80

Defendant's Exhibit Number 12 (Marked) 80

Defendant's Exhibit Number 13 (Marked) 165

Pursuant to notice and/or agreement to take deposition, the within deposition was taken by the above reporter, a notary public, as required under the South Carolina Rules of Civil Procedure, Rule 30, et al., by consent of all parties, at the offices of Clarkson, Walsh, Terrell & Coulter, P.A., 1164 A Woodruff Road, Greenville, South Carolina.

Waiver:

It is agreed by the witness and counsel for all parties that the reading over of and signing of the deposition by the witness are NOT waived.

** ** ** **

The witness was duly sworn to tell the truth, the whole truth and nothing but the truth of his own knowledge concerning the matter herein.

HUSBAND OF JANE DOE, being duly sworn, testified as follows:

Direct Examination by Mr. Foster:

Q. Mr. Husband of Jane Doe, my name is Bill Foster. We met briefly for the first time before the deposition started. I'm the attorney for the Defendants in a lawsuit that's been filed by, I believe, your wife, Jane Doe ---

A. Mm-hmm (affirmative).

Q. --- as Jane Doe on Behalf of John Doe.

A. Mm-hmm (affirmative).
Q. I represent Palmetto Council of the Boy Scouts of America ---
A. Right.
Q. --- Troop 292 and the other individual Defendants in that case, okay? Have you ever had your deposition taken before?
A. No.
Q. You understand that the oath you just took is the same oath you would take in court?
A. Right.
Q. You swear to tell the truth, the whole ---
A. Right.
Q. --- truth, etcetera? Okay. Just going to go over a couple of sort of housekeeping things to hopefully help the deposition go by a little more smoothly. You're doing a great job of it now, but because she's taking down everything we say, it's very important that you answer my questions verbally or out loud; you understand?
A. Right.
Q. It's also important that you let me finish my questions so that it's easier for her to take down the record so we're not talking over each other; is that okay?
A. Yes.

Q. If you don't understand the question at any time, feel free to ask me to explain it. I'll be happy to do so, okay?

A. Okay.

Q. Once we're started, you can't direct those questions to your counsel; you understand?

A. Yes.

Q. Are you actually represented by counsel in this case? Are you a party?

A. Am I a party?

Q. Do you have legal counsel in this case?

A. I don't know.

Q. If any time during this case -- or during this deposition - excuse me - you need to take a break, just let me know, and I'll ---

A. Okay.

Q. --- be happy to let you do so, okay? But if I've got a question pending, I'm going to ask you to go ahead and answer that before we take a break; is that fair?

A. Right.

Q. On breaks, I'd instruct you not to discuss your testimony with anyone, including your attorney that's sitting here, because if you do - but you can if you want to - I can ask you about it, okay?

A. Okay.

Q. Are you having any trouble hearing me?
A. No.
Q. Do you have any hearing problems?
A. No.
Q. Are you taking any kind of medication or anything that would impair your ability to testify today?
A. No.
Q. Any other reason your deposition shouldn't go forward today?
A. No.
Q. I've already asked you; you say you've never been deposed before?
A. No.
Q. Have you ever been a party to any litigation before?
A. No.
Q. State your full name for the record, if you don't mind.
A. Husband of Jane Doe.
Q. What's your current address, Mr. Husband of Jane Doe?
A. [redacted], Campobello, South Carolina, 29322.
Q. How long have you lived at that address?
A. Twelve years.
Q. And if you recall, where did you live prior to that?
A. Cheraw, South Carolina.
Q. Do you remember the address?
A. [redacted], Cheraw, South Carolina.

Q. How long were you at that address?
A. About 34 years.
Q. You're currently married to Jane Doe, correct?
A. Right.
Q. How long have you all been married?
A. Twenty-eight (28) years.
Q. Were you married before?
A. Yes.
Q. What was your former spouse's name?
A. Jane Doe -- I'm sorry. I'm sorry. I told you wrong.
Q. That's all right.
A. Pat.
Q. Pat was your former spouse's name?
A. That was her name. Right.
Q. Do you remember her full name?
A. She was a [redacted] Pat [redacted]
Q. And how did that marriage end?
A. Divorce.
Q. Is Ms. [redacted] still living?
A. Yes.
Q. Where does Ms. [redacted] live?
A. Atlanta, Georgia.
Q. Any other marriages?
A. No.
Q. Did you and Ms. [redacted] have any children together?

A. Yes.

Q. What were their names -- or what are their names and ages?

A. Well, let's see. Julia would be the oldest. She's 51. Walter [redacted] III is 48, and Keith [redacted] is 46, and Ashley [redacted] is 40.

Q. What's Julia's last name?

A. Let's see. If you hadn't asked me that, I could have told you. I can't remember it.

Q. That's okay.

A. I can't. I'll get it to you when I think of it.

Q. That's fine. If at any time during the deposition you remember something you couldn't remember ---

A. All right.

Q. --- just go right ahead ---

A. Okay.

Q. --- and offer it, okay? Does Julia live in the area, in the Upstate?

A. She lives in Wilmington ---

Q. Wilmington, North Caro- ---

A. --- North Carolina.

Q. Okay.

A. Yes.

Q. How about Walter; where does he live?

A. He lives in Mount Holly, North Carolina.

Q. Okay. And Keith?
A. Atlanta, Georgia.
Q. And how about Ashley?
A. Same; Atlanta, Georgia.
Q. Do you have any other relatives or family that live in the Upstate of South Carolina, other than Ms. Doe? And that's Jane Doe, excuse me.
A. Yes. No.
Q. Okay.
A. I can't -- I don't think I do.
Q. We ask all these questions because, if this case ever goes to trial, when we get a list of all the people who might be on the jury ---
A. Okay.
Q. --- we want to be able to identify any relatives and things like that.
A. Okay.
Q. Do you and Jane Doe, your current wife, did you all have any children?
A. No.
Q. Is John Doe 1 the only grandchild that you all share, John Doe 1?
A. No. We've got other grandchildren but ---
Q. I would ---
A. I don't know. I can't ---

Q. Yeah. I wouldn't put you ---

A. I wouldn't ---

Q. I wouldn't put you ---

A. --- be able to name them all.

Q. I wouldn't do that to you. That wouldn't be fair. But how about in South Carolina?

A. Oh, gosh. I don't think any of them are in South Carolina.

Q. Okay. Now, John Doe 1 ---

A. John Doe 1.

Q. John Doe 1?

A. John Doe 1.

Q. Thank you.

A. Yeah.

Q. I'll make sure I get that correct from here on out. So John Doe 1 is Jane Doe's grandson by her daughter, correct?

A. Right.

Q. Okay. Does Jane Doe have any other grandchildren you know of?

A. Oh, yes.

Q. What are their -- and not including your -- her step-grandchildren, but her natural grandchildren; does she have any natural grandchildren other than John Doe 1?

A. Yes.

Q. Do you recall their names?

A. Allison, Tommy, Jordan; let's see - Andrew; there's one more, but I -- if I think of that, I'll give it to you.

Q. That's fine. Any idea of Allison's last name?

A. [redacted]

Q. And whose child is Allison?

A. Cindy.

Q. And Tommy, what's his last name?

A. Same; [redacted]

Q. [redacted] Okay. And Jordan?

A. I can't think. I can't think of that right -- I can't. It's slipped my memory ---

Q. That's okay.

A. --- right now.

Q. How about Andrew?

A. Andrew is a [redacted] His last name is [redacted]

Q. Okay. And whose child is Andrew?

A. It's Mother of John Doe 1.

Q. Mother of John Doe 1?

A. Mm-hmm (affirmative); John Doe 1's mother.

Q. And he lives in New York with his mother?

A. No. He lives with his daddy.

Q. He lives with his daddy? Okay.

A. Right.

Q. Where does his daddy live?

A. In Elmira, I believe.
Q. Allison and Tommy, they live where?
A. In Connecticut.
Q. Any idea how Allison is?
A. She's either 21 or 22. She just finished college.
Q. How about Tommy?
A. I think he's 15.
Q. And Jordan?
A. Jordan is 20 or 21.
Q. And Andrew?
A. He's 16.
Q. Does Mother of John Doe 1 have any other children other than John Doe 1 and Andrew?
A. No.
Q. Did Andrew, at one time, live with Mother of John Doe 1 in New York?
A. No.
Q. Now, are you presently working, or are you retired?
A. Retired.
Q. What did you retire from?
A. Goodyear Tire and Rubber Company.
Q. About what year did you retire?
A. Ninety-nine ('99).
Q. Have you worked anywhere since then?
A. I worked part-time when I moved up here, three days a

week for about a year.

Q. Where did you work?

A. With Goodyear.

Q. About how long did you do that, for a year?

A. A year.

Q. For a year? And that would have been in about 2000?

A. Let's see; 2000 or 2001.

Q. Okay.

A. When I first moved up here, I still wanted to work some, and they wanted me to, and it was just -- I was working Monday, Wednesday, and Friday, instead of days together, and it was just messing up my whole week.

Q. Sure.

A. I just had to get it out of my system. If you all worked 39 years, you -- it takes you a little while to get it out of your system.

Q. It takes you a while to get used to not working?

A. Right.

Q. Yeah.

A. Not getting up at 6:30.

Q. Yes, sir. I believe your wife, Ms. Doe, said that you ran a store?

A. Retail store.

Q. Retail store for Goodyear?

A. Mm-hmm (affirmative); well, I did for 33 years. Other

than that, I was moving up, trying to move up. Starting off changing tires and just going on up.

Q. You're aware, obviously, about the lawsuit that Ms. Doe's filed, correct?

A. Yes.

Q. And I think I asked you, but I believe I'll ask you again. Are you -- other than being a witness, are you involved in ---

A. Well ---

Q. --- the lawsuit?

A. I don't understand the word "involved," what you mean by "involved."

Q. Were you consulted before the lawsuit was filed?

A. Oh, yes. Yes.

Q. Okay.

A. I understand. I see what you -- okay.

Q. Did you help make the decision to file the lawsuit?

A. We made it together.

Q. You and Jane Doe?

A. Right.

Q. I know there was, at some point, a -- some legal papers were filed to have a guardian appointed for John Doe 1 ---

A. Right.

Q. --- and that's been fairly recent. Are you going to be

a guardian of John Doe 1, or will that be Ms. Doe?

A. Jane Doe. It will be Jane Doe.

Q. Do you know if John Doe 1 was consulted about the lawsuit prior to it being filed?

A. No. I don't know.

Q. You don't know one way or the other?

A. I don't. I sure don't.

Q. Did you talk to him about it?

A. No.

Q. Okay.

A. In fact, I think the lawsuit, it'd already been started by someone else. We didn't start the lawsuit. Another party started the lawsuit, and then they -- it didn't work out or something. I don't know. And that's when Michael -- I believe that's when it was -- but we didn't start the lawsuit. It was already in pro- -- in fact, I think Father of John Doe 1 is -- John Doe 1's father, contacted Michael about the lawsuit or he had, Michael, had contacted. I'm not sure, but we didn't start it.

Q. When it was -- when this lawsuit that we're here for today, when it was started, it was filed as Jane Doe on Behalf of John Doe, and my understanding is that Jane Doe is Ms. Doe. Is it your understanding that the law -- this lawsuit was not started by your wife?

A. Well, that's -- I know one had been started before this

one, and then Michael called us about, you know, wanting to follow up with it, I believe, is best I remember.

Q. Do you remember when that was?

A. No. I can't tell you that, but it's been years.

Q. Okay.

A. It was right ---

Q. Right after the allegations about Mr. Rhinehart came out?

A. I can't remember, but I think so.

Q. Okay.

A. I wouldn't say for sure.

Q. And when you refer to Michael, you mean Michael Jeffcoat?

A. Yes.

Q. Okay.

A. Because this -- we got a call or got a letter in the mail. Father of John Doe 1 had told him that we had custody of John Doe 1 now and that he couldn't do anything, the way I understand it, that we had -- we got custody of John Doe 1 when he got out of William S. Hall in Columbia, and they called his daddy to come get him, pick him up. He wouldn't go get him, and we were the only ones that he had left, and I'm thinking that Father of John Doe 1 contacted Michael Jeffcoat, or someway, because we got a letter in the mail after his dad, John

Doe 1's dad, had contacted Michael Jeffcoat, that he would like to come up and talk to us about it.

Q. Okay.

A. That's what I remember.

Q. Okay.

A. And he came to the house, and we talked about it, and we signed -- Jane Doe signed some papers, and that's the way I understand it.

Q. And I don't want to ask -- I mean, we'll be careful, and Michael will make sure to stop me. I don't want to ask you anything that could be attorney-client privilege or anything like that. What I mean by that is specific things that you may have discussed with Mr. Jeffcoat, what he might have said, I don't want to ask you about that. So be careful in responding, and I'll try to be careful not to ---

A. I'm just telling you the ---

Q. Oh, absolutely.

A. --- the truth, sir.

Q. Oh, absolutely. I can ---

A. I mean, I don't know who it's going to be affecting, but I'm just telling the truth.

Q. Absolutely. I'm just trying to be careful ---

A. Okay.

Q. --- that I don't ask you any questions that would put

you in a difficult position.

A. All right.

Q. This meeting with Mr. Jeffcoat, do you recall about when that would have occurred?

A. Let me think here. It's going to be two or three years. I'm just guessing. I mean, that's pretty close, but time goes by so fast.

Q. If that meeting was -- with Mr. Jeffcoat was two or three years ago, do you know why there might have been a delay in actually filing the complaint until about ---

A. Well, we didn't hear nothing from him for another year, probably a year, and, you know, we didn't hear anything, and we didn't -- we, you know -- we didn't know what was going on. We just -- that's the way it was.

Q. Okay. You said that you and Ms. Doe made the decision to file this lawsuit together?

A. Yes; when he came up to the house at Gowensville, or Campobello - we get our mail - he brought some papers, and Jane Doe signed them, and then that's when, I guess, everything started.

Q. Did you have a chance to look at or have you ever seen the complaint in this case?

A. I don't know what you mean now. What complaint are you talking about?

Q. Complaint's actually the document that a plaintiff or a

party would file to start the lawsuit that contains the allegations in the lawsuit. Did you see that document ---

A. I haven't.

Q. --- in this case?

A. I haven't.

Q. When you and Jane Doe decided to bring the lawsuit, what was the basis of your decision?

A. Because we thought it would be the best for John Doe 1, that he needs counseling and he needs -- he really does need some help, and maybe that would get him the right help that he needed and maybe help him in future years because he cannot do things. He cannot live by himself. He might can someday, but right now, he's -- he just -- he needs some counseling very bad.

Q. When you say that you don't think John Doe 1 could live by himself, do you think he couldn't sort of meet his daily needs without someone to assist him?

A. He can do basic things. He doesn't need anybody to take care of him, but he sometimes, decision-wise, he would need. That's why needs -- we need a guardian. He needs a guardian.

Q. Things like balancing a checkbook or ---

A. Oh, well, he can do things. He basically can do things like that, but, see, he don't -- I don't think he can

get his driver's license. I don't really think -- he did have -- went to a driver's ed in high school and got -- he did get a learner's permit, and I rode with him, and he can drive pretty good, but he needs somebody there if in case. I mean, he could live maybe a while by his self and function, but he needs someone to carry him here and there and get him to the doctor and, you know, basic things.

Q. Someone to supervise him?

A. He can cook. He can fix -- cook and fix stuff to eat, but, right, supervise. Right.

Q. He's been -- it's my understanding he's been diagnosed as schizophrenic; is that ---

A. I think that's correct. Yes, sir.

Q. Any other current medical diagnosis for him that you're aware of: schizophrenic; is he still ADHD?

A. Well, I don't know, sir. I don't think there's anything else. I mean, this has just about wiped him out, though, this, what he's been through.

Q. Have you and Ms. Doe had conversations about this lawsuit?

A. Oh, yes. Yes. We have conversations and, you know ---

Q. Describe those conversations, if you can. What do you all talk about?

By Mr. Jeffcoat:

Object to the form.

Direct Examination Resumed by Mr. Foster:

Q. I don't know if you're aware of this. I should have gone over it. During the deposition, we have certain rules to hopefully help things go by more quickly, and one is all of the objections that you would normally make in a courtroom and let the judge rule on are sort of reserved to protect, you know, that parties and avoid interruptions. Your attorney, he can object to the form, but unless he instructs you not to answer, you can go ahead and answer and then the substance of the objection can be dealt with later. That's what that means. So if you hear him say, "Objection," or "Object to the form," let him finish getting that out, but unless he tells you not to answer, you can go ahead and answer, okay?

A. Okay. Well, we just talk about the things that John Doe 1 needs and nothing more than that, and it may -- it's -- that's about it.

Q. With respect to there's two lawsuits going on, one is against my clients, and that's the Boy Scout troop ---

A. Right.

Q. --- the Palmetto Council, St. Margaret's, the church that sponsored the troop, Shelby Culbreth, Jackie LaFontaine, Rob Green, Brandon Smith, Roy Cole, maybe

one more individual, and that case, my case, is about a letter that was sent to John Doe 1.

A. Yes.

Q. You're aware of that?

A. I'm aware of that.

Q. In essence, there's two claims in this case where my clients are involved, and that is, one, that a letter was sent to John Doe 1, excluding him from the troop, and the reason that letter was sent was because he had complained or made an allegation of abuse by Mr. Rhinehart, that ---

A. Yes.

Q. --- that the letter itself and the decision to exclude John Doe 1 from the troop caused him harm. You understand that?

A. Right.

Q. And the other claim is that the other individuals were negligent, to use the legal term, in allowing that letter to be sent. So you're aware of those claims?

A. Yes.

Q. And those are the only claims in our case; you understand that?

A. Yes.

Q. Did you review any documents in preparation for this deposition?

A. No.
Q. Did you discuss your deposition with your wife?
A. No; 'cause I just knew about it about 4:30 yesterday.
Q. That's right. You told me that. That's probably better.
A. And I thought I was through.
Q. That's right. You ---
A. I thought ---
Q. You don't have to sit around worrying about it for a whole long.
A. It's probably the best thing that happened, that I didn't have to sit weeks and months and worry.
Q. That's very true. I'm glad. We appreciate you making it on short notice. We really do. What, if anything, did Ms. Doe have to say about her deposition?
A. It was long.
Q. She's right. Anything other than it was long and ---
A. Well, she said it was just, you know -- it was pretty hard on her. It was pretty hard on her.
Q. Is John Doe 1 currently living with you now?
A. No. He's living back at his mother's.
Q. He's back in New York?
A. Yes.
Q. When did he go back to New York?
A. The week of July 4th.

Q. And he's been there since?
A. Yes.
Q. Do you have any knowledge of what sort of medical treatment John Doe 1 might be receiving living with his mother in New York?
A. He gets a shot every two weeks instead of taking medication.
Q. What sort of shot does he get?
A. Now, I'm not sure what shot, what kind of medicine it is, but he was on a medication when he was down here living with us, and he got off of it, and we didn't realize he wasn't taking it, and it was really -- he was really bad, and so when he went to the Patrick Harris in Anderson, they decided to put him on this shot, and it's worked out a whole lot better.
Q. Did he go to Patrick Harris in Anderson when he was down here with you the last time?
A. No. That was back, oh, gosh -- that was back when he was off his medication. That was probably two years ago.
Q. Okay.
A. Because he stayed down there almost a year.
Q. He stayed at Patrick Harris?
A. Yes; and he was read- -- they were going to put him in a group home, but they couldn't find a group home with

people his age. They were more older people, and they didn't -- and so he was ready to go, and he was -- and it was months they tried this one and that one, but the people were not -- they didn't think it would work out because the people were so much older than he was in it, and that's when, oh, we told him to come back, and we'd -- since he was on the shot, we would maybe could work things out, but it didn't work out okay then when he came back from Patrick Harris.

Q. And just to kind of get -- and we'll go through this in more detail and try to work more on the time line later, but I know when you mentioned that he was released from William S. Hall, his dad didn't come pick him up, or couldn't?

A. Right.

Q. And that's when he -- you all stepped in?

A. That's when we got cust- -- we went to court in Lexington County and got custody of him.

Q. You got custody?

A. Yes. He was like probably 14 then, something like that.

Q. So then he lived with you all again, and there was a situation where he got off his meds and it got bad again?

A. Right.

Q. And then went to William -- excuse me; Patrick Harris?

A. Oh, I'm sorry. He was older than 14, but I can't -- but, yes, that's true.

Q. It's always dangerous when I go out of order, but I'm going to go ahead and do it.

By Mr. Foster:

Let's get that marked as Defendants' 1.

(Court reporter marks four-page document as Defendant's Exhibit Number 1, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. Mr. Husband of Jane Doe, I'm going to show you what's been marked as Defendants' 1. I've got a copy for Michael.

By Mr. Jeffcoat:

Thank you.

Direct Examination Resumed by Mr. Foster:

Q. Well, during the course of the deposition, I'll show you documents like that. They'll be marked as exhibits so that we can refer to them as such. Just because I show you something doesn't mean you've seen it before, so please take your time to look it over, and then you -- I'll ask you questions about it. This order is dated -- if you'll look on the bottom of the last page, Mr. Husband of Jane Doe, dated February 12th of 2007. We were just talking a moment ago about when you and Ms. Doe got custody of John Doe 1?

A. Yes.
Q. Is this the order you were referring to?
A. Wait. Let me look here just a little farther.
Q. Sure. Sure.
A. But it looks like it is because he was -- this is not exactly what we got, but I think this is the date, and it was in Chesterfield County. That's great. Yeah. It looks like it is in '07.
Q. So this is after John Doe 1 had been released from William S. Hall?
A. Yes.
Q. And his daddy couldn't come get him?
A. Right.
Q. How old would John Doe 1 have been in February of 2007, 16?
A. Well, he's 20 now. I guess he ---
Q. Somebody who's better at math at this deposition ---
A. Probably sounds good to me.
Q. He was born May 3rd, 1991?
A. Yes.
Q. The order's dated February 12th of 2007.
By Mr. Foster:
Michael, how old does that make John Doe 1?
By Mr. Jeffcoat:
I was writing this. I'm sorry.

Direct Examination Resumed by Mr. Foster:

Q. I think he's 16 then.

A. Yeah.

Q. That sound about right?

A. Sounds about right.

Q. So at 16, you and Ms. Doe get custody of John Doe 1, correct?

A. That's right.

Q. So after you get custody of John Doe 1 when he's 16, how long did he live with you before the incident that led him to be sent to Patrick Harris?

A. Could you repeat that?

Q. Yes, sir. So John Doe 1 comes to live with you guys in February of 2007; you get custody of him, and this is after he comes out of William S. Hall. How long did he live with you and Ms. Doe before he went to Patrick Harris?

A. Year and a half to two years.

Q. Okay.

A. Probably close to two years.

Q. You mentioned that there was a very bad situation that happened. He got -- he quit taking his medication, and I think he went to Anderson Hospital or some hospital?

A. Patrick Harris.

Q. But what incident happened that led him to be sent to

Patrick Harris?

A. He was working for the South Carolina Vocational Rehab, and they -- he was working at a job in Spartanburg, South Carolina, and they were on him pretty hard. They -- I don't know what. It was a job that they were putting -- making things. Every day, you wouldn't know what you had to do. It was different things, and they were just on him to go do more and do more, and he just kind of threatened one of the ladies over there is what I understand. Now, I don't know the -- I don't know, you know, what, and they got the -- the police came and then they carried him -- he went over to Spartanburg Mental Health Center, and that's when she said that, you know, he needed to get over there because, at that time, we found out he wasn't on his medication. That was the time we found that out.

Q. Okay.

A. And then that's when they didn't have an opening, and he waited in Spartanburg Regional for about three days, and then they finally got an opening at Patrick Harris, and he moved over there.

Q. Did anything -- were there any incidents that occurred at home that were a problem, or was it just the incident with -- at voc rehab?

A. Yeah. It was at voc rehab.

Q. When we had Ms. Doe's deposition, I think, and that was in -- it was May 20th of this year, John Doe 1 had just returned from New York?
A. Yes; mm-hmm (affirmative).
Q. How long had he been there?
A. I don't know. I can't tell you.
Q. But he was living with his mother?
A. Yes.
Q. And so, in May, he had returned, and then you said, I think, July ---
A. July 4th weekend, he went back.
Q. --- he went back?
A. Right.
Q. But while he was here, he was getting shots every two weeks?
A. Every two weeks.
Q. Is the medication -- I know you don't know what it is, but is the medication intended to control his schizophrenia?
A. Yes.
Q. If he doesn't take the medication, what happens?
A. Well, he was off of it for four or five months, and, you know, it's pretty -- he was -- so I wouldn't say something right sudden is going to happen. Over time, though, he can't be without it ---

Q. Okay.

A. --- over time.

Q. When was he without it for four or five months?

A. When we found out he wasn't taking it.

Q. Okay. So ---

A. When we noticed he -- when we give it to him, we'd watch him take it and leave, and he was hiding it somewhere in his mouth, putting it -- and we'd find some pills by the side of the bed, you know, like that, and we thought he was taking it. They can fool you.

Q. Oh, sure.

A. But it was at least four or five months that he was off of it, and he was -- I couldn't tell a whole lot of difference, really, couldn't tell a whole lot of difference, but it gradually just went to this incident when he was put under pressure at work, and somebody said you're not doing enough. He was getting a paycheck each week, but it was -- it kept getting lower and lower, and they just -- I don't know. They're not supposed to put that pressure. They're not supposed to do that, I don't think, but I don't -- I think that's just what -- they just want him to do more. They want him to do more.

Q. In your experience with his schizophrenia, does he hear voices?

A. No. No. No.
Q. Okay.
A. No. It's either that -- it's either schizophrenia or bipolar. I don't think they pinpointed because, hm-mmm (negative), he never has heard voices.
Q. When he's with his mother -- back up. When he was living with you, what physicians or counselors did he see? And when I say -- this is from February 2007 on. Was he seeing, regularly seeing, a counselor of any kind?
A. Yes. Well, not a counselor, a mental health doctor at Spartanburg Regional Mental Health. Dr. Barwick was his doctor over there.
Q. When he came back in May and was here until July, did he see Dr. Barwick or any other ---
A. No; because she -- when he gets 18, she wouldn't see him anymore. He would go to the adult side.
Q. Okay.
A. And he went over -- well, no. He didn't go back. I'm -- I take that back. He did not go to see anybody when he came back in May. We had a doctor in Landrum, South Carolina, that -- he brought his medication with him. It was five doses in a bottle that he brought with him. It didn't have to be on refrigeration or anything, and the doctor in Landrum, South Carolina, agreed to

give him the shots every two weeks, so that's how he got his shots. He didn't see any other doctor except but a regular physician.

Q. Just to get the shots?

A. Just to get the shots.

Q. So prior to February of 2007, when John Doe 1 gets out of William S. Hall and you all take custody, when did he live with you all -- when was the last time he had lived with you all? February 2007 ---

A. Off and on for since he was three years old, he's lived with us and more times when he'd call on the phone 'cause -- and tell us to come get him.

Q. Sure.

A. He didn't want to stay, but he's -- most of his life, he's -- but we didn't have any say-so, see, I mean, because his dad, like in anywhere -- well, we couldn't find out anything because they wouldn't tell us. You see?

Q. Sure.

A. And then when we got custody, then we were, you know ---

Q. When you got custody in February 2007 and to the present, he's been -- until he turned 18, he continued to see Dr. Barwick?

A. Yes.

Q. Any other doctors he was seeing in that period of time

from the time he came back in '07 to when he turned 18?

A. He was seeing a doctor. It was a doctor in Spartanburg, a counselor-like, that he would go to, and it was kind of -- I think it was helping him, but it was -- he didn't want to go anymore, and then he finally -- we just finally stopped because it was like expensive, and then the mental health center had someone he was seeing in Spartanburg, and I don't know -- I'm not -- I don't know too much about that ---

Q. Okay.

A. --- a counselor.

Q. Do you know if he sees any counselors or physicians in New York?

A. He does. He has a doctor, too, that he sees, I think, once or twice a month when he goes. He doesn't see him every time when he gets his shot, but it's more often -- they so overloaded over at the mental health center in Spartanburg. You have -- the last time when he came back, it was -- he came back in like November. They couldn't see him 'til February, the doctors. That's how far backed up they are, so it's -- you really -- it really doesn't do a whole lot of good seeing you have to wait, so maybe once or twice a year, but he got his shot at the adult side when he got 18. He would just go in, and they had a certain day for this medicine, and a

certain day -- and you'd wait and get your shot.

Q. But once he turned 18, was he seeing anyone other than to get his shot?

A. No. No. This is before that.

Q. Do you know what kind of doctor he's seeing in New York? Is it just a physician to give him his shot, or is he seeing a psychiatrist or mental health counselor?

A. Some -- I think it's either psychiatrist or a mental health person, kind of like Dr. Barwick was here.

Q. Have you talked to John Doe 1 about this lawsuit?

A. Oh, he's told everybody about it.

Q. Okay.

A. He's told everybody about it.

Q. What have been your conversations with John Doe 1 about this lawsuit?

A. We told him that he -- just to -- he didn't need to do that, but you ---

Q. What would he tell everybody about the lawsuit?

A. About what he's going to do and what he's going to get, and I said, I told him, we -- his grandmother did, too, and I did, too, and he just needed to keep his mouth shut.

Q. Have you had any kind of discussions with him about the substance of the case or what's been alleged?

A. You know, we told him that it was -- it wasn't for him

to -- it was something to maybe that he would have something to take something to take care of him maybe in the future. It was for his future. It wasn't for him to go out and just, you know do. That's why we needed Jane Doe to be a guardian.

Q. Yes, sir.

A. Because he couldn't handle it. If he got him some money, he wouldn't be able to handle it, and so it's -- we told him, and he understands that. He's just ---

Q. Have you had any conversations with John Doe 1 about what the allegations of the complaints say, sort of about the substance of the case, as opposed to, you know, the possible outcome of the case?

A. No.

Q. John Doe 1's 20 now?

A. Twenty; mm-hmm (affirmative).

Q. What would be your estimate of sort of what his maturity level is in comparison to his age? If he's 20 years of age by the calendar, and obviously you're not a physician, but where would you place him on sort of where his maturity level is?

A. I wouldn't know. It'd be -- I mean, a physician would have to determine that. I just ---

Q. Fair enough.

A. He can do a lot of more than he think he can if you let

him. He wants to do things himself, and if you -- Jane Doe tries to maybe kind of treat him like he's still a little boy instead of letting him go and do things. If you let him go and do them, he can do them.

Q. Have you ever discussed with John Doe 1 his allegations -- or his allegation that he had been sexually molested by Brian Rhinehart?

A. I haven't. His grandmother has.

Q. So you and John Doe 1 have never discussed that?

A. I haven't. No.

Q. And you may have been referencing this before, but were you aware that Father of John Doe 1 had contacted attorneys in Florida sometime in late 2005?

A. Yes. That's what I was talking about the suit, when I was telling you it had already been ---

Q. Okay.

A. --- started.

Q. And that was something that Mr. Father of John Doe 1 did, correct?

A. Yes.

Q. Were you aware that the attorneys that Mr. Father of John Doe 1 had contacted had made a monetary demand at that time?

A. I wasn't aware. No. I wasn't.

Q. Do you have any idea why those efforts were abandoned?

A. No. I don't.
Q. Have you ever discussed with Mr. Father of John Doe 1 his pursuit of that claim?
A. No. I haven't.
Q. When's the last time you spoke to Father of John Doe 1?
A. We -- he don't speak to nobody. In fact, he's hard to find.
Q. You don't recall the last conversation ---
A. Probably ---
Q. --- you had?
A. Probably in 2007, whenever the -- he was at the when we got custody. He said he was homeless. He didn't have a job. He was -- and, you know, he didn't want to go to counseling and try to keep custody of John Doe 1. He didn't want to do those things. The judge told him that he could do these things, but he said, no, that he was homeless, and he didn't -- he just didn't want any part of it, and that was the last time I'd be -- I was spoken to him.
Q. Was John Doe 1 at that hearing?
A. Yes.
Q. Did his father not wanting to do those things, did that have an impact on John Doe 1?
A. I don't think so. I don't think it did because he didn't want to be with his father. I don't -- I'm sure

he didn't.

Q. Did he ever discuss feeling abandoned or anything like that by his father?

A. No. He didn't.

Q. With John Doe 1, with his sort of mental and emotional makeup, would he have been able to perceive abandonment by his dad or feel abandonment ---

A. I know he ---

Q. --- by his dad?

A. I know he felt that. I know he did. Yes.

Q. Okay.

A. I'm sure he did.

Q. Were you aware that the criminal charges against Brian Rhinehart related to John Doe 1 were dismissed? Were you aware of that?

A. Repeat that again.

Q. Certainly. You know who Brian Rhinehart is?

A. Oh, yeah.

Q. Were you aware that the criminal charges that were filed against Mr. Rhinehart that related to John Doe 1 were dismissed?

A. No. I wasn't.

Q. Mr. Rhinehart pled guilty to the charge related to his [redacted] John Doe 2.

By Mr. Foster (to court reporter):

And that's J-o-h-n D-o-e 2.

Direct Examination Resumed by Mr. Foster:

Q. And that's what he's in prison for. Are you aware of that?

A. Well, yes. I knew that, but it -- the paper stated it because they couldn't find the other party. The newspaper, in the article they put in the newspaper, was saying the other party that was molested, they couldn't find, and he was right there in our house.

Q. Did you ever have any discussion with your wife about why the charge involving John Doe 1 might have been dismissed?

A. No.

Q. Do you have any idea why it was?

A. No.

Q. Now, you obviously were married to Jane Doe when John Doe 1 was born, correct?

A. Yes.

Q. When he was born, his mother -- Mother of John Doe 1?

A. Right.

Q. Had she been diagnosed as schizophrenic at that time?

A. Yes.

Q. Was there any concern about her having children or even being married given her diagnosis?

A. No.

Q. Was her schizophrenia under control at that time when John Doe 1 was born or ---

A. Yes.

Q. Were you aware of any drug use by Mother of John Doe 1 while she was pregnant with John Doe 1?

A. I wasn't. No.

Q. Have you at any time heard that she may have abused drugs while John Doe 1 -- while she was pregnant with John Doe 1?

A. I probably have heard that. I probably have heard that.

Q. What sort of drugs; do you know?

A. I don't know.

Q. Where would you have heard that?

A. I don't know.

Q. Is it true that John Doe 1 began to show signs of mental and emotional impairment from a very early age?

A. No.

Q. It's not true?

A. No.

Q. Is it true that he showed signs of uncontrollable behavior at an early age?

A. They called it learning -- he had a learning problem, I think, but that was what it was, but it wasn't any -- what is it? Is it ADHD? Is that what it's called? What ---

Q. There's ADHD, which is attention deficit hyperactivity disorder. Was he diagnosed with that at an early age?
A. I think he was, and he was taking medication for that, but that was it. He wasn't diagnosed with anything -- with any other problem.
Q. Is it true that he would act out, sometimes violently, at an early age?
A. No. He wasn't ever violent.
Q. Is it true that he had a history from a fairly early age of acting out in a sexual manner?
A. I wasn't aware of that. I don't think so. I never did hear that.
Q. And you're doing exactly as you should. You can only testify about what you know about.
A. Right.
Q. That's the perfectly fine answer.
By Mr. Foster:
Let's go ahead and mark that as 2.
(Court reporter marks six-page document as Defendants' Exhibit Number 2, attached to deposition).
Direct Examination Resumed by Mr. Foster:
Q. Some of these are hard to read because they're physicians who are writing these things, and they historically write with very bad handwriting.
A. Okay.

Q. And some of the copies just aren't great but ---

By Mr. Foster:

I want to put it over the old exhibit number, so he won't be confused. See that down there?

By Court Reporter:

Put it over it?

By Mr. Foster:

Yeah. Is that okay, Michael?

Witness Answers:

A. You got me a copy?

Q. Yeah.

By Mr. Jeffcoat:

Yeah.

By Mr. Foster:

She's going to ---

By Mr. Jeffcoat:

Yeah, of course.

By Mr. Foster:

--- cover up 6, so ---

by Mr. Jeffcoat:

Sure.

By Mr. Foster:

--- this way, he won't be confused.

By Mr. Jeffcoat:

Okay.

Witness Answers:

A. Wow.

Q. Exactly. This is just a medical record that's been produced in the case. It's dated October 31st of 2003. It's a -- get to the back of it. It's a medical record of an Angela Bellamy, M.D. Does that name sound familiar?

A. I don't know. I'm not familiar with that name.

Q. In October of 2003, or October 31st of 2003, was John Doe 1 living with you and Jane Doe?

A. I don't know. I couldn't pinpoint that because he was there, and well, now, he would have been up here in Spartanburg because he came up to Spartanburg from Cheraw in '99, and he was actually living with his father, but he was spending a lot of time with us.

Q. On this visit that's reflected in Defendants' Exhibit Number 2, this is a doctor's visit that -- I'll tell you, that Ms. Doe took John Doe 1 on, and this is at the Spartanburg Area Mental Health Center, and it's hard to read here, but "Describe Child's Behavior At Home," if you look at that, it's in that column right there.

A. Are you on the front page?

Q. On the front page.

A. "Describe...," okay. I see.

Q. "Angry, slams doors, disrespectful, difficulty sleeping,

won't sleep by himself, runs outside screaming, past self-mutilation five years ago, set fires, destructive, one time, bent grandmother's hand back"; is that ---

A. Now, who is saying this?

Q. This is how the -- I guess John Doe 1's behavior is being related to the physician. Does that ---

A. Okay. Well ---

Q. --- sound accurate?

A. Well, who is -- is Jane Doe saying this or his stepmom, Stepmother of John Doe 1? Sounds like what Stepmother of John Doe 1 says ---

Q. Okay. Well ---

A. --- because ---

Q. Go ahead. I didn't mean to interrupt you.

A. He -- she -- because I don't -- we didn't -- I didn't see any of this. I didn't see any of this when he was with us, but he lived -- he was with his dad ---

Q. Okay.

A. --- at this time because -- and he didn't come really full-time 'til 2007.

Q. Okay.

A. But he would stay weeks at a time, and we'd take him to school and do that, but this, I believe, must be his stepmother just saying this, or is this the doctor -- she's taking this from his stepmom?

Q. Yeah. If you look in the -- I believe she's taking it from Jane Doe, but if you look in the right-hand column here at the top, "Child's Legal Guardian (list relationship to client): Maternal grandmother and step-grandfather, Jane Doe and Husband of Jane Doe." Do you see that?

A. Yes; mm-hmm (affirmative).

Q. So in 2003, it appears that Jane Doe took John Doe 1 for an evaluation with Dr. Bellamy, but if you don't have any knowledge ---

A. Doctor who now?

Q. Dr. Bellamy.

A. Where was he?

Q. That's Angela Bellamy. She's with Spartanburg Reg- -- excuse me - Spartanburg Area Mental Health Center.

A. I don't believe this. I didn't know anything about this.

Q. Well, let me ask you about this.

A. Now, he did have sleeping difficulties.

Q. Okay.

A. And but as far as any anger or anything, I didn't -- I've not familiar with that.

Q. Okay. "Clinician's Perception of Presenting Problem" states, "It appears client, or ct, has begun to show aggressive behaviors at home and school. Therapist

feels client may now be dealing with past physical abuse and lacks appropriate coping skills." In your recollection, was John Doe 1 exhibiting aggressive behaviors at home in October of 2003?

A. What do you mean by aggressive behavior?

Q. Would he become violent or threatening in any way?

A. Hm-mmm (negative).

Q. Okay.

A. That's not the person I know.

Q. Okay.

A. I believe this must be -- I don't know why. I don't recall this doctor and ---

Q. Let me ask you: the report reflected in Exhibit 2 states that there was an allegation of sexual abuse stated by Cheraw DSS. It says, "Gina stated John Doe 1 told her that dad touched his penis and began teaching him how to masturbate at age four."

A. Page four?

Q. Age four.

A. Oh.

Q. It was at age four.

A. Oh, I'm not familiar with that, either.

Q. Have you ever -- has Ms. Doe ever told you that she suspected that Father of John Doe 1 physically abused John Doe 1?

A. No.
Q. Has Ms. Doe ever told you that she suspected that Father of John Doe 1 sexually abused John Doe 1?
A. No.
Q. Has anybody ever made such allegations to you?
A. No.
Q. Have you ever seen Mr. Father of John Doe 1 be physically abusive to John Doe 1?
A. No. I've never seen it.
Q. Have you ever seen -- has John Doe 1 ever told you that Mr. Father of John Doe 1 was physically abusive to him?
A. No.
Q. Did Ms. -- or has Ms. Doe ever told you that Father of John Doe 1 was physically abusive to Mother of John Doe 1?
A. Well, now, I have heard, in fact, he busted two of her knees one time. I have heard that he was abusive to her.
Q. Okay.
A. I have heard that.
Q. He busted her knees? Tell me about what you recall about that incident.
A. Someway, I don't know how her knees got -- I don't mean busted. I mean they were ---
Q. Scraped?

A. --- beat up, beat up. Yeah. Someway, she was running from him or something and fell and beat up her knees. I think that's what it was.

Q. Okay.

A. I said busted knees, but they were in pretty bad shape.

Q. This record that's reflected in Defendants' Exhibit 1 also references "Emmanuel, age 16, states friend touched him on private part a couple of weeks ago." Were you ever aware that John Doe 1 had alleged that a neighbor, Emmanuel Blackwell, had sexually assaulted him?

A. I didn't know this until Jane Doe did her -- it was -- she brought -- it was in her deposition that she did. I -- we didn't know that. We didn't know there was somebody else. She didn't either.

Q. She wasn't aware of ---

A. I don't think she was. No. She wasn't.

Q. Did you have a chance to read her deposition?

A. I did some. I didn't -- I -- she showed me some things, and she showed me what John Doe 1 gave to the police and stuff like that.

Q. Do you recall anything specific she showed you?

A. No; not really.

Q. So just to be clear, you were not aware until Jane Doe told you after her deposition that John Doe 1 had been sexually assaulted by Emmanuel Blackwell?

A. That's right.
Q. This apparently occurred in November of 2003. Do you know if John Doe 1 was living with you and Jane Doe at the time?
A. He was with his daddy.
Q. He was with his daddy?
A. And his stepmom ---
Q. In November ---
A. --- over in Springfield; mm-hmm (affirmative).
Q. --- 2003?
A. Yes.
Q. November 2003? Okay.
A. Yes.
Q. This report says that John Doe 1 stopped living with his dad when he was about four years old, so that would have been around 1995. Does that seem accurate to you?
A. No.
Q. Okay.
A. He still lived with his daddy. They lived with John Doe 1 -- with Father of John Doe 1's mother in one room. They had one room. They lived in -- Mother of John Doe 1 and Father of John Doe 1 and John Doe 1 were in one room, and he lived -- that was when we was in Cheraw there, and but he would spend -- he would call us and say there wasn't any food there and would we -- they

weren't -- we'd go -- Jane Doe went over there one time. There wasn't a thing in the refrigerator, and he would call and tell us could we come get him, and we would usually go get him, and he might stay a week with us or because if -- and if he stayed a week or two, he wouldn't hear one word from his daddy. He wouldn't hear a phone call or nothing. He didn't see how he was, and so but we didn't have custody of him, and he stayed full -- when he stayed full-time with us was when the judge in '07. Up until that time, he would stay a few days with his dad; then come stay a few days with us, and a week or whatever, but he was never full-time with us up until the court order date.

Q. Prior to the court ordering or granting Ms. Doe and you custody in February of '07, what's the longest period of time John Doe 1 -- continuous period of time John Doe 1 had lived with you and your wife?

A. It would be a guess.

Q. Best guess.

A. Probably a month or more, maybe more ---

Q. So ---

A. --- a month or two.

Q. A month or two would be the longest period ---

A. Yeah.

Q. --- of time?

A. Right. Then he -- right.

(Court reporter marks three-page document as Defendants' Exhibit Number 3, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. Let me show you what I believe has been marked as Defendants' 3.

By Mr. Foster:

Is that right?

By Court Reporter:

Yes.

Direct Examination Resumed by Mr. Foster:

Q. And this is just some more medical records, and I apologize for the poor copy. This is how they came to us. This is from Cheraw Family Medicine, and the second page appears to be a continuation of the first page. The first page is dated 2/20/95, and then you flip it over, and it's 5/20/97. This is a medical record from Cheraw Family Medicine of a visit where John Doe 1 was brought in by Ms. Doe. At the top of the second page, she's referencing, "He has carpet in his room and likes to hide under his bed. That's his secret place. His grandmother is more concerned, however, about his problems at school. He apparently has become difficult to manage. He is in kindergarten and has difficulty holding in his anger. If somebody hits him even

unintentionally, he is likely to strike back, usually forcefully and aggressively and, obviously, inappropriately." Does that refresh your recollection of perhaps John Doe 1 having problems with anger and acting out aggressively from a very early age?

A. I know he had problems in school, but I didn't never -- I'm not familiar with the aggressiveness, and he always had problems in school. I don't know. He just ---

Q. Was he difficult for you to manage when he lived those stretches of time with you?

A. Getting him up in the morning for school was a ton of a job.

By Mr. Jeffcoat:

I got one like that.

By Mr. Walsh:

We probably all got one like that.

By Mr. Foster:

Off the record for a second.

(Off the record, 2:37 p.m.)

Direct Examination Resumed by Mr. Foster:

Q. It goes on, this record goes on, to note that - this is sort of the second paragraph - "His grandmother is concerned that there may be some underlying problems. She states that he has seen a lot of violence prior to coming to her home." Do you know what violence Ms. Doe

might have been referring to?

A. No. The only thing, you know -- I never have had tro- -- any problems with John Doe 1. He would mind what I would tell him to do, and I don't know what that would be.

Q. Has John Doe 1 ever talked to you about seeing any violence in his home with his father, you know, being violent towards Ms. Stepmother of John Doe 1?

A. He was violent towards his mother -- I mean, father and his wife, Mother of John Doe 1. They were fighting and fussing a lot.

Q. Physically?

A. I don't know about physically. I know that one time that she got -- he was chasing her or something and -- talking about the knee problem.

Q. How about John Doe 1 -- excuse me - Father of John Doe 1 and Stepmother of John Doe 1; did John Doe 1 ever tell you about any violence he observed between those individuals?

A. No.

(Court reporter marks two-page document as Defendants' Exhibit Number 4, attached to deposition).

By Mr. Foster:

Thank you.

Direct Examination Resumed by Mr. Foster:

Q. This is a medical record, January 22nd, 2004, from Dr. Lori Barwick. I believe you mentioned Dr. Barwick was one of the counselors that John Doe 1 ---

A. She was his doctor.

Q. And that's ---

A. She was a medical doc- -- medical doctor.

Q. Okay. And he was seeing her -- is she a medical doctor or a psychiatrist?

A. Psychiatrist.

Q. Okay.

A. I'm sorry.

Q. She's the one you referenced he saw until he turned 18?

A. Yes; mm-hmm (affirmative).

Q. If you look at the first page -- I apologize. It's going to be hard for you to see, but I'll try to point you to it here. It says -- oh, actually at the top, let's start up here - "He returns" -- this is the - one, two, three - third sentence, which says, "He returns today for followup with his grandfather. Note at last visit, [redacted]'s diagnosis had been ADHD," which we earlier discussed is attention deficit hyperactivity disorder, "rule out for PTSD..." Now, PTSD, I'll tell you, is post-traumatic stress disorder.

A. Mm-hmm (affirmative).

Q. Can you tell me what or why John Doe 1 needed to be

ruled out for post-traumatic stress disorder in January 2004, around that time frame?

A. No. I can't tell you why that was.

Q. If you go on further down, right here, "Of note is they also mention that John Doe 1 was having behavioral problems, including some sexual acting out, at that time." At that time, they're referring to October of 2000. Were you aware that John Doe 1 was having problems with sexual acting out as early as October of 2000?

A. No.

Q. "Apparently, there was history that John Doe 1 had undergone an evaluation at the request of DSS for sexual acting out, but they had no findings for sexual abuse." Were you aware of an evaluation done at the request of Cheraw DSS or any DSS agency for John Doe 1's sexual acting out?

A. No.

Q. If you look at that next paragraph, it says, "On follow up today, grandfather brings a note from grandmother which reports they have noticed some increased concerns about John Doe 1. Apparently, since last visit, he has been showing some increased aggression, hitting and kicking at times." See that?

A. Yes.

Q. Does that refresh your recollection about whether or not John Doe 1 was sometimes violent and aggressive in the home?

A. I don't -- I never did see that.

Q. Okay.

A. I don't know.

Q. Do you recall an incident where he set fire to the pine straw?

A. Yes. I do that.

Q. Okay.

A. And I really do.

Q. Do you recall John Doe 1 running into a neighbor's house and looking in her closets?

A. No. I don't have any recollection of that.

Q. Okay.

A. He always liked fire - I know that - and he would ---

Q. Did he light fires on more than one occasion?

A. No. I don't know. That's the only occasion I know of, that pine straw.

By Mr. Foster:

I don't remember what number.

By Court Reporter:

This is 5.

(Court reporter marks one page document as Defendants' Exhibit Number 5, attached to deposition).

Witness Continues:

A. Can we take a little break?

Q. Good call. We're going to be going a little over an hour.

A. Okay.

Q. That's the perfect time to do it.

A. Okay.

By Mr. Foster:

We're off the record.

(Off the record, 2:45 - 2:52 p.m.)

Direct Examination Resumed by Mr. Foster:

Q. Now, this is a -- I'm referring to doc- -- excuse me - Defendants' Exhibit Number 5, and I'm not even going to try to get you to read too much, but this is a note from Dr. Barwick, again, and it's dated May 7 of 2004, which would have been a few months, four months or so, after the record where you took him in to see Dr. Barwick. She says that John Doe 1 continues to be aggressive toward her, had hit her in the stomach while she was driving a car and almost caused a wreck. Were you aware of that?

A. Hm-mmm (negative).

Q. Were you aware that, at this time, she says that it -- the difficulty of controlling his behaviors at home are so great that it was hurting her marriage. Does that

sound familiar?

A. Hm-mmm (negative).

Q. Okay.

A. No.

Q. Were you aware that -- and I apologize if I asked you, but you weren't aware that he had attacked her in this fashion?

A. No.

Q. Okay. She references that it's so bad that she's going to have to send him back to live with his father. Do you recall that?

A. No.

(Court reporter marks one page document as Defendants' Exhibit Number 6, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. Take a look, if you will, Mr. Husband of Jane Doe, at Exhibit Number 6. This is a medical record of December 29 of 2004. Do you recall an incident in December of 2004 when John Doe 1 threatened your wife with a knife?

A. I recall something of this effect. I'm not sure, but I think this was true here.

Q. What can you tell me about that incident?

A. I don't -- I can't remember anything about it, but I know he did. At one time, this did happen.

Q. It references that you actually called asking for a new

prescription for Concerta, and during the call is when John Doe 1 apparently was threatening her with a knife. I mean, do you recall specifically the incident happening?

A. I don't recall the incident really, but I think -- I'm not -- I can't remember why I was calling for another prescription.

Q. Were you afraid of -- at any time in December of 2004 or around that time frame, were you ever afraid of that John Doe 1 might get violent?

A. No.

Q. Were you ever afraid for your wife?

A. No.

Q. The doctor's note there references a comment that John Doe 1 was living with you because the family didn't want anything to do with him. Is that accurate?

A. Say that -- repeat that.

Q. I think Ms. Doe gets on the phone and states that John Doe 1 is living with you all again because his family didn't want anything to do with him. Was that an accurate statement?

A. I don't recall that particular statement, but it's possibly true.

Q. Ms. Doe also notes that Father of John Doe 1, John Doe 1's father, is known to, quote, unquote, "brutalize"

him. Did Ms. Doe ---

A. Voice-wise, he does. He did do that. He's called him names. He did do that.

Q. What kind of names would he call him?

A. I'm not -- I don't recall that, but he did do that.

Q. And to your recollection, you've never -- Ms. Doe's never told you that Father of John Doe 1 physically abused John Doe 1?

A. No.

Q. And you've never seen it?

A. No.

By Mr. Foster:

Is this 6 or 7?

By Court Reporter:

This will be 7.

(Court reporter marks two-page document as Defendants' Exhibit Number 7, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. This is a November -- or actually, January 11, 2005, note from Dr. McChesney. Do you know a Dr. McChesney?

A. No, sir.

Q. This is actually an office visit. It says, "Client is accompanied by his grandparents, who state with great exasperation that they haven't slept in two nights because of John Doe 1's misconduct." It goes on to note

that "He had recently threatened his grandmother with a weapon, and two nights ago, he took the family car without permission and tried to drive to Asheville." Do you recall that incident?

A. He did drive the car to -- he didn't get to Asheville, but he got almost there, and he saw a sheriff deputy and told him he was going to his mother's, but he changed his mind, and he wanted him to call us to come get him, and that's what he did, and there weren't any charges placed against him by the deputy.

Q. Did he have permission to take the car?

A. No.

Q. Technically, he stole it?

A. Well, he took it.

Q. Took it without permission?

A. Yeah. We didn't -- you know we wouldn't tell somebody without a license to take a car.

Q. Very true.

A. I mean ---

Q. Very true. What time of night was it?

A. I don't know. We were all asleep and the phone rang, and I answered the phone, and this -- he told me who he was and to come get John Doe 1 and that he was going to his mother's and he had changed his mind, and I think it was around Fletcher, where it was, the exit, and changed

his mind. We went up and got him and he was -- he did the right thing.

Q. Dr. McChesney recommends that the grandparents, that's you and Ms. Doe, take John Doe 1 to the Department of Juvenile Justice and charge him and have him declared incorrigible and ungovernable. Do you recall that advice?

A. Repeat that.

Q. Sure. Dr. McChesney states that she recommends that you and Ms. Doe take John Doe 1 to the Department of Juvenile Justice and charge him and have him declared incorrigible and ungovernable.

A. By taking the car?

Q. Mm-hmm (affirmative).

A. I think I do remember her saying that, but we didn't do that because of what, you know, he was -- nothing -- I mean, it was a bad thing, but nothing happened, and so we didn't do that. We didn't go to the criminal justice.

Q. Was it your understanding that had you done so or that one of the reasons for doing so would be so that John Doe 1 could get additional medical help?

A. One of the reasons -- say that again.

Q. To have him declared incorrigible and ungovernable was that he could get help for his mental issues?

A. I don't recall anything being said about that, but she -- I remember something about it, but it was that it should be reported where it would be on his record is what she said ---

Q. Okay.

A. --- is what I understood her to say.

Q. Isn't it true, at this time, in January of 2005, that you and Ms. Doe found that it was impossible for you to control John Doe 1's behavior?

A. I don't recall that. I mean, the only thing I recall with him, he was hard to get to bed at night, and we were having trouble getting any rest at night or sleep, but ---

Q. Dr. McChesney -- I'm sorry.

A. --- I never -- we never did -- I don't recall any time that he was out of control at our house, physically, or except that time with the knife you were mentioning ---

Q. Okay.

A. --- and he could -- getting him in bed at night. He was hard to get to get in bed.

Q. Okay.

A. And the medication, I think, is what was doing that.

Q. This January 2005 note says that "They were very upset about not being able to manage him, and he was noncompliant and oppositional towards them and all

authority figures." Is that a true ---

A. When is that?

Q. It's January of 2005.

A. I don't recall that.

(Court reporter marks two-page document as Defendant's Exhibit Number 8, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. This is another record from Dr. McChesney, and this is -- top record is exactly two months later, two months after the report we just reviewed. It notes that the client now lives with his father and stepmother. Do you recall John Doe 1 going back to live with his father after the event where he took your car without permission?

A. He always lived with his father and stepmom. He would just come and stay with us.

Q. So he wasn't living with you 99 percent of the time?

A. No.

Q. Okay.

A. No.

Q. There's a reference to John Doe 1 at MUSC at this time, around this time. Do you recall John Doe 1 being evaluated at MUSC?

A. Where is MUSC?

Q. I'm sorry. Medical University of South Carolina.

A. I think Stepmother of John Doe 1, his stepmother, and his dad took him down there.

Q. Okay.

A. I think they did. I recall that.

Q. If you look down, there's actually a second note from March 18th, and this is a call-in to a Susan Henderson from Stepmother of John Doe 1, the stepmother. "Client's stepmother was somewhat frantic at first, talking about the client's behavior, stating he has -- she has had to call the police on the client. Apparently, the client has been hurting the dog and throwing rocks at the mother and father..." Does that sound like the type of behavior John Doe 1 was engaging in in March of 2005, to your knowledge?

A. No. He didn't get along with his stepmother, but I never did hear anything like that going on about anything like that.

Q. So it's not true that he'd gone back to live with his father because you couldn't control him?

A. No.

Q. Do you recall when John Doe 1 joined the Boy Scout troop?

A. I don't know the exact date, but I remember when he did.

Q. Right. Were you involved or did you participate in any of the Troop 292's activities?

A. Sometimes I would carry him to the meetings, and then we, on two occasions, two years, I helped him, carried him around selling popcorn for the Scouts ---

Q. Okay.

A. --- when they had the popcorn drive. That was two years he did that.

Q. When you carried him around, how did that -- how did the popcorn drive work, if you recall?

A. We would sell mainly on our street. It's probably about 25 households, and we'd sell on that street, and he would -- I'd go with -- we'd drive the car, but we'd stop and go to several houses before we came back to the car, and he would go up. I'd stand -- he'd want me to stand down on the steps, and he would go up to the door and make the presentation and ---

Q. When he would go up to the door, would he actually have popcorn to sell to the person then?

A. No. No. No. No. They give you a form that's got three copies, and you -- it's got a list of the popcorn on there that you -- they can buy and how much it is.

Q. Okay.

A. They mark down what they want and pay for it and put down -- we put their name and all that and what they bought, and then when we tot- -- when the sheet gets full, we total it up and turn in the money to Brian, and

then in about a week or two, you go get your popcorn and bring it back to the people ---

Q. Okay.

A. --- and deliver it.

Q. So the people would pay for it before they got it?

A. Right. You -- when you went and made the presentation, if they wanted some, they would mark what they wanted and give you the money for it. They you'd get all your money collected together and total it up and take it, turn it in to get your popcorn, and then -- I think it was two -- maybe two weeks we'd -- it'd be there. They didn't have to -- have to order it.

Q. Was this the -- a fund-raiser, a Scout fund-raiser?

A. Mm-hmm (affirmative).

Q. Did you ever attend any Scout functions?

A. They had a car wash, I think, I went to in Boiling Springs one time. That's the only one I remember. I would sometime -- when I carried him to the meeting, I'd leave him and go to Walmart nearby and maybe come back and pick him up.

Q. How often would you take him to and from the meetings?

A. During the whole time he was in there, maybe two or three times during the whole two -- I think he was in there maybe about two years.

Q. Did you meet any of the other parents?

A. Well, the original Scout leader, when it was organized, was Paul -- can't think of his last name.
Q. Hoowell (phonetic)?
A. Howell.
Q. Howell?
A. Howell. And he was good, and everybody, all the Scouts, liked him, and then all at once, he left and pulled his son out, and I don't know why he left, and that's when Brian took over, and really it wasn't any parents, just Doni, his wife, and those other people that you named before, but you could stay, if you wanted to, I think, but we weren't -- we would sit out -- Jane Doe would sit outside and wait 'til the meeting was over.
Q. So you never attended any actual meetings?
A. Maybe one or two; one time when they were camping in Hendersonville, Saluda, I believe the Boy Scout camp in Saluda, we went up there for a thing they were having, Jane Doe and I did, and that was the only one of the functions. I believe it was a week. Is it a week they go camping, go up to -- I may -- it was maybe that time that they went up there camping in Saluda, North Carolina.
Q. Did you go the whole week, or did you just go to camp?
A. No. No. We just went that night for a function they were having, a bonfire. They had a bonfire.

Q. Did you know Brian Rhinehart before John Doe 1 joined the troop?

A. No.

Q. So you didn't know him other than as related to Troop 292? That's the only way you knew ---

A. I didn't know him at all.

Q. Okay.

A. We met him in -- we were at a -- in Landrum at a vacant Bi-Lo, shooting fireworks, and they came, just came up, and that's how -- that was the same time, and then they told us about they were getting ready to organize a Scout troop, but I never seen him before.

Q. Were he and John Doe 2 friends already when they came up in the Bi-Lo, empty Bi-Lo, parking lot?

A. What's that now?

Q. Brian Rhinehart's [redacted] John Doe 2, Brian Rhine- ---

A. John Doe 2.

Q. John Doe 2?

A. I believe it's John Doe 2. That's what we call him.

Q. John Doe 2 works for me, as well. I have no idea. I'm talking about the same guy.

A. Okay.

Q. Same guy; so John Doe 2. Were John Doe 2 and John Doe 1 friends before the Boy Scout troop?

A. They never seen each other. They never seen one

another.

Q. They became friends, though?

A. Yes.

Q. Do you know Shelby Culbreth?

A. I just know her when she was always at the meetings. That was one that was always there. I didn't know what her position was or anything.

Q. Have you ever spoken to her?

A. I just say hey and how are you and stuff, something like that.

Q. How about Jackie LaFontaine? Do you know Ms. LaFontaine?

A. I don't think she was there when it was originally organized. She came along later. I don't know what her job was.

Q. Okay.

A. I really don't.

Q. Did you ever meet her?

A. I met her, and that's about it.

Q. Did you ever speak to her?

A. Not really.

Q. How about Roy Cole?

A. Who?

Q. Roy Cole, the -- at the time was the interim minister at St. Margaret's Church.

A. I never met him.

Q. Have you ever met Scott O'Neill?

A. I don't know who he is.

Q. Did you ever meet Brandon Smith?

A. No.

Q. Bob Faulks?

A. I don't know any of these gentlemen.

Q. Do you know Rob Green?

A. No. I don't know him.

Q. Can you -- do you ---

A. I'm fine.

Q. --- need a break?

A. I'm fine.

Q. Okay.

By Mr. Foster:

Is that 9?

By Court Reporter:

Yes.

(Court reporter marks two-page document as Defendants' Exhibit Number 9, attached to deposition).

By Mr. Foster:

I'm trying to keep these organized so I don't get in trouble when I get back to the office.

Direct Examination Resumed by Mr. Foster:

Q. When did you first learn that John Doe 1 had claimed

that Brian Rhinehart had sexually molested him?

A. I can't remember the date, but it was -- it must have been about the time that he was charged because I hadn't heard anything about it before.

Q. So if he was charged on or about October 20th, that would have been the first time you heard about it, Mr. Rhinehart was charged?

A. Yes. I understand what you're saying.

Q. Okay.

A. I'm just guessing, yes, I mean, the dates.

Q. Okay.

A. In fact, that's -- I saw it in the paper, Spartanburg Herald-Journal. I mean, you know, I don't know if that would have been the same time that the paper come out about it but ---

Q. Is seeing it in the paper the first ---

A. Well ---

Q. Go ahead.

A. Let me think a minute. It seems to me like something -- he said something to his grandmother, and she told him he should tell his daddy. I'm not -- I'm just -- I'm not sure about this, but I'm just thinking this is something that happened around that time ---

Q. Okay.

A. --- that she -- that he told his grandmother and that

she told him, Jane Doe told him, that he needed to go talk -- tell his dad ---

Q. Okay.

A. --- 'cause, see, he was still living with his dad.

Q. Did Jane Doe tell you that at the time, or has she told you that since? And when I say tell you at the time, did -- when -- if John Doe 1 told his grandmother, if he told Jane Doe, about the alleged sexual molestation, did Jane Doe tell you then what John Doe 1 had said, or did you learn later that he ---

A. I learned later.

Q. Your first knowledge of John Doe 1's allegation about Brian Rhinehart, was that when you saw it in the paper?

A. No. I think -- I don't know. I think when he -- I really can't tell you when it -- the first time I heard it, but it was along in there somewhere ---

Q. Okay.

A. --- when he was on trial, I think, or maybe Jane Doe told me. I can't remember. I can't remember when it was. I'm sure she told me.

Q. But you just don't remember?

A. No. I just don't remember when ---

Q. Okay.

A. --- when it was.

Q. And John Doe 1 never told you that he had been sexually

abused by Mr. Rhinehart?

A. No.

Q. Prior to you either hearing it from Jane Doe or seeing a paper, did you have any suspicion that John Doe 1 had been sexually abused by Mr. Rhinehart?

A. No.

Q. If you look at Defendant's Exhibit Number 9, this is the police report of October 7, 2005, and I can tell you, this is the date that a school counselor, referenced as Martha Totosky on this report - but I think -- from Greg, I think her name was actually Martha Potasky; I'm not sure about that - called the police to say that John Doe 1 had told her that Brian Rhinehart had sexually abused him over the past three months. It notes that when the police got there, John Doe 1 initially reported that his mother, and that would be Ms. Stepmother of John Doe 1, had assaulted him when she tried to wake him up this morning, which he refused to do, as he is still at the house. The father denied that occurred. Were you aware of any of this, that John Doe 1 had reported that; when the police showed up on October 7th, that John Doe 1 had told the police that Ms. Stepmother of John Doe 1 had assaulted him?

A. That was an incident, you know, that -- I've heard of that, but I don't know anything about the assault.

Q. If you look over on the second page, "The father reports" -- and that's Mr. Father of John Doe 1, "The father reports that his son has lied repeatedly in the past..." Had you -- in your experience with John Doe 1, did you know him to lie?

A. I never known him to lie.

Q. Any idea why Mr. Father of John Doe 1 would tell the police that his son lied repeatedly?

A. There's not much to that man. There's not too many things he wouldn't do ---

Q. Yeah.

A. --- his dad.

Q. Do you consider Mr. Father of John Doe 1, Father of John Doe 1, to be a credible person?

A. No.

Q. Is he a liar?

A. Yes. He's been in all kind of trouble, drugs, alcohol, and everything. He's -- you can't believe what he tells you.

By Mr. Foster:

Is that 10?

By Court Reporter:

10.

(Court reporter marks two-page document as Defendants' Exhibit Number 10, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. This is Mr. Father of John Doe 1's sworn statement that he gave the police on October 12th, 2005. He says he's trying to be as objective as possible in the situation. "Other members of the household have heard John Doe 1 make such statements; e.g., quote, 'I know how to handle adults,'" period, close quote. Do you have any idea of what Mr. Father of John Doe 1's talking about there?

A. You're going too fast for me.

Q. Oh, I apologize.

A. Start over again.

Q. Certainly. Certainly. Let's start at the top. "John Doe 1 (my son) attests that he has been sexually molested by his scoutmaster of Troop 292. I have questioned him repeatedly concerning the validity of his claim, and he persists in maintaining his assertion; that it is the truth." Did you ever sense that when this allegation was made by John Doe 1 that his father didn't believe it?

A. I don't know what his father -- I don't really know what he means here.

Q. You hadn't -- you've never talked to Mr. Father of John Doe 1 about these allegations; have you?

A. No.

Q. Have you ever heard John Doe 1 make a statement to the

effect that "I know how to handle adults"?

A. No. I haven't.

Q. In your experience, is John Doe 1 a vindictive person?

A. Now, what you mean? What do you mean?

Q. If he got mad at somebody, would he make something up?

A. No.

Q. And when I say make something up, make something up to get them in trouble, sort of pay them back?

A. No.

Q. That's not been your experience?

A. No.

Q. If his father said that, that wouldn't ---

A. I wouldn't believe ---

Q. --- be credible?

A. I wouldn't believe anything his father said ---

Q. Okay.

A. --- to tell you the truth. I've had a lot -- ever since John Doe 1 was born, I've had dealings with his father, and he's just going to be what he can -- what he can get for himself out of it is what he's after. The dollar sign is all he sees. All this is very -- very sounds -- it's very like his daddy. I can -- just over and over again, the stuff he's saying here, the same.

Q. It sounds like him?

A. It sounds exactly like him.

(Court reporter marks one page document as Defendants' Exhibit Number 11, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. And this is just something I've done to help me with the time line of events. This is Defendants' -- this calendar, we've marked as Defendants' Exhibit Number 11, and Number 12 --- Let's go ahead and mark this as 12 so Mr. Husband of Jane Doe has that.

(Court reporter marks one page document as Defendants' Exhibit Number 12, attached to deposition).

Direct Examination Resumed by Mr. Foster:

Q. Let's look at 12 first, which is the letter.

A. Okay.

Q. This is an undated letter from Boy Scout Troop 292. Have you seen this letter before today?

A. Jane Doe told me this is not the same letter. She's told me today that she meant me to ask someone. This is not the same letter that she saw when it was given to whoever it was given to, Father of John Doe 1. This is not the same letter, she says, but I know there was a letter.

Q. Okay. Had you ever seen ---

A. Yeah. I've seen this, and that devastated him right there. That letter devastated him, John Doe 1, because he loved the Scouts.

Q. Yes, sir. Was there -- when Jane Doe said there was another letter, what ---

A. This wasn't the same letter. It had the same stuff on it, but it wasn't the letter she saw because she got one of these, too, I guess, when you all -- when she did her deposition.

Q. And we would have given her the same letter you're looking at.

A. Right. But she said it was another letter that she saw, the original letter she saw. This is a copy.

Q. So she thinks that the letter that we're looking ---

A. But it said the same thing, and I'm saying ---

Q. Sure. But ---

A. Right.

Q. But what you're telling me now is that Ms. Doe thinks that the actual letter that was sent back in '05 ---

A. Mm-hmm (affirmative).

Q. --- is somehow different than this letter?

A. That's what she's saying.

Q. Okay.

A. But ---

Q. Did she ---

A. But it said the same thing, that he couldn't participate in it.

Q. Okay.

A. So I don't know if that makes any difference or not.
Q. Well, it certainly could. Does she have any indication where that different letter would be?
A. No. I don't know. She turned -- I don't know. It's some letter she carried over to the church and gave to that -- the lady at the church. Is that -- was this written -- was this written by the church? Yes. It was. This is the letter the church wrote. This is the letter that she carried over there to the church. She had the letter, Jane Doe did, and carried it over there, and they said that not -- something about it wasn't anything -- they like stolen some of their stationery or something and did something with it, whoever wrote this letter, that it wasn't anything that the church would do.
Q. This isn't actually -- at least what I'm looking at here ----
A. The letter ---
Q. --- Defendants' Exhibit 12, isn't on St. Margaret's Episcopal Church letterhead.
A. Well, the one she had was on their letterhead. I'm pretty sure.
Q. Okay.
A. And then whoever the lady she talked with over there - it must have been the secretary - said that nobody over

there at the church would do that, and she'd try to find out who got the stationery, but it was very same, kind of the same thing you got here, but, I mean, I don't guess that matters. It's still ---

Q. Do you see -- obviously, this letter doesn't have a date on it, what we're looking at, Defendants' Exhibit 12?

A. Yeah.

Q. Did the letter that Ms. Doe's referring to, did it have a date on it?

A. I don't know that. She just said it was different than the letter that you all gave her like this.

Q. Does she have a copy of the letter?

A. No. I think she gave it to the secretary. I'm not ---

Q. The secretary at the church?

A. I'm not sure. I'm not sure, but I'm thinking I can find out from her, though, what she did with the letter she had that it was different.

Q. Okay.

A. But it's basically the same thing that he -- I saw the letter ---

Q. Did you see the letter?

A. --- but I didn't pay any attention, you know, about him not being enable to participate in any of the function of ---

Q. Okay.

A. And about that time, it disbanded, I think.
Q. Sure. Let's talk about that. Do you recall seeing this letter or a letter like it in October of 2005?
A. You mean, like the one she says this is different? Yeah. I -- yes. I think I did, but I didn't pay attention to it. She just showed me what -- because, if I'm not mistaken, this was sent to his dad.
Q. Correct.
A. And if I'm not mistaken, and he gave it to Jane Doe, or she got it someway ---
Q. Right.
A. --- originally. Is that correct? Is that correct?
Q. I have no idea.
A. Okay. But I don't know how it -- where it -- I think it was sent to him. I think it was sent to maybe -- I don't know whether it was sent to John Doe 1, but it was sent probably to his dad or to ---
Q. Well, the letter we're looking at, Defendants' Exhibit 12, is addressed to Father of John Doe 1.
A. Okay. Well ---
Q. Just so we're clear ---
A. Well, John Doe 1's name ---
Q. Let me finish.
A. Okay.
Q. Let me finish. Your testimony is that Jane Doe has told

you that there is some letter ---

A. That's different from this.

Q. --- that's different from Defendants' Exhibit 12?

A. That's what she told me today.

Q. What precisely about that letter is different from this one?

A. She didn't tell. She didn't say. She just said it wasn't the same letter she had.

Q. And she doesn't have that other, different ---

A. No.

Q. --- letter?

A. Hm-mmm (negative).

Q. And she thinks she gave that to a secretary at the church?

A. That's what I'm saying; I think, but I'm not sure.

Q. And the testimony of the secretary from the church is the church didn't know anything about the letter?

A. Right. That's right.

Q. Okay.

A. They weren't involved. Whoever was in charge, the pastor or the people involved, weren't -- it wasn't something they would do. The church wouldn't do that.

Q. Okay. If you look at Defendants' Exhibit Number 11, which is this calendar from October 2005. We looked at, I believe, Defendants' Exhibit 10 or 9 - let me make

sure I'm right there - which is the police report. That has Martha Potasky or Totosky calling the police on October 7th of 2005 to report John Doe 1's ---

A. So he reported it first to this teacher?

Q. Counselor.

A. Counselor?

Q. Mm-hmm (affirmative); and that's the first official report.

A. Okay.

Q. Father of John Doe 1 says that John Doe 1 told him the night before, and he said to tell somebody at school. That was his father.

A. That's what his father said? I didn't know. I didn't know that.

Q. So the first report is October 7th. Now, if we look at Defendants' Exhibit Number 12, it's -- at least the letter we have here ---

A. You don't have a date on it?

Q. Doesn't have a date on it, but it says, "Father of John Doe 1, this is a letter to inform you that, as of 10/10/05, your son, John Doe 1, will no longer be able to participate in any functions that Troop 292 may hold now or in the future. That is to include meetings and other outside functions." You see that?

A. Yes, sir.

Q. So the date that he would no longer be allowed to participate is October 10th, that following Monday. Do you have any recollection of when this letter was sent, or do you have any knowledge of when this letter that we're looking at, Defendants' Exhibit Number 12, was sent?

A. No.

Q. And the letter we're looking at, Defendants' Exhibit 12, is addressed to John Doe 1's father, correct?

A. Well, now, Father of John Doe 1 is Father of John Doe 1, and John Doe 1 is John Doe 1, so they both are called Father of John Doe 1, their first name.

Q. Okay. But it says, "This is a letter to inform you that, as of 10/10/05, your son, John Doe 1, will no longer be able to participate in any functions that Troop 292 may hold now or in the future." Do you see that?

A. Yes, sir.

Q. So it's the letter to John Doe 1's father, correct?

A. Mm-hmm (affirmative).

Q. Okay. The letter doesn't tell you about being excluded from Troop 292 for reporting alleged abuse by Mr. Rhinehart; does it?

A. I don't think it does.

Q. If the letter to -- is to John Doe's 1 dad and it

doesn't say anything about report of abuse, where would John Doe 1 get the idea that he was being kicked out because he had reported abuse?

A. I don't know. I don't know.

Q. Okay.

A. I don't know why.

Q. Did you ever tell him that that was why he had been excluded from Troop 292?

A. No. I didn't tell him anything.

Q. Wouldn't sending a letter to a parent about this decision be a way of allowing the parent to control the message that the child received?

A. I don't understand this here saying he's been kicked out of Troop 292; for what reason? What's the reason he's being kicked out?

Q. It doesn't say; does it?

A. That's what I don't understand.

Q. Let me ask you this: in sending the letter to his father and not including any reason, wouldn't that allow Father of John Doe 1 to decide what to tell John Doe 1 about the reason he was excluded from Troop 292?

A. I don't know.

Q. Okay.

A. I don't know.

Q. Well, why don't you know?

A. This sounds fishy here, this letter, to me.
Q. How does it sound fishy?
A. Like somebody wrote it. Somebody else wrote it. I don't know.
Q. Who else would have written it ---
A. I don't know.
Q. --- other than Shelby ---
A. I don't know. Some of these people down here on this bottom might have done it.
Q. These people that you don't know?
A. I don't know half of them. Right.
Q. Okay.
A. But ---
Q. Could John Doe 1 ---
A. I don't think John Doe 1 thought -- you're saying you think John Doe 1 was retali- ---
Q. Retaliated?
A. --- retaliated, right. You think that's what he thought? You ---
Q. Is that what John Doe 1 thought?
A. No. I don't think so. I don't know what he thought. I don't know whether he even saw it, whether John Doe 1 saw it or not. I don't think he did. I don't think John Doe 1 ever saw it.
Q. Okay.

A. I really don't think.
Q. Could John Doe 1 read this?
A. No. I doubt it. I doubt he could.
Q. You carried John Doe 1 back and forth to some of his meetings, some of his Scout meetings?
A. Some of them; right.
Q. Okay.
A. Very few.
Q. And you carried him on the popcorn ---
A. Right.
Q. --- fund-raising?
A. Right.
Q. The two times he did that?
A. Right.
Q. Do you recall there being an issue with some money being missing?
A. That's what they brought up. They just brought that up. There wasn't any money missing. Every time we turned the money in, it was exactly right to the dollar.
Q. That's fine. I'm not saying it was true or not, but did, at any time prior to October 7 of 2005, were you aware that there was an allegation that money was missing?
A. No.
Q. No one ever told you about it?

A. No.
Q. Okay.
A. But somebody said that this was -- I don't know how -- I can't remember. Let me think a little bit. Somebody brought the money question up because -- I'm trying to think. I want to get this right. There wasn't anything ever mentioned about money missing. Anytime this popcorn was involved, no ---
Q. Okay.
A. ---nothing mentioned at all about any money mentioned really ever.
Q. Do you recall ever being told that John Doe 1 was suspected of taking money out of Jackie LaFontaine's car?
A. No.
Q. Do you ever recall it being reported to you by anyone in Troop 292 that John Doe 1 had been caught breaking into Shelby Culbreth's car?
A. No.
Q. Were you and your wife not called to come to get him from a meeting because he had been caught with his hand in Ms. Culbreth's car console?
A. No.
Q. You weren't aware of that or ---
A. No. We were never called to come get him.

Q. Okay.

A. No. They're just trying to get back is what they're trying to do. They're not telling the truth here ---

Q. Okay.

A. --- about that because he would not never take money.

Q. He took a car; didn't he?

A. Yeah. I know he did that.

Q. He would take a car, but he wouldn't take money?

A. Well, let me tell you something. He didn't tell -- he told the truth, and I don't like the way you said that.

Q. Okay.

A. 'Cause he was not -- one time at school, there was money in one of his teacher's drawers, and he took a 20-dollar bill there from that drawer, the teacher, and he told me about it when he got to the car, and I told him, he knew that -- he knew right from wrong. He knew what was right from wrong. I said, "John Doe 1, you did this on the spur of the moment, and I don't think you would do this normally," and he said, "I wouldn't," and I said, "You need to go back tomorrow and take this money and tell him you are sorry and that you did the -- didn't do the right thing."

Q. Okay.

A. And he went the next day and took that money back to Mr. Cummins, is the teacher's name, gave it back to him, and

like I said, they wouldn't say -- there wouldn't nothing be said about it because he was honest, and he was honest as the day is long.

Q. This letter that's Defendants' Exhibit Number 12, you don't know when it was written?

A. No.

Q. You don't know who wrote it?

A. No. He has never taken anything. He would tell you if he took -- if he did anything like that, he would tell you.

Q. Yeah.

A. Now, I don't like you say -- the way you said that; do not like it at all.

Q. Okay. Are you familiar with the Palmetto Council of Boy Scouts?

A. What do you mean familiar with them?

Q. Do you know what it is?

A. It's on Highway 11, I think; isn't it?

Q. But do you know what kind of organization it is?

A. No.

Q. Do you know how the Palmetto Council functions with respect to the operations of an individual troop, like Troop 292?

A. No.

Q. Do you have any knowledge of whether or not the Palmetto

Council would have any authority or role in the decision to exclude a Boy Scout from a troop?

A. Do I know if ---

Q. Would ---

A. --- they would?

Q. If they would.

A. I don't know whether they could. I don't know what their -- what the -- they would probably have reasons to, but I don't know what those reasons would be.

Q. Do you know whether or not they would even have the authority to make that decision for an individual troop?

A. I don't know.

Q. Okay.

A. I don't know anything about them.

Q. You say that when -- at some point, you think your wife took the -- a copy of a letter or a version or whatever it was, the letter we're referencing here as Defendants' Exhibit Number 12, she took that to St. Margaret's?

A. I've told you that before, sir, and I don't want to hear it again, okay? One time is enough.

Q. Okay. The answer's yes?

A. Yes.

Q. And just for the record, this one we're looking at, Defendants' Exhibit Number 12, that's the letter that your attorney's attached to the complaint as being the

letter that was sent to Mr. Father of John Doe 1; do you understand that?

A. I understand it.

Q. Okay. Do you have any knowledge of whether or not St. Margaret's or anyone involved in St. Margaret's participated in the decision to exclude John Doe 1 from the troop?

A. I've already told you. I don't.

Q. Okay.

A. They said -- the lady, the secretary, told Jane Doe that anybody in the church wouldn't do it.

Q. Were you involved in any way with the investigation that the police did of Mr. Rhinehart?

A. No.

Q. I believe you testified earlier that John Doe 1 never talked to you about -- or you and John Doe 1 never talked about those -- his allegations about ---

A. No.

Q. We've gone over some records where Ms. Doe, at least as reported, reported concerns about problems of violence that John Doe 1 was having in the home. There was the incident that you -- I believe you testified you called when he threatened her with a knife?

A. That's the only one I know of.

Q. The incident where he took the car. We talked about

that. Would you consider those types of incidents good reasons or valid reasons for a Boy Scout troop to exclude someone ---

A. No.

Q. --- from participation?

A. No.

Q. If he threatened his grandmother ---

A. No.

Q. --- with a knife, that wouldn't be a good reason?

A. He -- that -- he was just on the spur of the moment. I don't think that was no big deal. It wasn't a big deal. The car wasn't a big deal, either.

Q. How about when he actually attacked his stepmother with a knife in February of '06?

A. I don't know anything about that. I know it was brought out that he did, but I don't know a thing about it.

Q. He was actually charged with assault and battery with attempt to kill, correct?

A. I don't know what -- I don't know a thing about it.

Q. Okay.

A. I didn't know a thing about it.

Q. You would agree with me that after John Doe 1 was charged with assault and battery with intent to kill that would exclude him from participating in a Boy Scout troop; would you agree with that?

A. I don't know when he was charged with assault with bat- -- with threatening to kill. I don't know that.
Q. Do you know why he was at William Hall prior to you obtaining custody?
A. No. I don't because I don't know. I don't think it was that. I don't think that was anything to do with ---
Q. With him trying to kill his stepmother?
A. He wasn't trying to kill his stepmother.
Q. Was he or was he not charged with assault and battery ---
A. I don't know.
Q. --- with intent to kill? You don't know?
A. I don't know. I don't know. That's what you say.
Q. Okay.
A. I don't know.
Q. Were you aware that John Doe 1 was accused of sexually molesting his stepmother's grandson when John Doe 1 was about nine or ten and that boy was about five?
A. I don't know anything about it.
Q. Okay.
A. I didn't hear anything about -- haven't heard anything about that.
Q. This is the first time you've heard that?
A. Yes.
Q. When John Doe 1 was interviewed by the police, by Mr.

Garrett, following -- thunder there -- following his report of abuse by Mr. Rhinehart and following those charges being made, Mr. Garrett made some findings. One of them was that John Doe 1 had been sexualized at a very early age, and he specifically referenced the fact that, when John Doe 1 was about nine or ten, he attempted to molest a young -- a much younger boy. Do you have any idea of how John Doe 1 could have become sexualized at such an early age?

A. I ain't never heard anything about that, what you're talking about.

Q. Okay.

A. Never heard that ---

Q. Mr. Garrett ---

A. --- never.

Q. Mr. Garrett also recommended that ---

A. Who is Mr. Garrett?

Q. Wally Garrett's the therapist that was asked to interview John Doe 1 for purposes of the Rhinehart investigation.

A. I've never heard of his name.

Q. He also recommended that John Doe 1 have intensive individual therapy as a sexual abuse victim and a potential abuser and that long term plans for future treatment and safety be made. Were you aware of that?

A. No.
Q. To your knowledge, has John Doe 1 had any intensive therapy designed to address his potential for acting out sexually with ---
A. No.
Q. --- with younger children?
A. I don't know of any.
Q. After October 10 of 2005, which is the date that the letter says that John Doe 1 is excluded from further participation in Troop 292, do you understand that Troop 292 shut down ---
A. Yes.
Q. --- in a couple of weeks?
A. Yes.
Q. Do you know of any efforts by Father of John Doe 1 or Stepmother of John Doe 1 or you or Ms. Doe to find another Boy Scout troop for John Doe 1 to participate in?
A. No. I don't.
Q. Did you ever make any of those efforts?
A. No.
Q. That's it for me right now.
By Mr. Walsh:
Do you want to take a break?
By Mr. Foster:

Yeah.

(Off the record, 3:50 - 4:11 p.m.)

Examination by Mr. Walsh:

Q. Mr. Husband of Jane Doe, my name is Jim Walsh. I represent Doni Rhinehart. There's two lawsuits that have been filed, are you aware of that?

A. Yes.

Q. All right. And so I'm representing her in the lawsuit that was filed against her, and Mr. Foster asked you a bunch of questions. I'm not going to repeat, try not to repeat, those. I may cover a couple of things that he touched on, but I don't think my deposition's going to take nearly as long as he did. I just have kind of a few questions.

A. I'm not really that concerned about time. She, my wife, will be fine. She can stay there all day at Barnes and Noble so ---

Q. All right. Well, good. Well, so, I'm just kind of giving you an idea.

A. Yeah.

Q. We're not looking ---

A. Okay.

Q. --- at another four or five hours.

A. Not as long as she was here.

Q. Right.

A. About seven hours.
Q. Right. Okay. So you -- and just as a ground rule, you're still under oath, and if you don't understand my questions, just tell me, and I'll rephrase it. Otherwise, I'll just assume you understood it, okay?
A. Okay.
Q. So you indicated at the very beginning of your deposition that you were -- you had input into the filing of the lawsuits. You discussed it before they were filed; is that right?
A. Yes.
Q. All right. So let me ask you about the Doni Rhinehart lawsuit. Have you read that complaint? Do you know what it says; what the allegations are against her?
A. No.
Q. All right. When you were discussing with your wife about the filing of lawsuits, did you discuss making a claim against Ms. Rhinehart and alleging that she was responsible for some things?
A. The only thing, I thought it was originally the Boy Scouts. I didn't know this until - I don't know when it was but -- the other lawsuit, but I think Greg ---
Q. Don't tell me what your lawyer said.
A. Oh, okay.
Q. I don't want to know what your lawyer said.

A. Okay.
Q. I just want to know what you and your wife talked about.
A. Well ---
Q. If you talked about ---
A. We talked about lawsuits, and we couldn't -- didn't know why there was a lawsuit -- why one lawsuit -- why there just wasn't one lawsuit. We didn't understand that.
Q. Do you, sitting here today, understand why a lawsuit was filed against Ms. Rhinehart?
A. No. I don't know why.
Q. Do you have any information or discussed with your wife what Ms. Rhinehart might have done or didn't do that would somehow make her responsible for the damages or injuries that John Doe 1 suffered?
A. It was in her house, and I guess she was there in her house would be the reason is what I would say.
Q. All right.
A. But I ---
Q. Any other reason that you know of?
A. I don't know of -- no, sir. I don't.
Q. All right. Now, are you aware that Ms. Rhinehart has passed away?
A. Yes.
Q. How did you become aware of that?
A. I think someone told us.

Q. All right. Now, did you ever have an opportunity to meet Doni Rhinehart?
A. Oh, yes. Yes. I met her.
Q. How did you know her?
A. She was always when -- she was -- when she came to our house the first time we met them and when we were shooting fireworks, they came back by our house that night, and then, you know -- and then at the Scout meeting, she was always at the Scout meetings.
Q. How many Scout meetings do you think you went to?
A. Altogether?
Q. Yes, sir.
A. Probably five or six.
Q. And I think you touched on this with Mr. Foster, but just so I'm clear, did you -- would you just drop off John Doe 1 and then ---
A. Well, drop him off, then come back, right ---
Q. Come back?
A. --- usually. I never did stay in when they would actually have it. I would either stay outside, sit outside in a -- on a bench, or wait 'til he got through. I never did go into where they had the meetings.
Q. And when you would have -- when you would come with John Doe 1 and drop him off and then, as you described, wait outside and then pick him up, would you interact with

Ms. Rhinehart at that point?
A. Oh, yeah. When we were going out, we'd talk. Yes.
Q. All right. And so how would that work? Would there be some sort of snack or cookies or something like that after?
A. They always had snack. They would have a snack. They sure would.
Q. Would that be after the meeting?
A. I can't remember when it was, but it's sometime during -- I believe it was before the meeting was over, they would have it.
Q. Would you be -- would you come for the snack or would this -- would you ---
A. No. I wouldn't be there for that.
Q. All right. So when there was a meeting and you were there and you dropped off John Doe 1 and picked him up, what kind of interaction would you have with Ms. Rhinehart in those five or six times?
A. Just talk, just regular talk, just ---
Q. Just like, "Hey, how's it going"?
A. Yeah. Yeah. That's right.
Q. Just small talk ---
A. Right. Right.
Q. --- as you were leaving ---
A. Right.

Q. --- that kind of thing? Were there ever times when you would have anymore substantive conversations with her when you were at the Boy Scout meeting?

A. No. I didn't; hm-mmm (negative).

Q. All right. So would your interactions with her when you were at the Boy Scout meetings be basically just, "Hey, how are you doing? Everything good. See you later" kind of thing?

A. That's right; mm-hmm (affirmative).

Q. And then you said that you'd met Ms. Rhinehart and Brian Rhinehart when you all were shooting fireworks off in a parking lot?

A. Right.

Q. So who was present when you were shooting the fireworks before they came?

A. Doni and her and their two children.

Q. Before they came, who was there with you?

A. Nobody; they just drove up.

Q. Right. So who was with you? It was you and John Doe 1?

A. It was John Doe 1 and just me and John Doe 1 and Jane Doe.

Q. All right. So they just kind of randomly ---

A. Right.

Q. --- came by?

A. Yeah. They just came by, and I don't know what the --

they didn't have fireworks to shoot, but they stayed there while we shot. We shared some with them to shoot.

Q. All right. And did they determine -- did you all determine that they had a special needs boy and you all had a special needs boy?

A. Not then really; there wasn't a whole lot said then.

Q. So you said they -- that they came over to your house that evening?

A. After we got through, they came on back to our house that night and stayed and came in and stayed for an hour or so, and then that was that, and then they went home.

Q. What were they doing when they stayed?

A. Just talking and ---

Q. All right.

A. --- wasn't anything.

Q. Did John Doe 1 and John Doe 2 get along at that point?

A. I think they -- I think they did. Yes.

Q. And they were sort of playing together and doing ---

A. Yeah.

Q. --- stuff, so that's why the Rhineharts came over?

A. No. They just wanted -- just we told them to come by the house, and they said they would, and that was it.

Q. And so then, after that meeting, when you all met, how long was it before this Boy Scout troop was formed?

A. It wasn't very long. It was -- they got in contact with

someone, and then I don't know how -- exactly as far as days. It was weeks. They were looking into it, to forming a handicapped Boy gap -- Boy Scout troop.

Q. Was it your sense that they had already been thinking about doing that already?

A. I don't know that. I don't know.

Q. And was it something that you were involved in deciding whether ---

A. No. I ---

Q. --- John Doe 1 should join?

A. They just asked would John Doe 1 like to join, and he wanted to.

Q. Well, did they ask you, or did they ask your wife, or how did it even come up?

A. I don't remember how that came up, but they -- but he -- but they had already got so many saying, you know, if they could get one organized, they wanted to know if John Doe 1 would participate, and he said he wanted to.

Q. So the first meeting would have been a matter of weeks from the time you all actually met?

A. I can't remember how -- they had -- it seemed like it was longer than that it took them to organize it.

Q. And in the time period between when you all met -- were you shooting fireworks for Fourth of July, or was it New Year's Eve, or was it for just ---

A. I can't remember. It was probably -- I don't remember whether -- it was one of the two, though ---
Q. Okay.
A. --- but I can't remember it. It was -- I believe it was warm weather, though. I believe it must have been July.
Q. Okay.
A. I'm not sure. I can't tell you the ---
Q. Okay.
A. --- exact time.
Q. 'Cause we could probably go back and find out when the troop started ---
A. Yeah.
Q. --- and ---
A. You could go ---
Q. --- figure that out.
A. --- by that. That's right.
Q. Now, did you ever determine if John Doe 1 and John Doe 2 -- how do you pronounce his name, John Doe 2?
A. John Doe 2.
Q. You call him John Doe 2?
A. That's what everybody's always calling John Doe 2.
Q. John Doe 2? Okay.
A. Yeah.
Q. Did John Doe 1 and John Doe 2 go to the same school?
A. Yes.

Q. All right. Did they know each other before you all rode up?
A. No.
Q. Were they in the same grade?
A. He was ahead of John Doe 1.
Q. All right. John Doe 2 was ahead of John Doe 1?
A. Yeah.
Q. Do you know how much more ---
A. No. I don't.
Q. --- it was?
A. I don't know.
Q. Okay.
A. He was a couple of years older, I think.
Q. All right. And so then, from the time that you all met there in that parking lot 'til the time of the Boy Scout troop meetings, when they started, was there anymore contact between the families or between John Doe 1 and John Doe 2?
A. No.
Q. So basically, they -- I understand at some point, John Doe 1 and John Doe 2 became friends?
A. That was after the troop was formed.
Q. So up until the -- whenever that troop formed, that was when they started to become friends?
A. Yes.

Q. And did you have anymore contact with the Rhineharts, besides that meeting with the fireworks, until the troop started?
A. No.
Q. All right. And so did the Rhineharts ever go back to your home other than that time that they were there with the fireworks?
A. No.
Q. All right. Would John Doe 2 ever stay at your home?
A. I think he did one time, stayed overnight, a weekend, or something, or a few days. Yes.
Q. In the big picture of when the allegations of Mr. Rhinehart came out, from then back to when you all met, do you know when that was? Was it closer to when the allegations came out? Was it around the time of the Boy Scout troop being formed?
A. You mean the visit?
Q. Yes, sir.
A. When he stayed?
Q. Yes, sir.
A. I can't tell you what time.
Q. Okay.
A. I can't tell you that, and ---
Q. Okay. I'm sorry. Go ahead.
A. And he did stay overnight.

Q. Okay.
A. He was invited over, and they were -- played games or whatever they would do.
Q. And did one of the Rhineharts bring him and then drop -- and then pick him up?
A. Right.
Q. Did you have any interaction with who that was?
A. No. I can't remember which one it was that brought him.
Q. Whoever it was, did you have any conversation or ---
A. We just talked, and, you know, said, you know, he had a good time and this and that.
Q. Basically, just ---
A. Yeah.
Q. --- they come to the door ---
A. Right.
Q. --- "I'm here for John Doe 2." "He's ready"?
A. Right.
Q. And you just have small talk?
A. Basic; right.
Q. All right. So did John Doe 1 ever stay with John Doe 2 at his house?
A. Yes. He did.
Q. All right. Do you know how many times that happened?
A. Oh, it was several, several times. I don't know how many, but it was -- it was more. He stayed over there

more than he did, John Doe 2, at our house.

Q. How far apart did you all live?

A. Lord. We live at -- let's see. I'm trying to think. They lived in Boiling Springs, and so it's about 20 miles. We live at Gowensville.

Q. How was it that they went to the same school, if they live that far, if you all live that far apart? Did they have a special ---

A. Well, see.

Q. --- school for the ---

A. See, John Doe 1 was -- John Doe 1 was actually -- at that time, he was -- his dad still had custody on him, and he was staying with his dad, but he was -- like I was telling the other gentleman, he would come stay with us a week or so at a time and, you know, he would be with us. He wasn't living permanently with us, John Doe 1 wasn't, and they went to a district school over in Springfield. Do you know where -- are you familiar with Springfield?

Q. No, sir.

A. Okay.

Q. But that's the school they went to?

A. Well, it was in District 2, and we live in District 1 at Gowensville.

Q. So you're saying that where his dad lived was close to

where the Rhineharts lived ---

A. Yes; mm-hmm (affirmative).

Q. --- 'cause they shared the same school?

A. Yes.

Q. But where you live, it was out of the district?

A. Yes.

Q. All right. And so did you or your wife ever take John Doe 1 to the Rhineharts' home, or was that done by Father of John Doe 1 and Stepmother of John Doe 1?

A. No; most of the time, we'd take him over there.

Q. All right. And did you ever do it yourself?

A. Oh, yes. I think so.

Q. And would you typically just drop him off, and he would go to the door and go in?

A. Well, we'd go in and see -- you know, talk to them and tell them he was here and that we would pick him up a certain time.

Q. You said "we." Did you and your wife go together?

A. Sometimes and sometimes I went or she went so ---

Q. All right. So how many times do you think you were at the Rhinehart home yourself or with you wife, that you were personally there?

A. That I was personally there?

Q. Yes, sir.

A. Not as many as when she took him, but I don't know how

you would base it because that was over, what, about two years.

Q. Okay.

A. Would it be?

Q. Well, whatever you recall.

A. How long was the Scouts organized?

Q. I'm not certain.

A. Oh.

Q. That's for -- if you don't know, that's fine.

A. I don't know, really. I don't know.

Q. Okay.

A. But it would be several times.

Q. Did John Doe 1 ever stay anywhere else with any other kids?

A. In the Scout troop?

Q. Just any friends during that time.

A. I can't remember he did.

Q. All right. Were there times when John Doe 1 and John Doe 2 would hang out together at each one of their homes and then not spend the night, or did they basically spend the night ---

A. No. They didn't 'cause it's too far apart, you know.

Q. Okay.

A. They weren't like being just a block or two.

Q. All right.

A. So it's about 20 miles from our house to his house so ---

Q. And so when you would go to the Rhinehart home on those occasions that you were there, did you ever go for any other reason other than to pick him up or drop him off?

A. Well, we -- to take money, the popcorn money, and to turn it in because they kept all the popcorn there at their house.

Q. Okay.

A. And I would go there every time we'd sell popcorn and turn the money in and several times like that.

Q. All right. So how many times do you think you actually turned in popcorn money?

A. Probably three times.

Q. And you would typically -- you wouldn't bring it to the Boy Scout meeting; you would bring it to their home?

A. No. You would bring it to Brian's house, and then he would -- either he would either order it or have it there that you picked it up, and he got to where someway he got something worked out where he could not have to order it, and we could get the popcorn back quicker. He would have it there at his house. He had stacks.

Q. So you wouldn't have ---

A. 'Cause you didn't -- you never did know what you would sell, so that was kind of -- I don't know how he did it.

Q. Right.
A. I don't know.
Q. So you'd have a quicker turnaround if he obviously had it at his home?
A. Yeah. Right. If you'd have to order it, it would be ten days or two weeks.
Q. So did he ever have any other -- would the Scouts ever have any other fund-raising besides the popcorn?
A. Fund-raising? Now, they did have a car wash at Walgreens in Boiling Springs. I think that was it. They would raise money there. Right.
Q. Were you there for that, as well?
A. No. No. I just took my car there and got it washed.
Q. And then any other activities or things they would do to raise money?
A. That's it. That's all I remember.
Q. And so up until -- I understand there was some kind of dispute apparently. This letter was sent that you referred to, and I'm not going to get into all that, but there -- you agree that there was some letter -- you understood some letter was sent and that you and Mr. Foster talked about that you may or may not have seen. You recall that testimony, that -- talking about John Doe 1 ---
A. My wife said there was another letter. Is that what

you're ---

Q. I understand, but the whole incident of John Doe 1 being asked to leave the Scouts, you're aware that that happened at some point?

A. Yeah. I -- yeah; the letter.

Q. Okay.

A. Yeah. They did send the letter.

Q. So up until that letter, was there anything about the -- Mr. Rhinehart or his running of the Boy Scouts and his operation of the Scouts that was in any way of a concern or any -- do you have any issues with him?

A. I thought the leader they had to start with, Paul, was an excellent leader, but I didn't think Brian was. He was too much talking to those girls or whatever you had, all those people. There was so many people there at that meet- -- those meetings. I don't know whether there were supposed to be people like that at a Scout meeting. They got several there that he was -- they were laughing and going on. It just wasn't the same.

Q. But you continued to take John Doe 1?

A. Yeah. We continued to take him.

Q. So you obviously didn't think it was such a ---

A. Well ---

Q. --- concern that you would stop going?

A. --- I don't know. I just kept taking him because

everybody else was there, and they didn't seem to be concerned about anything.

Q. Right. If you were concerned enough, you could have stopped taking John Doe 1, I guess, right?

A. I guess I could. Yeah.

Q. But you never did?

A. Well, Jane Doe took him more than I did. She took him some.

Q. But you could have stopped it, right?

A. I guess so.

Q. So you thought that Brian was cutting up with some of the ---

A. Well, he wasn't ---

Q. --- volunteers?

A. He wasn't the leader that Paul was.

Q. Okay.

A. He was assistant. I think his title was assistant when Paul was the Scout leader.

Q. And your issue was that he would be talking to some of the volunteers too much?

A. I don't know. I don't know, but I just didn't think it was organized.

Q. Well, that's what I'm trying to ask you.

A. Yeah.

Q. What specifically you're talking about ---

A. I don't ---
Q. --- because you didn't ---
A. I don't ---
Q. --- attend the meetings, right?
A. No.
Q. So why do you say that?
A. I don't know.
Q. Okay.
A. I don't really know.
Q. So you really don't know?
A. No. I really don't.
Q. All right. And so when you would go to the Rhineharts' home to drop off John Doe 1 or pick him up, can you tell me if there was anything about your observations of the home that was unusual or of any concern to you?
A. Well, I don't know. You most never saw Doni when you went there to carry John Doe 1. You never did see Doni there. I mean, I never did see her. She was probably there, but I never did see her.
Q. Okay.
A. But most of the time, it would be Brian that would ---
Q. Well, you said you would never see her. Then you said most of the time it would be Brian, so does that mean you saw her some of the times, or you never saw her at all?

A. Well, I don't think I -- I think I saw her some, but most of the time, it would be Brian.

Q. And I was trying to ask you how many times you took her -- took him, and I think you said it wasn't that many times?

A. To the Scouts?

Q. To the Rhineharts' home.

A. To the Rhineharts' home? Sometimes they would come get him and take him -- at our house and take him back.

Q. All right. So let's talk about the times that you went to the Rhinehart home.

A. Okay.

Q. How many times do you think that was?

A. I'm just guessing.

Q. Well, I don't want you to just pick a number out of the air, but I wasn't there, and if you can give me ---

A. Yeah.

Q. --- some reasonable estimate of what you think it was; was it one or a hundred or some- ---

A. Probably three times, I'm going to say.

Q. All right. And so in those three times, did -- was Mrs. Rhinehart there?

A. I can't remember her being there.

Q. Do you think she wasn't there, or you're just not sure?

A. I don't know where she was. I don't know.

Q. Do you know if she was in the house, but you didn't see her?
A. I don't know. I don't know.
Q. You just know that you didn't see her?
A. I didn't see her when I took him.
Q. But whether she was there ---
A. Or not, I don't know.
Q. All right.
A. It was just strange I never did see her.
Q. Well, why would it be strange in the three times you took him that you didn't see her?
A. That's just my opinion.
Q. Well, what was strange about it?
A. Well, just not -- usually, the mother is, you know, there when someone's coming to stay at her house or ---
Q. Well, how do you know -- I just think -- didn't you just tell me you didn't know if she was there or not? She could have been in the house; you weren't sure?
A. I don't know where she was.
Q. All right. So how do you know she wasn't in the house?
A. I don't.
Q. So why is that unusual if you don't even know if she was there or not?
A. I don't know, just ---
Q. Okay.

A. Just scratch it then.

Q. So other than not knowing if she was there or not, was there anything else about the home or the appearance of the home or the demeanor of the people, the Rhineharts, anything else unusual that you can talk about or strange ---

A. I never did go in the house.

Q. You never went in the house?

A. No.

Q. So you would come to the door?

A. Yeah; and then John Doe 1 would go on in. I never did go in the house.

Q. And so was there anything that you -- until Brian Rhinehart talked about -- was alleged to have been involved in some kind of abuse allegations, did you have any suspicion or any concern that he was doing anything like that?

A. No.

Q. And so there was no warning or no, I guess, suspicion that you had that he was in any way improper or doing something offensive?

A. No.

Q. And so the same with Doni Rhinehart, do you have any -- in retrospect, looking back, do you have any reason to think that she was somehow acting peculiar or unusual or

any- ---

A. I think she was on medication or she was -- I don't know. She had a mental problem, I think, is what somebody said.

Q. She had a mental problem?

A. That's what somebody said. I don't -- she was on some kind of medication.

Q. Are you on any medication?

A. Blood pressure.

Q. Do you have any kind of mental problem?

A. No.

Q. Do you know what kind of medication Ms. Rhinehart was on?

A. Something for medical rea- -- something for mental problems; that's what I was told.

Q. And who told you that?

A. I don't know who it was, but it was known that she was ---

Q. It was known?

A. Yes.

Q. When was it known?

A. I don't know, but you just knew she was on something because she was always in a daze, kind of in a daze.

Q. She was always in a daze?

A. Kind of in a daze, yes.

Q. In what way?
A. Well, she wouldn't be alert and stuff like that?
Q. And so when did you notice that she wasn't alert and in a daze?
A. Just about every time I was around her, she was quiet. She was quiet, and she was -- she wasn't ---
Q. All right. So she was quiet?
A. I'm just saying that, and she would be kind of -- I mean, I've seen a person that has mental problems, and when they take medication, it's -- they're a certain way when they're on the medication, a certain way when they're off.
Q. Well ---
A. I don't know.
Q. So I want you to tell me what you observed about her. She was quiet?
A. Yeah.
Q. What else?
A. Well, just anybody you asked would tell you she had a mental problem.
Q. I'm asking you.
A. I don't know.
Q. I'm asking you. You said that she acted a certain way and was ---
A. Well ---

Q. --- in a daze ---
A. I think she was ---
Q. --- and I'm asking you how she acted. You told me she was quiet?
A. Yeah.
Q. Anything else?
A. She would -- she wouldn't talk a whole lot.
Q. Okay.
A. And that's about it.
Q. So maybe she was just shy?
A. I don't know.
Q. You really don't know?
A. I just know what other people said.
Q. You don't really know from your own observation?
A. I don't know. I never did see her take any medicine.
Q. And you don't really know if her quietness and her not talking very much had anything to do with any medication she took; do you?
A. I don't know.
Q. So anything you know, somebody else told you?
A. It was told to Jane Doe, and then she told, Jane Doe told, me.
Q. And so who told Jane Doe?
A. I don't know.
Q. And when was this told to Jane Doe?

A. I don't know.
Q. All right. And so you were in Ms. Rhinehart's presence how many times you think?
A. I'd just see her when I'd take John Doe 1 to the Boy Scouts. She would be at every meeting ---
Q. Okay.
A. --- of Boy Scouts.
Q. She was at every meeting?
A. Every meeting I took John Doe 1 to she was.
Q. Okay.
A. Now --
Q. And what was her function at the meeting?
A. I don't know.
Q. Okay.
A. She was maybe have the snacks for the boys and stuff ---
Q. Okay.
A. --- like -- see who -- one week or -- I think they met every two weeks, and one person would bring it. One child's parents would bring it, and then whose time it was next, you know. It was about five or six boys in the troop, and it would -- your time was next time, and, you know, they ---
Q. Okay.
A. They would work it out.
Q. Did Doni Rhinehart ever come and pick up John Doe 1 from

your home?

A. Not as I remember.

Q. Okay.

A. I don't remember.

Q. Do you remember Brian Rhinehart coming to your home to pick up John Doe 1?

A. Yes. He usually did.

Q. Did you remember any time that Doni Rhinehart did?

A. No. I don't.

Q. All right. And so I think you said earlier that you never spoke with John Doe 1 about any allegations of abuse by Mr. Rhinehart; is that true?

A. Yes. That's true.

Q. You never ---

A. I never speak to John Doe 1 ---

Q. Anything you know came from some other source?

A. John Doe 1 never did mention any problems.

Q. Right; but whatever you -- you obviously have heard that he's alleged that Mr. Rhinehart sexually abused him?

A. Well, that's when he was charged.

Q. Right.

A. I didn't know anything about it until he was charged.

Q. So that information about whatever happened between them would have come from somebody other than John Doe 1 is what I'm asking you?

A. I don't understand what you mean.
Q. Right. The -- you heard from, I guess, your wife that John Doe 1 was accusing Mr. Rhinehart of abuse?
A. He told her -- John Doe 1 told Jane Doe that, and Jane Doe told John Doe 1 that he should tell his daddy.
Q. Right. And then Jane Doe told you what she had ---
A. Yeah.
Q. --- been told by John Doe 1?
A. Right.
Q. But you never had a conversation with John Doe 1 directly ---
A. No.
Q. --- about what happened ---
A. No.
Q. --- right? And you never heard him say what happened?
A. No.
Q. So everything you know or heard came from somebody other than John Doe 1; is that right?
A. It was in the paper.
Q. I understand, but my point is is that John Doe didn't tell you?
A. He didn't.
Q. You read it, or somebody else told you?
A. Yes.
Q. And did you ever talk to Brian Rhinehart about the abuse

allegations?

A. No.

Q. All right. Did you ever talk to Doni Rhinehart about the abuse ---

A. No.

Q. --- allegations? All right. Did you ever talk to John Doe 2 about the abuse allegations?

A. No.

Q. Do you have any information about whether Mr. Rhinehart abused John Doe 2?

A. Just what John Doe 1 said; John Doe 1 said that he -- the reason he reported it because he had been doing it to John Doe 2 since him and -- Brian got married, he'd been abusing John Doe 2.

Q. And is that what your wife told you John Doe 1 said?

A. I can't remember who told me.

Q. But it wasn't John Doe 1?

A. No.

Q. All right. And did you ever hear that John Doe 1 was abusing John Doe 2?

A. No.

Q. Did you ever hear that John Doe 2 accused John Doe 1 of doing that?

A. No.

Q. And that John Doe 1 would -- that John Doe 2, when he

was reporting it to the police, said that it would annoy him when John Doe 1 would abuse him?

A. No. I never did hear that.

Q. You never heard that?

A. I never heard that before.

Q. This is the first time you've heard that?

A. The first time I've heard it.

Q. All right. And are you aware of any allegations that John Doe 1 had ever abused any other children or people in his lifetime? Have you ever heard that before?

A. No. I haven't.

Q. All right. So the lawsuit against Doni Rhinehart, do you understand yourself why she has been sued?

A. I don't. I don't really know. I don't really know really.

Q. Okay.

A. Really, I don't know the reason.

Q. Okay.

A. I really don't.

Q. Do you know how many times John Doe 1 claims he was abused by Mr. Rhinehart?

A. No.

Q. All right. Do you know where John Doe 1 says the abuse occurred?

A. No.

Q. All right. Do you have any information to suggest that Mrs. Rhinehart would have known that Brian Rhinehart was abusing John Doe 1?

A. Do I have ---

Q. Do you have any information to tell me that makes you think that Doni Rhinehart knew what Brian was doing to John Doe 1?

A. I don't know, but she -- in her own house, she ought to know what's going on.

Q. Well ---

A. In her own house, she should.

Q. I just asked you a second ago if you knew where John Doe 1 said the abuse occurred, and you said you didn't know, but now you say you think the abuse occurred in her own home?

A. Well, I know it did some.

Q. Well, how do you know that?

A. Because of the report that John Doe 1 made or ---

Q. Okay.

A. --- the police report.

Q. All right. And so what do you understand John Doe 1 said about where the abuse occurred?

A. What did I what now?

Q. What do you understand he said? What do you think John Doe 1 said?

A. I don't know what he said, but I just knowed it happened there and some -- I don't know how many times or anything like that.

Q. All right. And so other than it happening in the Rhinehart home, which you understand John Doe 1 said, do you have any other information or evidence to suggest that Ms. Rhinehart should have known or did know about the abuse?

A. I don't know. I don't have any.

Q. And is it your understanding that Brian Rhinehart apparently was abusing John Doe 2, as well?

A. That's what I think. That's what I was told.

Q. That's what John Doe 1 said, you understand John Doe 1 said?

A. I don't know if he said it, but I know someone said that.

Q. So do you believe that Ms. Rhinehart was -- also knew or should have known?

A. She should have.

Q. All right. And so you think that she did know?

A. Nobody knows.

Q. Well, you -- have you read her deposition ---

A. No. I haven't.

Q. --- before she passed away?

A. No. I haven't.

Q. When she was terminally ill, she gave a video deposition. Are you aware of that?
A. No. I didn't know that.
Q. And do you know that she said that she didn't know?
A. I don't know.
Q. And that she was a victim, and had she known, she would have put a stop to it? Your wife didn't tell you that?
A. Hm-mmm (negative); I didn't know. She doesn't know it, either, I don't think.
Q. She doesn't know what?
A. My wife doesn't know that, either, I don't think.
Q. Why don't you think she knows it?
A. I just don't.
Q. Well, she's the Plaintiff in this lawsuit ---
A. Yeah.
Q. --- isn't she, right? She's the Jane Doe?
A. Yeah.
Q. Isn't that right?
A. I guess so.
Q. Do you know that?
A. I guess.
Q. Is that something you know or ---
A. I don't know. You're trying to put words in my mouth, sir, and I don't want you to do that any- ---
Q. I'm not trying to put anything in your mouth but the

truth.

A. Well ---

Q. All right.

A. You're just mumbo-jumbo is what you're doing to me right now.

Q. All right. I'm not trying to do that.

A. Okay.

Q. What I'm asking you is is your wife Jane Doe, the Plaintiff in this lawsuit?

A. I don't know who she is.

Q. Okay.

A. Her name's Jane Doe.

Q. So you don't know if she's the Plaintiff in this lawsuit; is that what you're saying?

A. I don't know what you're saying. I don't know ---

Q. All right.

A. --- your question.

Q. Right.

A. Just back up on that question.

Q. Do you think your wife is the named party in this lawsuit that ---

A. Yes. I guess she is.

Q. All right.

A. Okay.

Q. And so do you know if she has reviewed the deposition

that Ms. Rhinehart gave on ---

A. I didn't ---

Q. --- her deathbed?

A. She didn't say nothing, anything to me about a deposition ---

Q. Okay.

A. --- a deposition that Ms. Rhinehart had made. I don't think she knows of one.

Q. All right. And so do you have any evidence to tell me today that would make you believe that Ms. Rhinehart should have known what her husband was doing?

A. I don't have any evidence, but I -- she should. In fact, if something like that happened in our house, we would know.

Q. Well, Mr. Foster went through a litany of incidents that are reported in medical records and in social workers' files that you didn't know anything about. Do you recall those questions?

A. Right.

Q. And John Doe 1 lived with you for a significant period of time; didn't he?

A. Well, off and on.

Q. And you didn't know any of those things; did you?

A. Hm-mmm (negative).

Q. How do you explain that?

A. I don't know.
Q. If you're supposed to know everything that goes on, can you explain to me why you didn't know about these allegations?
A. That's just a -- that's not -- that's just what the doctor said.
Q. Okay.
A. That's not -- I mean, you know.
Q. The doctor that was reported by either you, your wife, or some other family member? Is the doctor -- do you think the doctors made these things up?
A. Well, I think I know something was going on like -- was going on with John Doe 1. That's a little bit different.
Q. So did you ---
A. That's a little bit different.
Q. Were you aware that John Doe 1 was accused of sexually abusing a five-year old child?
A. No.
Q. You're not aware of that allegation?
A. That didn't happen.
Q. I'm not asking you if it happened. I'm asking you if you were aware that it was alleged?
A. I'm not aware of it.
Q. Is there any particular reason why, if it appears in his

medical file, that you wouldn't have known that, whether it's true or not?

A. I don't know.

Q. So there is something then that has been alleged against John Doe 1 that you don't know about?

A. Probably so.

Q. So you would agree that certain things can happen to people that live in your home and you don't know about them?

A. Well, maybe so.

Q. Now, how often were you in the presence of John Doe 2?

A. Not very much.

Q. All right. And has he ever told you anything about being abused by anybody?

A. He wouldn't tell us anyway, I don't think.

Q. Do you still have the same checking account you had back when John Doe 1 was in the Scouts?

A. Why do you ask that question?

Q. I just want to know.

A. I don't know.

Q. You don't know?

A. I've got several checking accounts.

Q. All right. Well, with what institutions do you have the checking accounts?

A. I'm not going to tell you that.

Q. Well, you have to tell me that.
A. Why?
Q. Because I need to know the answer.
A. I'm not telling you where I have my checking account.
Q. Well, here's how it will work. You don't have to tell me anything.
A. Okay.
Q. But I can go to the judge and ask him to order you to do it, but I want to know where you have your checking accounts because there's information in this case that indicates that a check was given to Brian Rhinehart after this dispute occurred by your wife. So I want to know what your checking account information is.
A. A check; say that again.
Q. Yes, sir. Yeah. The check was given to Brian Rhinehart after this popcorn money dispute occurred, and so I need to see your checking account records, and so I need to know where your checking account information is.
A. I'm not going to tell you that.
Q. All right. Well, then just so you know, I'm going to file an order with the judge ---
A. Okay.
Q. --- and I'm going to ask him to order you to do it, and I'm going to seek costs, attorney's fees, for the effort that I have to give if I'm successful.

A. I don't think you can get ---
Q. Okay.
A. --- someone's personal checking account, sir.
Q. That's fine. I'm ---
A. --- and I ---
Q. --- satisfied to ---
A. Listen to me.
Q. Okay.
A. Don't talk to me like this anymore.
Q. Sir, please don't point your finger at me.
A. I'll point my whatever I want to at you.
Q. Just let the record reflect that you're pointing your finger at me.
A. Okay. Fine. But I don't like the way you're questioning me.
Q. Okay.
A. And I don't appreciate it a bit.
Q. That's fine.
A. If there's a check written, it would be for popcorn.
Q. All right.
A. I don't know what it was for.
Q. Okay.
A. She needs to be here, and we -- for me to give you the checking account. Jane Doe needs to be here, and I -- and we would talk about it then.

Q. Okay.
A. You don't need to go get any whatever you're going to get, but if you need a checking account, my wife, Jane Doe, needs to be here, and we'll discuss it by giving you the checking account.
Q. Oh, you have a joint account with your wife?
A. Yes. We do.
Q. All right. And are all of your accounts joint?
A. Yes. They are.
Q. Well, then what I'll do is you can -- Jane Doe can talk to her attorneys, and you all can decide how you want to proceed. I'm ---
A. Okay.
Q. I'm satisfied to have a protective order so that we don't disclose your information. I'm not trying to pry into your personal life ---
A. Well, you ---
Q. --- but ---
A. I don't give my checking account.
By Mr. Jeffcoat:
Can we go off the record for a second ---
By Mr. Walsh:
Sure.
By Mr. Jeffcoat:
--- just so I can cut to the chase?

By Mr. Walsh:

Sure.

(Off the record, 4:48 p.m.)

Direct Examination Resumed by Mr. Walsh:

Q. So we're going to -- we're not going to argue about this anymore. We'll let your attorneys argue ---

A. Okay.

Q. --- with us if they want.

A. Okay.

Q. And if we can't work it out, we'll deal with it. But since they're joint, and she's a party ---

A. Yeah. She's ---

Q. --- we'll let your attorneys deal with that, okay?

By Mr. Jeffcoat:

I just want to say one other thing off the record, if I may?

By Mr. Walsh:

Yeah.

(Off the record, 4:49 p.m.)

Witness Answers:

A. So you're saying that she wrote a check to Brian Rhinehart after the charges had been placed against him?

By Mr. Jeffcoat:

Are we back on the record?

By Mr. Walsh:

Yeah.

Witness Continues:

A. Are you saying that she, Jane Doe, wrote a check to Brian Rhinehart after the charges against him were made?

Q. I'm saying I have obtained information that that may have occurred. I don't know if it occurred.

A. I don't believe it.

Q. That's what I'm trying to figure out.

A. I don't believe it did.

Q. And that's what I'm trying to determine.

A. Yeah.

Q. So I don't know if it did, and that's why I need to see your records because you don't know if it did, either?

A. Right.

Q. All right. So if it did, I would like to know, and the only way I know that it did is ---

A. I'm going to ask her when I talk to her if she -- and she will tell me.

Q. That's fine.

A. That's all I need. If she was here, then she could answer that question. See, I don't know. That don't sound right. That's not Jane Doe.

Q. Well, it may not have occurred.

A. Okay.

Q. But that's what I'm trying to figure out.

A. Okay.
Q. You indicated a while ago, talking to Mr. Foster, that when he asked you about the lawsuit -- and I think he asked you about did John Doe 1 know there was a lawsuit, and you indicated that John Doe 1 had been talking about the lawsuit, and you used the words he had told everyone about ---
A. Yeah.
Q. --- the lawsuit? Who is everyone beside you and Jane Doe?
A. That's just a saying I said.
Q. So who else would he have spoken to?
A. I don't know, but everybody -- everywhere you take him, even when you take him to get his shot, he was telling those people about it.
Q. Well, what would he say?
A. He'd just say that he was -- had -- he was going to get some money and he was -- and we've told him, don't be counting on any money at all, just don't be counting on anything, and but he's -- you know, somebody that ain't ever had anything, he's going to go and blab it here and there, and I don't know. He may not have told that many people, but when he was down here and came in May, he had to see some doctors then, and so when we went to get his shot, he was telling that lady. I said, "Don't go

telling anybody about that. That's just something you don't know for sure. You're just talking," so I don't know.

Q. And is John Doe 1 able to -- do you think, able to sit in a room like this and answer questions from lawyers about his recollection of what happened to him?

A. I think he could.

Q. And he could, you think ---

A. He -- I don't know whether -- I mean, the way you're grueling me, I don't know whether he could take that or not.

Q. All right. Fair enough. But you think he can sit and carry on a conversation ---

A. Yeah.

Q. --- for a couple of hours about what he's ---

A. Not a couple of hours.

Q. No? How long could he do it, you think?

A. I don't know. He might surprise you. He might could a couple of hours.

Q. Well, I'm asking you because I don't know the boy. I've never met him, so what do you think?

A. Well, he'd need some breaks.

Q. I'm sure. I'm sure he does, but is he the kind of person that after five or ten, fifteen minutes, he won't want to talk anymore, or he can answer questions?

A. No. He would talk to you, but I don't know. He's never been in that position.
Q. All right.
A. Never been in that position.
Q. Now, you indicated that you had last spoke with Father of John Doe 1 in 2007?
A. Yeah.
Q. Why has it been so long?
A. He don't -- he wants to be lost. He don't want anybody to know where he is, and he don't contact anybody at all. In fact, John Doe 1 was trying to -- wanted his phone number to get in touch with him just to talk with his dad because he -- you know, even though he's been treated like that, his worse thing in the world almost to -- is he wanted his dad. I guess you still want -- you still want him.
Q. Well, what ---
A. He never could find -- we never could -- we tried to contact Father of John Doe 1's half-brother or brother, and we never could get any -- get him through that.
Q. Where is he that he don't want to be found, I mean?
A. I think he was found by -- the attorneys found him.
Q. Well, we took his deposition, and he came ---
A. Yeah.
Q. --- to ---

A. Yeah.
Q. --- have his story told.
A. Yeah.
Q. But you say that John Doe 1 has tried to reach him, and he won't reach out back to John Doe 1?
A. No. He -- in fact, see, he wouldn't even go get him when he was at the hospital, ready to be released, and if your dad -- he's abandoned the child is what he did. He wouldn't go get him when he was at William Hall. He was ready to come home. They tried to get his daddy. His daddy wouldn't go get him.
Q. Well, why did, if you know, your wife tell John Doe 1 to tell his daddy what had happened if his daddy was not reliable and not, you know, believable?
A. Well, because his daddy still had custody at that time. See, we didn't get custody 'til 2007.
Q. Well ---
A. We couldn't find out anything at school or anything. It had to go through his dad before -- because he was under 18.
Q. But, I mean, when somebody comes to you and says, "I've been sexually assaulted," and you know that the person -- that the guardian is not a credible, trustworthy person, I'm wondering why you all didn't decide to take the matter into your own hands and deal

with it?

A. Well, we couldn't because we didn't have custody or nothing. We couldn't do anything.

Q. Well, I mean, my understanding is is that John Doe 1 went to the school alone and reported it. I mean, you could have accompanied him to the school?

A. He was at school, I guess. I don't think he went alone. He was probably at school ---

Q. Well ---

A. --- at the school where he attended is probably where he was.

Q. Father of John Doe said he told John Doe 1 to just go and tell them what happened, and Father of John Doe 1 didn't go with him, and John Doe 1 went alone. And do you understand that John Doe 1 went alone and told the school?

A. I didn't know. I didn't know anything about that.

Q. Any particular reason why you and your wife didn't go with John Doe 1?

A. I don't think she knew either because she have sure would have been at school 'cause she was there every time. He wouldn't even sign papers and when there's papers sent home for him to sign. Father of John Doe wouldn't ---

Q. Well, I thought that you told me that she knew that he

had -- he claimed this abuse because he told her?

A. Yeah.

Q. Okay.

A. He did. She told me.

Q. All right. And so she knew that?

A. Yeah.

Q. Well, then, any particular reason why she didn't follow up and make sure that he wasn't alone when he had to go tell the story?

A. I don't know. I don't know. You'd have to ask her.

Q. Sir, I think those are all the questions I have. I think your attorney may have some, or your ---

A. Okay.

Q. --- or your wife's attorney.

A. All right.

Q. Mr. Foster may have some. I appreciate your answering ---

A. Okay.

Q. --- my questions.

A. All right.

Q. Thank you, sir.

A. Okay.

Cross Examination by Mr. Jeffcoat:

Q. All right, Mr. Husband of Jane Doe. Now, just so I understand, your testimony is -- is it that when this --

when John Doe 1 reported this in October 2005, you didn't know, you weren't told about it initially, or you found out about it within a few days, or do you remember?

A. No. When he told Jane Doe, Jane Doe told me.

Q. So she told you?

A. Yeah.

Q. All right.

A. Yeah.

Q. And at least, according to Defendants' Exhibit 9 here, this incident report, John Doe 1 reported that Brian Rhinehart had abused both John Doe 1 and Rhinehart's stepson, John Doe 2, correct?

A. Right; yes.

Q. All right. And of course, Mr. Rhinehart ends up pleading guilty to criminal sexual conduct with his stepson, John Doe 2, correct?

A. Yes.

Q. All right. Now, do you remember the first time you heard what I call the popcorn theory, which is that John Doe 1 just made this up because of some dispute over popcorn money? When was the first time you heard about that?

By Mr. Foster:

Object to the ---

Cross Examination Resumed by Mr. Jeffcoat:

Q. Did you hear ---

By Mr. Foster:

Oops. I'm sorry.

By Mr. Jeffcoat:

No. Go ahead.

By Mr. Foster:

No. No. I'll wait 'til you finish your question.

By Mr. Jeffcoat:

Okay.

Cross Examination Resumed by Mr. Jeffcoat:

Q. Did you first hear about this back in October of 2005 or around then, or did you hear about the popcorn theory much later?

By Mr. Foster:

Object to the form.

Cross Examination Resumed by Mr. Jeffcoat:

Q. Or do you know?

A. I didn't hear about it -- I forgot where I heard about it, but first I heard about it when you said -- told us about it, that they had something come up about money missing. Do you remember? Did you -- that's the first time I heard anything about it because we'd always be right on our money when we turned it in.

Q. So is it safe to say that the first time you heard about

the popcorn theory was after the lawsuit was filed?

By Mr. Foster:

Object to the form.

Witness Answers:

A. Oh, yeah. Yes.

Q. So let's talk about the popcorn theory.

A. Yes.

By Mr. Foster:

Object to the form.

Cross Examination Resumed by Mr. Jeffcoat:

Q. Your -- is it your testimony that you were always with John Doe 1 when he would sell popcorn?

A. Yes.

Q. So you were the adult ---

A. Yes.

Q. --- supervising John Doe 1 ---

A. Right; and he -- when they would -- he would go, I wouldn't go up to the door. He would go up and talk to the people, and they'd mark what they wanted and give him the money, and he'd bring the money back to the car, and I'd put it -- I'd collect all the money that we collected. I'd keep the money where he just had each one. When they paid him, he'd give the money to me.

Q. Right.

A. And I'd get it, keep it on. Then we'd go, when we got a

sheet, we'd go total it up and then count our money and be sure it was right.

Q. So then the order would be written down at the door of the customer, right?

A. Right. 'Cause there's three copies on the form. You give the customer one when he ordered, and then we, the original -- maybe there was two, but anyway, we -- the customer had what he bought because he paid his money, he had a record of that, and then we had one we turned in with the sheet with all the names on it to Brian and where he could order the popcorn.

Q. So let's go through this step by step, if ---

A. Okay.

Q. --- if I may?

A. Okay.

Q. John Doe 1 would go to the potential customer's door, correct?

A. Right. And then I'd kind of wait back on the steps, back, and he would -- I wouldn't wait in the car. I'd wait back.

Q. All right. If he was successful and they wanted to buy some popcorn, then they would -- or ---

A. They would fill out what they wanted on the line.

Q. They would fill it out?

A. Right.

Q. And then they would give him the money, correct?
A. Whatever it said that was worth.
Q. Right.
A. Right.
Q. Either a check or cash ---
A. Right.
Q. --- right?
A. That's right.
Q. And then John Doe 1 would give the money to you, correct?
A. Right.
Q. All right. And would you then look and make sure that the money ---
A. I ---
Q. --- matched what was ---
A. Yes.
Q. --- on the form?
A. Yes. I'd check that.
Q. Okay.
A. I would check that because you could see right then what he got, brought to the car. Most of the time, it was a check.
Q. Okay.
A. And then, you know, what ---
Q. So you'd look at it, right?

A. Right. And you could see $12 or whatever, and it would be matched to what he -- what the customer wrote.

Q. And was the check made out to John Doe 1?

A. No. It was Boy Scouts.

Q. Oh, it was made out to the Boy Scouts?

A. Yeah.

Q. Okay.

A. Okay.

Q. And so with each individual order, you would look at it and make sure ---

A. Right.

Q. --- the money lined up with what was on the ---

A. Right.

Q. --- on the order form?

A. Right.

Q. We need to be really careful to take turns with our answers here, so, if you would, wait 'til I finish.

A. Oh, okay.

Q. We don't want to make Madam Court Reporter's job any more difficult than it is.

A. Okay.

Q. So with each individual order, he would bring it, give it to you, correct?

A. Yes.

Q. You would look at the form and make sure that what was

on the form, as far as the price, matched up with the payment that was received, correct?

A. Right.

Q. All right. And then at the end of your afternoon or evening or whatever it was, you would look at everything and tally it up, right?

A. Right.

Q. And you would make sure that those checks and cash, if there was any, was there ---

A. There might have been some cash.

Q. Maybe some cash; that it all added up correctly, right?

A. Yes.

Q. And that you had all the money, right?

A. Yes.

Q. And then what did you do with it?

A. If we didn't have a full page on the sheet, we'd go -- in fact, we probably would take about two or three times going out selling, filling up a sheet. There was like 18 or 20 ---

Q. All right.

A. --- names, and we'd count it, and I'd take -- I'd keep the money. I would keep the money in a little baggie I had.

Q. You'd keep the money?

A. Yes.

Q. Okay.
A. Until we went back and then when we would maybe total it right there. Then we wouldn't have to total that amount because we knew we were right there ---
Q. All right.
A. -- with what we'd sold that day. Next day, we'd go. We'd do the same thing.
Q. All right. And so when you finished up an order sheet ---
A. Order sheet; you had to total at the bottom.
Q. When you filled up a sheet, then what would you do with the money?
A. We'd take it to Brian.
Q. Brian Rhinehart?
A. Yeah. We'd take it to him and gave it to him where he could order the popcorn.
Q. And you put it in Rhinehart's hands, right?
A. Right. He had the money.
Q. He had the money?
A. We gave the money to him.
Q. And then he was responsible ---
A. That's right.
Q. --- for turning it over, right?
A. Right.
Q. So now, it's your understanding that when -- in fact,

when John Doe 1 reported what had happened to him, that Rhinehart may have said, "Oh, John Doe 1's just mad because he stole some popcorn money," right?

A. Yes.

Q. Is it your testimony that you would have known if there was any discrepancy in the popcorn money?

A. Oh, yes.

Q. Okay.

A. Yes.

Q. And it's your testimony that all of the checks and all of the cash that John Doe 1 received were placed into the hands of Mr. Rhinehart?

A. Yes.

Q. So John Doe 1 reports the sexual abuse, correct?

A. Yes.

Q. Then he is kicked out of the Scout troop by letter, correct?

A. Yes.

Q. All right. Then ---

By Mr. Foster:

Object to the form.

Cross Examination Resumed by Mr. Jeffcoat:

Q. Then we understand that Rhinehart, around the same time, is denying that the abuse takes place, correct? Did Rhinehart deny that he did it at first?

A. I don't -- I'm not -- I didn't ---
Q. You don't know?
A. I didn't know that.
Q. Fair enough. But at any rate, at some point, Mr. Rhinehart admits that he abused his stepson, John Doe 2, right?
A. Yes.
Q. That's what the pleading guilty was ---
A. Yes.
Q. --- at the very least?
A. Yes.
Q. And are you aware of any apology coming from any of the people who were listed on Defendants' ---
A. No.
Q. --- Exhibit 12 to John Doe 1 ---
A. No.
Q. --- for kicking him out of the troop?
A. No.
Q. Is there any possibility that John Doe 1 could have stolen the popcorn money without you knowing about it?
A. No. He wouldn't do -- if he did, if John Doe 1 did something wrong, he's the type that would later come and tell you that he did something. You know, he couldn't keep -- he could not tell you. If he did something wrong, he could not -- if it wasn't the right thing,

he'd come tell you.

Q. And if you had been aware at the time that John Doe 1 was short, if there was any discrepancy, you would have known about it before it was handed over to Mr. Rhinehart, correct?

A. Yes.

By Mr. Foster:

Objection to the form.

Cross Examination Resumed by Mr. Jeffcoat:

Q. But if somehow it -- you didn't know about it, just as an example, what would you have done if you got -- if you had been made aware of some sort of discrepancy with the popcorn money? What would you have done?

A. I would have to find out if he -- I mean, if he'd not turned some- -- given some of it to me.

Q. Right.

A. Well, he couldn't because I checked every time he brought it, and he couldn't have.

Q. It's just not possible?

A. Not possible; that's right.

Q. All right.

A. We never did have that much. He would sell probably a page or maybe 18 or 20 people and -- about one page. We'd try to get one page, and then that was about all we could do because we'd run out of people to sell 'cause

you couldn't -- in the neighborhood we lived in, they didn't want you soliciting the people in the neighborhood to sell something to, and we'd just do it on our street 'cause we knew all the people on our street up there where we lived.

Q. Now, was John Doe 1 staying with you and Jane Doe when he found out about this letter kicking him out of the troop?

A. He was at his daddy's.

Q. He was at his dad's?

A. Yeah.

Q. All right. Did it help John Doe 1's problems, or did it hurt John Doe 1's problems?

A. It devastated to have been not the Scouts, not being go. That was really -- that was a blow to him.

Q. And you're not aware of any other reason why he would have been kicked out of the troop at the time?

A. No.

Q. Other than his report of the abuse?

A. Right.

Q. Now, there was some mention made earlier today about John Doe 1 just joining another Boy Scout troop. What do you think about that?

A. I didn't ever even know anything about that.

Q. Well, I don't know anything about it either, but the

idea of John Doe 1 going and joining another Boy Scout troop was floated earlier today in a question ---

A. Yeah.

Q. --- to you, I believe?

A. Right.

Q. How would John Doe 1 have done with Boy Scouts in a regular Boy Scout troop, scouts who were young men who were not special needs children? Would that have been a good situation for John Doe 1?

A. No. It wouldn't.

By Mr. Foster:

Objection.

Witness Continues:

A. It wouldn't have been.

Q. And why do you believe it wouldn't have been?

By Mr. Foster:

Same objection.

Witness Answers:

A. John Doe 1 has trouble making friends. I mean, you know, he's -- I don't know why it is, but he wants to have friends, and he would just be out of place, I think, if he was in a regular Scout troop.

Q. Okay.

A. I just think that.

Q. Well, was he able to make friends in Troop 292 when he

was allowed to ---

A. Yes.

Q. --- participate?

A. Yes.

Q. Were you aware of any other special needs troops anywhere in Spartanburg County other than Troop 292 that John Doe 1 could have joined?

A. No. I wasn't aware of any.

Q. Were there ever any other extracurricular activities, at least in that period of John Doe 1's life, that he was able to participate in that he enjoyed, or was the Boy Scout activity what he was focused on?

A. That was what he was focused on. Yes.

Q. And were there any other activities that he enjoyed where he could make friends and ---

A. At church.

Q. Okay.

A. He loved his church.

Q. All right. That's all I got.

Redirect Examination by Mr. Foster:

Q. I have just a couple of questions. I apologize. You testified earlier that you didn't know when that letter that we were talking about, Defendants' Exhibit 12, the letter excluding -- the letter to John Doe 1's daddy informing him that John Doe 1 was excluded from Troop

292, you testified that you didn't know when that was sent, correct?

A. Mm-hmm (affirmative).

Q. You also testified you didn't know when you heard that John Doe 1 had reported the alleged abuse by Rhinehart, correct?

A. I didn't know. No; hm-mmm (negative).

Q. So you didn't know whether the letter came before or after John Doe 1 made the report; did you?

A. No.

Q. It's clear from the police report and your testimony, John Doe 1 was not living with you and Jane Doe at the time that he made the report of abuse by Mr. Rhinehart or the time that he was excluded from the troop, correct?

A. Yes.

Q. He was living with his daddy?

A. Right.

Q. You testified earlier that his daddy was a dishonest man, correct?

A. Yes.

Q. His daddy was -- the only thing he saw were dollar signs, correct?

A. Yes.

Q. You think you -- how can you be certain, since John Doe

1 1 was living with his father at the time, that John Doe
2 1 never sold any other popcorn other than with you?
3 A. I don't know that.
4 Q. He could have sold popcorn ---
5 A. On his own.
6 Q. --- on his own; couldn't he?
7 A. He wouldn't do that, though.
8 Q. Okay.
9 A. He would have to have somebody.
10 Q. Could he have sold with his dad?
11 A. Well, I don't think his dad was because he wouldn't give
12 him the time of day, his daddy.
13 Q. Possible ---
14 A. Well ---
15 Q. --- that he sold it with his father?
16 A. It could be possible.
17 Q. Since it's possible, since John Doe 1 was not living
18 with you at the time, that he sold popcorn with someone
19 else, it's possible that there could have been an issue
20 with popcorn money that you would have no knowledge
21 about; isn't that true?
22 By Mr. Jeffcoat:
23 Object to the form.
24 Witness Answers:
25 A. I guess everything's possible.

By Mr. Foster:

Let's go ahead and mark this.

(Court reporter marks one page document as Defendants' Exhibit Number 13, attached to deposition).

Redirect Examination Resumed by Mr. Foster:

Q. This is from the police investigation.

By Mr. Jeffcoat:

Thank you.

Redirect Examination Resumed by Mr. Foster:

Q. It's just notes that the detectives make when they're talking to people. This is ---

By Mr. Jeffcoat:

This is 13?

By Court Reporter:

Yes.

By Mr. Jeffcoat:

Okay.

Redirect Examination Resumed by Mr. Foster:

Q. This is 10/10/05. It's a record of a call to Father of John Doe 1 at 1500 hours. "I called the complainant, who is the victim's father. He stated that he wanted to believe the victim, but the victim has been known to make false statements before. He said that the suspect, a deacon at the church and the Cub Scout leader, denies the allegations. He told the victim that if he didn't

turn in money for a popcorn drive they had, he would be kicked out of the club. The victim was very angry about that." Do you see that?

A. I wasn't following, just listening to you. I wasn't following it.

Q. That's okay. "He told the victim that if he didn't turn in the money for a popcorn drive they had, he would be kicked out of the club. The victim was very angry about that." Do you see that?

A. I'm not -- I'm just listening to you.

Q. Why don't you -- okay. Well, listen. Do you hear what I just said? John Doe 1's dad is saying to the police officer, in October 10, 2005, that he was worried that his son was lying about this report because he had been angry at the Cub Scout -- or at the Boy Scout leader because he had told John Doe 1 he'd be kicked out if he didn't turn in some money from a popcorn drive.

A. He ---

Q. That's why his father doubted him.

A. You can't believe John Doe 1's father. You can't believe what he says.

Q. Okay.

A. I wouldn't put anything -- any confidence in that at all.

Q. Wouldn't put it past John Doe 1's father to have kept

some of that popcorn money to buy a beer?
A. No. No.
Q. Is that something he would do?
A. No.
Q. He wouldn't do that?
A. He wouldn't have enough money to do that.
Q. But you can't believe anything he says?
A. You can't believe anything John Doe 1's daddy says or tells you, I'll tell you that.
Q. Why would he lie to the police officer about this concern, about his concern that his son was making this up because he was angry about being told he might be kicked out of the troop?
A. He thought he might get some money or something.
Q. How would he get money because ---
A. I don't know, but anything he tells you is a lie that he thinks he's going to benefit from it.
Q. How can he possibly ---
A. I don't know.
Q. --- benefit from the fact that his son was possibly lying about an allegation? I'm not saying he was or not.
A. Yeah.
Q. How would that be a money-making ---
A. I don't know.

Q. --- enterprise?
A. I don't know, but you can't believe Father of John Doe 1, his dad.
Q. Okay.
A. Cannot believe him.
Q. Your attorney kept referencing a popcorn theory. You don't -- no one told you that the reason John Doe 1 was kicked out or John Doe 1 was excluded from Troop 292 was because of popcorn money; did they? Anybody from Troop 292 tell you that?
A. I haven't talked to anybody from the troop. No.
Q. And you weren't aware of any allegations involving John Doe 1 being suspected of stealing money from Jackie LaFontaine's car ---
A. No.
Q. --- cash?
A. No.
Q. Money from the sale of, I believe, Red Cross supplies that she had in her car?
A. No.
Q. You never learned about that?
A. No.
Q. Members of the leadership of Troop 292 never talked to Jane Doe about their concern that maybe John Doe 1 had taken money out of Ms. LaFontaine's car?

A. No.
Q. No one ever spoke to you or Jane Doe about concerns that they had caught John Doe 1 in Ms. Culbreth's car?
A. No.
Q. No one talked to you about concerns that John Doe 1 was -- that there were items missing from the church ---
A. No.
Q. --- after Boy Scout meetings?
A. No.
Q. Okay.
A. Why didn't they report it to the police if something -- if somebody was missing something? Why wouldn't they report it to the police?
Q. I guess my question is how you have such a precise recollection of the procedures you followed in a popcorn drive in 2005, but you can't report your reports of concerns that you gave to physicians that John Doe 1 was violent in your home?
A. I never told a physician that.
Q. So the physician would be lying in their medical reports?
A. I don't know, but I've never told a physician that.
Q. Your attorney characterized my question about other Boy Scout troops John Doe 1 could have participated in as floating something. Actually, in the allegation that

your wife has made in this lawsuit is that John Doe 1 was devastated by not being allowed to participate in the Boy Scouts anymore. So the question is what efforts did his family make to find another Boy Scout troop that he could participate in?

A. Well, there wasn't another ---

Q. Whatever troop ---

A. --- troop. We did, but there wasn't another one with dis- -- for children that were ---

Q. Developmentally disabled?

A. Right. There wasn't another troop, and we didn't because he couldn't -- I don't think he'd go in a regular troop really.

Q. What other -- describe for me your efforts to find another troop for special needs kids in the Upstate after Troop 292 folded.

A. I didn't.

Q. That's it.

Re-examination by Mr. Walsh:

Q. Mr. Husband of Jane Doe, just a couple of questions.

A. Let me go to the bathroom.

Q. Okay. Sure.

(Off the record, 5:16 - 5:20 p.m.)

Re-examination Resumed by Mr. Walsh:

Q. Mr. Husband of Jane Doe, I think we're just about done.

I just had a couple of follow up questions. I guess what I'm trying to understand is if Mr. Father of John Doe 1, if Father of John Doe 1, was -- you described him as a liar, not a credible person, do anything for money, why your family, you and your wife, didn't intervene much sooner and take custody of John Doe 1, you know, from a very young age if the father was so poor? Any -- can you explain that?

A. I think we tried to do that one time, and I can't remember why it didn't work out, but something we tried to do, and it just didn't work out.

Q. If ---

A. I don't know what it was now, but we ---

Q. If you had known that Father of John Doe 1 was either physically or emotionally abusing either John Doe 1 or Stepmother of John Doe 1, would you have gone to the authorities and tried to get John Doe 1 removed from that situation?

A. That's a good question. I don't know. I don't know. I don't know.

Q. Well, would you have just let him stay there?

A. I don't know. I don't know what I -- I don't know what I'd done really.

Q. Why would you be unsure if that's -- if you knew that?

A. We tried to get our daughter not to marry him to start

with, and she wouldn't listen to us, and he's had three or four wives, and all of them -- it just -- abused all of them.

Q. Well ---

A. And so we could -- we done about all we could do.

Q. Well, did you believe your daughter was getting abused by Father of John Doe 1?

A. Well, she did that one time she was trying to run from him and she fell and busted her knees, and he was -- they stayed in one room. Can you imagine three people in one room, living with his mother, and it was the -- it was the filthiest -- it wasn't even suitable for humans to live in the house when there's clutter everywhere, and you can imagine what they went through.

Q. It doesn't sound like it was very pleasant.

A. It wasn't.

Q. No. It doesn't sound like it ---

A. That's why, when we could, we'd get him and bring him to our house because we didn't want him living there in that type environment.

Q. All right. But at some point, did you ever go to the court and try to ---

A. No.

Q. --- take him?

A. No. We didn't.

Q. Sir, that's all the questions I have. Thank you.

A. Okay.

(There being no further questions, this deposition was concluded at approximately 5:23 p.m.)